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111TH CONGRESS
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IN THE SENATE OF THE UNITED STATES

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AN ACT

To amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Democracy is Strengthened by Casting Light on Spend-
6 ing in Elections Act” or the “DISCLOSE Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 101. Prohibiting independent expenditures and electioneering communications by government contractors.

Sec. 102. Application of ban on contributions and expenditures by foreign nationals to foreign-controlled domestic corporations.

Sec. 103. Treatment of payments for coordinated communications as contributions.

Sec. 104. Treatment of political party communications made on behalf of candidates.

Sec. 105. Restriction on internet communications treated as public communications.

TITLE II—PROMOTING EFFECTIVE DISCLOSURE OF CAMPAIGN-RELATED ACTIVITY

Subtitle A—Treatment of Independent Expenditures and Electioneering Communications Made by All Persons

Sec. 201. Independent expenditures.

Sec. 202. Electioneering communications.

Sec. 203. Mandatory electronic filing by persons making independent expenditures or electioneering communications exceeding \$10,000 at any time.

Subtitle B—Expanded Requirements for Corporations and Other Organizations

Sec. 211. Additional information required to be included in reports on disbursements by covered organizations.

Sec. 212. Rules regarding use of general treasury funds by covered organizations for campaign-related activity.

Sec. 213. Optional use of separate account by covered organizations for campaign-related activity.

Sec. 214. Modification of rules relating to disclaimer statements required for certain communications.

Sec. 215. Indexing of certain amounts.

Subtitle C—Reporting Requirements for Registered Lobbyists

Sec. 221. Requiring registered lobbyists to report information on independent expenditures and electioneering communications.

TITLE III—DISCLOSURE BY COVERED ORGANIZATIONS OF INFORMATION ON CAMPAIGN-RELATED ACTIVITY

Sec. 301. Requiring disclosure by covered organizations of information on campaign-related activity.

TITLE IV—OTHER PROVISIONS

Sec. 401. Judicial review.

Sec. 402. No Effect on Protections Against Threats, Harassments, and Reprisals.

Sec. 403. Severability.

Sec. 404. Effective date.

1 **TITLE I—REGULATION OF**
 2 **CERTAIN POLITICAL SPENDING**

3 **SEC. 101. PROHIBITING INDEPENDENT EXPENDITURES AND**
 4 **ELECTIONEERING COMMUNICATIONS BY**
 5 **GOVERNMENT CONTRACTORS.**

6 (a) PROHIBITION APPLICABLE TO GOVERNMENT
 7 CONTRACTORS.—

8 (1) PROHIBITION.—

9 (A) IN GENERAL.—Section 317(a)(1) of
 10 the Federal Election Campaign Act of 1971 (2
 11 U.S.C. 441c(a)(1)) is amended by striking
 12 “purpose or use; or” and inserting the fol-
 13 lowing: “purpose or use, to make any inde-
 14 pendent expenditure, or to disburse any funds
 15 for an electioneering communication; or”.

16 (B) CONFORMING AMENDMENT.—The
 17 heading of section 317 of such Act (2 U.S.C.
 18 441c) is amended by striking “CONTRIBU-
 19 TIONS” and inserting “CONTRIBUTIONS, INDE-
 20 PENDENT EXPENDITURES, AND ELECTION-
 21 EERING COMMUNICATIONS”.

1 (2) THRESHOLD FOR APPLICATION OF BAN.—
2 Section 317 of such Act (2 U.S.C. 441c) is amend-
3 ed—

4 (A) by redesignating subsections (b) and
5 (c) as subsections (c) and (d); and

6 (B) by inserting after subsection (a) the
7 following new subsection:

8 “(b) To the extent that subsection (a)(1) prohibits
9 a person who enters into a contract described in such sub-
10 section from making any independent expenditure or dis-
11 bursing funds for an electioneering communication, such
12 subsection shall apply only if the value of the contract is
13 equal to or greater than \$10,000,000.”.

14 (b) APPLICATION TO RECIPIENTS OF ASSISTANCE
15 UNDER TROUBLED ASSET PROGRAM.—Section 317(a) of
16 such Act (2 U.S.C. 441c(a)) is amended—

17 (1) by striking “or” at the end of paragraph
18 (1);

19 (2) by redesignating paragraph (2) as para-
20 graph (3); and

21 (3) by inserting after paragraph (1) the fol-
22 lowing new paragraph:

23 “(2) who enters into negotiations for financial
24 assistance under title I of the Emergency Economic
25 Stabilization Act of 2008 (12 U.S.C. 5211 et seq.)

1 (relating to the purchase of troubled assets by the
2 Secretary of the Treasury), during the period—

3 “(A) beginning on the later of the com-
4 mencement of the negotiations or the date of
5 the enactment of the Democracy is Strength-
6 ened by Casting Light on Spending in Elections
7 Act; and

8 “(B) ending with the later of the termi-
9 nation of such negotiations or the repayment of
10 such financial assistance;

11 directly or indirectly to make any contribution of
12 money or other things of value, or to promise ex-
13 pressly or impliedly to make any such contribution
14 to any political party, committee, or candidate for
15 public office or to any person for any political pur-
16 pose or use, to make any independent expenditure,
17 or to disburse any funds for an electioneering com-
18 munication; or”.

19 (c) APPLICATION TO PERSONS HOLDING LEASES
20 FOR DRILLING IN OUTER CONTINENTAL SHELF.—Sec-
21 tion 317(a) of such Act (2 U.S.C. 441c(a)) is amended—

22 (1) by striking “or” at the end of paragraph

23 (1);

24 (2) by redesignating paragraph (2) as para-
25 graph (3); and

1 (3) by inserting after paragraph (1) the fol-
2 lowing new paragraph:

3 “(2) who enters into negotiations for a lease for
4 exploration for, and development and production of,
5 oil and gas under the Outer Continental Shelf Lands
6 Act (43 U.S.C. 1331 et seq.), during the period—

7 “(A) beginning on the later of the com-
8 mencement of the negotiations or the date of
9 the enactment of the Democracy is Strengthen-
10 ened by Casting Light on Spending in Elections
11 Act; and

12 “(B) ending with the later of the termi-
13 nation of such negotiations or the termination
14 of such lease;

15 directly or indirectly to make any contribution of
16 money or other things of value, or to promise ex-
17 pressly or impliedly to make any such contribution
18 to any political party, committee, or candidate for
19 public office or to any person for any political pur-
20 pose or use, to make any independent expenditure,
21 or to disburse any funds for an electioneering com-
22 munication; or”.

23 (d) TECHNICAL AMENDMENT.—Section 317 of such
24 Act (2 U.S.C. 441c) is amended by striking “section 321”
25 each place it appears and inserting “section 316”.

1 **SEC. 102. APPLICATION OF BAN ON CONTRIBUTIONS AND**
2 **EXPENDITURES BY FOREIGN NATIONALS TO**
3 **FOREIGN-CONTROLLED DOMESTIC COR-**
4 **PORATIONS.**

5 (a) APPLICATION OF BAN.—Section 319(b) of the
6 Federal Election Campaign Act of 1971 (2 U.S.C.
7 441e(b)) is amended—

8 (1) by striking “or” at the end of paragraph
9 (1);

10 (2) by striking the period at the end of para-
11 graph (2) and inserting “; or”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(3) any corporation which is not a foreign na-
15 tional described in paragraph (1) and—

16 “(A) in which a foreign national described
17 in paragraph (1) or (2) directly or indirectly
18 owns or controls—

19 “(i) 5 percent or more of the voting
20 shares, if the foreign national is a foreign
21 country, a foreign government official, or a
22 corporation principally owned or controlled
23 by a foreign country or foreign government
24 official; or

1 “(ii) 20 percent or more of the voting
2 shares, if the foreign national is not de-
3 scribed in clause (i);

4 “(B) in which two or more foreign nation-
5 als described in paragraph (1) or (2), each of
6 whom owns or controls at least 5 percent of the
7 voting shares, directly or indirectly own or con-
8 trol 50 percent or more of the voting shares;

9 “(C) with respect to which the majority of
10 the members of the board of directors are for-
11 eign nationals described in paragraph (1) or
12 (2);

13 “(D) over which one or more foreign na-
14 tionals described in paragraph (1) or (2) has
15 the power to direct, dictate, or control the deci-
16 sion-making process of the corporation with re-
17 spect to its interests in the United States; or

18 “(E) over which one or more foreign na-
19 tionals described in paragraph (1) or (2) has
20 the power to direct, dictate, or control the deci-
21 sion-making process of the corporation with re-
22 spect to activities in connection with a Federal,
23 State, or local election, including—

24 “(i) the making of a contribution, do-
25 nation, expenditure, independent expendi-

1 ture, or disbursement for an electioneering
2 communication (within the meaning of sec-
3 tion 304(f)(3)); or

4 “(ii) the administration of a political
5 committee established or maintained by the
6 corporation.”.

7 (b) CERTIFICATION OF COMPLIANCE.—Section 319
8 of such Act (2 U.S.C. 441e) is amended by adding at the
9 end the following new subsection:

10 “(c) CERTIFICATION OF COMPLIANCE REQUIRED
11 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
12 ing in connection with an election for Federal office of any
13 contribution, donation, expenditure, independent expendi-
14 ture, or disbursement for an electioneering communication
15 by a corporation during a year, the chief executive officer
16 of the corporation (or, if the corporation does not have
17 a chief executive officer, the highest ranking official of the
18 corporation), shall file a certification with the Commission,
19 under penalty of perjury, that the corporation is not pro-
20 hibited from carrying out such activity under subsection
21 (b)(3), unless the chief executive officer has previously
22 filed such a certification during the year. Nothing in this
23 subsection shall be construed to apply to any contribution,
24 donation, expenditure, independent expenditure, or dis-
25 bursement from a separate segregated fund established

1 and administered by a corporation under section
2 316(b)(2)(C).”.

3 (c) NO EFFECT ON CERTAIN ACTIVITIES OF DOMES-
4 TIC CORPORATIONS.—Section 319 of such Act (2 U.S.C.
5 441e), as amended by subsection (b), is further amended
6 by adding at the end the following new subsection:

7 “(d) NO EFFECT ON CERTAIN ACTIVITIES OF DO-
8 MESTIC CORPORATIONS.—

9 “(1) SEPARATE SEGREGATED FUNDS.—Nothing
10 in this section shall be construed to prohibit any cor-
11 poration which is not a foreign national described in
12 paragraph (1) of subsection (b) from establishing,
13 administering, and soliciting contributions to a sepa-
14 rate segregated fund under section 316(b)(2)(C), so
15 long as none of the amounts in the fund are pro-
16 vided by any foreign national described in paragraph
17 (1) or (2) of subsection (b) and no foreign national
18 described in paragraph (1) or (2) of subsection (b)
19 has the power to direct, dictate, or control the estab-
20 lishment or administration of the fund.

21 “(2) STATE AND LOCAL ELECTIONS.—Nothing
22 in this section shall be construed to prohibit any cor-
23 poration which is not a foreign national described in
24 paragraph (1) of subsection (b) from making a con-
25 tribution or donation in connection with a State or

1 local election to the extent permitted under State or
2 local law, so long as no foreign national described in
3 paragraph (1) or (2) of subsection (b) has the power
4 to direct, dictate, or control such contribution or do-
5 nation.

6 “(3) OTHER PERMISSIBLE CORPORATE CON-
7 TRIBUTIONS AND EXPENDITURES.—Nothing in this
8 section shall be construed to prohibit any corpora-
9 tion which is not a foreign national described in
10 paragraph (1) of subsection (b) from carrying out
11 any activity described in subparagraph (A) or (B) of
12 section 316(b)(2), so long as none of the amounts
13 used to carry out the activity are provided by any
14 foreign national described in paragraph (1) or (2) of
15 subsection (b) and no foreign national described in
16 paragraph (1) or (2) of subsection (b) has the power
17 to direct, dictate, or control such activity.”.

18 (d) NO EFFECT ON OTHER LAWS.—Section 319 of
19 such Act (2 U.S.C. 441e), as amended by subsections (b)
20 and (c), is further amended by adding at the end the fol-
21 lowing new subsection:

22 “(e) NO EFFECT ON OTHER LAWS.—Nothing in this
23 section shall be construed to affect the determination of
24 whether a corporation is treated as a foreign national for
25 purposes of any law other than this Act.”.

1 **SEC. 103. TREATMENT OF PAYMENTS FOR COORDINATED**
2 **COMMUNICATIONS AS CONTRIBUTIONS.**

3 (a) IN GENERAL.—Section 301(8)(A) of the Federal
4 Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is
5 amended—

6 (1) by striking “or” at the end of clause (i);

7 (2) by striking the period at the end of clause
8 (ii) and inserting “; or”; and

9 (3) by adding at the end the following new
10 clause:

11 “(iii) any payment made by any person
12 (other than a candidate, an authorized com-
13 mittee of a candidate, or a political committee
14 of a political party) for a coordinated commu-
15 nication (as determined under section 324).”.

16 (b) COORDINATED COMMUNICATIONS DESCRIBED.—
17 Section 324 of such Act (2 U.S.C. 441k) is amended to
18 read as follows:

19 **“SEC. 324. COORDINATED COMMUNICATIONS.**

20 **“(a) COORDINATED COMMUNICATIONS DEFINED.—**

21 **“(1) IN GENERAL.—**For purposes of this Act,
22 the term ‘coordinated communication’ means—

23 **“(A)** a covered communication which, sub-
24 ject to subsection (c), is made in cooperation,
25 consultation, or concert with, or at the request
26 or suggestion of, a candidate, an authorized

1 committee of a candidate, or a political com-
2 mittee of a political party; or

3 “(B) any communication that republishes,
4 disseminates, or distributes, in whole or in part,
5 any broadcast or any written, graphic, or other
6 form of campaign material prepared by a can-
7 didate, an authorized committee of a candidate,
8 or their agents.

9 “(2) EXCEPTION.—The term ‘coordinated com-
10 munication’ does not include—

11 “(A) a communication appearing in a news
12 story, commentary, or editorial distributed
13 through the facilities of any broadcasting sta-
14 tion, newspaper, magazine, or other periodical
15 publication, unless such facilities are owned or
16 controlled by any political party, political com-
17 mittee, or candidate; or

18 “(B) a communication which constitutes a
19 candidate debate or forum conducted pursuant
20 to the regulations adopted by the Commission
21 to carry out section 304(f)(3)(B)(iii), or which
22 solely promotes such a debate or forum and is
23 made by or on behalf of the person sponsoring
24 the debate or forum.

25 “(b) COVERED COMMUNICATION DEFINED.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (4), for purposes of this subsection, the term
3 ‘covered communication’ means, for purposes of the
4 applicable election period described in paragraph (2)
5 and with respect to the coordinated communication
6 involved, a public communication (as defined in sec-
7 tion 301(22)) that refers to the candidate described
8 in subsection (a)(1)(A) or an opponent of such can-
9 didate and is publicly distributed or publicly dissemi-
10 nated during such period.

11 “(2) APPLICABLE ELECTION PERIOD.—For
12 purposes of paragraph (1), the ‘applicable election
13 period’ with respect to a communication means—

14 “(A) in the case of a communication which
15 refers to a candidate for the office of President
16 or Vice President, the period—

17 “(i) beginning with the date that is
18 120 days before the date of the first pri-
19 mary election, preference election, or nomi-
20 nating convention for nomination for the
21 office of President which is held in any
22 State; and

23 “(ii) ending with the date of the gen-
24 eral election for such office; or

1 “(B) in the case of a communication which
2 refers to a candidate for any other Federal of-
3 fice, the period—

4 “(i) beginning with the date that is 90
5 days before the earliest of the primary
6 election, preference election, or nominating
7 convention with respect to the nomination
8 for the office that the candidate is seeking;
9 and

10 “(ii) ending with the date of the gen-
11 eral election for such office.

12 “(3) SPECIAL RULE FOR PUBLIC DISTRIBUTION
13 OF COMMUNICATIONS INVOLVING CONGRESSIONAL
14 CANDIDATES.—For purposes of paragraph (1), in
15 the case of a communication involving a candidate
16 for an office other than President or Vice President,
17 the communication shall be considered to be publicly
18 distributed or publicly disseminated only if the dis-
19 semination or distribution occurs in the jurisdiction
20 of the office that the candidate is seeking.

21 “(c) NO FINDING OF COORDINATION BASED SOLELY
22 ON SHARING OF INFORMATION REGARDING LEGISLATIVE
23 OR POLICY POSITION.—For purposes of subsection (a)(1),
24 a covered communication shall not be considered to be
25 made in cooperation, consultation, or concert with, or at

1 the request or suggestion of, a candidate, an authorized
2 committee of a candidate, or a political committee of a
3 political party solely on the grounds that a person or an
4 agent thereof engaged in discussions with to the candidate
5 or committee regarding that person’s position on a legisla-
6 tive or policy matter (including urging the candidate or
7 party to adopt that person’s position), so long as there
8 is no discussion between the person and the candidate or
9 committee regarding the candidate’s campaign plans,
10 projects, activities, or needs.

11 “(d) PRESERVATION OF CERTAIN SAFE HARBORS
12 AND FIREWALLS.—Nothing in this section may be con-
13 strued to affect 11 CFR 109.21(g) or (h), as in effect on
14 the date of the enactment of the Democracy is Strength-
15 ened by Casting Light on Spending in Elections Act.

16 “(e) TREATMENT OF COORDINATION WITH POLIT-
17 ICAL PARTIES FOR COMMUNICATIONS REFERRING TO
18 CANDIDATES.—For purposes of this section, if a commu-
19 nication which refers to any clearly identified candidate
20 or candidates of a political party or any opponent of such
21 a candidate or candidates is determined to have been made
22 in cooperation, consultation, or concert with or at the re-
23 quest or suggestion of a political committee of the political
24 party but not in cooperation, consultation, or concert with
25 or at the request or suggestion of such clearly identified

1 candidate or candidates, the communication shall be treat-
2 ed as having been made in cooperation, consultation, or
3 concert with or at the request or suggestion of the political
4 committee of the political party but not with or at the
5 request or suggestion of such clearly identified candidate
6 or candidates.”.

7 (c) EFFECTIVE DATE.—

8 (1) IN GENERAL.—This section and the amend-
9 ments made by this section shall apply with respect
10 to payments made on or after the expiration of the
11 30-day period which begins on the date of the enact-
12 ment of this Act, without regard to whether or not
13 the Federal Election Commission has promulgated
14 regulations to carry out such amendments.

15 (2) TRANSITION RULE FOR ACTIONS TAKEN
16 PRIOR TO ENACTMENT.—No person shall be consid-
17 ered to have made a payment for a coordinated com-
18 munication under section 324 of the Federal Elec-
19 tion Campaign Act of 1971 (as amended by sub-
20 section (b)) by reason of any action taken by the
21 person prior to the date of the enactment of this
22 Act. Nothing in the previous sentence shall be con-
23 strued to affect any determination under any other
24 provision of such Act which is in effect on the date
25 of the enactment of this Act regarding whether a

1 communication is made in cooperation, consultation,
2 or concert with, or at the request or suggestion of,
3 a candidate, an authorized committee of a candidate,
4 or a political committee of a political party.

5 **SEC. 104. TREATMENT OF POLITICAL PARTY COMMUNICA-**
6 **TIONS MADE ON BEHALF OF CANDIDATES.**

7 (a) TREATMENT OF PAYMENT FOR PUBLIC COMMU-
8 NICATION AS CONTRIBUTION IF MADE UNDER CONTROL
9 OR DIRECTION OF CANDIDATE.—Section 301(8)(A) of the
10 Federal Election Campaign Act of 1971 (2 U.S.C.
11 431(8)(A)), as amended by section 103(a), is amended—

12 (1) by striking “or” at the end of clause (ii);

13 (2) by striking the period at the end of clause
14 (iii) and inserting “; or”; and

15 (3) by adding at the end the following new
16 clause:

17 “(iv) any payment by a political committee
18 of a political party for the direct costs of a pub-
19 lic communication (as defined in paragraph
20 (22)) made on behalf of a candidate for Federal
21 office who is affiliated with such party, but only
22 if the communication is controlled by, or made
23 at the direction of, the candidate or an author-
24 ized committee of the candidate.”.

1 (b) REQUIRING CONTROL OR DIRECTION BY CAN-
2 DIDATE FOR TREATMENT AS COORDINATED PARTY EX-
3 PENDITURE.—

4 (1) IN GENERAL.—Paragraph (4) of section
5 315(d) of such Act (2 U.S.C. 441a(d)) is amended
6 to read as follows:

7 “(4) SPECIAL RULE FOR DIRECT COSTS OF COMMU-
8 NICATIONS.—The direct costs incurred by a political com-
9 mittee of a political party for a communication made in
10 connection with the campaign of a candidate for Federal
11 office shall not be subject to the limitations contained in
12 paragraphs (2) and (3) unless the communication is con-
13 trolled by, or made at the direction of, the candidate or
14 an authorized committee of the candidate.”.

15 (2) CONFORMING AMENDMENT.—Paragraph (1)
16 of section 315(d) of such Act (2 U.S.C. 441a(d)) is
17 amended by striking “paragraphs (2), (3), and (4)”
18 and inserting “paragraphs (2) and (3)”.

19 (c) EFFECTIVE DATE.—This section and the amend-
20 ments made by this section shall apply with respect to pay-
21 ments made on or after the expiration of the 30-day period
22 which begins on the date of the enactment of this Act,
23 without regard to whether or not the Federal Election
24 Commission has promulgated regulations to carry out
25 such amendments.

1 **SEC. 105. RESTRICTION ON INTERNET COMMUNICATIONS**
2 **TREATED AS PUBLIC COMMUNICATIONS.**

3 (a) **IN GENERAL.**—Section 301(22) of the Federal
4 Election Campaign Act of 1971 (2 U.S.C. 431(22)) is
5 amended by adding at the end the following new sentence:
6 “A communication which is disseminated through the
7 Internet shall not be treated as a form of general public
8 political advertising under this paragraph unless the com-
9 munication was placed for a fee on another person’s Web
10 site.”.

11 (b) **EFFECTIVE DATE.**—The amendment made by
12 subsection (a) shall take effect on the date of the enact-
13 ment of this Act.

14 **TITLE II—PROMOTING EFFEC-**
15 **TIVE DISCLOSURE OF CAM-**
16 **PAIGN-RELATED ACTIVITY**
17 **Subtitle A—Treatment of Inde-**
18 **pendent Expenditures and Elec-**
19 **tioneering Communications**
20 **Made by All Persons**

21 **SEC. 201. INDEPENDENT EXPENDITURES.**

22 (a) **REVISION OF DEFINITION.**—Subparagraph (A) of
23 section 301(17) of the Federal Election Campaign Act of
24 1971 (2 U.S.C. 431(17)) is amended to read as follows:

25 “(A) that, when taken as a whole, ex-
26 pressly advocates the election or defeat of a

1 clearly identified candidate, or is the functional
2 equivalent of express advocacy because it can be
3 interpreted by a reasonable person only as ad-
4 vocating the election or defeat of a candidate,
5 taking into account whether the communication
6 involved mentions a candidacy, a political party,
7 or a challenger to a candidate, or takes a posi-
8 tion on a candidate's character, qualifications,
9 or fitness for office; and”.

10 (b) UNIFORM 24-HOUR REPORTING FOR PERSONS
11 MAKING INDEPENDENT EXPENDITURES EXCEEDING
12 \$10,000 AT ANY TIME.—Section 304(g) of such Act (2
13 U.S.C. 434(g)) is amended by striking paragraphs (1) and
14 (2) and inserting the following:

15 “(1) INDEPENDENT EXPENDITURES EXCEED-
16 ING THRESHOLD AMOUNT.—

17 “(A) INITIAL REPORT.—A person (includ-
18 ing a political committee) that makes or con-
19 tracts to make independent expenditures in an
20 aggregate amount equal to or greater than the
21 threshold amount described in subparagraph
22 (C) shall electronically file a report describing
23 the expenditures within 24 hours.

24 “(B) ADDITIONAL REPORTS.—After a per-
25 son files a report under subparagraph (A), the

1 person shall electronically file an additional re-
2 port within 24 hours after each time the person
3 makes or contracts to make independent ex-
4 penditures in an aggregate amount equal to or
5 greater than the threshold amount with respect
6 to the same election as that to which the initial
7 report relates.

8 “(C) THRESHOLD AMOUNT DESCRIBED.—

9 In this paragraph, the ‘threshold amount’
10 means—

11 “(i) during the period up to and in-
12 cluding the 20th day before the date of an
13 election, \$10,000; or

14 “(ii) during the period after the 20th
15 day, but more than 24 hours, before the
16 date of an election, \$1,000.

17 “(2) PUBLIC AVAILABILITY.—Notwithstanding
18 any other provision of this section, the Commission
19 shall ensure that the information required to be dis-
20 closed under this subsection is publicly available
21 through the Commission website not later than 24
22 hours after receipt in a manner that is downloadable
23 in bulk and machine readable.”.

24 (c) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendment made by
2 subsection (a) shall apply with respect to contribu-
3 tions and expenditures made on or after the expira-
4 tion of the 30-day period which begins on the date
5 of the enactment of this Act, without regard to
6 whether or not the Federal Election Commission has
7 promulgated regulations to carry out such amend-
8 ments.

9 (2) REPORTING REQUIREMENTS.—The amend-
10 ment made by subsection (b) shall apply with re-
11 spect to reports required to be filed after the date
12 of the enactment of this Act.

13 **SEC. 202. ELECTIONEERING COMMUNICATIONS.**

14 (a) EXPANSION OF PERIOD COVERING GENERAL
15 ELECTION.—Section 304(f)(3)(A)(i)(II)(aa) of the Fed-
16 eral Election Campaign Act of 1971 (2 U.S.C.
17 434(f)(3)(A)(i)(II)(aa)) is amended by striking “60 days”
18 and inserting “120 days”.

19 (b) EFFECTIVE DATE; TRANSITION FOR COMMU-
20 NICATIONS MADE PRIOR TO ENACTMENT.—The amend-
21 ment made by subsection (a) shall apply with respect to
22 communications made on or after the date of the enact-
23 ment of this Act, without regard to whether or not the
24 Federal Election Commission has promulgated regulations
25 to carry out such amendments, except that no communica-

1 tion which is made prior to the date of the enactment of
2 this Act shall be treated as an electioneering communica-
3 tion under section 304(f)(3)(A)(i)(II) of the Federal Elec-
4 tion Campaign Act of 1971 (as amended by subsection
5 (a)) unless the communication would be treated as an elec-
6 tioneering communication under such section if the
7 amendment made by subsection (a) did not apply.

8 **SEC. 203. MANDATORY ELECTRONIC FILING BY PERSONS**
9 **MAKING INDEPENDENT EXPENDITURES OR**
10 **ELECTIONEERING COMMUNICATIONS EX-**
11 **CEEDING \$10,000 AT ANY TIME.**

12 Section 304(d)(1) of the Federal Election Campaign
13 Act of 1971 (2 U.S.C. 434(d)(1)) is amended—

14 (1) by striking “or (g)”; and

15 (2) by adding at the end the following: “Not-
16 withstanding any other provision of this section, any
17 person who is required to file a statement under
18 subsection (f) or subsection (g) shall file the state-
19 ment in electronic form accessible by computers, in
20 a manner which ensures that the information pro-
21 vided is searchable, sortable, and downloadable.”.

1 **Subtitle B—Expanded Require-**
2 **ments for Corporations and**
3 **Other Organizations**

4 **SEC. 211. ADDITIONAL INFORMATION REQUIRED TO BE IN-**
5 **CLUDED IN REPORTS ON DISBURSEMENTS BY**
6 **COVERED ORGANIZATIONS.**

7 (a) INDEPENDENT EXPENDITURE REPORTS.—Sec-
8 tion 304(g) of the Federal Election Campaign Act of 1971
9 (2 U.S.C. 434(g)) is amended by adding at the end the
10 following new paragraph:

11 “(5) DISCLOSURE OF ADDITIONAL INFORMA-
12 TION BY COVERED ORGANIZATIONS MAKING PAY-
13 MENTS FOR PUBLIC INDEPENDENT EXPENDI-
14 TURES.—

15 “(A) ADDITIONAL INFORMATION.—If a
16 covered organization makes or contracts to
17 make public independent expenditures in an ag-
18 gregate amount equal to or exceeding \$10,000
19 in a calendar year, the report filed by the orga-
20 nization under this subsection shall include, in
21 addition to the information required under
22 paragraph (3), the following information (sub-
23 ject to subparagraph (B)(iv)):

24 “(i) If any person made a donation or
25 payment to the covered organization dur-

1 ing the covered organization reporting pe-
2 riod which was provided for the purpose of
3 being used for campaign-related activity or
4 in response to a solicitation for funds to be
5 used for campaign-related activity—

6 “(I) subject to subparagraph (C),
7 the identification of each person who
8 made such donations or payments in
9 an aggregate amount equal to or ex-
10 ceeding \$600 during such period, pre-
11 sented in the order of the aggregate
12 amount of donations or payments
13 made by such persons during such pe-
14 riod (with the identification of the
15 person making the largest donation or
16 payment appearing first); and

17 “(II) if any person identified
18 under subclause (I) designated that
19 the donation or payment be used for
20 campaign-related activity with respect
21 to a specific election or in support of
22 a specific candidate, the name of the
23 election or candidate involved, and if
24 any such person designated that the
25 donation or payment be used for a

1 specific public independent expendi-
2 ture, a description of the expenditure.

3 “(ii) The identification of each person
4 who made unrestricted donor payments to
5 the organization during the covered organi-
6 zation reporting period—

7 “(I) in an aggregate amount
8 equal to or exceeding \$600 during
9 such period, if any of the disburse-
10 ments made by the organization for
11 any of the public independent expendi-
12 tures which are covered by the report
13 were not made from the organization’s
14 Campaign-Related Activity Account
15 under section 326; or

16 “(II) in an aggregate amount
17 equal to or exceeding \$6,000 during
18 such period, if the disbursements
19 made by the organization for all of
20 the public independent expenditures
21 which are covered by the report were
22 made exclusively from the organiza-
23 tion’s Campaign-Related Activity Ac-
24 count under section 326 (but only if
25 the organization has made deposits

1 described in subparagraph (D) of sec-
2 tion 326(a)(2) into that Account dur-
3 ing such period in an aggregate
4 amount equal to or greater than
5 \$10,000),

6 presented in the order of the aggregate
7 amount of payments made by such persons
8 during such period (with the identification
9 of the person making the largest payment
10 appearing first).

11 “(B) TREATMENT OF TRANSFERS MADE
12 TO OTHER PERSONS.—

13 “(i) IN GENERAL.—Subject to clause
14 (iii), for purposes of the requirement to file
15 reports under this subsection (including
16 the requirement under subparagraph (A)
17 to include additional information in such
18 reports), a covered organization which
19 transfers amounts to another person (other
20 than the covered organization itself) for
21 the purpose of making a public inde-
22 pendent expenditure by that person or by
23 any other person, or (in accordance with
24 clause (ii)) which is deemed to have trans-
25 ferred amounts to another person (other

1 than the covered organization itself) for
2 the purpose of making a public inde-
3 pendent expenditure by that person or by
4 any other person, shall be considered to
5 have made a public independent expendi-
6 ture.

7 “(ii) RULES FOR DEEMING TRANS-
8 FERS MADE FOR PURPOSE OF MAKING EX-
9 PENDITURES.—For purposes of clause (i),
10 in determining whether a covered organiza-
11 tion which transfers amounts to another
12 person shall be deemed to have transferred
13 the amounts for the purpose of making a
14 public independent expenditure, the fol-
15 lowing rules apply:

16 “(I) The covered organization
17 shall be deemed to have transferred
18 the amounts for the purpose of mak-
19 ing a public independent expenditure
20 if—

21 “(aa) the covered organiza-
22 tion designates, requests, or sug-
23 gests that the amounts be used
24 for public independent expendi-
25 tures and the person to whom

1 the amounts were transferred
2 agrees to do so;

3 “(bb) the person making the
4 public independent expenditure
5 or another person acting on that
6 person’s behalf expressly solicited
7 the covered organization for a do-
8 nation or payment for making or
9 paying for any public inde-
10 pendent expenditures;

11 “(cc) the covered organiza-
12 tion and the person to whom the
13 amounts were transferred en-
14 gaged in written or oral discus-
15 sion regarding the person either
16 making, or paying for, any public
17 independent expenditure, or do-
18 nating or transferring the
19 amounts to another person for
20 that purpose;

21 “(dd) the covered organiza-
22 tion which transferred the funds
23 knew or had reason to know that
24 the person to whom the amounts
25 were transferred intended to

1 make public independent expendi-
2 tures; or

3 “(ee) the covered organiza-
4 tion which transferred the funds
5 or the person to whom the
6 amounts were transferred made
7 one or more public independent
8 expenditures in an aggregate
9 amount of \$50,000 or more dur-
10 ing the 2-year period which ends
11 on the date on which the
12 amounts were transferred.

13 “(II) The covered organization
14 shall not be deemed to have trans-
15 ferred the amounts for the purpose of
16 making a public independent expendi-
17 ture if—

18 “(aa) the transfer was a
19 commercial transaction occurring
20 in the ordinary course of business
21 between the covered organization
22 and the person to whom the
23 amounts were transferred, unless
24 there is affirmative evidence that
25 the amounts were transferred for

1 the purpose of making a public
2 independent expenditure; or

3 “(bb) the covered organiza-
4 tion and the person to whom the
5 amounts were transferred mutu-
6 ally agreed (as provided in sec-
7 tion 325(b)(1)) that the person
8 will not use the amounts for cam-
9 paign-related activity.

10 “(iii) SPECIAL RULE REGARDING
11 TRANSFERS AMONG AFFILIATES.—

12 “(I) SPECIAL RULE.—In the case
13 of an amount transferred by one cov-
14 ered organization to another covered
15 organization which is treated as a
16 transfer between affiliates under sub-
17 clause (II), clause (i) and (ii) shall
18 apply to the covered organization
19 which transfers the amount only if the
20 aggregate amount transferred during
21 the year by such covered organization
22 to that same covered organization is
23 equal to or greater than \$50,000.

24 “(II) DESCRIPTION OF TRANS-
25 FERS BETWEEN AFFILIATES.—A

1 transfer of amounts from one covered
2 organization to another covered orga-
3 nization shall be treated as a transfer
4 between affiliates if—

5 “(aa) one of the organiza-
6 tions is an affiliate of the other
7 organization; or

8 “(bb) each of the organiza-
9 tions is an affiliate of the same
10 organization,

11 except that the transfer shall not be
12 treated as a transfer between affiliates
13 if one of the organizations is estab-
14 lished for the purpose of disbursing
15 funds for campaign-related activity.

16 “(III) DETERMINATION OF AF-
17 FILLATE STATUS.—For purposes of
18 subclause (II), a covered organization
19 is an affiliate of another covered orga-
20 nization if—

21 “(aa) the governing instru-
22 ment of the organization requires
23 it to be bound by decisions of the
24 other organization;

1 “(bb) the governing board of
2 the organization includes persons
3 who are specifically designated
4 representatives of the other orga-
5 nization or are members of the
6 governing board, officers, or paid
7 executive staff members of the
8 other organization, or whose
9 service on the governing board is
10 contingent upon the approval of
11 the other organization; or

12 “(cc) the organization is
13 chartered by the other organiza-
14 tion.

15 “(IV) COVERAGE OF TRANSFERS
16 TO AFFILIATED SECTION 501(C)(3) OR-
17 GANIZATIONS.—This clause shall
18 apply with respect to an amount
19 transferred by a covered organization
20 to an organization described in para-
21 graph (3) of section 501(c) of the In-
22 ternal Revenue Code of 1986 and ex-
23 empt from tax under section 501(a) of
24 such Code in the same manner as this
25 clause applies to an amount trans-

1 ferred by a covered organization to
2 another covered organization.

3 “(iv) SPECIAL THRESHOLD FOR DIS-
4 CLOSURE OF DONORS.—Notwithstanding
5 clause (i) or (ii) of subparagraph (A), if a
6 covered organization is required to include
7 the identification of a person described in
8 such clause in a report filed under this
9 subsection because the covered organiza-
10 tion is deemed (in accordance with clause
11 (ii)) to have transferred amounts for the
12 purpose of making a public independent
13 expenditure, the organization shall include
14 the identification of the person only if the
15 person made donations or payments (in the
16 case of a person described in clause (i)(I)
17 of subparagraph (A)) or unrestricted donor
18 payments (in the case of a person de-
19 scribed in clause (ii) of subparagraph (A))
20 to the covered organization during the cov-
21 ered organization reporting period involved
22 in an aggregate amount equal to or exceed-
23 ing \$10,000.

24 “(v) WAIVER OF REQUIREMENT TO
25 FILE REPORT.—Notwithstanding clause

1 (i), a covered organization which is consid-
2 ered to have made a public independent ex-
3 penditure under such clause shall not be
4 required to file a report under this sub-
5 section if—

6 “(I) the organization would be
7 required to file the report solely be-
8 cause the organization is deemed (in
9 accordance with clause (ii)) to have
10 transferred amounts for the purpose
11 of making a public independent ex-
12 penditure;

13 “(II) no person made donations
14 or payments (in the case of a person
15 described in clause (i)(I) of subpara-
16 graph (A)) or unrestricted donor pay-
17 ments (in the case of a person de-
18 scribed in clause (ii) of subparagraph
19 (A)) to the covered organization dur-
20 ing the covered organization reporting
21 period involved in an aggregate
22 amount equal to or exceeding
23 \$10,000; and

24 “(III) all of the persons who
25 made donations or payments (in the

1 case of a person described in clause
2 (i)(I) of subparagraph (A)) or unre-
3 stricted donor payments (in the case
4 of a person described in clause (ii) of
5 subparagraph (A)) to the covered or-
6 ganization during the covered organi-
7 zation reporting period in any amount
8 were individuals.

9 “(C) EXCLUSION OF AMOUNTS DES-
10 IGNATED FOR OTHER CAMPAIGN-RELATED AC-
11 TIVITY.—For purposes of subparagraph (A)(i),
12 in determining the amount of a donation or
13 payment made by a person which was provided
14 for the purpose of being used for campaign-re-
15 lated activity or in response to a solicitation for
16 funds to be used for campaign-related activity,
17 there shall be excluded any amount which was
18 designated by the person to be used—

19 “(i) for campaign-related activity de-
20 scribed in clause (i) of section
21 325(d)(2)(A) (relating to independent ex-
22 penditures) with respect to a different elec-
23 tion, or with respect to a candidate in a
24 different election, than an election which is
25 the subject of any of the public inde-

1 pendent expenditures covered by the report
2 involved; or

3 “(ii) for any campaign-related activity
4 described in clause (ii) of section
5 325(d)(2)(A) (relating to electioneering
6 communications).

7 “(D) EXCLUSION OF AMOUNTS PAID FROM
8 SEPARATE SEGREGATED FUND.—In deter-
9 mining the amount of public independent ex-
10 penditures made by a covered organization for
11 purposes of this paragraph, there shall be ex-
12 cluded any amounts paid from a separate seg-
13 regated fund established and administered by
14 the organization under section 316(b)(2)(C).

15 “(E) DETERMINATION OF AMOUNT OF
16 CERTAIN PAYMENTS AMONG AFFILIATES.—For
17 purposes of determining the amount of any do-
18 nation, payment, or transfer under this sub-
19 section which is made by a covered organization
20 to another covered organization which is an af-
21 filiate of the covered organization or each of
22 which is an affiliate of the same organization
23 (as determined in accordance with subpara-
24 graph (B)(iii)), to the extent that the donation,
25 payment, or transfer consists of funds attrib-

1 utable to dues, fees, or assessments which are
2 paid by individuals on a regular, periodic basis
3 in accordance with a per-individual calculation
4 which is made on a regular basis, the donation,
5 payment, or transfer shall be attributed to the
6 individuals paying the dues, fees, or assess-
7 ments and shall not be attributed to the covered
8 organization.

9 “(F) COVERED ORGANIZATION REPORTING
10 PERIOD DESCRIBED.—In this paragraph, the
11 ‘covered organization reporting period’ is, with
12 respect to a report filed by a covered organiza-
13 tion under this subsection—

14 “(i) in the case of the first report filed
15 by a covered organization under this sub-
16 section which includes information required
17 under this paragraph, the shorter of—

18 “(I) the period which begins on
19 the effective date of the Democracy is
20 Strengthened by Casting Light on
21 Spending in Elections Act and ends
22 on the last day covered by the report,
23 or

1 “(II) the 12-month period ending
2 on the last day covered by the report;
3 and

4 “(ii) in the case of any subsequent re-
5 port filed by a covered organization under
6 this subsection which includes information
7 required under this paragraph, the period
8 occurring since the most recent report filed
9 by the organization which includes such in-
10 formation.

11 “(G) COVERED ORGANIZATION DE-
12 FINED.—In this paragraph, the term ‘covered
13 organization’ means any of the following:

14 “(i) Any corporation which is subject
15 to section 316(a), other than a corporation
16 which is an organization described in para-
17 graph (3) of section 501(c) of the Internal
18 Revenue Code of 1986 and exempt from
19 tax under section 501(a) of such Code.

20 “(ii) Any labor organization (as de-
21 fined in section 316).

22 “(iii) Any organization described in
23 paragraph (4), (5), or (6) of section 501(c)
24 of the Internal Revenue Code of 1986 and
25 exempt from tax under section 501(a) of

1 such Code, other than an exempt section
2 501(c)(4) organization (as defined in sec-
3 tion 301(27)).

4 “(iv) Any political organization under
5 section 527 of the Internal Revenue Code
6 of 1986, other than a political committee
7 under this Act.

8 “(H) OTHER DEFINITIONS.—In this para-
9 graph—

10 “(i) the terms ‘campaign-related activ-
11 ity’ and ‘unrestricted donor payment’ have
12 the meaning given such terms in section
13 325; and

14 “(ii) the term ‘public independent ex-
15 penditure’ means an independent expendi-
16 ture for a public communication (as de-
17 fined in section 301(22)).”.

18 (b) ELECTIONEERING COMMUNICATION REPORTS.—

19 (1) IN GENERAL.—Section 304(f) of such Act
20 (2 U.S.C. 434(f)) is amended—

21 (A) by redesignating paragraphs (6) and
22 (7) as paragraphs (7) and (8); and

23 (B) by inserting after paragraph (5) the
24 end the following new paragraph:

1 “(6) DISCLOSURE OF ADDITIONAL INFORMA-
2 TION BY COVERED ORGANIZATIONS.—

3 “(A) ADDITIONAL INFORMATION.—If a
4 covered organization files a statement under
5 this subsection, the statement shall include, in
6 addition to the information required under
7 paragraph (2), the following information (sub-
8 ject to subparagraph (B)(iv)):

9 “(i) If any person made a donation or
10 payment to the covered organization dur-
11 ing the covered organization reporting pe-
12 riod which was provided for the purpose of
13 being used for campaign-related activity or
14 in response to a solicitation for funds to be
15 used for campaign-related activity—

16 “(I) subject to subparagraph (C),
17 the identification of each person who
18 made such donations or payments in
19 an aggregate amount equal to or ex-
20 ceeding \$1,000 during such period,
21 presented in the order of the aggre-
22 gate amount of donations or payments
23 made by such persons during such pe-
24 riod (with the identification of the

1 person making the largest donation or
2 payment appearing first); and

3 “(II) if any person identified
4 under subclause (I) designated that
5 the donation or payment be used for
6 campaign-related activity with respect
7 to a specific election or in support of
8 a specific candidate, the name of the
9 election or candidate involved, and if
10 any such person designated that the
11 donation or payment be used for a
12 specific electioneering communication,
13 a description of the communication.

14 “(ii) The identification of each person
15 who made unrestricted donor payments to
16 the organization during the covered organi-
17 zation reporting period—

18 “(I) in an aggregate amount
19 equal to or exceeding \$1,000 during
20 such period, if the organization made
21 any of the disbursements which are
22 described in subclause (II) from a
23 source other than the organization’s
24 Campaign-Related Activity Account
25 under section 326; or

1 “(II) in an aggregate amount
2 equal to or exceeding \$10,000 during
3 such period, if the organization made
4 from its Campaign-Related Activity
5 Account under section 326 all of its
6 disbursements for electioneering com-
7 munications during such period which
8 are, on the basis of a reasonable belief
9 by the organization, subject to treat-
10 ment as disbursements for an exempt
11 function for purposes of section 527(f)
12 of the Internal Revenue Code of 1986
13 (but only if the organization has made
14 deposits described in subparagraph
15 (D) of section 326(a)(2) into that Ac-
16 count during such period in an aggre-
17 gate amount equal to or greater than
18 \$10,000),

19 presented in the order of the aggregate
20 amount of payments made by such persons
21 during such period (with the identification
22 of the person making the largest payment
23 appearing first).

24 “(B) TREATMENT OF TRANSFERS MADE
25 TO OTHER PERSONS.—

1 “(i) IN GENERAL.—Subject to clause
2 (iii), for purposes of the requirement to file
3 statements under this subsection (including
4 the requirement under subparagraph (A)
5 to include additional information in such
6 statements), a covered organization which
7 transfers amounts to another person (other
8 than the covered organization itself) for
9 the purpose of making an electioneering
10 communication by that person or by any
11 other person, or (in accordance with clause
12 (ii)) which is deemed to have transferred
13 amounts to another person (other than the
14 covered organization itself) for the purpose
15 of making an electioneering communication
16 by that person or by any other person,
17 shall be considered to have made a dis-
18 bursement for an electioneering commu-
19 nication.

20 “(ii) RULES FOR DEEMING TRANS-
21 FERS MADE FOR PURPOSE OF MAKING
22 COMMUNICATIONS.—For purposes of
23 clause (i), in determining whether a cov-
24 ered organization which transfers amounts
25 to another person shall be deemed to have

1 transferred the amounts for the purpose of
2 making an electioneering communication,
3 the following rules apply:

4 “(I) The covered organization
5 shall be deemed to have transferred
6 the amounts for the purpose of mak-
7 ing an electioneering communication
8 if—

9 “(aa) the covered organiza-
10 tion designates, requests, or sug-
11 gests that the amounts be used
12 for electioneering communica-
13 tions and the person to whom the
14 amounts were transferred agrees
15 to do so;

16 “(bb) the person making the
17 electioneering communication or
18 another person acting on that
19 person’s behalf expressly solicited
20 the covered organization for a do-
21 nation or payment for making or
22 paying for any electioneering
23 communications;

24 “(cc) the covered organiza-
25 tion and the person to whom the

1 amounts were transferred en-
2 gaged in written or oral discus-
3 sion regarding the person either
4 making, or paying for, any elec-
5 tioneering communication, or do-
6 nating or transferring the
7 amounts to another person for
8 that purpose;

9 “(dd) the covered organiza-
10 tion which transferred the funds
11 knew or had reason to know that
12 the person to whom the amounts
13 were transferred intended to
14 make electioneering communica-
15 tions; or

16 “(ee) the covered organiza-
17 tion which transferred the funds
18 or the person to whom the
19 amounts were transferred made
20 one or more electioneering com-
21 munications in an aggregate
22 amount of \$50,000 or more dur-
23 ing the 2-year period which ends
24 on the date on which the
25 amounts were transferred.

1 “(II) The covered organization
2 shall not be deemed to have trans-
3 ferred the amounts for the purpose of
4 making an electioneering communica-
5 tion if—

6 “(aa) the transfer was a
7 commercial transaction occurring
8 in the ordinary course of business
9 between the covered organization
10 and the person to whom the
11 amounts were transferred, unless
12 there is affirmative evidence that
13 the amounts were transferred for
14 the purpose of making an elec-
15 tioneering communication; or

16 “(bb) the covered organiza-
17 tion and the person to whom the
18 amounts were transferred mutu-
19 ally agreed (as provided in sec-
20 tion 325(b)(1)) that the person
21 will not use the amounts for cam-
22 paign-related activity.

23 “(iii) SPECIAL RULE REGARDING
24 TRANSFERS AMONG AFFILIATES.—

1 “(I) SPECIAL RULE.—In the case
2 of an amount transferred by one cov-
3 ered organization to another covered
4 organization which is treated as a
5 transfer between affiliates under sub-
6 clause (II), clause (i) and (ii) shall
7 apply to the covered organization
8 which transfers the amount only if the
9 aggregate amount transferred during
10 the year by such covered organization
11 to that same covered organization is
12 equal to or greater than \$50,000.

13 “(II) DESCRIPTION OF TRANS-
14 FERS BETWEEN AFFILIATES.—A
15 transfer of amounts from one covered
16 organization to another covered orga-
17 nization shall be treated as a transfer
18 between affiliates if—

19 “(aa) one of the organiza-
20 tions is an affiliate of the other
21 organization; or

22 “(bb) each of the organiza-
23 tions is an affiliate of the same
24 organization,

1 except that the transfer shall not be
2 treated as a transfer between affiliates
3 if one of the organizations is estab-
4 lished for the purpose of disbursing
5 funds for campaign-related activity.

6 “(III) DETERMINATION OF AF-
7 FILIATE STATUS.—For purposes of
8 subclause (II), a covered organization
9 is an affiliate of another covered orga-
10 nization if—

11 “(aa) the governing instru-
12 ment of the organization requires
13 it to be bound by decisions of the
14 other organization;

15 “(bb) the governing board of
16 the organization includes persons
17 who are specifically designated
18 representatives of the other orga-
19 nization or are members of the
20 governing board, officers, or paid
21 executive staff members of the
22 other organization, or whose
23 service on the governing board is
24 contingent upon the approval of
25 the other organization; or

1 “(cc) the organization is
2 chartered by the other organiza-
3 tion.

4 “(IV) COVERAGE OF TRANSFERS
5 TO AFFILIATED SECTION 501(C)(3) OR-
6 GANIZATIONS.—This clause shall
7 apply with respect to an amount
8 transferred by a covered organization
9 to an organization described in para-
10 graph (3) of section 501(c) of the In-
11 ternal Revenue Code of 1986 and ex-
12 empt from tax under section 501(a) of
13 such Code in the same manner as this
14 clause applies to an amount trans-
15 ferred by a covered organization to
16 another covered organization.

17 “(iv) SPECIAL THRESHOLD FOR DIS-
18 CLOSURE OF DONORS.—Notwithstanding
19 clause (i) or (ii) of subparagraph (A), if a
20 covered organization is required to include
21 the identification of a person described in
22 such clause in a statement filed under this
23 subsection because the covered organiza-
24 tion is deemed (in accordance with clause
25 (ii)) to have transferred amounts for the

1 purpose of making an electioneering com-
2 munication, the organization shall include
3 the identification of the person only if the
4 person made donations or payments (in the
5 case of a person described in clause (i)(I)
6 of subparagraph (A)) or unrestricted donor
7 payments (in the case of a person de-
8 scribed in clause (ii) of subparagraph (A))
9 to the covered organization during the cov-
10 ered organization reporting period involved
11 in an aggregate amount equal to or exceed-
12 ing \$10,000.

13 “(v) WAIVER OF REQUIREMENT TO
14 FILE STATEMENT.—Notwithstanding
15 clause (i), a covered organization which is
16 considered to have made a disbursement
17 for an electioneering communication under
18 such clause shall not be required to file a
19 report under this subsection if—

20 “(I) the organization would be
21 required to file the report solely be-
22 cause the organization is deemed (in
23 accordance with clause (ii)) to have
24 transferred amounts for the purpose

1 of making an electioneering commu-
2 nication;

3 “(II) no person made donations
4 or payments (in the case of a person
5 described in clause (i)(I) of subpara-
6 graph (A)) or unrestricted donor pay-
7 ments (in the case of a person de-
8 scribed in clause (ii) of subparagraph
9 (A)) to the covered organization dur-
10 ing the covered organization reporting
11 period involved in an aggregate
12 amount equal to or exceeding
13 \$10,000; and

14 “(III) all of the persons who
15 made donations or payments (in the
16 case of a person described in clause
17 (i)(I) of subparagraph (A)) or unre-
18 stricted donor payments (in the case
19 of a person described in clause (ii) of
20 subparagraph (A)) to the covered or-
21 ganization during the covered organi-
22 zation reporting period in any amount
23 were individuals.

24 “(C) EXCLUSION OF AMOUNTS DES-
25 IGNATED FOR OTHER CAMPAIGN-RELATED AC-

1 TIVITY.—For purposes of subparagraph (A)(i),
2 in determining the amount of a donation or
3 payment made by a person which was provided
4 for the purpose of being used for campaign-re-
5 lated activity or in response to a solicitation for
6 funds to be used for campaign-related activity,
7 there shall be excluded any amount which was
8 designated by the person to be used—

9 “(i) for campaign-related activity de-
10 scribed in clause (i) of section
11 325(d)(2)(A) (relating to independent ex-
12 penditures) with respect to a different elec-
13 tion, or with respect to a candidate in a
14 different election, than an election which is
15 the subject of any of the public inde-
16 pendent expenditures covered by the report
17 involved; or

18 “(ii) for any campaign-related activity
19 described in clause (ii) of section
20 325(d)(2)(A) (relating to electioneering
21 communications).

22 “(D) DETERMINATION OF AMOUNT OF
23 CERTAIN PAYMENTS AMONG AFFILIATES.—For
24 purposes of determining the amount of any do-
25 nation, payment, or transfer under this sub-

1 section which is made by a covered organization
2 to another covered organization which is an af-
3 filiate of the covered organization or each of
4 which is an affiliate of the same organization
5 (as determined in accordance with subpara-
6 graph (B)(iii)), to the extent that the donation,
7 payment, or transfer consists of funds attrib-
8 utable to dues, fees, or assessments which are
9 paid by individuals on a regular, periodic basis
10 in accordance with a per-individual calculation
11 which is made on a regular basis, the donation,
12 payment, or transfer shall be attributed to the
13 individuals paying the dues, fees, or assess-
14 ments and shall not be attributed to the covered
15 organization.

16 “(E) COVERED ORGANIZATION REPORTING
17 PERIOD DESCRIBED.—In this paragraph, the
18 ‘covered organization reporting period’ is, with
19 respect to a statement filed by a covered orga-
20 nization under this subsection—

21 “(i) in the case of the first statement
22 filed by a covered organization under this
23 subsection which includes information re-
24 quired under this paragraph, the shorter
25 of—

1 “(I) the period which begins on
2 the effective date of the Democracy is
3 Strengthened by Casting Light on
4 Spending in Elections Act and ends
5 on the disclosure date for the state-
6 ment, or

7 “(II) the 12-month period ending
8 on the disclosure date for the state-
9 ment; and

10 “(ii) in the case of any subsequent
11 statement filed by a covered organization
12 under this subsection which includes infor-
13 mation required under this paragraph, the
14 period occurring since the most recent
15 statement filed by the organization which
16 includes such information.

17 “(F) COVERED ORGANIZATION DEFINED.—
18 In this paragraph, the term ‘covered organiza-
19 tion’ means any of the following:

20 “(i) Any corporation which is subject
21 to section 316(a), other than a corporation
22 which is an organization described in para-
23 graph (3) of section 501(c) of the Internal
24 Revenue Code of 1986 and exempt from
25 tax under section 501(a) of such Code.

1 “(ii) Any labor organization (as de-
2 fined in section 316).

3 “(iii) Any organization described in
4 paragraph (4), (5), or (6) of section 501(c)
5 of the Internal Revenue Code of 1986 and
6 exempt from tax under section 501(a) of
7 such Code, other than an exempt section
8 501(c)(4) organization (as defined in sec-
9 tion 301(27)).

10 “(iv) Any political organization under
11 section 527 of the Internal Revenue Code
12 of 1986, other than a political committee
13 under this Act.

14 “(G) OTHER DEFINITIONS.—In this para-
15 graph, the terms ‘campaign-related activity’ and
16 ‘unrestricted donor payment’ have the meaning
17 given such terms in section 325.”.

18 (2) CONFORMING AMENDMENT.—Section
19 304(f)(2) of such Act (2 U.S.C. 434(f)(2)) is
20 amended by striking “If the disbursements” each
21 place it appears in subparagraph (E) and (F) and
22 inserting the following: “Except in the case of a
23 statement which is required to include additional in-
24 formation under paragraph (6), if the disburse-
25 ments”.

1 (c) EXEMPTION OF CERTAIN SECTION 501(C)(4) OR-
2 ORGANIZATIONS.—Section 301 of such Act (2 U.S.C. 431)
3 is amended by adding at the end the following:

4 “(27) EXEMPT SECTION 501(C)(4) ORGANIZA-
5 TION.—The term ‘exempt section 501(c)(4) organi-
6 zation’ means, with respect to disbursements made
7 by an organization during a calendar year, an orga-
8 nization for which the chief executive officer of the
9 organization certifies to the Commission (prior to
10 the first disbursement made by the organization dur-
11 ing the year) that each of the following applies:

12 “(A) The organization is described in para-
13 graph (4) of section 501(c) of the Internal Rev-
14 enue Code of 1986 and exempt from tax under
15 section 501(a) of such Code, and was so de-
16 scribed and so exempt during each of the 10
17 previous calendar years.

18 “(B) The organization has at least
19 500,000 individuals who paid membership dues
20 during the previous calendar year (determined
21 as of the last day of that year).

22 “(C) The dues-paying membership of the
23 organization includes at least one individual
24 from each State. For purposes of this subpara-
25 graph, the term ‘State’ means each of the sev-

1 eral States, the District of Columbia, and the
2 Commonwealth of Puerto Rico.

3 “(D) During the previous calendar year,
4 the portion of funds provided to the organiza-
5 tion by corporations (as described in section
6 316) or labor organizations (as defined in sec-
7 tion 316), other than funds provided pursuant
8 to commercial transactions occurring in the or-
9 dinary course of business, did not exceed 15
10 percent of the total amount of all funds pro-
11 vided to the organization from all sources.

12 “(E) The organization does not use any of
13 the funds provided to the organization by cor-
14 porations (as described in section 316) or labor
15 organizations (as defined in section 316) for
16 campaign-related activity (as defined in section
17 325).”.

18 **SEC. 212. RULES REGARDING USE OF GENERAL TREASURY**
19 **FUNDS BY COVERED ORGANIZATIONS FOR**
20 **CAMPAIGN-RELATED ACTIVITY.**

21 Title III of the Federal Election Campaign Act of
22 1971 (2 U.S.C. 431 et seq.) is amended by adding at the
23 end the following new section:

1 **“SEC. 325. SPECIAL RULES FOR USE OF GENERAL TREAS-**
2 **URY FUNDS BY COVERED ORGANIZATIONS**
3 **FOR CAMPAIGN-RELATED ACTIVITY.**

4 “(a) USE OF FUNDS FOR CAMPAIGN-RELATED AC-
5 TIVITY.—

6 “(1) IN GENERAL.—Subject to any applicable
7 restrictions and prohibitions under this Act, a cov-
8 ered organization may make disbursements for cam-
9 paign-related activity using—

10 “(A) amounts paid or donated to the orga-
11 nization which are designated by the person
12 providing the amounts to be used for campaign-
13 related activity;

14 “(B) unrestricted donor payments made to
15 the organization; and

16 “(C) other funds of the organization, in-
17 cluding amounts received pursuant to commer-
18 cial activities in the regular course of a covered
19 organization’s business.

20 “(2) NO EFFECT ON USE OF SEPARATE SEG-
21 REGATED FUND.—Nothing in this section shall be
22 construed to affect the authority of a covered organi-
23 zation to make disbursements from a separate seg-
24 regated fund established and administered by the or-
25 ganization under section 316(b)(2)(C).

1 “(b) MUTUALLY AGREED RESTRICTIONS ON USE OF
2 FUNDS FOR CAMPAIGN-RELATED ACTIVITY.—

3 “(1) AGREEMENT AND CERTIFICATION.—If a
4 covered organization and a person mutually agree,
5 at the time the person makes a donation, payment,
6 or transfer to the organization which would require
7 the organization to disclose the person’s identifica-
8 tion under section 304(g)(5)(A)(ii) or section
9 304(f)(6)(A)(ii), that the organization will not use
10 the donation, payment, or transfer for campaign-re-
11 lated activity, then not later than 30 days after the
12 organization receives the donation, payment, or
13 transfer the organization shall transmit to the per-
14 son a written certification by the chief financial offi-
15 cer of the covered organization (or, if the organiza-
16 tion does not have a chief financial officer, the high-
17 est ranking financial official of the organization)
18 that—

19 “(A) the organization will not use the do-
20 nation, payment, or transfer for campaign-re-
21 lated activity; and

22 “(B) the organization will not include any
23 information on the person in any report filed by
24 the organization under section 304 with respect
25 to independent expenditures or electioneering

1 communications, so that the person will not be
2 required to appear in a significant funder state-
3 ment or a Top 5 Funders list under section
4 318(e).

5 “(2) EXCEPTION FOR PAYMENTS MADE PURSU-
6 ANT TO COMMERCIAL ACTIVITIES.—Paragraph (1)
7 does not apply with respect to any payment or trans-
8 fer made pursuant to commercial activities in the
9 regular course of a covered organization’s business.

10 “(c) CERTIFICATIONS REGARDING DISBURSEMENTS
11 FOR CAMPAIGN-RELATED ACTIVITY.—

12 “(1) CERTIFICATION BY CHIEF EXECUTIVE OF-
13 FICER.—If, at any time during a calendar quarter,
14 a covered organization makes a disbursement of
15 funds for campaign-related activity using funds de-
16 scribed in subsection (a)(1), the chief executive offi-
17 cer of the covered organization or the chief executive
18 officer’s designee (or, if the organization does not
19 have a chief executive officer, the highest ranking of-
20 ficial of the organization or the highest ranking offi-
21 cial’s designee) shall file a statement with the Com-
22 mission which contains the following certifications:

23 “(A) None of the campaign-related activity
24 for which the organization disbursed the funds
25 during the quarter was made in cooperation,

1 consultation, or concert with, or at the request
2 or suggestion of, any candidate or any author-
3 ized committee or agent of such candidate, or
4 political committee of a political party or agent
5 of any political party.

6 “(B) The chief executive officer or highest
7 ranking official of the covered organization (as
8 the case may be) has reviewed and approved
9 each statement and report filed by the organi-
10 zation under section 304 with respect to any
11 such disbursement made during the quarter.

12 “(C) Each statement and report filed by
13 the organization under section 304 with respect
14 to any such disbursement made during the
15 quarter is complete and accurate.

16 “(D) All such disbursements made during
17 the quarter are in compliance with this Act.

18 “(E) No portion of the amounts used to
19 make any such disbursements during the quar-
20 ter is attributable to funds received by the orga-
21 nization that were subject to a mutual agree-
22 ment (as provided in subsection (b)(1)) that the
23 organization will not use the funds for cam-
24 paign-related activity by the person who pro-

1 vided the funds from being used for campaign-
2 related activity pursuant to subsection (b).

3 “(2) APPLICATION OF ELECTRONIC FILING
4 RULES.—Section 304(d)(1) shall apply with respect
5 to a statement required under this subsection in the
6 same manner as such section applies with respect to
7 a statement under subsection (c) or (g) of section
8 304.

9 “(3) DEADLINE.—The chief executive officer or
10 highest ranking official of a covered organization (as
11 the case may be) shall file the statement required
12 under this subsection with respect to a calendar
13 quarter not later than 15 days after the end of the
14 quarter.

15 “(d) DEFINITIONS.—For purposes of this section, the
16 following definitions apply:

17 “(1) COVERED ORGANIZATION.—The term ‘cov-
18 ered organization’ means any of the following:

19 “(A) Any corporation which is subject to
20 section 316(a), other than a corporation which
21 is an organization described in paragraph (3) of
22 section 501(e) of the Internal Revenue Code of
23 1986 and exempt from tax under section 501(a)
24 of such Code.

1 “(B) Any labor organization (as defined in
2 section 316).

3 “(C) Any organization described in para-
4 graph (4), (5), or (6) of section 501(c) of the
5 Internal Revenue Code of 1986 and exempt
6 from tax under section 501(a) of such Code,
7 other than an exempt section 501(c)(4) organi-
8 zation (as defined in section 301(27)).

9 “(D) Any political organization under sec-
10 tion 527 of the Internal Revenue Code of 1986,
11 other than a political committee under this Act.

12 “(2) CAMPAIGN-RELATED ACTIVITY.—

13 “(A) IN GENERAL.—The term ‘campaign-
14 related activity’ means—

15 “(i) an independent expenditure con-
16 sisting of a public communication (as de-
17 fined in section 301(22)), a transfer of
18 funds to another person (other than the
19 transferor itself) for the purpose of making
20 such an independent expenditure by that
21 person or by any other person (subject to
22 subparagraph (C)), or (in accordance with
23 subparagraph (B) and subject to subpara-
24 graph (C)) a transfer of funds to another
25 person (other than the transferor itself)

1 which is deemed to have been made for the
2 purpose of making such an independent ex-
3 penditure by that person or by any other
4 person; or

5 “(ii) an electioneering communication,
6 a transfer of funds to another person
7 (other than the transferor itself) for the
8 purpose of making an electioneering com-
9 munication by that person or by any other
10 person (subject to subparagraph (C)), or
11 (in accordance with subparagraph (B) and
12 subject to subparagraph (C)) a transfer of
13 funds to another person (other than the
14 transferor itself) which is deemed to have
15 been made for the purpose of making an
16 electioneering communication by that per-
17 son or by any other person.

18 “(B) RULE FOR DEEMING TRANSFERS
19 MADE FOR PURPOSE OF CAMPAIGN-RELATED
20 ACTIVITY.—For purposes of subparagraph (A),
21 in determining whether a transfer of funds by
22 a covered organization to another person shall
23 be deemed to have been made for the purpose
24 of making an independent expenditure con-
25 sisting of a public communication or an elec-

1 tioneering communication, the following rules
2 apply:

3 “(i) The transfer shall be deemed to
4 have been made for the purpose of making
5 such an independent expenditure or an
6 electioneering communication if—

7 “(I) the covered organization des-
8 ignates, requests, or suggests that the
9 amounts be used for such independent
10 expenditures or electioneering commu-
11 nications and the person to whom the
12 amounts were transferred agrees to do
13 so;

14 “(II) the person making such
15 independent expenditures or election-
16 eering communications or another
17 person acting on that person’s behalf
18 expressly solicited the covered organi-
19 zation for a donation or payment for
20 making or paying for any such inde-
21 pendent expenditure or electioneering
22 communication;

23 “(III) the covered organization
24 and the person to whom the amounts
25 were transferred engaged in written or

1 oral discussion regarding the person
2 either making, or paying for, such
3 independent expenditures or election-
4 eering communications, or donating or
5 transferring the amounts to another
6 person for that purpose;

7 “(IV) the covered organization
8 which transferred the funds knew or
9 had reason to know that the person to
10 whom the amounts were transferred
11 intended to make such independent
12 expenditures or electioneering commu-
13 nications; or

14 “(V) the covered organization
15 which transferred the funds or the
16 person to whom the amounts were
17 transferred made one or more such
18 independent expenditures or election-
19 eering communications in an aggre-
20 gate amount of \$50,000 or more dur-
21 ing the 2-year period which ends on
22 the date on which the amounts were
23 transferred.

24 “(ii) The transfer shall not be deemed
25 to have been made for the purpose of mak-

1 ing such an independent expenditure or an
2 electioneering communication if—

3 “(I) the transfer was a commer-
4 cial transaction occurring in the ordi-
5 nary course of business between the
6 covered organization and the person
7 to whom the amounts were trans-
8 ferred, unless there is affirmative evi-
9 dence that the amounts were trans-
10 ferred for the purpose of making such
11 an independent expenditure or elec-
12 tioneering communication; or

13 “(II) the covered organization
14 and the person to whom the amounts
15 were transferred mutually agreed (as
16 provided in subsection (b)(1)) that the
17 person will not use the amounts for
18 campaign-related activity.

19 “(C) SPECIAL RULE REGARDING TRANS-
20 FERS AMONG AFFILIATES.—

21 “(I) SPECIAL RULE.—In the case of a
22 transfer of an amount by one covered orga-
23 nization to another covered organization
24 which is treated as a transfer between af-
25 filiates under clause (ii), subparagraphs

1 (A) and (B) shall apply to the transfer
2 only if the aggregate amount transferred
3 during the year by such covered organiza-
4 tion to that same covered organization is
5 equal to or greater than \$50,000.

6 “(ii) DETERMINATION OF AMOUNT OF
7 CERTAIN TRANSFERS AMONG AFFILI-
8 ATES.—In determining the amount of a
9 transfer between affiliates for purposes of
10 clause (I), to the extent that the transfer
11 consists of funds attributable to dues, fees,
12 or assessments which are paid by individ-
13 uals on a regular, periodic basis in accord-
14 ance with a per-individual calculation
15 which is made on a regular basis, the
16 transfer shall be attributed to the individ-
17 uals paying the dues, fees, or assessments
18 and shall not be attributed to the covered
19 organization.

20 “(iii) DESCRIPTION OF TRANSFERS
21 BETWEEN AFFILIATES.—A transfer of
22 amounts from one covered organization to
23 another covered organization shall be
24 treated as a transfer between affiliates if—

1 “(I) one of the organizations is
2 an affiliate of the other organization;
3 or

4 “(II) each of the organizations is
5 an affiliate of the same organization,
6 except that the transfer shall not be treat-
7 ed as a transfer between affiliates if one of
8 the organizations is established for the
9 purpose of disbursing funds for campaign-
10 related activity.

11 “(iv) DETERMINATION OF AFFILIATE
12 STATUS.—For purposes of clause (ii), a
13 covered organization is an affiliate of an-
14 other covered organization if—

15 “(I) the governing instrument of
16 the organization requires it to be
17 bound by decisions of the other orga-
18 nization;

19 “(II) the governing board of the
20 organization includes persons who are
21 specifically designated representatives
22 of the other organization or are mem-
23 bers of the governing board, officers,
24 or paid executive staff members of the
25 other organization, or whose service

1 on the governing board is contingent
2 upon the approval of the other organi-
3 zation; or

4 “(III) the organization is char-
5 tered by the other organization.

6 “(v) COVERAGE OF TRANSFERS TO
7 AFFILIATED SECTION 501(C)(3) ORGANIZA-
8 TIONS.—This subparagraph shall apply
9 with respect to an amount transferred by
10 a covered organization to an organization
11 described in paragraph (3) of section
12 501(e) of the Internal Revenue Code of
13 1986 and exempt from tax under section
14 501(a) of such Code in the same manner
15 as this subparagraph applies to an amount
16 transferred by a covered organization to
17 another covered organization.

18 “(3) UNRESTRICTED DONOR PAYMENT.—The
19 term ‘unrestricted donor payment’ means a payment
20 to a covered organization which consists of a dona-
21 tion or payment from a person other than the cov-
22 ered organization, except that such term does not in-
23 clude—

1 “(A) any payment made pursuant to com-
2 mercial activities in the regular course of a cov-
3 ered organization’s business; or

4 “(B) any donation or payment which is
5 designated by the person making the donation
6 or payment to be used for campaign-related ac-
7 tivity or made in response to a solicitation for
8 funds to be used for campaign-related activ-
9 ity.”.

10 **SEC. 213. OPTIONAL USE OF SEPARATE ACCOUNT BY COV-**
11 **ERED ORGANIZATIONS FOR CAMPAIGN-RE-**
12 **LATED ACTIVITY.**

13 (a) IN GENERAL.—Title III of the Federal Election
14 Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended
15 by section 212, is further amended by adding at the end
16 the following new section:

17 **“SEC. 326. OPTIONAL USE OF SEPARATE ACCOUNT BY COV-**
18 **ERED ORGANIZATIONS FOR CAMPAIGN-RE-**
19 **LATED ACTIVITY.**

20 “(a) OPTIONAL USE OF SEPARATE ACCOUNT.—

21 “(1) ESTABLISHMENT OF ACCOUNT.—

22 “(A) IN GENERAL.—At its option, a cov-
23 ered organization may make disbursements for
24 campaign-related activity using amounts from a
25 bank account established and controlled by the

1 organization to be known as the Campaign-Related
2 Activity Account (hereafter in this section
3 referred to as the ‘Account’), which shall be
4 maintained separately from all other accounts
5 of the organization and which shall consist ex-
6 clusively of the deposits described in paragraph
7 (2).

8 “(B) MANDATORY USE OF ACCOUNT
9 AFTER ESTABLISHMENT.—If a covered organi-
10 zation establishes an Account under this sec-
11 tion, it may not make disbursements for cam-
12 paign-related activity from any source other
13 than amounts from the Account, other than dis-
14 bursements for campaign-related activity which,
15 on the basis of a reasonable belief by the orga-
16 nization, would not be treated as disbursements
17 for an exempt function for purposes of section
18 527(f) of the Internal Revenue Code of 1986.

19 “(C) EXCLUSIVE USE OF ACCOUNT FOR
20 CAMPAIGN-RELATED ACTIVITY.—Amounts in
21 the Account shall be used exclusively for dis-
22 bursements by the covered organization for
23 campaign-related activity. After such disburse-
24 ments are made, information with respect to de-
25 posits made to the Account shall be disclosed in

1 accordance with section 304(g)(5) or section
2 304(f)(6).

3 “(2) DEPOSITS DESCRIBED.—The deposits de-
4 scribed in this paragraph are deposits of the fol-
5 lowing amounts:

6 “(A) Amounts donated or paid to the cov-
7 ered organization by a person other than the
8 organization for the purpose of being used for
9 campaign-related activity, and for which the
10 person providing the amounts has designated
11 that the amounts be used for campaign-related
12 activity with respect to a specific election or
13 specific candidate.

14 “(B) Amounts donated or paid to the cov-
15 ered organization by a person other than the
16 organization for the purpose of being used for
17 campaign-related activity, and for which the
18 person providing the amounts has not des-
19 ignated that the amounts be used for campaign-
20 related activity with respect to a specific elec-
21 tion or specific candidate.

22 “(C) Amounts donated or paid to the cov-
23 ered organization by a person other than the
24 organization in response to a solicitation for
25 funds to be used for campaign-related activity.

1 “(D) Amounts transferred to the Account
2 by the covered organization from other accounts
3 of the organization, including from the organi-
4 zation’s general treasury funds.

5 “(3) NO TREATMENT AS POLITICAL COM-
6 MITTEE.—The establishment and administration of
7 an Account in accordance with this subsection shall
8 not by itself be treated as the establishment or ad-
9 ministration of a political committee for any purpose
10 of this Act.

11 “(b) REDUCTION IN AMOUNTS OTHERWISE AVAIL-
12 ABLE FOR ACCOUNT IN RESPONSE TO DEMAND OF GEN-
13 ERAL DONORS.—

14 “(1) IN GENERAL.—If a covered organization
15 which has established an Account obtains any reve-
16 nues during a year which are attributable to a dona-
17 tion or payment from a person other than the cov-
18 ered organization, and if the organization and any
19 such person have mutually agreed (as provided in
20 section 325(b)(1)) that the organization will not use
21 the person’s donation, payment, or transfer for cam-
22 paign-related activity, the organization shall reduce
23 the amount of its revenues available for deposits to
24 the Account which are described in subsection
25 (a)(3)(D) during the year by the amount of the do-

1 nation or payment which is subject to the mutual
2 agreement.

3 “(2) EXCEPTION.—Paragraph (1) does not
4 apply with respect to any payment made pursuant to
5 commercial activities in the regular course of a cov-
6 ered organization’s business.

7 “(c) COVERED ORGANIZATION DEFINED.—In this
8 section, the term ‘covered organization’ means any of the
9 following:

10 “(1) Any corporation which is subject to section
11 316(a), other than a corporation which is an organi-
12 zation described in paragraph (3) of section 501(c)
13 of the Internal Revenue Code of 1986 and exempt
14 from tax under section 501(a) of such Code.

15 “(2) Any labor organization (as defined in sec-
16 tion 316).

17 “(3) Any organization described in paragraph
18 (4), (5), or (6) of section 501(c) of the Internal Rev-
19 enue Code of 1986 and exempt from tax under sec-
20 tion 501(a) of such Code, other than an exempt sec-
21 tion 501(c)(4) organization (as defined in section
22 301(27)).

23 “(4) Any political organization under section
24 527 of the Internal Revenue Code of 1986, other
25 than a political committee under this Act.

1 “(d) CAMPAIGN-RELATED ACTIVITY DEFINED.—In
2 this section, the term ‘campaign-related activity’ has the
3 meaning given such term in section 325.”.

4 (b) CLARIFICATION OF TREATMENT AS SEPARATE
5 SEGREGATED FUND.—A Campaign-Related Activity Ac-
6 count (within the meaning of section 326 of the Federal
7 Election Campaign Act of 1971, as added by subsection
8 (a)) may be treated as a separate segregated fund for pur-
9 poses of section 527(f)(3) of the Internal Revenue Code
10 of 1986.

11 **SEC. 214. MODIFICATION OF RULES RELATING TO DIS-**
12 **CLAIMER STATEMENTS REQUIRED FOR CER-**
13 **TAIN COMMUNICATIONS.**

14 (a) APPLYING REQUIREMENTS TO ALL INDE-
15 PENDENT EXPENDITURE COMMUNICATIONS.—Section
16 318(a) of the Federal Election Campaign Act of 1971 (2
17 U.S.C. 441d(a)) is amended by striking “for the purpose
18 of financing communications expressly advocating the
19 election or defeat of a clearly identified candidate” and
20 inserting “for an independent expenditure consisting of a
21 public communication”.

22 (b) STAND BY YOUR AD REQUIREMENTS.—

23 (1) MAINTENANCE OF EXISTING REQUIRE-
24 MENTS FOR COMMUNICATIONS BY POLITICAL PAR-
25 TIES AND OTHER POLITICAL COMMITTEES.—Section

1 318(d)(2) of such Act (2 U.S.C. 441d(d)(2)) is
2 amended—

3 (A) in the heading, by striking “OTHERS”
4 and inserting “POLITICAL COMMITTEES”;

5 (B) by striking “subsection (a)” and in-
6 serting “subsection (a) which is paid for by a
7 political committee (including a political com-
8 mittee of a political party), other than a polit-
9 ical committee which is described in subsection
10 (e)(7)(B),”; and

11 (C) by striking “or other person” each
12 place it appears.

13 (2) SPECIAL DISCLAIMER REQUIREMENTS FOR
14 CERTAIN COMMUNICATIONS.—Section 318 of such
15 Act (2 U.S.C. 441d) is amended by adding at the
16 end the following new subsection:

17 “(e) COMMUNICATIONS BY OTHERS.—

18 “(1) IN GENERAL.—Any communication de-
19 scribed in paragraph (3) of subsection (a) which is
20 transmitted through radio or television (other than
21 a communication to which subsection (d)(2) applies
22 because the communication is paid for by a political
23 committee, including a political committee of a polit-
24 ical party, other than a political committee which is
25 described in paragraph (7)(B)) shall include, in ad-

1 dition to the requirements of that paragraph, the
2 following:

3 “(A) The individual disclosure statement
4 described in paragraph (2) (if the person pay-
5 ing for the communication is an individual) or
6 the organizational disclosure statement de-
7 scribed in paragraph (3) (if the person paying
8 for the communication is not an individual).

9 “(B) If the communication is an election-
10 eering communication or an independent ex-
11 penditure consisting of a public communication
12 and is paid for in whole or in part with a pay-
13 ment which is treated as a disbursement by a
14 covered organization for campaign-related activ-
15 ity under section 325, the significant funder
16 disclosure statement described in paragraph (4)
17 (if applicable), unless, on the basis of criteria
18 established in regulations promulgated by the
19 Commission, the communication is of such
20 short duration that including the statement in
21 the communication would constitute a hardship
22 to the person paying for the communication by
23 requiring a disproportionate amount of the
24 communication’s content to consist of the state-
25 ment.

1 “(C) If the communication is an election-
2 eering communication or an independent ex-
3 penditure consisting of a public communication
4 and is paid for in whole or in part with a pay-
5 ment which is treated as a disbursement by a
6 covered organization for campaign-related activ-
7 ity under section 325, the Top Five Funders
8 list described in paragraph (5) (if applicable),
9 unless, on the basis of criteria established in
10 regulations promulgated by the Commission,
11 the communication is of such short duration
12 that including the Top Five Funders list in the
13 communication would constitute a hardship to
14 the person paying for the communication by re-
15 quiring a disproportionate amount of the com-
16 munication’s content to consist of the Top Five
17 Funders list.

18 “(2) INDIVIDUAL DISCLOSURE STATEMENT DE-
19 SCRIBED.—The individual disclosure statement de-
20 scribed in this paragraph is the following: ‘I am
21 _____, of _____,
22 _____, and I approve this message.’,
23 with—

24 “(A) the first blank filled in with the name
25 of the applicable individual;

1 “(B) the second blank filled in with the
2 local jurisdiction in which the applicable indi-
3 vidual resides; and

4 “(C) the third blank filled in with the
5 State in which the applicable individual resides.

6 “(3) ORGANIZATIONAL DISCLOSURE STATE-
7 MENT DESCRIBED.—The organizational disclosure
8 statement described in this paragraph is the fol-
9 lowing: ‘I am _____, the _____
10 of _____, located in _____,
11 _____, and _____ approves
12 this message.’, with—

13 “(A) the first blank to be filled in with the
14 name of the applicable individual;

15 “(B) the second blank to be filled in with
16 the title of the applicable individual;

17 “(C) the third blank to be filled in with the
18 name of the organization or other person pay-
19 ing for the communication;

20 “(D) the fourth blank to be filled in with
21 the local jurisdiction in which such organiza-
22 tion’s or person’s principal office is located;

23 “(E) the fifth blank to be filled in with the
24 State in which such organization’s or person’s
25 principal office is located; and

1 “(F) the sixth blank to be filled in with the
2 name of such organization or person.

3 “(4) SIGNIFICANT FUNDER DISCLOSURE STATE-
4 MENT DESCRIBED.—

5 “(A) STATEMENT IF SIGNIFICANT FUNDER
6 IS AN INDIVIDUAL.—If the significant funder of
7 a communication paid for in whole or in part
8 with a payment which is treated as a disburse-
9 ment by a covered organization for campaign-
10 related activity under section 325 is an indi-
11 vidual, the significant funder disclosure state-
12 ment described in this paragraph is the fol-
13 lowing: ‘I am _____, of
14 _____, _____. I helped to
15 pay for this message, and I approve it.’, with—

16 “(i) the first blank filled in with the
17 name of the applicable individual;

18 “(ii) the second blank filled in with
19 the local jurisdiction in which the applica-
20 ble individual resides; and

21 “(iii) the third blank filled in with the
22 State in which the applicable individual re-
23 sides.

24 “(B) STATEMENT IF SIGNIFICANT FUNDER
25 IS NOT AN INDIVIDUAL.—If the significant

1 funder of a communication paid for in whole or
2 in part with a payment which is treated as a
3 disbursement by a covered organization for
4 campaign-related activity under section 325 is
5 not an individual, the significant funder disclo-
6 sure statement described in this paragraph is
7 the following: ‘I am _____, the
8 _____ of _____, located
9 in _____,
10 _____ helped to pay for this mes-
11 sage, and _____ approves it.’, with—

12 “(i) the first blank to be filled in with
13 the name of the applicable individual;

14 “(ii) the second blank to be filled in
15 with the title of the applicable individual;

16 “(iii) the third blank to be filled in
17 with the name of the significant funder of
18 the communication;

19 “(iv) the fourth blank to be filled in
20 with the local jurisdiction in which the sig-
21 nificant funder’s principal office is located;

22 “(v) the fifth blank to be filled in with
23 the State in which the significant funder’s
24 principal office is located; and

1 “(vi) the sixth and seventh blank each
2 to be filled in with the name of the signifi-
3 cant funder of the communication.

4 “(C) SIGNIFICANT FUNDER DEFINED.—

5 “(i) INDEPENDENT EXPENDITURES.—

6 For purposes of this paragraph, the ‘sig-
7 nificant funder’ with respect to an inde-
8 pendent expenditure consisting of a public
9 communication paid for in whole or in part
10 with a payment which is treated as a dis-
11 bursement by a covered organization for
12 campaign-related activity under section
13 325 shall be determined as follows:

14 “(I) If any report filed by any or-
15 ganization with respect to the inde-
16 pendent expenditure under section
17 304 during the 12-month period
18 which ends on the date of the dis-
19 bursement includes information on
20 any person who made a payment to
21 the organization in an amount equal
22 to or exceeding \$100,000 which was
23 designated by the person to be used
24 for campaign-related activity con-
25 sisting of that specific independent ex-

1 penditure (as required to be included
2 in the report under section
3 304(g)(5)(A)(i)), the person who is
4 identified among all such reports as
5 making the largest such payment.

6 “(II) If any report filed by any
7 organization with respect to the inde-
8 pendent expenditure under section
9 304 during the 12-month period
10 which ends on the date of the dis-
11 bursement includes information on
12 any person who made a payment to
13 the organization in an amount equal
14 to or exceeding \$100,000 which was
15 designated by the person to be used
16 for campaign-related activity with re-
17 spect to the same election or in sup-
18 port of the same candidate (as re-
19 quired to be included in the report
20 under section 304(g)(5)(A)(i)) but
21 subclause (I) does not apply, the per-
22 son who is identified among all such
23 reports as making the largest such
24 payment.

1 “(III) If any report filed by any
2 organization with respect to the inde-
3 pendent expenditure under section
4 304 during the 12-month period
5 which ends on the date of the dis-
6 bursement includes information on
7 any person who made a payment to
8 the organization in an amount equal
9 to or exceeding \$10,000 which was
10 provided for the purpose of being used
11 for campaign-related activity or in re-
12 sponse to a solicitation for funds to be
13 used for campaign-related activity (as
14 required to be included in the report
15 under section 304(g)(5)(A)(i)) but
16 subclause (I) or subclause (II) does
17 not apply, the person who is identified
18 among all such reports as making the
19 largest such payment.

20 “(IV) If none of the reports filed
21 by any organization with respect to
22 the independent expenditure under
23 section 304 during the 12-month pe-
24 riod which ends on the date of the dis-
25 bursement includes information on

1 any person (other than the organiza-
2 tion) who made a payment to the or-
3 ganization in an amount equal to or
4 exceeding \$10,000 which was provided
5 for the purpose of being used for cam-
6 paign-related activity or in response to
7 a solicitation for funds to be used for
8 campaign-related activity, but any of
9 such reports includes information on
10 any person who made an unrestricted
11 donor payment to the organization (as
12 required to be included in the report
13 under section 304(g)(5)(A)(ii)) in an
14 amount equal to or exceeding
15 \$10,000, the person who is identified
16 among all such reports as making the
17 largest such unrestricted donor pay-
18 ment.

19 “(ii) ELECTIONEERING COMMUNICA-
20 TIONS.—For purposes of this paragraph,
21 the ‘significant funder’ with respect to an
22 electioneering communication paid for in
23 whole or in part with a payment which is
24 treated as a disbursement by a covered or-
25 ganization for campaign-related activity

1 under section 325, shall be determined as
2 follows:

3 “(I) If any report filed by any or-
4 ganization with respect to the elec-
5 tioneering communication under sec-
6 tion 304 during the 12-month period
7 which ends on the date of the dis-
8 bursement includes information on
9 any person who made a payment to
10 the organization in an amount equal
11 to or exceeding \$100,000 which was
12 designated by the person to be used
13 for campaign-related activity con-
14 sisting of that specific electioneering
15 communication (as required to be in-
16 cluded in the report under section
17 304(f)(6)(A)(i)), the person who is
18 identified among all such reports as
19 making the largest such payment.

20 “(II) If any report filed by any
21 organization with respect to the elec-
22 tioneering communication under sec-
23 tion 304 during the 12-month period
24 which ends on the date of the dis-
25 bursement includes information on

1 any person who made a payment to
2 the organization in an amount equal
3 to or exceeding \$100,000 which was
4 designated by the person to be used
5 for campaign-related activity with re-
6 spect to the same election or in sup-
7 port of the same candidate (as re-
8 quired to be included in the report
9 under section 304(f)(6)(A)(i)) but
10 subclause (I) does not apply, the per-
11 son who is identified among all such
12 reports as making the largest such
13 payment.

14 “(III) If any report filed by any
15 organization with respect to the elec-
16 tioneeing communication under sec-
17 tion 304 during the 12-month period
18 which ends on the date of the dis-
19 bursement includes information on
20 any person who made a payment to
21 the organization in an amount equal
22 to or exceeding \$10,000 which was
23 provided for the purpose of being used
24 for campaign-related activity or in re-
25 sponse to a solicitation for funds to be

1 used for campaign-related activity (as
2 required to be included in the report
3 under section 304(f)(6)(A)(i)) but
4 subclause (I) or subclause (II) does
5 not apply, the person who is identified
6 among all such reports as making the
7 largest such payment.

8 “(IV) If none of the reports filed
9 by any organization with respect to
10 the electioneering communication
11 under section 304 during the 12-
12 month period which ends on the date
13 of the disbursement includes informa-
14 tion on any person who made a pay-
15 ment to the organization in an
16 amount equal to or exceeding \$10,000
17 which was provided for the purpose of
18 being used for campaign-related activ-
19 ity or in response to a solicitation for
20 funds to be used for campaign-related
21 activity, but any of such reports in-
22 cludes information on any person who
23 made an unrestricted donor payment
24 to the organization (as required to be
25 included in the report under section

1 304(f)(6)(A)(ii)) in an amount equal
2 to or exceeding \$10,000, the person
3 who is identified among all such re-
4 ports as making the largest such un-
5 restricted donor payment.

6 “(5) TOP 5 FUNDERS LIST DESCRIBED.—With
7 respect to a communication paid for in whole or in
8 part with a payment which is treated as a disburse-
9 ment by a covered organization for campaign-related
10 activity under section 325, the Top 5 Funders list
11 described in this paragraph is—

12 “(A) in the case of a disbursement for an
13 independent expenditure consisting of a public
14 communication, a list of the 5 persons (or, in
15 the case of a communication transmitted
16 through radio, the 2 persons) who provided the
17 largest payments of any type in an aggregate
18 amount equal to or exceeding \$10,000 which
19 are required under section 304(g)(5)(A) to be
20 included in the reports filed by any organization
21 with respect to that independent expenditure
22 under section 304 during the 12-month period
23 which ends on the date of the disbursement, to-
24 gether with the amount of the payments each
25 such person provided and the local jurisdiction

1 and State in which each such person lives (in
2 the case of a person who is an individual) or is
3 located (in the case of any other person); or

4 “(B) in the case of a disbursement for an
5 electioneering communication, a list of the 5
6 persons (or, in the case of a communication
7 transmitted through radio, the 2 persons) who
8 provided the largest payments of any type in an
9 aggregate amount equal to or exceeding
10 \$10,000 which are required under section
11 304(f)(6)(A) to be included in the reports filed
12 by any organization with respect to that elec-
13 tioneering communication under section 304
14 during the 12-month period which ends on the
15 date of the disbursement, together with the
16 amount of the payments each such person pro-
17 vided and the local jurisdiction and State in
18 which each such person lives (in the case of a
19 person who is an individual) or is located (in
20 the case of any other person).

21 “(6) METHOD OF CONVEYANCE OF STATE-
22 MENT.—

23 “(A) COMMUNICATIONS TRANSMITTED
24 THROUGH RADIO.—In the case of a communica-
25 tion to which this subsection applies which is

1 transmitted through radio, the disclosure state-
2 ments required under paragraph (1) shall be
3 made by audio by the applicable individual in a
4 clearly spoken manner.

5 “(B) COMMUNICATIONS TRANSMITTED
6 THROUGH TELEVISION.—In the case of a com-
7 munication to which this subsection applies
8 which is transmitted through television, the in-
9 formation required under paragraph (1)—

10 “(i) shall appear in writing at the end
11 of the communication in a clearly readable
12 manner, with a reasonable degree of color
13 contrast between the background and the
14 printed statement, for a period of at least
15 6 seconds; and

16 “(ii) except in the case of a Top 5
17 Funders list described in paragraph (5),
18 shall also be conveyed by an unobscured,
19 full-screen view of the applicable indi-
20 vidual, or by the applicable individual mak-
21 ing the statement in voice-over accom-
22 panied by a clearly identifiable photograph
23 or similar image of the individual.

24 “(7) APPLICATION TO CERTAIN PACS.—

1 “(A) APPLICATION.—This subsection shall
2 apply with respect to an electioneering commu-
3 nication, and to an independent expenditure
4 consisting of a public communication, which is
5 paid for in whole or in part with a payment by
6 a political committee described in subparagraph
7 (B) in the same manner as this subsection ap-
8 plies with respect to an electioneering commu-
9 nication and an independent expenditure con-
10 sisting of a public communication which is paid
11 for in whole or in part with a payment which
12 is treated as a disbursement by a covered orga-
13 nization under section 325, except that—

14 “(i) in applying paragraph (4)(C), the
15 ‘significant funder’ with respect to such an
16 electioneering communication or such an
17 independent expenditure shall be the per-
18 son who is identified as providing the larg-
19 est aggregate amount of contributions, do-
20 nations, or payments to the political com-
21 mittee during the 12-month period which
22 ends on the date the committee made the
23 disbursement for the electioneering com-
24 munication or independent expenditure (as
25 determined on the basis of the information

1 contained in all reports filed by the com-
2 mittee under section 304 during such pe-
3 riod); and

4 “(ii) in applying paragraph (5), the
5 ‘Top 5 Funders list’ shall be a list of the
6 5 persons who are identified as providing
7 the largest aggregate amounts of contribu-
8 tions, donations, or payments to the polit-
9 ical committee during such 12-month pe-
10 riod (as determined on the basis of the in-
11 formation contained in all such reports).

12 “(B) POLITICAL COMMITTEE DE-
13 SCRIBED.—A political committee described in
14 this subparagraph is a political committee
15 which receives or accepts contributions or dona-
16 tions which do not comply with the contribution
17 limits or source prohibitions of this Act.

18 “(8) APPLICABLE INDIVIDUAL DEFINED.—In
19 this subsection, the term ‘applicable individual’
20 means, with respect to a communication to which
21 this paragraph applies—

22 “(A) if the communication is paid for by
23 an individual or if the significant funder of the
24 communication under paragraph (4) is an indi-
25 vidual, the individual involved;

1 “(B) if the communication is paid for by a
2 corporation or if the significant funder of the
3 communication under paragraph (4) is a cor-
4 poration, the chief executive officer of the cor-
5 poration (or, if the corporation does not have a
6 chief executive officer, the highest ranking offi-
7 cial of the corporation);

8 “(C) if the communication is paid for by a
9 labor organization or if the significant funder of
10 the communication under paragraph (4) is a
11 labor organization, the highest ranking officer
12 of the labor organization; or

13 “(D) if the communication is paid for by
14 any other person or if the significant funder of
15 the communication under paragraph (4) is any
16 other person, the highest ranking official of
17 such person.

18 “(9) COVERED ORGANIZATION DEFINED.—In
19 this subsection, the term ‘covered organization’
20 means any of the following:

21 “(A) Any corporation which is subject to
22 section 316(a), other than a corporation which
23 is an organization described in paragraph (3) of
24 section 501(c) of the Internal Revenue Code of

1 1986 and exempt from tax under section 501(a)
2 of such Code.

3 “(B) Any labor organization (as defined in
4 section 316).

5 “(C) Any organization described in para-
6 graph (4), (5), or (6) of section 501(c) of the
7 Internal Revenue Code of 1986 and exempt
8 from tax under section 501(a) of such Code,
9 other than an exempt section 501(c)(4) organi-
10 zation (as defined in section 301(27)).

11 “(D) Any political organization under sec-
12 tion 527 of the Internal Revenue Code of 1986,
13 other than a political committee under this Act.

14 “(10) OTHER DEFINITIONS.—In this sub-
15 section, the terms ‘campaign-related activity’ and
16 ‘unrestricted donor payment’ have the meaning
17 given such terms in section 325.”.

18 (3) APPLICATION TO CERTAIN MASS MAIL-
19 INGS.—Section 318(a)(3) of such Act (2 U.S.C.
20 441d(a)(3)) is amended to read as follows:

21 “(3) if not authorized by a candidate, an au-
22 thorized political committee of a candidate, or its
23 agents, shall clearly state—

24 “(A) the name and permanent street ad-
25 dress, telephone number, or World Wide Web

1 address of the person who paid for the commu-
2 nication;

3 “(B) if the communication is an inde-
4 pendent expenditure consisting of a mass mail-
5 ing (as defined in section 301(23)) which is
6 paid for in whole or in part with a payment
7 which is treated as a disbursement by a covered
8 organization for campaign-related activity under
9 section 325, or which is paid for in whole or in
10 part by a political committee described in sub-
11 section (e)(7)(B), the name and permanent
12 street address, telephone number, or World
13 Wide Web address of—

14 “(i) the significant funder of the com-
15 munication, if any (as determined in ac-
16 cordance with subsection (e)(4)(C)(i) or
17 (e)(7)(A)(i); and

18 “(ii) each person who would be in-
19 cluded in the Top 5 Funders list which
20 would be submitted with respect to the
21 communication if the communication were
22 transmitted through television, if any (as
23 determined in accordance with subsection
24 (e)(5) or (e)(7)(A)(ii)); and

1 “(C) that the communication is not au-
2 thorized by any candidate or candidate’s com-
3 mittee.”.

4 (4) APPLICATION TO POLITICAL ROBOCALLS.—
5 Section 318 of such Act (2 U.S.C. 441d), as amend-
6 ed by paragraph (2), is further amended by adding
7 at the end the following new subsection:

8 “(f) SPECIAL RULES FOR POLITICAL ROBOCALLS.—

9 “(1) REQUIRING COMMUNICATIONS TO INCLUDE
10 CERTAIN DISCLAIMER STATEMENTS.—Any commu-
11 nication consisting of a political robocall which
12 would be subject to the requirements of subsection
13 (e) if the communication were transmitted through
14 radio or television shall include the following:

15 “(A) The individual disclosure statement
16 described in subsection (e)(2) (if the person
17 paying for the communication is an individual)
18 or the organizational disclosure statement de-
19 scribed in subsection (e)(3) (if the person pay-
20 ing for the communication is not an individual).

21 “(B) If the communication is an election-
22 eering communication or an independent ex-
23 penditure consisting of a public communication
24 and is paid for in whole or in part with a pay-
25 ment which is treated as a disbursement by a

1 covered organization for campaign-related activ-
2 ity under section 325, or which is paid for in
3 whole or in part by a political committee de-
4 scribed in subsection (e)(7)(B), the significant
5 funder disclosure statement described in sub-
6 section (e)(4) or (e)(7) (if applicable).

7 “(2) TIMING OF CERTAIN STATEMENT.—The
8 statements required to be included under paragraph
9 (1) shall be made at the beginning of the political
10 robocall, unless, on the basis of criteria established
11 in regulations promulgated by the Commission, the
12 communication is of such short duration that includ-
13 ing the statement in the communication would con-
14 stitute a hardship to the person paying for the com-
15 munication by requiring a disproportionate amount
16 of the communication’s content to consist of the
17 statement.

18 “(3) POLITICAL ROBOCALL DEFINED.—In this
19 subsection, the term ‘political robocall’ means any
20 outbound telephone call—

21 “(A) in which a person is not available to
22 speak with the person answering the call, and
23 the call instead plays a recorded message; and

1 “(B) which promotes, supports, attacks, or
2 opposes a candidate for election for Federal of-
3 fice.”.

4 **SEC. 215. INDEXING OF CERTAIN AMOUNTS.**

5 Title III of the Federal Election Campaign Act of
6 1971, as amended by section 213, is amended by adding
7 at the end the following new section:

8 **“SEC. 327. INDEXING OF CERTAIN AMOUNTS.**

9 “(a) INDEXING.—In any calendar year after 2010—

10 “(1) each of the amounts referred to in sub-
11 section (b) shall be increased by the percent dif-
12 ference determined under subparagraph (A) of sec-
13 tion 315(c)(1), except that for purposes of this para-
14 graph, such percent difference shall be determined
15 as if the base year referred to in such subparagraph
16 were 2009;

17 “(2) each amount so increased shall remain in
18 effect for the calendar year; and

19 “(3) if any amount after adjustment under
20 paragraph (1) is not a multiple of \$100, such
21 amount shall be rounded to the nearest multiple of
22 \$100.

23 “(b) AMOUNTS DESCRIBED.—The amounts referred
24 to in this subsection are as follows:

1 “(1) The amount referred to in section
2 304(g)(5)(A)(i)(I).

3 “(2) The amount referred to in section
4 304(g)(5)(A)(ii)(I).

5 “(3) Each of the amounts referred to in section
6 304(g)(5)(A)(ii)(II).

7 “(4) The amount referred to in section
8 304(g)(5)(B)(ii)(I)(ee).

9 “(5) The amount referred to in section
10 304(g)(5)(B)(iii)(I).

11 “(6) The amount referred to in section
12 304(f)(6)(A)(i)(I).

13 “(7) The amount referred to in section
14 304(f)(6)(A)(ii)(I).

15 “(8) Each of the amounts referred to in section
16 304(f)(6)(A)(ii)(II).

17 “(9) The amount referred to in section
18 304(f)(6)(B)(ii)(I)(ee).

19 “(10) The amount referred to in section
20 304(f)(6)(B)(iii)(I).

21 “(11) The amount referred to in section 317(b).

22 “(12) Each of the amounts referred to in sec-
23 tion 318(e)(4)(C).

24 “(13) The amount referred to in section
25 325(d)(2)(B)(i)(V).

1 “(14) The amount referred to in section
2 325(d)(2)(C)(i).”.

3 **Subtitle C—Reporting Require-**
4 **ments for Registered Lobbyists**

5 **SEC. 221. REQUIRING REGISTERED LOBBYISTS TO REPORT**
6 **INFORMATION ON INDEPENDENT EXPENDI-**
7 **TURES AND ELECTIONEERING COMMUNICA-**
8 **TIONS.**

9 (a) IN GENERAL.—Section 5(d)(1) of the Lobbying
10 Disclosure Act of 1995 (2 U.S.C. 1604(d)(1)) is amend-
11 ed—

12 (1) by striking “and” at the end of subpara-
13 graph (F);

14 (2) by redesignating subparagraph (G) as sub-
15 paragraph (I); and

16 (3) by inserting after subparagraph (F) the fol-
17 lowing new subparagraphs:

18 “(G) the amount of any independent ex-
19 penditure (as defined in section 301(17) of the
20 Federal Election Campaign Act of 1971 (2
21 U.S.C. 431(17)) equal to or greater than
22 \$1,000 made by such person or organization,
23 and for each such expenditure the name of each
24 candidate being supported or opposed and the

1 amount spent supporting or opposing each such
2 candidate;

3 “(H) the amount of any electioneering
4 communication (as defined in section 304(f)(3)
5 of such Act (2 U.S.C. 434(f)(3)) equal to or
6 greater than \$1,000 made by such person or or-
7 ganization, and for each such communication
8 the name of the candidate referred to in the
9 communication; and”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to reports for semi-
12 annual periods described in section 5(d)(1) of the Lob-
13 bing Disclosure Act of 1995 that begin after the date
14 of the enactment of this Act.

15 **TITLE III—DISCLOSURE BY COV-**
16 **ERED ORGANIZATIONS OF IN-**
17 **FORMATION ON CAMPAIGN-**
18 **RELATED ACTIVITY**

19 **SEC. 301. REQUIRING DISCLOSURE BY COVERED ORGANI-**
20 **ZATIONS OF INFORMATION ON CAMPAIGN-**
21 **RELATED ACTIVITY.**

22 Title III of the Federal Election Campaign Act of
23 1971 (2 U.S.C. 431 et seq.), as amended by section 215,
24 is amended by adding at the end the following new section:

1 **“SEC. 328. DISCLOSURES BY COVERED ORGANIZATIONS TO**
2 **SHAREHOLDERS, MEMBERS, AND DONORS OF**
3 **INFORMATION ON DISBURSEMENTS FOR**
4 **CAMPAIGN-RELATED ACTIVITY.**

5 “(a) INCLUDING INFORMATION IN REGULAR PERI-
6 ODIC REPORTS.—

7 “(1) IN GENERAL.—A covered organization
8 which submits regular, periodic reports to its share-
9 holders, members, or donors on its finances or ac-
10 tivities shall include in each such report, in a clear
11 and conspicuous manner, the information described
12 in paragraph (2) with respect to the disbursements
13 made by the organization for campaign-related activ-
14 ity during the period covered by the report.

15 “(2) INFORMATION DESCRIBED.—The informa-
16 tion described in this paragraph is, for each dis-
17 bursement for campaign-related activity—

18 “(A) the date of the independent expendi-
19 ture or electioneering communication involved;

20 “(B) the amount of the independent ex-
21 penditure or electioneering communication in-
22 volved;

23 “(C) the name of the candidate identified
24 in the independent expenditure or electioneering
25 communication involved and the office sought
26 by the candidate;

1 “(D) in the case of a transfer of funds to
2 another person, the information required by
3 subparagraphs (A) through (C), as well as the
4 name of the recipient of the funds and the date
5 and amount of the funds transferred;

6 “(E) the source of such funds; and

7 “(F) such other information as the Com-
8 mission determines is appropriate to further the
9 purposes of this subsection.

10 “(b) HYPERLINK TO INFORMATION INCLUDED IN
11 REPORTS FILED WITH COMMISSION.—

12 “(1) REQUIRING POSTING OF HYPERLINK.—If a
13 covered organization maintains an Internet site, the
14 organization shall post on such Internet site a
15 hyperlink from its homepage to the location on the
16 Internet site of the Commission which contains the
17 following information:

18 “(A) The information the organization is
19 required to report under section 304(g)(5)(A)
20 with respect to public independent expenditures.

21 “(B) The information the organization is
22 required to include in a statement of disburse-
23 ments for electioneering communications under
24 section 304(f)(6).

1 “(2) DEADLINE; DURATION OF POSTING.—The
2 covered organization shall post the hyperlink de-
3 scribed in paragraph (1) not later than 24 hours
4 after the Commission posts the information de-
5 scribed in such paragraph on the Internet site of the
6 Commission, and shall ensure that the hyperlink re-
7 mains on the Internet site of the covered organiza-
8 tion until the expiration of the 1-year period which
9 begins on the date of the election with respect to
10 which the public independent expenditures or elec-
11 tioneeing communications are made.

12 “(c) COVERED ORGANIZATION DEFINED.—In this
13 section, the term ‘covered organization’ means any of the
14 following:

15 “(1) Any corporation which is subject to section
16 316(a), other than a corporation which is an organi-
17 zation described in paragraph (3) of section 501(c)
18 of the Internal Revenue Code of 1986 and exempt
19 from tax under section 501(a) of such Code.

20 “(2) Any labor organization (as defined in sec-
21 tion 316).

22 “(3) Any organization described in paragraph
23 (4), (5), or (6) of section 501(c) of the Internal Rev-
24 enue Code of 1986 and exempt from tax under sec-
25 tion 501(a) of such Code, other than an exempt sec-

1 tion 501(c)(4) organization (as defined in section
2 301(27)).

3 “(4) Any political organization under section
4 527 of the Internal Revenue Code of 1986, other
5 than a political committee under this Act.”.

6 **TITLE IV—OTHER PROVISIONS**

7 **SEC. 401. JUDICIAL REVIEW.**

8 (a) SPECIAL RULES FOR ACTIONS BROUGHT ON
9 CONSTITUTIONAL GROUNDS.—If any action is brought for
10 declaratory or injunctive relief to challenge the constitu-
11 tionality of any provision of this Act or any amendment
12 made by this Act, the following rules shall apply:

13 (1) The action shall be filed in the United
14 States District Court for the District of Columbia,
15 and an appeal from a decision of the District Court
16 may be taken to the Court of Appeals for the Dis-
17 trict of Columbia Circuit.

18 (2) A copy of the complaint shall be delivered
19 promptly to the Clerk of the House of Representa-
20 tives and the Secretary of the Senate.

21 (b) INTERVENTION BY MEMBERS OF CONGRESS.—In
22 any action in which the constitutionality of any provision
23 of this Act or any amendment made by this Act is raised,
24 any member of the House of Representatives (including
25 a Delegate or Resident Commissioner to the Congress) or

1 Senate who satisfies the requirements for standing under
2 article III of the Constitution shall have the right to inter-
3 vene either in support of or opposition to the position of
4 a party to the case regarding the constitutionality of the
5 provision or amendment. To avoid duplication of efforts
6 and reduce the burdens placed on the parties to the action,
7 the court in any such action may make such orders as
8 it considers necessary, including orders to require interve-
9 nors taking similar positions to file joint papers or to be
10 represented by a single attorney at oral argument.

11 (c) CHALLENGE BY MEMBERS OF CONGRESS.—Any
12 Member of the House of Representatives (including a Del-
13 egate or Resident Commissioner to the Congress) or Sen-
14 ate may bring an action, subject to the special rules de-
15 scribed in subsection (a), for declaratory or injunctive re-
16 lief to challenge the constitutionality of any provision of
17 this Act or any amendment made by this Act.

18 **SEC. 402. NO EFFECT ON PROTECTIONS AGAINST THREATS,**

19 **HARASSMENTS, AND REPRISALS.**

20 Nothing in this Act or in any amendment made by
21 this Act shall be construed to affect any provision of law
22 or any rule or regulation which waives a requirement to
23 disclose information relating to any person in any case in
24 which there is a reasonable probability that the disclosure

1 of the information would subject the person to threats,
2 harassments, or reprisals.

3 **SEC. 403. SEVERABILITY.**

4 If any provision of this Act or amendment made by
5 this Act, or the application of a provision or amendment
6 to any person or circumstance, is held to be unconstitu-
7 tional, the remainder of this Act and amendments made
8 by this Act, and the application of the provisions and
9 amendment to any person or circumstance, shall not be
10 affected by the holding.

11 **SEC. 404. EFFECTIVE DATE.**

12 Except as otherwise provided, this Act and the
13 amendments made by this Act shall take effect upon the
14 expiration of the 30-day period which begins on the date
15 of the enactment of this Act, and shall take effect without
16 regard to whether or not the Federal Election Commission
17 has promulgated regulations to carry out such amend-
18 ments.

Passed the House of Representatives June 24, 2010.

Attest: LORRAINE C. MILLER,
Clerk.

Calendar No. 448

11TH CONGRESS
2^D Session

H. R. 5175

AN ACT

To amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

JUNE 29, 2010

Read the second time and placed on the calendar