

105TH CONGRESS
1ST SESSION

S. 1246

To reform the financing of Federal elections.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 1997

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

A BILL

To reform the financing of Federal elections.

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 “Voter Empowerment
5 and Campaign Disclosure Act of 1997”.

6 **SEC. 2. SENSE OF THE CONGRESS.**

7 It is the sense of the Congress that because legal per-
8 manent residents of the United States are protected by
9 the Constitution, the residents have the right under the
10 First Amendment to legally express themselves through
11 expenditures and contributions that affect the political
12 and electoral process.

1 **SEC. 3. VOTER EMPOWERMENT BY INCREASE AND INDEX-**
 2 **ING OF CONTRIBUTION LIMITS.**

3 (a) INCREASE IN INDIVIDUAL CONTRIBUTION LIM-
 4 ITS.—Section 315(a) of the Federal Election Campaign
 5 Act of 1971 (2 U.S.C. 441a(a)) is amended—

6 (1) in paragraph (1)—

7 (A) by striking subparagraph (A) and in-
 8 serting the following:

9 “(A)(i) to a local candidate (as defined in para-
 10 graph (9)) and the candidate’s authorized commit-
 11 tees with respect to any election for Federal office
 12 that, in the aggregate, exceed \$4,000; and

13 “(ii) to a non-local candidate and the can-
 14 didate’s authorized committees with respect to any
 15 election for Federal office that, in the aggregate, ex-
 16 ceed \$1,000;”;

17 (B) in subparagraph (B), by striking
 18 “\$20,000” and inserting “\$60,000”; and

19 (C) in subparagraph (C), by striking
 20 “\$5,000” and inserting “\$15,000”; and

21 (2) in paragraph (3)—

22 (A) by striking “\$25,000” and inserting
 23 “\$75,000”; and

24 (B) by striking the second sentence.

25 (b) DECREASE IN PAC CONTRIBUTION LIMIT.—Sec-
 26 tion 315(a)(2)(A) of the Federal Election Campaign Act

1 of 1971 (2 U.S.C. 441a(a)(2)(A)) is amended by striking
2 “\$5,000” and inserting “\$4,000”.

3 (c) DEFINITION OF LOCAL CANDIDATE.—Section
4 315 of the Federal Election Campaign Act of 1971 (2
5 U.S.C. 431 et seq.) is amended by adding at the end the
6 following:

7 “(9) LOCAL CANDIDATE.—In subsection (a), the
8 term ‘local candidate’ means a candidate seeking nomina-
9 tion for election to, or election to, the Senate or the House
10 of Representatives for the State in which the principal res-
11 idence (as this term is used in section 121 the Internal
12 Revenue Code of 1986) of the contributor is located.”.

13 (d) INDEXING LIMITS.—Section 315(c) of the Fed-
14 eral Election Campaign Act of 1971 (2 U.S.C. 441a(e))
15 is amended—

16 (1) in paragraph (1), by striking “subsection
17 (b) and subsection (d)” and inserting “subsections
18 (a), (b), and (d)”; and

19 (2) in paragraph (2)(B), by striking “means the
20 calendar year 1974.” and inserting “means—

21 “(i) for purposes of subsections (b) and
22 (d), calendar year 1974; and

23 “(ii) for purposes of subsection (a), cal-
24 endar year 1997.”.

1 **SEC. 4. POLITICAL COMMITTEE EXPENDITURE REFORM.**

2 (a) POLITICAL PARTY COMMITTEE EXPENDI-
3 TURES.—Section 315 of the Federal Election Campaign
4 Act of 1971 (2 U.S.C. 441a) is amended by striking sub-
5 section (d) and inserting the following:

6 “(d) POLITICAL PARTIES.—

7 “(1) IN GENERAL.—Notwithstanding any other
8 provision of law with respect to limitations on ex-
9 penditures or limitations on contributions, the na-
10 tional committee of a political party and a State
11 committee of a political party, including any subordi-
12 nate committee of a State committee, may make ex-
13 penditures in connection with the general election
14 campaign of candidates for Federal office.

15 “(2) TREATMENT OF EXPENDITURES.—An ex-
16 penditure made under paragraph (1) shall not be
17 treated as a contribution to or expenditure made by
18 the candidate in connection with whom the expendi-
19 ture is made for any purpose.”.

20 (b) INCREASE IN PAC CONTRIBUTION LIMITS.—Sec-
21 tion 315(a)(2) of the Federal Election Campaign Act of
22 1971 (2 U.S.C. 441a(a)(2)) is amended—

23 (1) in subparagraph (B), by striking “\$15,000”
24 and inserting “\$45,000”; and

25 (2) in subparagraph (C), by striking “\$5,000”
26 and inserting “\$15,000”.

1 (c) DEFINITION OF EXPRESS ADVOCACY.—Section
2 301 of the Federal Election Campaign Act of 1971 (2
3 U.S.C. 431) is amended—

4 (1) by striking paragraph (17) and inserting
5 the following:

6 “(17) INDEPENDENT EXPENDITURE.—

7 “(A) IN GENERAL.—The term ‘independ-
8 ent expenditure’ means an expenditure that—

9 “(i) contains express advocacy; and

10 “(ii) is made without cooperation or
11 consultation with any candidate, or any au-
12 thorized committee or agent of such can-
13 didate, and that is not made in concert
14 with, or at the request or suggestion of,
15 any candidate, or any authorized commit-
16 tee or agent of such candidate.”; and

17 (2) by adding at the end the following:

18 “(20) EXPRESS ADVOCACY.—The term ‘express
19 advocacy’ includes a communication that conveys a
20 message that advocates the election or defeat of a
21 clearly identified candidate by using an expression
22 such as ‘vote for,’ ‘elect,’ ‘support,’ ‘vote against,’
23 ‘defeat,’ ‘reject,’ ‘(name of candidate) for Congress,’
24 ‘vote pro-life,’ or ‘vote pro-choice,’ accompanied by
25 a listing or picture of a clearly identified candidate

1 described as ‘pro-life’ or ‘pro-choice,’ ‘reject the in-
2 cumbent,’ or a similar expression.”.

3 **SEC. 5. INCREASED DISCLOSURE.**

4 (a) CLARIFICATION OF DEFINITION OF COOPERA-
5 TION OR CONSULTATION.—Section 301(17) of the Federal
6 Election Campaign Act of 1971 (2 U.S.C. 431(17)) (as
7 amended by section 4(c)) is amended by adding at the end
8 the following:

9 “(B) COOPERATION OR CONSULTATION.—
10 The term ‘cooperation or consultation’ does not
11 include a consultation solely for the purpose of
12 determining the factual accuracy of information
13 about the candidate to be used in connection
14 with a voter guide or information about a vot-
15 ing record (as those terms are defined in regu-
16 lation by the Commission).”.

17 (b) MONTHLY REPORTING.—Section 304(a)(2) of the
18 Federal Election Campaign Act of 1971 (2 U.S.C.
19 434(a)(2)) is amended—

20 (1) in the matter preceding subparagraph (A),
21 by striking “Senate” and inserting “Senate or politi-
22 cal committee of a national party”;

23 (2) in subparagraph (A) by striking “the follow-
24 ing reports:” and all that follows and inserting “a
25 monthly report, that shall be filed no later than the

1 20th day after the last day of each month and shall
2 be complete as of the last day of the month; and”;
3 and

4 (3) in subparagraph (B)—

5 (A) by striking “(i)” and inserting “(i)(I)
6 in the case of a principal campaign committee
7 of a candidate,”;

8 (B) by redesignating clause (ii) as sub-
9 clause (II);

10 (C) in clause (i)(II), as redesignated by
11 clause (ii), by striking the period at the end and
12 inserting “; and”; and

13 (D) by adding at the end the following:

14 “(ii) in the case of a political committee of
15 a national party, reports shall be filed under
16 paragraph (4)(A)(iv).”.

17 **SEC. 6. FEDERAL ELECTION COMMISSION REFORM.**

18 (a) INCREASE IN PENALTY FOR KNOWING AND
19 WILLFUL VIOLATIONS.—Section 309(a)(5)(B) of the Fed-
20 eral Election Campaign Act of 1971 (2 U.S.C.
21 437g(a)(5)(B)) is amended by striking “the greater of
22 \$10,000 or an amount equal to 200 percent” and inserting
23 “the greater of \$15,000 or an amount equal to 300 per-
24 cent”.

1 (b) ATTORNEY'S FEES.—Section 309(a)(8) of the
 2 Federal Election Campaign Act of 1971 (2 U.S.C.
 3 4437g(a)(8)) is amended by adding at the end the follow-
 4 ing:

5 “(D) In any proceeding under this paragraph in
 6 which the defendant substantially prevails on sub-
 7 stantive grounds, the court may, in addition to any
 8 judgment awarded to the defendant, allow reason-
 9 able attorney’s fees and other costs of the civil ac-
 10 tion.”.

11 **SEC. 7. RIGHTS OF EMPLOYEES RELATING TO THE PAY-**
 12 **MENT AND USE OF LABOR ORGANIZATION**
 13 **DUES.**

14 (a) PAYMENT OF DUES.—

15 (1) RIGHTS OF EMPLOYEES.—Section 7 of the
 16 National Labor Relations Act (29 U.S.C. 157) is
 17 amended by striking “membership” and all that fol-
 18 lows and inserting the following: “the payment to a
 19 labor organization of dues or fees related to collec-
 20 tive bargaining, contract administration, or griev-
 21 ance adjustment necessary to performing the duties
 22 of exclusive representation as a condition of employ-
 23 ment as authorized in section 8(a)(3).”.

24 (2) UNFAIR LABOR PRACTICES.—Section
 25 8(a)(3) of the National Labor Relations Act (29

1 U.S.C. 158(a)(3)) is amended by striking “member-
2 ship therein” and inserting “the payment to such
3 labor organization of dues or fees related to collec-
4 tive bargaining, contract administration, or grievance
5 adjustment necessary to performing the duties
6 of exclusive representation”.

7 (b) REQUIREMENTS FOR USE OF DUES FOR CERTAIN
8 PURPOSES.—

9 (1) WRITTEN AGREEMENT.—Section 8 of the
10 National Labor Relations Act (29 U.S.C. 158) is
11 amended by adding at the end the following:

12 “(h)(1) An employee subject to an agreement between
13 an employer and a labor organization requiring the pay-
14 ment of dues or fees to such organization as authorized
15 in subsection (a)(3) may not be required to pay to such
16 organization, nor may such organization accept payment
17 of, any dues or fees not related to collective bargaining,
18 contract administration, or grievance adjustment nec-
19 essary to performing the duties of exclusive representation
20 unless the employee has agreed to pay such dues or fees
21 in a signed written agreement that shall be renewed be-
22 tween the first day of September and the first day of Octo-
23 ber of each year.

24 “(2) Such signed written agreement shall include a
25 ratio, certified by an independent auditor, of the dues or

1 fees related to collective bargaining, contract administra-
2 tion, or grievance adjustment necessary to performing the
3 duties of exclusive representation and the dues or fees re-
4 lated to other purposes.”.

5 (2) WRITTEN ASSIGNMENT.—Section 302(c)(4)
6 of the Labor Management Relations Act, 1947 (29
7 U.S.C. 186) is amended by inserting before the
8 semicolon the following: “: *Provided further*, That no
9 amount may be deducted for dues unrelated to col-
10 lective bargaining, contract administration, or griev-
11 ance adjustment necessary to performing the duties
12 of exclusive representation unless a written assign-
13 ment authorizes such a deduction”.

14 (c) NOTICE TO EMPLOYEES RELATING TO THE PAY-
15 MENT AND USE OF DUES.—Section 8 of the National
16 Labor Relations Act (29 U.S.C. 158) (as amended by sub-
17 section (b)(1)) is amended by adding at the end the follow-
18 ing:

19 “(i)(1) An employer shall post a notice that informs
20 the employees of their rights under section 7 of this Act
21 and clarifies to such employees that an agreement requir-
22 ing the payment of dues or fees to a labor organization
23 as a condition of employment as authorized in subsection
24 (a)(3) may only require that employees pay to such organi-
25 zation any dues or fees related to collective bargaining,

1 contract administration, or grievance adjustment nec-
2 essary to performing the duties of exclusive representa-
3 tion. A copy of such notice shall be provided to each em-
4 ployee not later than 10 days after the first day of employ-
5 ment.

6 “(2) The notice described in paragraph (1) shall be
7 of such size and in such form as the Board shall prescribe
8 and shall be posted in conspicuous places in and about
9 the plants and offices of such employer, including all
10 places where notices to employees are customarily post-
11 ed.”.

12 (d) EMPLOYEE PARTICIPATION IN THE AFFAIRS OF
13 A LABOR ORGANIZATION.—Section 8(b)(1) of the Na-
14 tional Labor Relations Act (29 U.S.C. 158(b)(1)) is
15 amended by striking “therein;” and inserting the follow-
16 ing: “therein, except that, an employee who is subject to
17 an agreement between an employer and a labor organiza-
18 tion requiring as a condition of employment the payment
19 of dues or fees to such organization as authorized in sub-
20 section (a)(3) and who pays such dues or fees shall have
21 the same right to participate in the affairs of the organiza-
22 tion related to collective bargaining, contract administra-
23 tion, or grievance adjustment as any member of the orga-
24 nization;”.

25 (e) DISCLOSURE TO EMPLOYEES.—

1 (1) EXPENSES REPORTING.—Section 201(b) of
2 the Labor-Management Reporting and Disclosure
3 Act of 1959 (29 U.S.C. 431(b)) is amended by add-
4 ing at the end the following: “Every labor organiza-
5 tion shall be required to attribute and report ex-
6 penses by function classification in such detail as
7 necessary to allow the members of such organization
8 or the employees required to pay any dues or fees
9 to such organization to determine whether such ex-
10 penses were related to collective bargaining, contract
11 administration, or grievance adjustment necessary to
12 performing the duties of exclusive representation or
13 were related to other purposes.”.

14 (2) REPORT INFORMATION.—Section 201(c) of
15 the Labor-Management Reporting and Disclosure
16 Act of 1959 (29 U.S.C. 431(c)) is amended—

17 (A) by inserting “and employees required
18 to pay any dues or fees to such organization”
19 after “members”;

20 (B) by striking “suit of any member of
21 such organization” and inserting “suit of any
22 member of such organization or employee re-
23 quired to pay any dues or fees to such organiza-
24 tion”; and

1 (C) by striking “such member” and insert-
2 ing “such member or employee”.

3 (3) REGULATIONS.—The Secretary of Labor
4 shall promulgate a regulation as necessary to carry
5 out the amendments made by this subsection not
6 later than 120 days after the date of enactment of
7 this Act.

8 (f) EFFECTIVE DATE.—This section shall take effect
9 on the date of enactment of this Act, except that the re-
10 quirements contained in the amendments made by sub-
11 sections (b) and (c) shall take effect 60 days after the
12 date of enactment of this Act.

13 **SEC. 8. PROHIBITION OF FUNDRAISING ON FEDERAL PROP-**
14 **ERTY.**

15 Section 607 of title 18, United States Code, is
16 amended—

17 (1) in subsection (a), by inserting “or donation
18 of money or anything else of value made by any per-
19 son to a national committee of a political party”
20 after “Act of 1971”; and

21 (2) in subsection (b)—

22 (A) by inserting “or donations” after “con-
23 tributions” each place it appears;

24 (B) by inserting “or donation” after “con-
25 tribution”; and

1 (C) by inserting “donator” after “contribu-
2 tor”.

3 **SEC. 9. LIMIT ON USE OF THE FRANKING PRIVILEGE.**

4 Section 3210(a)(6) of title 39, United States Code,
5 is amended—

6 (1) in subparagraph (A)—

7 (A) in the matter preceding clause (i), by
8 striking “Congress may not” and inserting “the
9 House of Representatives may not”; and

10 (B) in clause (i), by striking “60 days (or,
11 in the case of a Member of the House, fewer
12 than 90 days)” and inserting “90 days”; and

13 (2) by striking subparagraph (C) and inserting
14 the following:

15 “(C)(i) A Member of the Senate shall not
16 mail any mass mailing as franked mail during
17 a year in which there will be an election for the
18 seat held by the Member during the period be-
19 tween January 1 of that year and the date of
20 the general election for that office, unless the
21 Member has made a public announcement that
22 the Member will not be a candidate for reelec-
23 tion to that office in that year.

24 “(ii) A Member of the Senate shall not
25 mail any mass mailing as franked mail if the

1 mass mailing is postmarked fewer than 60 days
2 before the date of any primary election or gen-
3 eral election (whether regular, special, or run-
4 off) for any national, State, or local office in
5 which the Member is a candidate for election.”.

6 **SEC. 10. EFFECTIVE DATE.**

7 Except as otherwise provided in this Act, this Act and
8 the amendments made by this Act shall apply to elections
9 occurring and filing periods beginning after December 31,
10 1998.

○