

106TH CONGRESS
2D SESSION

S. 2833

To amend the Federal Election Campaign Act of 1971 to improve the enforcement capabilities of the Federal Election Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2000

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

A BILL

To amend the Federal Election Campaign Act of 1971 to improve the enforcement capabilities of the Federal Election Commission, 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. FINDINGS AND DECLARATION.**

4 Congress finds and declares that—

5 (1) maintaining and improving the strength and
6 effectiveness of the Federal Election Commission
7 (referred to in this section as the “Commission”) is
8 essential to the integrity of the Federal election sys-
9 tem;

1 (2) the Commission was created in the wake of
 2 the Watergate scandal to ensure the integrity of
 3 Federal elections by overseeing Federal election dis-
 4 closure and enforcing Federal campaign finance law;

5 (3) the sharply increasing number of cases and
 6 the growing volume of financial activity is making it
 7 increasingly difficult for the Commission to fulfill its
 8 watchdog role in a timely and effective manner; and

9 (4) Congress should provide the Commission
 10 with sufficient resources and authority to allow the
 11 Commission to carry out its duties.

12 **SEC. 2. AUDITS BY THE FEDERAL ELECTION COMMISSION.**

13 (a) RANDOM AUDITS.—Section 311(b) of the Federal
 14 Election Campaign Act of 1971 (2 U.S.C. 438(b)) is
 15 amended—

16 (1) by inserting “(1)” before “The Commis-
 17 sion”; and

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

19 “(2) RANDOM AUDITS.—

20 “(A) IN GENERAL.—Notwithstanding para-
 21 graph (1), the Commission may conduct ran-
 22 dom audits and investigations to ensure vol-
 23 untary compliance with this Act.

24 “(B) LIMITATION.—The Commission shall
 25 not conduct an audit or investigation of a can-

didate’s authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

“(C) APPLICABILITY.—This paragraph shall not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.”.

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)(1)), as added by subsection (a), is amended by striking “6 months” and inserting “12 months”.

SEC. 3. AUTHORITY OF THE FEDERAL ELECTION COMMISSION TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

“(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

“(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

1 “(ii) the failure to act expeditiously will result
2 in irreparable harm to a party affected by the poten-
3 tial violation;

4 “(iii) expeditious action will not cause undue
5 harm or prejudice to the interests of others; and

6 “(iv) the public interest would be best served by
7 the issuance of an injunction;

8 the Commission may initiate a civil action for a temporary
9 restraining order or a preliminary injunction pending the
10 outcome of the proceedings described in paragraphs (1),
11 (2), (3), and (4).

12 “(B) An action under subparagraph (A) shall be
13 brought in the United States district court for the district
14 in which the defendant resides, transacts business, or may
15 be found, or in which the violation is occurring, has oc-
16 curred, or is about to occur.”;

17 (2) in paragraph (7), by striking “(5) or (6)”
18 and inserting “(5), (6), or (13)”;

19 (3) in paragraph (11), by striking “(6)” and in-
20 serting “(6) or (13)”.

21 **SEC. 4. INCREASE IN PENALTY FOR KNOWING AND WILL-**
22 **FUL VIOLATIONS.**

23 Section 309(a)(5)(B) of the Federal Election Cam-
24 paign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended
25 by striking “the greater of \$10,000 or an amount equal

1 to 200 percent” and inserting “the greater of \$15,000 or
 2 an amount equal to 300 percent”.

3 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

4 The Federal Election Campaign Act of 1971 is
 5 amended—

6 (1) by striking section 314 (2 U.S.C. 439c) and
 7 inserting the following:

8 **“SEC. 314. [REPEALED].”;**

9 and

10 (2) by inserting after section 406 the following:

11 **“SEC. 407. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated to the Com-
 13 mission to carry out this Act and chapters 95 and 96 of
 14 the Internal Revenue Code of 1986 \$40,960,000 for fiscal
 15 year 2001.”.

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