

106TH CONGRESS  
1ST SESSION

# S. 1593

To amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 1999

Mr. MCCAIN (for himself and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

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 “Bipartisan Campaign  
5 Reform Act of 1999”.

6 **SEC. 2. SOFT MONEY OF POLITICAL PARTIES.**

7 Title III of the Federal Election Campaign Act of  
8 1971 (2 U.S.C. 431 et seq.) is amended by adding at the  
9 end the following:

1 **“SEC. 323. SOFT MONEY OF POLITICAL PARTIES.**

2 “(a) NATIONAL COMMITTEES.—

3 “(1) IN GENERAL.—A national committee of a  
4 political party (including a national congressional  
5 campaign committee of a political party) and any of-  
6 ficers or agents of such party committees, shall not  
7 solicit, receive, or direct to another person a con-  
8 tribution, donation, or transfer of funds, or spend  
9 any funds, that are not subject to the limitations,  
10 prohibitions, and reporting requirements of this Act.

11 “(2) APPLICABILITY.—This subsection shall  
12 apply to an entity that is directly or indirectly estab-  
13 lished, financed, maintained, or controlled by a na-  
14 tional committee of a political party (including a na-  
15 tional congressional campaign committee of a polit-  
16 ical party), or an entity acting on behalf of a na-  
17 tional committee, and an officer or agent acting on  
18 behalf of any such committee or entity.

19 “(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

20 “(1) IN GENERAL.—An amount that is ex-  
21 pended or disbursed by a State, district, or local  
22 committee of a political party (including an entity  
23 that is directly or indirectly established, financed,  
24 maintained, or controlled by a State, district, or  
25 local committee of a political party and an officer or  
26 agent acting on behalf of such committee or entity)

1 for Federal election activity shall be made from  
2 funds subject to the limitations, prohibitions, and re-  
3 porting requirements of this Act.

4 “(2) FEDERAL ELECTION ACTIVITY.—

5 “(A) IN GENERAL.—The term ‘Federal  
6 election activity’ means—

7 “(i) voter registration activity during  
8 the period that begins on the date that is  
9 120 days before the date a regularly sched-  
10 uled Federal election is held and ends on  
11 the date of the election;

12 “(ii) voter identification, get-out-the-  
13 vote activity, or generic campaign activity  
14 conducted in connection with an election in  
15 which a candidate for Federal office ap-  
16 pears on the ballot (regardless of whether  
17 a candidate for State or local office also  
18 appears on the ballot); and

19 “(iii) a communication that refers to a  
20 clearly identified candidate for Federal of-  
21 fice (regardless of whether a candidate for  
22 State or local office is also mentioned or  
23 identified) and is made for the purpose of  
24 influencing a Federal election (regardless

1 of whether the communication is express  
2 advocacy).

3 “(B) EXCLUDED ACTIVITY.—The term  
4 ‘Federal election activity’ does not include an  
5 amount expended or disbursed by a State, dis-  
6 trict, or local committee of a political party  
7 for—

8 “(i) campaign activity conducted sole-  
9 ly on behalf of a clearly identified can-  
10 didate for State or local office, provided  
11 the campaign activity is not a Federal elec-  
12 tion activity described in subparagraph  
13 (A);

14 “(ii) a contribution to a candidate for  
15 State or local office, provided the contribu-  
16 tion is not designated or used to pay for a  
17 Federal election activity described in sub-  
18 paragraph (A);

19 “(iii) the costs of a State, district, or  
20 local political convention;

21 “(iv) the costs of grassroots campaign  
22 materials, including buttons, bumper stick-  
23 ers, and yard signs, that name or depict  
24 only a candidate for State or local office;

1           “(v) the non-Federal share of a State,  
2           district, or local party committee’s admin-  
3           istrative and overhead expenses (but not  
4           including the compensation in any month  
5           of an individual who spends more than 20  
6           percent of the individual’s time on Federal  
7           election activity) as determined by a regu-  
8           lation promulgated by the Commission to  
9           determine the non-Federal share of a  
10          State, district, or local party committee’s  
11          administrative and overhead expenses; and

12           “(vi) the cost of constructing or pur-  
13          chasing an office facility or equipment for  
14          a State, district or local committee.

15          “(C) GENERIC CAMPAIGN ACTIVITY.—The  
16          term ‘generic campaign activity’ means an ac-  
17          tivity that promotes a political party and does  
18          not promote a candidate or non-Federal can-  
19          didate.

20          “(c) FUNDRAISING COSTS.—An amount spent by a  
21          national, State, district, or local committee of a political  
22          party, by an entity that is established, financed, main-  
23          tained, or controlled by a national, State, district, or local  
24          committee of a political party, or by an agent or officer  
25          of any such committee or entity, to raise funds that are

1 used, in whole or in part, to pay the costs of a Federal  
2 election activity shall be made from funds subject to the  
3 limitations, prohibitions, and reporting requirements of  
4 this Act.

5       “(d) TAX-EXEMPT ORGANIZATIONS.—A national,  
6 State, district, or local committee of a political party (in-  
7 cluding a national congressional campaign committee of  
8 a political party), an entity that is directly or indirectly  
9 established, financed, maintained, or controlled by any  
10 such national, State, district, or local committee or its  
11 agent, and an officer or agent acting on behalf of any such  
12 party committee or entity, shall not solicit any funds for,  
13 or make or direct any donations to, an organization that  
14 is described in section 501(c) of the Internal Revenue  
15 Code of 1986 and exempt from taxation under section  
16 501(a) of such Code (or has submitted an application for  
17 determination of tax exempt status under such section).

18       “(e) CANDIDATES.—

19               “(1) IN GENERAL.—A candidate, individual  
20 holding Federal office, agent of a candidate or indi-  
21 vidual holding Federal office, or an entity directly or  
22 indirectly established, financed, maintained or con-  
23 trolled by or acting on behalf of one or more can-  
24 didates or individuals holding Federal office, shall  
25 not—

1           “(A) solicit, receive, direct, transfer, or  
2 spend funds in connection with an election for  
3 Federal office, including funds for any Federal  
4 election activity, unless the funds are subject to  
5 the limitations, prohibitions, and reporting re-  
6 quirements of this Act; or

7           “(B) solicit, receive, direct, transfer, or  
8 spend funds in connection with any election  
9 other than an election for Federal office or dis-  
10 burse funds in connection with such an election  
11 unless the funds—

12                   “(i) are not in excess of the amounts  
13 permitted with respect to contributions to  
14 candidates and political committees under  
15 paragraphs (1) and (2) of section 315(a);  
16 and

17                   “(ii) are not from sources prohibited  
18 by this Act from making contributions with  
19 respect to an election for Federal office.

20           “(2) STATE LAW.—Paragraph (1) does not  
21 apply to the solicitation, receipt, or spending of  
22 funds by an individual who is a candidate for a  
23 State or local office in connection with such election  
24 for State or local office if the solicitation, receipt,  
25 or spending of funds is permitted under State law

1 for any activity other than a Federal election activ-  
 2 ity.

3 “(3) FUNDRAISING EVENTS.—Notwithstanding  
 4 paragraph (1), a candidate may attend, speak, or be  
 5 a featured guest at a fundraising event for a State,  
 6 district, or local committee of a political party.”.

7 **SEC. 3. INCREASED CONTRIBUTION LIMITS FOR STATE**  
 8 **COMMITTEES OF POLITICAL PARTIES AND**  
 9 **AGGREGATE CONTRIBUTION LIMIT FOR INDI-**  
 10 **VIDUALS.**

11 (a) CONTRIBUTION LIMIT FOR STATE COMMITTEES  
 12 OF POLITICAL PARTIES.—Section 315(a)(1) of the Fed-  
 13 eral Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1))  
 14 is amended—

15 (1) in subparagraph (B), by striking “or” at  
 16 the end;

17 (2) in subparagraph (C)—

18 (A) by inserting “(other than a committee  
 19 described in subparagraph (D))” after “com-  
 20 mittee”; and

21 (B) by striking the period at the end and  
 22 inserting “; or”; and

23 (3) by adding at the end the following:

24 “(D) to a political committee established and  
 25 maintained by a State committee of a political party

1 in any calendar year which, in the aggregate, exceed  
2 \$10,000.”.

3 (b) AGGREGATE CONTRIBUTION LIMIT FOR INDI-  
4 VIDUAL.—Section 315(a)(3) of the Federal Election Cam-  
5 paign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by  
6 striking “\$25,000” and inserting “\$30,000”.

7 **SEC. 4. REPORTING REQUIREMENTS.**

8 (a) REPORTING REQUIREMENTS.—Section 304 of the  
9 Federal Election Campaign Act of 1971 (2 U.S.C. 434)  
10 is amended by adding at the end the following:

11 “(d) POLITICAL COMMITTEES.—

12 “(1) NATIONAL AND CONGRESSIONAL POLIT-  
13 ICAL COMMITTEES.—The national committee of a  
14 political party, any national congressional campaign  
15 committee of a political party, and any subordinate  
16 committee of either, shall report all receipts and dis-  
17 bursements during the reporting period.

18 “(2) OTHER POLITICAL COMMITTEES TO WHICH  
19 SECTION 323 APPLIES.—In addition to any other re-  
20 porting requirements applicable under this Act, a  
21 political committee (not described in paragraph (1))  
22 to which section 323(b)(1) applies shall report all re-  
23 ceipts and disbursements made for activities de-  
24 scribed in subparagraphs (A) and (B)(v) of section  
25 323(b)(2).

1           “(3) ITEMIZATION.—If a political committee  
2           has receipts or disbursements to which this sub-  
3           section applies from any person aggregating in ex-  
4           cess of \$200 for any calendar year, the political  
5           committee shall separately itemize its reporting for  
6           such person in the same manner as required in para-  
7           graphs (3)(A), (5), and (6) of subsection (b).

8           “(4) REPORTING PERIODS.—Reports required  
9           to be filed under this subsection shall be filed for the  
10          same time periods required for political committees  
11          under subsection (a).”.

12          (b) BUILDING FUND EXCEPTION TO THE DEFINI-  
13          TION OF CONTRIBUTION.—Section 301(8)(B) of the Fed-  
14          eral Election Campaign Act of 1971 (2 U.S.C. 431(8)(B))  
15          is amended—

16                 (1) by striking clause (viii); and

17                 (2) by redesignating clauses (ix) through (xiv)  
18                 as clauses (viii) through (xiii), respectively.

19          **SEC. 5. CODIFICATION OF BECK DECISION.**

20          Section 8 of the National Labor Relations Act (29  
21          U.S.C. 158) is amended by adding at the end the fol-  
22          lowing:

23                 “(h) NONUNION MEMBER PAYMENTS TO LABOR OR-  
24          GANIZATION.—

1           “(1) IN GENERAL.—It shall be an unfair labor  
2 practice for any labor organization which receives a  
3 payment from an employee pursuant to an agree-  
4 ment that requires employees who are not members  
5 of the organization to make payments to such orga-  
6 nization in lieu of organization dues or fees not to  
7 establish and implement the objection procedure de-  
8 scribed in paragraph (2).

9           “(2) OBJECTION PROCEDURE.—The objection  
10 procedure required under paragraph (1) shall meet  
11 the following requirements:

12                 “(A) The labor organization shall annually  
13 provide to employees who are covered by such  
14 agreement but are not members of the  
15 organization—

16                         “(i) reasonable personal notice of the  
17 objection procedure, the employees eligible  
18 to invoke the procedure, and the time,  
19 place, and manner for filing an objection;  
20 and

21                         “(ii) reasonable opportunity to file an  
22 objection to paying for organization ex-  
23 penditures supporting political activities  
24 unrelated to collective bargaining, includ-

1           ing but not limited to the opportunity to  
2           file such objection by mail.

3           “(B) If an employee who is not a member  
4           of the labor organization files an objection  
5           under the procedure in subparagraph (A), such  
6           organization shall—

7                   “(i) reduce the payments in lieu of or-  
8                   ganization dues or fees by such employee  
9                   by an amount which reasonably reflects the  
10                  ratio that the organization’s expenditures  
11                  supporting political activities unrelated to  
12                  collective bargaining bears to such organi-  
13                  zation’s total expenditures; and

14                   “(ii) provide such employee with a  
15                   reasonable explanation of the organiza-  
16                   tion’s calculation of such reduction, includ-  
17                   ing calculating the amount of organization  
18                   expenditures supporting political activities  
19                   unrelated to collective bargaining.

20           “(3) DEFINITION.—In this subsection, the term  
21           ‘expenditures supporting political activities unrelated  
22           to collective bargaining’ means expenditures in con-  
23           nection with a Federal, State, or local election or in

- 1 connection with efforts to influence legislation unre-
- 2 lated to collective bargaining.”.

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