

S. 382

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 1971

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. GRAVEL to the amendment (numbered 308) proposed by Mr. PASTORE (for himself and others) to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz: At the end thereof add the following new titles:

1 **TITLE V—PRESIDENTIAL ELECTION**

2 **CAMPAIGNS**

3 **SEC. 501. The Presidential Election Campaign Fund Act**

4 of 1966 is amended to read as follows:

5 **“TITLE III—FINANCING OF PROFESSIONAL**

6 **ELECTIONS CAMPAIGNS**

7 **“SHORT TITLE**

8 **“SEC. 301. This title may be cited as the ‘Presidential**

9 Election Campaign Fund Act of 1966’.

Amdt. No. 362

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

“DEFINITIONS

“SEC. 302. For the purposes of this title—

“(1) The term ‘authorized committee’ means, with respect to the eligible candidates of a political party, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Commission. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

“(2) The term ‘candidate’ means, with respect to any presidential election, an individual who (A) has been nominated for elections to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in ten or more States. For purposes of paragraphs (6) and (7) of this section and purposes of sections 304 (a) (1) and (2), the term ‘candidate’ means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election.

1 “(3) The term ‘Commission’ means the Federal Elec-
2 tions Commission.

3 “(4) The term ‘eligible candidates’ means the candi-
4 dates of a political party for President and Vice President
5 of the United States who have met all applicable conditions
6 for eligibility to receive payments under this title set forth
7 in section 303.

8 “(5) The term ‘fund’ means the Presidential Election
9 Campaign Fund established by section 306 (a).

10 “(6) The term ‘major party’ means, with respect to
11 any presidential election, a political party whose candidate
12 for the office of President in the preceding presidential elec-
13 tion received, as the candidate of such party, 25 per centum
14 or more of the total number of popular votes received by all
15 candidates for such office.

16 “(7) The term ‘minor party’ means, with respect to
17 any presidential election, a political party whose candidate
18 for the office of President in the preceding presidential elec-
19 tion received, as the candidate of such party, 10 per centum
20 or more but less than 25 per centum of the total number of
21 popular votes received by all candidates for such office.

22 “(8) The term ‘political committee’ means any com-
23 mittee, association, or organization (whether or not incor-
24 porated) which accepts contributions or makes expenditures
25 for the purpose of influencing, or attempting to influence,

1 the nomination or election of one or more individuals to
2 Federal, State, or local elective public office.

3 “(9) The term ‘presidential election’ means the elec-
4 tion of presidential and vice-presidential electors.

5 “(10) The term ‘qualified campaign expense’ means an
6 expense—

7 “(A) incurred (i) by the candidate of a political
8 party for the office of President to further his election
9 to such office or to further the election of the candidate
10 of such political party for the office of Vice President,
11 or both, (ii) by the candidate of a political party for
12 the office of Vice President to further his election to such
13 office or to further the election of the candidate of such
14 political party for the office of President, or both, or
15 (iii) by an authorized committee of the candidates of
16 a political party for the offices of President and Vice
17 President to further the election of either or both of
18 such candidates to such offices,

19 “(B) neither the incurring nor payment of which
20 constitutes a violation of any law of the United States or
21 of the State in which such expense is incurred or paid.

22 An expense shall be considered as incurred by a candidate or
23 an authorized committee if it is incurred by a person author-
24 ized by such candidate or such committee, as the case may be,
25 to incur such expense on behalf of such candidate or such

1 committee. If an authorized committee of the eligible candi-
2 dates of a political party also incurs expenses to further the
3 election of one or more other individuals to Federal, State, or
4 local elective public office, expenses incurred by such com-
5 mittee which are not specifically to further the election of
6 such other individual or individuals shall be considered as
7 incurred to further the election of such eligible candidates in
8 such proportion as the Commission prescribes by rules or
9 regulations.

10 “(11) The term ‘Secretary’ means the Secretary of the
11 Treasury.

12 “CONDITIONS FOR ELIGIBILITY FOR PAYMENTS

13 “SEC. 303. In order to be eligible to receive any pay-
14 ments under section 306, the candidates of a political party in
15 a presidential election shall, in writing—

16 “(1) agree to obtain and furnish to the Commission
17 such evidence as it may request of the qualified cam-
18 paign expenses with respect to which payment is sought,

19 “(2) agree to keep and furnish to the Commission
20 such records, books, and other information as it may
21 request,

22 “(3) agree to permit an audit and examination by
23 the Commission under section 307 and to pay any
24 amounts required to be paid under such section, and

25 “(4) agree to furnish to the Commission state-

1 ments of qualified campaign expenses and proposed
2 qualified campaign expenses required under section 308.

3 "ENTITLEMENT OF ELIGIBLE CANDIDATES TO
4 PAYMENTS

5 "SEC. 304. (a) Subject to the provisions of this title—

6 "(1) The eligible candidates of a major party in a presi-
7 dential election shall be entitled to payments under section
8 306 equal in the aggregate to 10 cents multiplied by the total
9 number of popular votes received by all candidates of a major
10 party for the office of President in the preceding presidential
11 election.

12 "(2) The eligible candidates of a minor party in a
13 presidential election shall be entitled to payments under
14 section 306 equal in the aggregate to 20 cents multiplied by
15 the number of popular votes received by the candidate for
16 President of such party, as such candidate, in the preceding
17 presidential election.

18 "(3) The eligible candidates of a political party (other
19 than a major or minor party) in a presidential election
20 whose candidate for President in such election receives, as
21 such candidate, 10 per centum or more of the total number
22 of popular votes cast for the office of President in such elec-
23 tion shall be entitled to payments under section 306 equal
24 in the aggregate to 20 cents multiplied by the number of

1 popular votes received by such candidate, as such candidate
2 in such election.

3 “(4) In addition to any amounts payable to a candi-
4 date under the provisions of paragraph (1) or (2) of this
5 subsection, there shall be payable an additional amount to
6 any such candidate if, in the election in which he is a can-
7 didate receiving money under the provisions of such para-
8 graph (referred to hereafter in this subsection as ‘this
9 election’), there are cast for all such candidates (in the case
10 of a candidate to whom paragraph (1) is applicable), or for
11 such candidate (in the case of a candidate to whom para-
12 graph (2) is applicable) more votes than were cast in the
13 preceding election on which the determination of the amount
14 so payable was based. Such additional amount shall be 10
15 cents multiplied by the excess of the number of votes cast
16 for all such candidates (in the case of a candidate to whom
17 paragraph (1) is applicable), and 20 cents multiplied by
18 the excess of the number of votes cast for such candidate (in
19 the case of a candidate to whom paragraph (2) is appli-
20 cable) in this election over the number of votes so cast in the
21 preceding election upon which the determination of the
22 amount payable was based.

23 “(b) The aggregate payments to which the eligible
24 candidates of a political party shall be entitled under sub-

1 sections (a) (2) and (3) with respect to a presidential
2 election shall not exceed an amount equal to the aggregate
3 payments to which the eligible candidates of a major party
4 are entitled under subsection (a) (1).

5 “(c) The eligible candidates of a political party shall
6 be entitled to payments under subsection (a) only—

7 “(1) to defray qualified campaign expenses in-
8 curred by such eligible candidates or their authorized
9 committees, or

10 “(2) to repay loans the proceeds of which were
11 used to defray such qualified campaign expenses, or
12 otherwise to restore funds (other than contributions to
13 defray qualified campaign expenses received and ex-
14 pended by such candidates or such committees) used
15 to defray such qualified campaign expenses.

16 “CERTIFICATION BY COMMISSION

17 “SEC. 305. (a) On the basis of the evidence, books, rec-
18 ords, and information furnished by the eligible candidates
19 of a political party and prior to examination and audit under
20 section 307, the Commission shall certify from time
21 to time to the Secretary for payment to such candidates
22 under section 306 the payments to which such candidates
23 are entitled under section 304.

24 “(b) Certifications by the Commission under sub-
25 section (a), and all determinations made by him in

1 making such certifications, shall, except as provided in sec-
2 tion 307, be final and conclusive, and shall not be subject
3 to review in any court.

4 "PAYMENTS TO ELIGIBLE CANDIDATES

5 "SEC. 306. (a) There is hereby established on the
6 books of the Treasury of the United States a special fund
7 to be known as the 'Presidential Election Campaign Fund'.
8 There are hereby authorized to be appropriated to the fund,
9 out of any moneys in the Treasury not otherwise appro-
10 priated, such sums as may be necessary to enable the Secre-
11 tary to make payments under subsection (b).

12 "(b) Upon receipt of a certification from the Com-
13 mission under section 305 for payment to the eligible
14 candidates of a political party, the Secretary shall pay to
15 such candidates out of the fund the amount certified by the
16 Commission.

17 "(c) If, after a presidential election and after all eligible
18 candidates have been paid the amounts to which they are
19 entitled under section 304, there are moneys remaining in
20 the fund, the Secretary shall transfer the moneys so remain-
21 ing to the general fund of the Treasury.

22 "EXAMINATIONS AND AUDITS; REPAYMENTS

23 "SEC. 307. (a) After each presidential election, the
24 Commission shall conduct a thorough examination and audit

1 of the qualified campaign expenses of the eligible candidates
2 of each political party.

3 “(b) (1) If the Commission determines that any por-
4 tion of the payments made to any candidate of a political
5 party under section 306 was in excess of the aggregate pay-
6 ments to which such candidate was entitled under section
7 304, he shall so notify such candidate, and such candidate
8 shall pay to the Secretary an amount equal to such portion.

9 “(2) If the Commission determines that any amount of
10 any payment made to any candidate of a political party
11 under section 306 was used for any purpose other than—

12 “(A) to defray the qualified campaign expenses
13 with respect to which such payment was made, or

14 “(B) to repay loans the proceeds of which were
15 used, or otherwise to restore funds (other than contri-
16 butions to defray qualified campaign expenses which
17 were received and expended) which were used, to de-
18 fray such qualified campaign expenses,

19 it shall notify such candidate of the amount so used, and
20 such candidate shall pay to the Secretary an amount equal
21 to such amount.

22 “(3) No payment shall be required from any candidate
23 of a political party under this subsection to the extent that
24 such payment, when added to other payments required from
25 such candidate under this subsection, exceeds the amount
26 of payments received by such candidate under section 306.

1 “(c) No notification shall be made by the Commission
2 under subsection (b) with respect to a presidential election
3 more than three years after the date of such election.

4 “(d) All payments received by the Secretary under
5 subsection (b) shall be deposited by him in the Treasury to
6 the credit of the fund.

7 “INFORMATION ON PROPOSED EXPENSES

8 “SEC. 308. (a) The eligible candidates of a political
9 party in a presidential election shall, from time to time as
10 the Commission may require, furnish to the Commission a
11 detailed statement, in such form as it may prescribe, of—

12 “(1) the qualified campaign expenses incurred by
13 them and their authorized committees prior to the date
14 of such statement (whether or not evidence of such ex-
15 penses has been furnished for purposes of section 305),
16 and

17 “(2) the qualified campaign expenses which they
18 and their authorized committees propose to incur on or
19 after the date of such statement.

20 The Commission shall require a statement under this sub-
21 section from the eligible candidates of each political party
22 at least once each week during the second, third, and fourth
23 weeks preceding the day of the presidential election and at
24 least twice during the week preceding such day.

25 “(b) The Commission shall, as soon as possible after it

1 receives each statement under subsection (a), prepare a
2 summary of such statement and publish such summary, to-
3 gether with any other data or information which it deems
4 advisable, in the Federal Register.

5 "REPORTS TO CONGRESS; REGULATIONS

6 "SEC. 309. (a) The Commission shall, as soon as prac-
7 ticable after each presidential election, but not later than the
8 first day of December of the year in which such election
9 was held, submit a full report to the Congress setting forth—

10 " (1) the amounts certified by it under section
11 305 for payment to the eligible candidates of each polit-
12 ical party;

13 " (2) the qualified campaign expenses (shown in
14 such detail as the Commission determines necessary)
15 incurred by such candidates and their authorized com-
16 mittees; and

17 " (3) the amount of payments, if any, required from
18 such candidates under section 307, and the reasons for
19 each payment required.

20 Each report submitted pursuant to this section shall be printed
21 as a Senate document.

22 " (b) The Commission is authorized to prescribe such
23 rules and regulations, to conduct such examinations and
24 audits (in addition to the examinations and audits required
25 by section 307 (a)), to conduct such investigations, and to

1 require the keeping and submission of such books, records,
2 and information, as it deems necessary to carry out the
3 functions and duties imposed on it by this title.

4 "CRIMINAL PENALTIES

5 "SEC. 310. (a) (1) It shall be unlawful for any person
6 who receives any payment under section 306, or to whom
7 any portion of any payment received under such section is
8 transferred, knowingly and willfully to use, or authorize the
9 use of, such payment or such portion for any purpose other
10 than—

11 "(A) to defray the qualified campaign expenses
12 with respect to which such payment was made, or

13 "(B) to repay loans the proceeds of which were
14 used, or otherwise to restore funds (other than contri-
15 butions to defray qualified campaign expenses which
16 were received and expended) which were used, to defray
17 such qualified campaign expenses.

18 "(2) Any person who violates paragraph (1) shall be
19 fined not more than \$10,000, or imprisoned not more than
20 five years, or both.

21 "(b) (1) It shall be unlawful for any person knowingly
22 and willfully—

23 "(A) to furnish any false, fictitious, or fraudulent
24 evidence, books, or information to the Commission under
25 this title, or to include in any evidence, books, or infor-

1 mation so furnished any misrepresentation of a material
2 fact, or to falsify or conceal any evidence, books, or
3 information relevant to a certification by the Commission
4 or an examination and audit by it under this title; or

5 “(B) to fail to furnish to the Commission any
6 records, books, or information requested by it for pur-
7 poses of this title.

8 “(2) Any person who violates paragraph (1) shall
9 be fined not more than \$10,000, or imprisoned not more
10 than five years, or both.

11 “(c) (1) It shall be unlawful for any person knowingly
12 and willfully to give or accept any rebate or any illegal
13 payment in connection with any qualified campaign expense.

14 “(2) Any person who violates paragraph (1) shall be
15 fined not more than \$10,000, or imprisoned not more than
16 five years, or both.

17 “(3) In addition to the penalty provided by paragraph
18 (2), any person who accepts any rebate or illegal payment
19 in connection with any qualified campaign expense shall
20 pay to the Secretary, for deposit in the general fund of the
21 Treasury, an amount equal to 125 per centum of the rebate
22 or payment received.

23 “(d) (1) It shall be unlawful for any political com-
24 mittee which is not an authorized committee with respect

1 to an eligible candidate of a political party in a presidential
2 election knowingly and willfully to incur expenditures to
3 further the election of such candidate which would constitute
4 qualified campaign expenses if incurred by an authorized
5 committee of such candidate, or to make contributions to
6 such candidate or any of his authorized committees to be
7 used, directly or indirectly, to defray qualified campaign
8 expenses, in an aggregate amount exceeding \$100, unless
9 such committee makes public, in a manner appropriate to
10 its campaign activities under regulations prescribed by the
11 Commission, that it has not been authorized by such candi-
12 date, and that such candidate cannot be held to assume any
13 responsibility whatever for the activities of the committee.

14 “(2) Any political committee which violates paragraph
15 (1) shall be fined not more than \$5,000, and any officer
16 or member of such committee who knowingly and willfully
17 consents to such violation shall be fined not more than
18 \$5,000, or imprisoned not more than one year, or both.

19 “EFFECTIVE DATE

20 “SEC. 311. This title shall take effect on January 1,
21 1972, except that section 309 (b), and so much of any
22 other section as authorizes or directs the Commission to pre-
23 scribe rules and regulations, shall take effect on the date
24 of the enactment of this Act.”

1 ELIMINATION OF DESIGNATION OF INCOME TAX PAY-
2 MENTS TO PRESIDENTIAL ELECTION CAMPAIGN FUND

3 SEC. 502. (a) Subchapter A of chapter 61 of the
4 Internal Revenue Code of 1954 is amended—

5 (1) by striking out part VIII (relating to desig-
6 nation of income tax payments to the Presidential
7 Election Campaign Fund); and

8 (2) by striking out the item relating to such part
9 VIII in the table of parts of such subchapter.

10 (b) The amendments made by subsection (a) shall
11 apply with respect to income tax liability for taxable years
12 beginning after December 31, 1966.

13 COMPLIANCE WITH GUIDELINE REQUIREMENT

14 SEC. 503. The amendment of the Presidential Election
15 Campaign Fund Act of 1966 made by section 101 of this
16 Act is intended to comply with section 5 of the Act entitled
17 “An Act to restore the investment credit and the allowance
18 of accelerated depreciation in the case of certain real prop-
19 erty,” approved June 13, 1967 (Public Law 90-26), and to
20 provide guidelines governing the distribution of funds which
21 become available under the Presidential Election Cam-
22 paign Fund Act of 1966.

1 TITLE VI—CONGRESSIONAL ELECTION

2 CAMPAIGNS

3 SHORT TITLE

4 SEC. 601. This title may be cited as the “Congressional
5 Election Campaign Fund Act of 1971”.

6 DEFINITIONS

7 SEC. 602. For purposes of this title—

8 (1) The term “authorized committee” means, with
9 respect to the eligible candidates of a political party, any
10 political committee which is authorized in writing by such
11 candidates to incur expenses to further the election of such
12 candidates. Such authorization shall be addressed to the
13 chairman of such political committee, and a copy of such
14 authorization shall be filed by such candidates with the
15 Commission. Any withdrawal of any authorization shall
16 also be in writing and shall be addressed and filed in the
17 same manner as the authorization.

18 (2) The term “candidate” means, with respect to any
19 congressional election, an individual who (A) has been
20 nominated for election to an office of Senator or Repre-
21 sentative in, or Delegate or Resident Commissioner to, the
22 Congress of the United States by a major party, or (B)

1 has qualified under the laws of a State to have his name
2 on the election ballot as the candidate of a political party
3 for election to such office. For purposes of paragraphs (6)
4 and (7) of this section and purposes of sections 604 (a)
5 (1) and (2), the term "candidate" means, with respect to
6 any preceding congressional election, an individual who
7 received votes for the office of Senator or Representative in,
8 or Delegate or Resident Commissioner to, the Congress of the
9 United States in such election.

10 (3) The term "Commission" means the Federal Elec-
11 tions Commission.

12 (4) The term "eligible candidate" means the candidate
13 of a political party for Senator or Representative in, or
14 Delegate or Resident Commissioner to, the Congress of the
15 United States who has met all the applicable conditions
16 for eligibility to receive payments under this subtitle set
17 forth in section 623.

18 (5) The term "fund" means the Congressional Election
19 Campaign Fund established by section 606 (a).

20 (6) The term "major party" means, with respect to
21 any congressional election, a political party whose candidate
22 for the office of Senator or Representative in, or Delegate or
23 Resident Commissioner to, the Congress of the United States
24 in the preceding congressional election received, as the candi-

1 date of such party, 25 per centum or more of the total num-
2 ber of votes received by all candidates for such office.

3 (7) The term "minor party" means, with respect to
4 any congressional election, a political party whose candidate
5 for the office of Senator or Representative in, or Delegate or
6 Resident Commissioner to, the Congress of the United
7 States in the preceding congressional election received, as
8 the candidate of such party, 10 per centum or more but
9 less than 25 per centum of the total number of votes re-
10 ceived by all candidates for such office.

11 (8) The term "political committee" means any com-
12 mittee, association, or organization (whether or not incor-
13 porated) which accepts contributions or makes expenditures
14 for the purpose of influencing, or attempting to influence,
15 the nomination or election of one or more individuals to
16 Federal, State, or local elective public office.

17 (9) The term "congressional election" means an elec-
18 tion for the office of Senator or Representative in, or Dele-
19 gate or Resident Commissioner to, the Congress of the
20 United States.

21 (10) The term "qualified campaign expense" means
22 an expense—

23 (A) incurred (i) by the candidate of a political
24 party for the office of Senator or Representative in, or
25 Delegate or Resident Commissioner to, the Congress of

1 the United States to further his election to such office, or
2 (ii) by an authorized committee of the candidate of a
3 political party for the office of Senator or Representative
4 in, or Delegate or Resident Commissioner to, the Con-
5 gress of the United States to further the election of such
6 candidate to such office.

7 (B) neither the incurring nor payment of which
8 constitutes a violation of any law of the United States or
9 of the State in which such expense is incurred or paid.

10 An expense shall be considered as incurred by a candidate or
11 an authorized committee if it is incurred by a person author-
12 ized by such candidate or such committee, as the case may
13 be, to incur such expense on behalf of such candidate or such
14 committee. If an authorized committee of the eligible candi-
15 dates of a political party also incurs expenses to further the
16 election of one or more other individuals to Federal, State, or
17 local elective public office, expenses incurred by such com-
18 mittee which are not specifically to further the election of
19 such other individual or individuals shall be considered as in-
20 curred to further the election of such eligible candidates in
21 such proportion as the Commission prescribes by rules or
22 regulations.

23 (11) The term "Secretary" means the Secretary of the
24 Treasury.

1 CONDITIONS FOR ELIGIBILITY FOR PAYMENTS

2 SEC. 603. In order to be eligible to receive any pay-
3 ments under section 606, the candidates of a political party
4 in a congressional election shall, in writing—

5 (1) agree to obtain and furnish to the Commission
6 such evidence as he may request of the qualified cam-
7 paign expenses with respect to which payment is sought,

8 (2) agree to keep and furnish to the Commission
9 such records, books, and other information as it may
10 request,

11 (3) agree to permit an audit and examination by
12 the Commission under section 607 and to pay any
13 amounts required to be paid under such section, and

14 (4) agree to furnish to the Commission statements
15 of qualified campaign expenses and proposed qualified
16 campaign expenses required under section 608.

17 ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

18 SEC. 604. (a) Subject to the provisions of this title—

19 (1) An eligible candidate of a major party in a con-
20 gressional election shall be entitled to payments under section
21 606 equal in the aggregate to 10 cents multiplied by the
22 total number of votes received by all candidates of a major
23 party for the office which such candidate seeks in the next
24 preceding election for such office.

1 (2) An eligible candidate of a minor party in a con-
2 gressional election shall be entitled to payments under section
3 606 equal in the aggregate to 20 cents multiplied by the
4 number of votes received by the candidate of such party for
5 the same office in the next preceding congressional election.

6 (3) An eligible candidate of a political party (other
7 than a major or minor party) in a congressional election
8 who receives, as such candidate, 10 per centum or more of
9 the total number of votes cast for the office sought by such
10 candidate in such election shall be entitled to payments under
11 section 606 equal in the aggregate to 20 cents multiplied
12 by the number of votes received by such candidate in such
13 election.

14 (4) In addition to any amounts payable to a candidate
15 under the provisions of paragraph (1) or (2) of this sub-
16 section, there shall be payable an additional amount to any
17 such candidate if, in the election in which he is a candidate
18 receiving money under the provisions of such paragraph
19 (referred to hereafter in this section as "this election"),
20 there are cast for all such candidates (in the case of a can-
21 didate to whom paragraph (1) is applicable), or for such
22 candidate (in the case of a candidate to whom paragraph
23 (2) is applicable), more votes than were cast in the pre-
24 ceding election on which the determination of the amount
25 so payable was based. Such additional amount shall be 10

1 cents multiplied by the excess of the number of votes cast
2 for all such candidates (in the case of a candidate to whom
3 paragraph (1) is applicable), and 20 cents multiplied
4 by the excess of a number of votes cast for such candi-
5 date (in the case of a candidate to whom paragraph (2)
6 is applicable) in this election over the number of votes
7 so cast in the preceding election upon which the deter-
8 mination of the amount payable was based.

9 (b) The aggregate payments to which the eligible
10 candidates of a political party shall be entitled under sub-
11 sections (a) (2) and (3) with respect to a congressional
12 election shall not exceed an amount equal to the aggregate
13 payments to which the eligible candidates of a major party
14 are entitled under subsection (a) (1).

15 (c) The eligible candidates of a political party shall be
16 entitled to payments under subsection (a) only—

17 (1) to defray qualified campaign expenses incurred
18 by such eligible candidates or their authorized com-
19 mittees, or

20 (2) to repay loans the proceeds of which were
21 used to defray such qualified campaign expenses, or
22 otherwise to restore funds (other than contributions to
23 defray qualified campaign expenses received and ex-
24 pended by such candidates or such committees) used to
25 defray such qualified campaign expenses.

1 CERTIFICATION BY COMMISSION

2 SEC. 605. (a) On the basis of the evidence, books, rec-
3 ords, and information furnished by the eligible candidates of
4 a political party and prior to examination and audit under
5 section 607, the Commission shall certify from time to time
6 to the Secretary for payment to such candidates under sec-
7 tion 606, the payments to which such candidates are entitled
8 under section 604.

9 (b) Certifications by the Commission under subsection
10 (a), and all determinations made by it in making such
11 certifications, shall, except as provided in section 607, be
12 final and conclusive, and shall not be subject to review in
13 any court.

14 PAYMENTS TO ELIGIBLE CANDIDATES

15 SEC. 606. (a) (1) There is hereby established on the
16 books of the Treasury of the United States a special fund to
17 be known as the "Congressional Election Campaign Fund".
18 There are hereby authorized to be appropriated to the fund,
19 out of any money in the Treasury not otherwise appropriated,
20 such sums as may be necessary to enable the Secretary to
21 make payments under subsection (b).

22 (2) If, after a congressional election and after all eligi-
23 ble candidates have been paid the amounts to which they are
24 entitled under section 204, there are moneys remaining in
25 the fund, the Secretary shall transfer the moneys so remain-
26 ing to the general fund of the Treasury.

1 (b) Upon receipt of a certification from the Commis-
2 sion under section 605 for payment to the eligible candi-
3 dates of a political party, the Secretary shall pay to such
4 candidates out of the fund the amount certified by the Com-
5 mission.

6 EXAMINATIONS AND AUDITS; REPAYMENTS

7 SEC. 607. (a) After each congressional election, the
8 Commission shall conduct a thorough examination and audit
9 of the qualified campaign expenses of the eligible candi-
10 dates of each political party.

11 (b) (1) If the Commission determines that any portion
12 of the payments made to any eligible candidate of a political
13 party under section 606 was in excess of the aggregate pay-
14 ments to which such candidate was entitled under section
15 604, it shall so notify such candidate, and such candidate
16 shall pay to the Secretary an amount equal to such portion.

17 (2) If the Commission determines that any amount
18 of any payment made to any eligible candidates of a politi-
19 cal party under section 606 was used for any purpose other
20 than—

21 (A) to defray the qualified campaign expenses
22 with respect to which such payment was made, or

23 (B) to repay loans the proceeds of which were
24 used, or otherwise to restore funds (other than contri-

1 butions to defray qualified campaign expenses which
2 were received and expended) which were used, to de-
3 fray such qualified campaign expenses,
4 it shall notify such candidate of the amount so used, and
5 such candidate shall pay to the Secretary an amount equal
6 to such amount.

7 (3) No payment shall be required from any eligible
8 candidate of a political party under this subsection to the
9 extent that such payment, when added to other payments
10 required from such candidate under this subsection, exceeds
11 the amount of payments received by such candidate under
12 section 606.

13 (c) No notification shall be made by the Commission
14 under subsection (b) with respect to a congressional elec-
15 tion more than three years after the date of such election.

16 (d) All payments received by the Secretary under sub-
17 section (b) shall be deposited by him in the Treasury to
18 the credit of the fund.

19 INFORMATION ON PROPOSED EXPENSES

20 SEC. 608. (a) The eligible candidates of a political
21 party in a congressional election shall, from time to time
22 as the Commission may require, furnish to it a detailed state-
23 ment, in such form as he may prescribe, of—

24 (1) the qualified campaign expenses incurred by
25 them and their authorized committees prior to the date

1 of such statement (whether or not evidence of such ex-
2 penses has been furnished for purposes of section 605),
3 and

4 (2) the qualified campaign expenses which they
5 and their authorized committees propose to incur on or
6 after the date of such statement.

7 The Commission shall require a statement under this sub-
8 section from the eligible candidates of each political party
9 at least once each week during the second, third, and fourth
10 weeks preceding the day of the congressional election and
11 at least twice during the week preceding such day.

12 (b) The Commission shall, as soon as possible after
13 it receives each statement under subsection (a), (1) pre-
14 pare a summary of such statement and (2) publish such
15 summary, together with any other data or information which
16 it deems advisable, in the Federal Register.

17 REPORTS TO CONGRESS; REGULATIONS

18 SEC. 209. (a) The Commission shall, as soon as prac-
19 ticable after each congressional election, submit a full report
20 to the Congress setting forth—

21 (1) the amounts certified by it under section 605
22 for payment to the eligible candidates of each political
23 party;

24 (2) the qualified campaign expenses (shown in such

1 detail as the Commission determines necessary) incurred
2 by such candidates and their authorized committees; and
3 (3) the amount of payments, if any, required from
4 such candidates under section 207, and the reasons for
5 each payment required.

6 Each report submitted pursuant to this section shall be
7 printed as a Senate document.

8 (b) The Commission is authorized to prescribe such
9 rules and regulations, to conduct such examinations and audits
10 (in addition to the examinations and audits required by sec-
11 tion 207 (a)), to conduct such investigations, and to require
12 the keeping and submission of such books, records, and in-
13 formation, as it deems necessary to carry out the functions
14 and duties imposed on it by this title.

15 CRIMINAL PENALTIES

16 SEC. 210. (a) (1) It shall be unlawful for any person
17 who receives any payment under section 206, or to whom
18 any portion of any payment received under such section
19 is transferred, knowingly and willfully to use, or authorize
20 the use of, such payment or such portion for any purpose
21 other than—

22 (A) to defray the qualified campaign expenses with
23 respect to which such payment was made, or

24 (B) to repay loans the proceeds of which were
25 used, or otherwise to restore funds (other than con-

1 tributions to defray qualified campaign expenses which
2 were received and expended) which were used, to de-
3 fray qualified campaign expenses.

4 (2) Any person who violates paragraph (1) shall be
5 fined not more than \$10,000, or imprisoned not more than
6 five years, or both.

7 (b) (1) It shall be unlawful for any person knowingly
8 and willfully—

9 (A) to furnish any false, fictitious, or fraudulent
10 evidence, books, or information to the Commission
11 under this title, or to include in any evidence, books,
12 or information so furnished any misrepresentation of a
13 material fact, or to falsify or conceal any evidence, books,
14 or information relevant to a certification by the Com-
15 mission or an examination and audit by it under this
16 title; or

17 (B) to fail to furnish to the Commission any
18 records, books, or information requested by it for
19 purposes of this title.

20 (2) Any person who violates paragraph (1) shall
21 be fined not more than \$10,000, or imprisoned not more
22 than five years, or both.

23 (c) (1) It shall be unlawful for any person knowingly
24 and willfully to give or accept any rebate or any illegal
25 payment in connection with any qualified campaign expense.

1 (2) Any person who violates paragraph (1) shall be
2 fined not more than \$10,000, or imprisoned not more than
3 five years, or both.

4 (3) In addition to the penalty provided by paragraph
5 (2), any person who accepts any rebate or illegal pay-
6 ment in connection with any qualified campaign expense
7 shall pay to the Secretary, for deposit in the general fund
8 of the Treasury, an amount equal to 125 per centum of
9 the rebate or payment received.

10 (d) (1) It shall be unlawful for any political com-
11 mittee which is not an authorized committee with respect
12 to an eligible candidate of a political party in a congress-
13 sional election knowingly and willfully to incur expenditures
14 to further the election of such candidate which would con-
15 stitute qualified campaign expenses if incurred by an author-
16 ized committee of such candidate, or to make contributions
17 to such candidate or any of his authorized committees to be
18 used, directly or indirectly, to defray qualified campaign
19 expenses, in an aggregate amount exceeding \$100 unless
20 such committee makes public, in a manner appropriate to
21 its campaign activities under regulations prescribed by
22 the Commission, that it has not been authorized by such
23 candidate, and that such candidate cannot be held to as-
24 sume any responsibility whatever for the activities of the
25 committee.

Amdt. No. 362

Calendar No. 223

92^D CONGRESS
1ST SESSION

S. 382

AMENDMENT

Intended to be proposed by Mr. GRAVEL to the amendment (numbered 308) proposed by Mr. PASTORE (for himself and others) to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AUGUST 3, 1971

Ordered to lie on the table and to be printed