

104TH CONGRESS  
1ST SESSION

# S. 1389

To reform the financing of Federal elections, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 1995

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To reform the financing of Federal elections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senate Campaign  
5 Spending Limit and Election Reform Act of 1995”.

6 **SEC. 2. AMENDMENT OF CAMPAIGN ACT; TABLE OF CON-**  
7 **TENTS.**

8 (a) AMENDMENT OF FECA.—When used in this Act,  
9 the term “FECA” means the Federal Election Campaign  
10 Act of 1971 (2 U.S.C. 431 et seq.).

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Amendment of Campaign Act; table of contents.

TITLE I—SENATE ELECTION SPENDING LIMITS AND BENEFITS

Sec. 101. Senate election spending limits and benefits.

Sec. 102. Transition provisions.

Sec. 103. Free broadcast time.

Sec. 104. Broadcast rates and preemption.

Sec. 105. Reduced postage rates.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Candidate expenditures from personal funds.

Sec. 202. Restrictions on use of campaign funds for personal purposes.

Sec. 203. Campaign advertising amendments.

Sec. 204. Severability.

Sec. 205. Expedited review of constitutional issues.

Sec. 206. Effective date.

Sec. 207. Regulations.

3 **TITLE I—SENATE ELECTION**  
 4 **SPENDING LIMITS AND BENE-**  
 5 **FITS**

6 **SEC. 101. SENATE ELECTION SPENDING LIMITS AND BENE-**  
 7 **FITS.**

8 FECA is amended by adding at the end the following  
 9 new title:

10 **“TITLE V—SPENDING LIMITS**  
 11 **AND BENEFITS FOR SENATE**  
 12 **ELECTION CAMPAIGNS**

13 **“SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.**

14 “(a) IN GENERAL.—For purposes of this title, a can-  
 15 didate is an eligible Senate candidate if the candidate—

1           “(1) meets the primary and general election fil-  
2           ing requirements of subsections (c) and (d);

3           “(2) meets the primary and runoff election ex-  
4           penditure limits of subsection (b);

5           “(3) meets the threshold contribution require-  
6           ments of subsection (e); and

7           “(4) does not exceed the limitation on expendi-  
8           tures from personal funds under section 502(a).

9           “(b) PRIMARY AND RUNOFF EXPENDITURE LIM-  
10          ITS.—

11           “(1) IN GENERAL.—The requirements of this  
12          subsection are met if—

13           “(A) the candidate or the candidate’s au-  
14          thorized committees did not make expenditures  
15          for the primary election in excess of the lesser  
16          of—

17                   “(i) 67 percent of the general election  
18                   expenditure limit under section 502(b); or

19                   “(ii) \$2,750,000; and

20           “(B) the candidate and the candidate’s au-  
21          thorized committees did not make expenditures  
22          for any runoff election in excess of 20 percent  
23          of the general election expenditure limit under  
24          section 502(b).

1           “(2) INDEXING.—The \$2,750,000 amount  
2 under paragraph (1)(A)(ii) shall be increased as of  
3 the beginning of each calendar year based on the in-  
4 crease in the price index determined under section  
5 315(c), except that the base period shall be calendar  
6 year 1995.

7           “(3) INCREASE BASED ON EXPENDITURES OF  
8 OPPONENT.—The limitations under paragraph (1)  
9 with respect to any candidate shall be increased by  
10 the aggregate amount of independent expenditures  
11 in opposition to, or on behalf of any opponent of,  
12 such candidate during the primary or runoff election  
13 period, whichever is applicable, that are required to  
14 be reported to the Secretary of the Senate with re-  
15 spect to such period under section 304(c).

16           “(c) PRIMARY FILING REQUIREMENTS.—

17           “(1) IN GENERAL.—The requirements of this  
18 subsection are met if the candidate files with the  
19 Secretary of the Senate a certification that—

20                   “(A) the candidate and the candidate’s au-  
21 thorized committees—

22                           “(i) will meet the primary and runoff  
23 election expenditure limits of subsection  
24 (b); and

1                   “(ii) will only accept contributions for  
2                   the primary and runoff elections which do  
3                   not exceed such limits;

4                   “(B) the candidate and the candidate’s au-  
5                   thorized committees will meet the limitation on  
6                   expenditures from personal funds under section  
7                   502(a); and

8                   “(C) the candidate and the candidate’s au-  
9                   thorized committees will meet the general elec-  
10                  tion expenditure limit under section 502(b).

11                  “(2) DEADLINE FOR FILING CERTIFICATION.—  
12                  The certification under paragraph (1) shall be filed  
13                  not later than the date the candidate files as a can-  
14                  didate for the primary election.

15                  “(d) GENERAL ELECTION FILING REQUIREMENTS.—

16                  “(1) IN GENERAL.—The requirements of this  
17                  subsection are met if the candidate files a certifi-  
18                  cation with the Secretary of the Senate under pen-  
19                  alty of perjury that—

20                  “(A) the candidate and the candidate’s au-  
21                  thorized committees—

22                  “(i) met the primary and runoff elec-  
23                  tion expenditure limits under subsection  
24                  (b); and

1           “(ii) did not accept contributions for  
2           the primary or runoff election in excess of  
3           the primary or runoff expenditure limit  
4           under subsection (b), whichever is applica-  
5           ble, reduced by any amounts transferred to  
6           this election cycle from a preceding election  
7           cycle;

8           “(B) at least one other candidate has  
9           qualified for the same general election ballot  
10          under the law of the State involved;

11          “(C) the candidate and the authorized  
12          committees of the candidate—

13               “(i) except as otherwise provided by  
14               this title, will not make expenditures that  
15               exceed the general election expenditure  
16               limit under section 502(b);

17               “(ii) will not accept any contributions  
18               in violation of section 315;

19               “(iii) except as otherwise provided by  
20               this title, will not accept any contribution  
21               for the general election involved to the ex-  
22               tent that such contribution would cause  
23               the aggregate amount of contributions to  
24               exceed the sum of the amount of the gen-  
25               eral election expenditure limit under sec-

1           tion 502(b), reduced by any amounts  
 2           transferred to this election cycle from a  
 3           previous election cycle and not taken into  
 4           account under subparagraph (A)(ii);

5           “(iv) will furnish campaign records,  
 6           evidence of contributions, and other appro-  
 7           priate information to the Commission; and

8           “(v) will cooperate in the case of any  
 9           audit and examination by the Commission;  
 10          and

11          “(D) the candidate intends to make use of  
 12          the benefits provided under section 503.

13          “(2) DEADLINE FOR FILING CERTIFICATION.—  
 14          The certification under paragraph (1) shall be filed  
 15          not later than 7 days after the earlier of—

16               “(A) the date the candidate qualifies for  
 17               the general election ballot under State law; or

18               “(B) if under State law, a primary or run-  
 19               off election to qualify for the general election  
 20               ballot occurs after September 1, the date the  
 21               candidate wins the primary or runoff election.

22          “(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—

23               “(1) IN GENERAL.—The requirements of this  
 24               subsection are met if the candidate and the can-  
 25               didate’s authorized committees have received allow-

1       able contributions during the applicable period in an  
2       amount at least equal to the lesser of—

3               “(A) 10 percent of the general election ex-  
4               penditure limit under section 502(b); or

5               “(B) \$250,000.

6       “(2) DEFINITIONS.—For purposes of this sub-  
7       section—

8               “(A) the term ‘allowable contributions’  
9               means contributions that are made as gifts of  
10              money by an individual pursuant to a written  
11              instrument identifying such individual as the  
12              contributor; and

13              “(B) the term ‘applicable period’ means—

14                      “(i) the period beginning on January  
15                      1 of the calendar year preceding the cal-  
16                      endar year of the general election involved  
17                      and ending on the date on which the cer-  
18                      tification under subsection (c)(2) is filed by  
19                      the candidate; or

20                      “(ii) in the case of a special election  
21                      for the office of United States Senator, the  
22                      period beginning on the date the vacancy  
23                      in such office occurs and ending on the  
24                      date of the general election.

1 **“SEC. 502. LIMITATION ON EXPENDITURES.**

2 “(a) **LIMITATION ON USE OF PERSONAL FUNDS.—**

3 “(1) **IN GENERAL.—**The aggregate amount of  
4 expenditures that may be made during an election  
5 cycle by an eligible Senate candidate or such can-  
6 didate’s authorized committees from the sources de-  
7 scribed in paragraph (2) shall not exceed the lesser  
8 of—

9 “(A) 10 percent of the general election ex-  
10 penditure limit under subsection (b); or

11 “(B) \$250,000.

12 “(2) **SOURCES.—**A source is described in this  
13 subsection if it is—

14 “(A) personal funds of the candidate and  
15 members of the candidate’s immediate family;  
16 or

17 “(B) personal loans incurred by the can-  
18 didate and members of the candidate’s imme-  
19 diate family.

20 “(b) **GENERAL ELECTION EXPENDITURE LIMIT.—**

21 “(1) **IN GENERAL.—**Except as otherwise pro-  
22 vided in this title, the aggregate amount of expendi-  
23 tures for a general election by an eligible Senate  
24 candidate and the candidate’s authorized committees  
25 shall not exceed the lesser of—

26 “(A) \$5,500,000; or

1                   “(B) the greater of—  
2                    “(i) \$950,000; or  
3                    “(ii) \$400,000; plus  
4                    “(I) 30 cents multiplied by the  
5                    voting age population not in excess of  
6                    4,000,000; and  
7                    “(II) 25 cents multiplied by the  
8                    voting age population in excess of  
9                    4,000,000.

10                   “(2) EXCEPTION.—In the case of an eligible  
11                    Senate candidate in a State that has not more than  
12                    1 transmitter for a commercial Very High Fre-  
13                    quency (VHF) television station licensed to operate  
14                    in that State, paragraph (1)(B)(ii) shall be applied  
15                    by substituting—

16                    “(A) ‘80 cents’ for ‘30 cents’ in subclause  
17                    (I); and

18                    “(B) ‘70 cents’ for ‘25 cents’ in subclause  
19                    (II).

20                    “(3) INDEXING.—The amount otherwise deter-  
21                    mined under paragraph (1) for any calendar year  
22                    shall be increased by the same percentage as the  
23                    percentage increase for such calendar year under  
24                    section 501(b)(2).

1           “(4) INCREASE BASED ON EXPENDITURES OF  
 2           OPPONENT.—The limitations under paragraph (1)  
 3           with respect to any candidate shall be increased by  
 4           the aggregate amount of independent expenditures  
 5           in opposition to, or on behalf of any opponent of,  
 6           such candidate during the primary or runoff election  
 7           period, whichever is applicable, that are required to  
 8           be reported to the Secretary of the Senate with re-  
 9           spect to such period under section 304(c).

10          “(c) PAYMENT OF TAXES.—The limitation under  
 11         subsection (b) shall not apply to any expenditure for Fed-  
 12         eral, State, or local taxes with respect to earnings on con-  
 13         tributions raised.

14         **“SEC. 503. BENEFITS ELIGIBLE CANDIDATES ENTITLED TO**  
 15                                 **RECEIVE.**

16          “An eligible Senate candidate shall be entitled to re-  
 17         ceive—

18                 “(1) the broadcast media rates provided under  
 19                 section 315(b) of the Communications Act of 1934;

20                 “(2) the free broadcast time provided under  
 21                 section 315(c) of such Act; and

22                 “(3) the reduced postage rates provided in sec-  
 23                 tion 3626(e) of title 39, United States Code.

1 **“SEC. 504. CERTIFICATION BY COMMISSION.**

2 “(a) IN GENERAL.—Not later than 48 hours after  
3 a candidate qualifies for a general election ballot, the  
4 Commission shall certify the candidate’s eligibility for free  
5 broadcast time under section 315(b)(2) of the Commu-  
6 nications Act of 1934. The Commission shall revoke such  
7 certification if it determines a candidate fails to continue  
8 to meet the requirements of this title.

9 “(b) DETERMINATIONS BY COMMISSION.—All deter-  
10 minations (including certifications under subsection (a))  
11 made by the Commission under this title shall be final,  
12 except to the extent that they are subject to examination  
13 and audit by the Commission under section 505.

14 **“SEC. 505. REPAYMENTS; ADDITIONAL CIVIL PENALTIES.**

15 “(a) EXCESS PAYMENTS; REVOCATION OF STA-  
16 TUS.—If the Commission revokes the certification of a  
17 candidate as an eligible Senate candidate under section  
18 504(a), the Commission shall notify the candidate, and the  
19 candidate shall pay an amount equal to the value of the  
20 benefits received under this title.

21 “(b) MISUSE OF BENEFITS.—If the Commission de-  
22 termines that any benefit made available to an eligible  
23 Senate candidate under this title was not used as provided  
24 for in this title, the Commission shall so notify the can-  
25 didate and the candidate shall pay an amount equal to  
26 the value of such benefit.”.

1 **SEC. 102. TRANSITION PROVISIONS.**

2 (a) EXPENDITURES MADE PRIOR TO DATE OF EN-  
3 ACTMENT.—(1) Expenditures made by an eligible Senate  
4 candidate on or prior to the date of enactment of this title  
5 shall not be counted against the limits specified in section  
6 502 of FECA, as amended by section 101.

7 (2) For purposes of this section, the term “expendi-  
8 ture” includes any direct or indirect payment or distribu-  
9 tion or obligation to make payment or distribution of  
10 money.

11 (b) RELATIONSHIP TO OTHER TITLES.—The provi-  
12 sions of titles I through IV of the Federal Election Cam-  
13 paign Act of 1971 shall remain in effect with respect to  
14 Senate election campaigns affected by this title or the  
15 amendments made by this title except to the extent that  
16 those provisions are inconsistent with this title or the  
17 amendments made by this title.

18 **SEC. 103. FREE BROADCAST TIME.**

19 (a) IN GENERAL.—Section 315 of the Communica-  
20 tions Act of 1934 (47 U.S.C. 315) is amended—

21 (1) in subsection (a)—

22 (A) by striking “within the meaning of this  
23 subsection” and inserting “within the meaning  
24 of this subsection and subsection (c)”;

25 (B) by redesignating subsections (e) and  
26 (d) as subsections (d) and (e), respectively; and

1 (C) by inserting immediately after sub-  
2 section (b) the following new subsection:

3 “(c)(1) An eligible Senate candidate who has quali-  
4 fied for the general election ballot shall be entitled to re-  
5 ceive a total of 30 minutes of free broadcast time from  
6 broadcasting stations within the State.

7 “(2) Unless a candidate elects otherwise, the broad-  
8 cast time made available under this subsection shall be  
9 between 6:00 p.m. and 10:00 p.m. on any day that falls  
10 on Monday through Friday.

11 “(3) If—

12 “(A) a licensee’s audience with respect to any  
13 broadcasting station is measured or rated by a rec-  
14 ognized media rating service in more than 1 State;  
15 and

16 “(B) during the period beginning on the first  
17 day following the date of the last general election  
18 and ending on the date of the next general election  
19 there is an election to the United States Senate in  
20 more than 1 of such States,

21 the 30 minutes of broadcast time under this subsection  
22 shall be allocated equally among the States described in  
23 subparagraph (B).

1       “(4)(A) In the case of an election among more than  
2 2 candidates, the broadcast time provided under para-  
3 graph (1) shall be allocated as follows:

4           “(i) The amount of broadcast time that shall be  
5 provided to the candidate of a minor party shall be  
6 equal to the number of minutes allocable to the  
7 State multiplied by the percentage of the number of  
8 popular votes received by the candidate of that party  
9 in the preceding general election for the Senate in  
10 the State (or if subsection (d)(4)(B) applies, the per-  
11 centage determined under such subsection).

12           “(ii) The amount of broadcast time remaining  
13 after assignment of broadcast time to minor party  
14 candidates under clause (i) shall be allocated equally  
15 between the major party candidates.

16       “(B) In the case of an election where only 1 candidate  
17 qualifies to be on the general election ballot, no time shall  
18 be required to be provided by a licensee under this sub-  
19 section.

20       “(5) The Federal Election Commission shall by regu-  
21 lation exempt from the requirements of this subsection—

22           “(A) a licensee whose signal is broadcast sub-  
23 stantially nationwide; and

1           “(B) a licensee that establishes that such re-  
2           quirements would impose a significant economic  
3           hardship on the licensee.”; and

4           (2) in subsection (d), as redesignated—

5           (A) by striking “and” at the end of para-  
6           graph (1);

7           (B) by striking the period at the end of  
8           paragraph (2) and inserting a semicolon; and

9           (C) by adding at the end the following new  
10          paragraphs:

11          “(3) the term ‘major party’ means, with respect  
12          to an election for the United States Senate in a  
13          State, a political party whose candidate for the Unit-  
14          ed States Senate in the preceding general election  
15          for the Senate in that State received, as a candidate  
16          of that party, 25 percent or more of the number of  
17          popular votes received by all candidates for the Sen-  
18          ate;

19          “(4) the term ‘minor party’ means, with respect  
20          to an election for the United States Senate in a  
21          State, a political party—

22                 “(A) whose candidate for the United  
23                 States Senate in the preceding general election  
24                 for the Senate in that State received 5 percent  
25                 or more but less than 25 percent of the number

1 of popular votes received by all candidates for  
2 the Senate; or

3 “(B) whose candidate for the United  
4 States Senate in the current general election for  
5 the Senate in that State has obtained the signa-  
6 tures of at least 5 percent of the State’s reg-  
7 istered voters, as determined by the chief voter  
8 registration official of the State, in support of  
9 a petition for an allocation of free broadcast  
10 time under this subsection; and

11 “(5) the term ‘Senate election cycle’ means,  
12 with respect to an election to a seat in the United  
13 States Senate, the 2-year period ending on the date  
14 of the general election for that seat.”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply to general elections occurring after  
17 December 31, 1995 (and the election cycles relating there-  
18 to).

19 **SEC. 104. BROADCAST RATES AND PREEMPTION.**

20 (a) BROADCAST RATES.—Section 315(b) of the Com-  
21 munications Act of 1934 (47 U.S.C. 315(b)) is amended—

22 (1) by striking “(b) The changes” and inserting  
23 “(b)(1) The changes”;

24 (2) by redesignating paragraphs (1) and (2) as  
25 subparagraphs (A) and (B), respectively;

1 (3) in paragraph (1)(A), as redesignated—

2 (A) by striking “forty-five” and inserting  
3 “30”; and

4 (B) by striking “lowest unit charge of the  
5 station for the same class and amount of time  
6 for the same period” and inserting “lowest  
7 charge of the station for the same amount of  
8 time for the same period on the same date”;  
9 and

10 (4) by adding at the end the following new  
11 paragraph:

12 “(2) In the case of an eligible Senate candidate (as  
13 described in section 501(a) of the Federal Election Cam-  
14 paign Act), the charges for the use of a television broad-  
15 casting station during the 30-day period and 60-day pe-  
16 riod referred to in paragraph (1)(A) shall not exceed 50  
17 percent of the lowest charge described in paragraph  
18 (1)(A).”.

19 (b) PREEMPTION; ACCESS.—Section 315 of such Act  
20 (47 U.S.C. 315), as amended by section 102(a), is amend-  
21 ed—

22 (1) by redesignating subsections (d) and (e) as  
23 redesignated, as subsections (e) and (f), respectively;  
24 and

1           (2) by inserting immediately after subsection  
2           (c) the following subsection:

3           “(d)(1) Except as provided in paragraph (2), a li-  
4           censee shall not preempt the use, during any period speci-  
5           fied in subsection (b)(1)(A), of a broadcasting station by  
6           an eligible Senate candidate who has purchased and paid  
7           for such use pursuant to subsection (b)(2).

8           “(2) If a program to be broadcast by a broadcasting  
9           station is preempted because of circumstances beyond the  
10          control of the broadcasting station, any candidate adver-  
11          tising spot scheduled to be broadcast during that program  
12          may also be preempted.”.

13          (c) REVOCATION OF LICENSE FOR FAILURE TO PER-  
14          MIT ACCESS.—Section 312(a)(7) of the Communications  
15          Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

16                 (1) by striking “or repeated”;

17                 (2) by inserting “or cable system” after “broad-  
18          casting station”; and

19                 (3) by striking “his candidacy” and inserting  
20          “the candidacy of such person, under the same  
21          terms, conditions, and business practices as apply to  
22          its most favored advertiser”.

23          (d) EFFECTIVE DATE.—The amendments made by  
24          this section shall apply to the general elections occurring

1 after December 31, 1995 (and the election cycles relating  
2 thereto).

3 **SEC. 105. REDUCED POSTAGE RATES.**

4 (a) IN GENERAL.—Section 3626(e) of title 39, Unit-  
5 ed States Code, is amended—

6 (1) in paragraph (2)—

7 (A) in subparagraph (A)—

8 (i) by striking “and the National” and  
9 inserting “the National”; and

10 (ii) by inserting before the semicolon  
11 the following: “, and, subject to paragraph  
12 (3), the principal campaign committee of  
13 an eligible Senate candidate;”;

14 (B) in subparagraph (B), by striking  
15 “and” after the semicolon;

16 (C) in subparagraph (C), by striking the  
17 period and inserting a semicolon; and

18 (D) by adding after subparagraph (C) the  
19 following new subparagraphs:

20 “(D) the term ‘principal campaign committee’  
21 has the meaning given such term in section 301 of  
22 the Federal Election Campaign Act of 1971; and

23 “(E) the term ‘eligible Senate candidate’ has  
24 the meaning given such term in section 501(a) of  
25 the Federal Election Campaign Act of 1971.”; and

1           (2) by adding after paragraph (2) the following  
2           new paragraph:

3           “(3) The rate made available under this subsection  
4           with respect to an eligible Senate candidate shall apply  
5           only to that number of pieces of mail equal to 2 times  
6           the number of individuals in the voting age population (as  
7           certified under section 315(e) of such Act) of the State.”.

8           (b) EFFECTIVE DATE.—The amendments made by  
9           this section shall apply to the general elections occurring  
10          after December 31, 1995 (and the election cycles relating  
11          thereto).

12                   **TITLE II—MISCELLANEOUS**  
13                                   **PROVISIONS**

14   **SEC. 201. CANDIDATE EXPENDITURES FROM PERSONAL**  
15                                   **FUNDS.**

16          Section 315 of FECA (2 U.S.C. 441a) is amended  
17          by adding at the end the following new subsection:

18          “(i)(1)(A) Not later than 15 days after a candidate  
19          qualifies for a primary election ballot under State law, the  
20          candidate shall file with the Commission, and each other  
21          candidate who has qualified for that ballot, a declaration  
22          stating whether the candidate intends to expend during  
23          the election cycle an amount exceeding \$250,000 from—

24                   “(i) the candidate’s personal funds;

1           “(ii) the funds of the candidate’s immediate  
2 family; and

3           “(iii) personal loans incurred by the candidate  
4 and the candidate’s immediate family in connection  
5 with the candidate’s election campaign.

6           “(B) The declaration required by subparagraph (A)  
7 shall be in such form and contain such information as the  
8 Commission may require by regulation.

9           “(2) Notwithstanding subsection (a), the limitations  
10 on contributions under subsection (a) shall be modified as  
11 provided under paragraph (3) with respect to other can-  
12 didates for the same office who are not described in sub-  
13 paragraph (A), (B), or (C), if the candidate—

14           “(A) declares under paragraph (1) that the  
15 candidate intends to expend for the primary and  
16 general election funds described in such paragraph  
17 in an amount exceeding \$250,000;

18           “(B) expends such funds in the primary and  
19 general election in an amount exceeding \$250,000;  
20 or

21           “(C) fails to file the declaration required by  
22 paragraph (1).

23           “(3) For purposes of paragraph (2)—

24           “(A) the limitation under subsection (a)(1)(A)  
25 shall be increased to \$5,000; and

1           “(B) if a candidate described in paragraph  
2           (2)(B) expends more than \$1,000,000 of funds de-  
3           scribed in paragraph (1) in the primary and general  
4           elections the limitation under subsection (a)(1)(A)  
5           shall not apply.

6           “(4) If—

7           “(A) the modifications under paragraph (3)  
8           apply for a convention or a primary election by rea-  
9           son of 1 or more candidates taking (or failing to  
10          take) any action described in subparagraph (A), (B),  
11          or (C) of paragraph (2); and

12          “(B) such candidates are not candidates in any  
13          subsequent election in the same election campaign,  
14          including the general election,  
15          paragraph (3) shall cease to apply to the other candidates  
16          in such campaign.

17          “(5) No increase described in paragraph (3) shall  
18          apply under paragraph (2) to noneligible Senate can-  
19          didates in any election if eligible Senate candidates are  
20          participating in the same election campaign.

21          “(6) A candidate who—

22          “(A) declares, pursuant to paragraph (1), that  
23          the candidate does not intend to expend funds de-  
24          scribed in paragraph (1) in excess of \$250,000; and

1           “(B) subsequently changes such declaration or  
 2           expends such funds in excess of that amount,  
 3 shall file an amended declaration with the Commission and  
 4 notify all other candidates for the same office not later  
 5 than 24 hours after changing such declaration or exceed-  
 6 ing such limits, whichever first occurs, by sending a notice  
 7 by certified mail, return receipt requested.”.

8   **SEC. 202. RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR**  
 9                                   **PERSONAL PURPOSES.**

10           (a) RESTRICTIONS ON USE OF CAMPAIGN FUNDS.—  
 11 Title III of FECA (2 U.S.C. 431 et seq.) is amended by  
 12 adding at the end the following new section:

13           “RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR  
 14                                   PERSONAL PURPOSES

15           “SEC. 324. (a) An individual who receives contribu-  
 16 tions as a candidate for Federal office—

17                   “(1) shall use such contributions only for legiti-  
 18 mate and verifiable campaign expenses; and

19                   “(2) shall not use such contributions for any in-  
 20 herently personal purpose.

21           “(b) As used in this subsection—

22                   “(1) the term ‘campaign expenses’ means ex-  
 23 penses attributable solely to bona fide campaign pur-  
 24 poses; and

25                   “(2) the term ‘inherently personal purpose’  
 26 means a purpose that, by its nature, confers a per-

1       sonal benefit, including a home mortgage payment,  
2       clothing purchase, noncampaign automobile expense,  
3       country club membership, vacation, or trip of a  
4       noncampaign nature, and any other inherently per-  
5       sonal living expense as determined under the regula-  
6       tions promulgated pursuant to section 302(b) of the  
7       Senate Campaign Spending Limit and Election Re-  
8       form Act of 1995.”.

9       (b) REGULATIONS.—Not later than 90 days after the  
10      date of enactment of this section, the Federal Election  
11      Commission shall promulgate regulations to implement  
12      subsection (a). Such regulations shall apply to all con-  
13      tributions possessed by an individual at the time of imple-  
14      mentation of this section.

15      **SEC. 203. CAMPAIGN ADVERTISING AMENDMENTS.**

16      Section 318 of FECA (2 U.S.C. 441d) is amended—

17              (1) in subsection (a)—

18                      (A) in the matter preceding paragraph

19                      (1)—

20                              (i) by striking “Whenever” and insert-  
21                              ing “Whenever a political committee makes  
22                              a disbursement for the purpose of financ-  
23                              ing any communication through any broad-  
24                              casting station, newspaper, magazine, out-  
25                              door advertising facility, mailing, or any

1 other type of general public political adver-  
2 tising, or whenever”;

3 (ii) by striking “an expenditure” and  
4 inserting “a disbursement”; and

5 (iii) by striking “direct”; and

6 (B) in paragraph (3), by inserting “and  
7 permanent street address” after “name”; and

8 (2) by adding at the end the following new sub-  
9 sections:

10 “(c) Any printed communication described in sub-  
11 section (a) shall be—

12 “(1) of sufficient type size to be clearly read-  
13 able by the recipient of the communication;

14 “(2) contained in a printed box set apart from  
15 the other contents of the communication; and

16 “(3) consist of a reasonable degree of color con-  
17 trast between the background and the printed state-  
18 ment.

19 “(d)(1) Any broadcast or cablecast communication  
20 described in subsection (a)(1) or subsection (a)(2) shall  
21 include, in addition to the requirements of those sub-  
22 sections, an audio statement by the candidate that identi-  
23 fies the candidate and states that the candidate has ap-  
24 proved the communication.

1       “(2) If a broadcast or cablecast communication de-  
2 scribed in paragraph (1) is broadcast or cablecast by  
3 means of television, the communication shall include, in  
4 addition to the audio statement under paragraph (1), a  
5 written statement which—

6           “(A) states: ‘I (name of the candidate), am a  
7 candidate for (the office the candidate is seeking)  
8 and I have approved this message’;

9           “(B) appears at the end of the communication  
10 in a clearly readable manner with a reasonable de-  
11 gree of color contrast between the background and  
12 the printed statement, for a period of at least 4 sec-  
13 onds; and

14           “(C) is accompanied by a clearly identifiable  
15 photographic or similar image of the candidate.

16       “(e) Any broadcast or cablecast communication de-  
17 scribed in subsection (a)(3) shall include, in addition to  
18 the requirements of those subsections, in a clearly spoken  
19 manner, the following statement: ‘\_\_\_\_\_ is  
20 responsible for the content of this advertisement.’ (with  
21 the blank to be filled in with the name of the political  
22 committee or other person paying for the communication  
23 and the name of any connected organization of the payor).  
24 If broadcast or cablecast by means of television, the state-  
25 ment shall also appear in a clearly readable manner with

1 a reasonable degree of color contrast between the back-  
2 ground and the printed statement, for a period of at least  
3 4 seconds.”.

4 **SEC. 204. SEVERABILITY.**

5 If any provision of this Act, an amendment made by  
6 this Act, or the application of such provision or amend-  
7 ment to any person or circumstance is held to be unconsti-  
8 tutional, the remainder of this Act, the amendments made  
9 by this Act, and the application of the provisions of such  
10 to any person or circumstance shall not be affected there-  
11 by.

12 **SEC. 205. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.**

13 (a) **DIRECT APPEAL TO SUPREME COURT.**—An ap-  
14 peal may be taken directly to the Supreme Court of the  
15 United States from any interlocutory order or final judg-  
16 ment, decree, or order issued by any court ruling on the  
17 constitutionality of any provision of this Act or amend-  
18 ment made by this Act.

19 (b) **ACCEPTANCE AND EXPEDITION.**—The Supreme  
20 Court shall, if it has not previously ruled on the question  
21 addressed in the ruling below, accept jurisdiction over, ad-  
22 vance on the docket, and expedite the appeal to the great-  
23 est extent possible.

1 **SEC. 206. EFFECTIVE DATE.**

2       Except as otherwise provided in this Act, the amend-  
3 ments made by, and the provisions of, this Act shall take  
4 effect on the date of the enactment of this Act.

5 **SEC. 207. REGULATIONS.**

6       The Federal Election Commission shall prescribe any  
7 regulations required to carry out this Act not later than  
8 9 months after the effective date of this Act.

○

S 1389 IS—2

S 1389 IS—3