

Union Calendar No. 280

111TH CONGRESS
2^D SESSION

H. R. 5175

[Report No. 111–492, Part I]

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2010

Mr. VAN HOLLEN (for himself, Mr. CASTLE, Mr. BRADY of Pennsylvania, and Mr. JONES) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 25, 2010

Additional sponsors: Mr. HEINRICH, Mr. CLYBURN, Mr. GEORGE MILLER of California, Mr. ELLSWORTH, Mr. SHULER, Mr. BRALEY of Iowa, Mr. LARSON of Connecticut, Mr. BECERRA, Ms. DELAURO, Mr. WAXMAN, Mr. CONYERS, Mr. NADLER of New York, Mr. SKELTON, Mr. BISHOP of New York, Mr. LARSEN of Washington, Mr. SCHIFF, Mr. DEUTCH, Mr. MCGOVERN, Mr. HINCHEY, Mr. MCDERMOTT, Mr. TONKO, Ms. NORTON, Ms. EDWARDS of Maryland, Mr. ANDREWS, Ms. HIRONO, Mr. STARK, Mrs. MALONEY, Mr. HOLT, Mr. WALZ, Mr. TEAGUE, Mr. BOSWELL, Ms. MATSUI, Mr. FARR, Mr. GARAMENDI, Mr. KAGEN, Mr. PALLONE, Ms. ZOE LOFGREN of California, Mr. LOEBSACK, Mr. YARMUTH, Ms. HARMAN, Ms. CHU, Mr. ISRAEL, Mr. SCHAUER, Mrs. CAPPS, Ms. MCCOLLUM, Ms. SLAUGHTER, Mr. ELLISON, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. SARBANES, Mr. SALAZAR, Mr. LEVIN, Mr. POLIS of Colorado, Mr. ROTHMAN of New Jersey, Ms. BERKLEY, Ms. GIFFORDS, Mr. HARE, Mr. KISSELL, Mr. HALL of New York, Mr. SCHRADER, Mr. ARCURI, Ms. SHEA-PORTER, Mr. KIND, Ms. KILROY, Mr. JACKSON of Illinois, Mr. PERRIELLO, Ms.

SUTTON, Mr. FOSTER, Mr. SERRANO, Mr. COURTNEY, Mr. COHEN, Mr. BOCCIERI, Ms. TITUS, Ms. WATERS, Mr. REYES, Mr. LUJÁN, Ms. ROYBAL-ALLARD, Mr. MOLLOHAN, Mr. PIERLUISI, Mr. FILNER, Mr. DINGELL, Mr. LIPINSKI, Mr. WELCH, Ms. LINDA T. SÁNCHEZ of California, Mr. VISCLOSKY, Mr. SMITH of Washington, Mr. CHANDLER, Mr. BLUMENAUER, Mr. POMEROY, Ms. LORETTA SANCHEZ of California, Mr. HIMES, Mrs. DAVIS of California, Ms. SPEIER, Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. INSLEE, Mr. ETHERIDGE, Mr. MEEK of Florida, Mr. ACKERMAN, Mr. PRICE of North Carolina, Mr. HODES, Ms. CASTOR of Florida, Mr. MORAN of Virginia, Mrs. MCCARTHY of New York, Mr. CARNAHAN, Ms. CLARKE, Ms. MOORE of Wisconsin, Mr. THOMPSON of California, Mr. SHERMAN, Mr. LANGEVIN, and Ms. ESHOO

MAY 25, 2010

Reported from the Committee on House Administration with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 25, 2010

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 29, 2010]

A BILL

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 “De-*
 5 *mocracy is Strengthened by Casting Light on Spending in*
 6 *Elections Act” or the “DISCLOSE Act”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 8 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 101. Prohibiting independent expenditures and electioneering communica-
tions by government contractors.

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

Sec. 103. Treatment of payments for coordinated communications as contribu-
tions.

Sec. 104. Treatment of political party communications made on behalf of candi-
dates.

Sec. 105. Restriction on internet communications treated as public communica-
tions.

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 expendi-
tures 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 disburse-
ments 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 cam-
paign-related activity.

Sec. 214. Modification of rules relating to disclaimer statements required for cer-
tain communications.

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. Severability.

Sec. 403. Effective date.

1 SEC. 2. FINDINGS.

2 *(a) GENERAL FINDINGS.—Congress finds and declares*
3 *as follows:*

4 *(1) Throughout the history of the United States,*
5 *the American people have been rightly concerned*
6 *about the power of special interests to control our*
7 *democratic processes. That was true over 100 years*
8 *ago when Congress first enacted legislation intended*
9 *to restrict corporate funds from being used in Federal*
10 *elections, legislation that Congress amended in 1947*
11 *to expressly include independent expenditures. The*
12 *Supreme Court held such legislation to be constitu-*
13 *tional in 1990 in *Austin v. Michigan Chamber of**
14 *Commerce (494 U.S. 652) and again in 2003 in*
15 *McConnell v. F.E.C. (540 U.S. 93).*

16 *(2) The Supreme Court’s decision in *Citizens**
17 *United v. Federal Election Commission on January*
18 *21, 2010, invalidated legislation restricting the abil-*

1 *ity of corporations and labor unions to spend funds*
2 *from their general treasury accounts to influence the*
3 *outcome of elections.*

4 *(b) FINDINGS RELATING TO GOVERNMENT CONTRAC-*
5 *TORS.—Congress finds and declares as follows:*

6 *(1) Government contracting is an activity that is*
7 *particularly susceptible to improper influence, and to*
8 *the appearance of improper influence. Government*
9 *contracts must be awarded based on an objective eval-*
10 *uation of how well bidders or potential contractors*
11 *meet relevant statutory criteria.*

12 *(2) Independent expenditures and electioneering*
13 *communications that benefit particular candidates or*
14 *elected officials or disfavor their opponents can lead*
15 *to apparent and actual ingratiation, access, influence,*
16 *and quid pro quo arrangements. Government con-*
17 *tracts should be awarded based on an objective appli-*
18 *cation of statutory criteria, not based on other forms*
19 *of inappropriate or corrupting influence.*

20 *(3) Prohibiting independent expenditures and*
21 *electioneering communications by persons negotiating*
22 *for or performing government contracts will prevent*
23 *government officials involved in or with influence*
24 *over the contracting process from influencing the con-*

1 *tracting process based, consciously or otherwise, on*
2 *this kind of inappropriate or corrupting influence.*

3 (4) *Prohibiting independent expenditures and*
4 *electioneering communications by persons negotiating*
5 *for or performing government contracts will likewise*
6 *prevent such persons from feeling pressure, whether*
7 *actually exerted by government officials or not, to*
8 *make expenditures and to fund communications in*
9 *order to maximize their chances of receiving con-*
10 *tracts, or to match similar expenditures and commu-*
11 *nications made by their competitors.*

12 (5) *Furthermore, because government contracts*
13 *often involve large amounts of public money, it is*
14 *critical that the public perceive that the government*
15 *contracts are awarded strictly in accordance with*
16 *prescribed statutory standards, and not based on*
17 *other forms of inappropriate or corrupting influence.*
18 *The public's confidence in government is undermined*
19 *when corporations that make significant expenditures*
20 *during Federal election campaigns later receive gov-*
21 *ernment funds.*

22 (6) *Prohibiting independent expenditures and*
23 *electioneering communications by persons negotiating*
24 *for or performing government contracts will prevent*
25 *any appearance that government contracts were*

1 *awarded based in whole or in part on such expendi-*
2 *tures or communications, or based on the inappro-*
3 *prate or corrupting influence such expenditures and*
4 *communications can create and appear to create.*

5 *(7) In these ways, prohibiting independent ex-*
6 *penditures and electioneering communications by per-*
7 *sons negotiating for or performing government con-*
8 *tracts will protect the actual and perceived integrity*
9 *of the government contracting process.*

10 *(8) Moreover, the risks of waste, fraud and abuse,*
11 *all resulting in economic losses to taxpayers, are sig-*
12 *nificant when would-be public contractors or appli-*
13 *cants for public funds make expenditures in Federal*
14 *election campaigns in order to affect electoral out-*
15 *comes.*

16 *(c) FINDINGS RELATING TO FOREIGN CORPORA-*
17 *TIONS.—Congress finds and declares as follows:*

18 *(1) The Supreme Court's decision in the Citizens*
19 *United case has provided the means by which United*
20 *States corporations controlled by foreign entities can*
21 *freely spend money to influence United States elec-*
22 *tions.*

23 *(2) Foreign corporations commonly own U.S.*
24 *corporations in whole or in part, and U.S. corporate*
25 *equity and debt are also held by foreign individuals,*

1 *sovereign wealth funds, and even foreign nations at*
2 *levels which permit effective control over those U.S.*
3 *entities.*

4 *(3) As recognized in many areas of the law, for-*
5 *ign ownership interests and influences are exerted in*
6 *a perceptible way even when the entity is not major-*
7 *ity-foreign-owned.*

8 *(4) The Federal Government has broad constitu-*
9 *tional power to protect American interests and sov-*
10 *ereignty from foreign interference and intrusion.*

11 *(5) Congress has a clear interest in minimizing*
12 *foreign intervention, and the perception of foreign*
13 *intervention, in United States elections.*

14 *(d) FINDINGS RELATING TO COORDINATED EXPENDI-*
15 *TURES.—Congress finds and declares as follows:*

16 *(1) It has been the consistent view of Congress*
17 *and the courts that coordinated expenditures in cam-*
18 *paigns for election are no different in nature from*
19 *contributions.*

20 *(2) Existing rules still allow donors to evade*
21 *contribution limits by making campaign expenditures*
22 *which, while technically qualifying as independent ex-*
23 *penditures under law, are for all relevant purposes*
24 *coordinated with candidates and political parties and*

1 *thus raise the potential for corruption or the appear-*
2 *ance of corruption.*

3 (3) *Such arrangements have the potential to give*
4 *rise to the reality or appearance of corruption to the*
5 *same degree that direct contributions to a candidate*
6 *may give rise to the reality or appearance of corrup-*
7 *tion. Moreover, expenditures which are in fact made*
8 *in coordination with a candidate or political party*
9 *have the potential to lessen the public's trust and*
10 *faith in the rules and the integrity of the electoral*
11 *process.*

12 (4) *The government therefore has a compelling*
13 *interest in making sure that expenditures that are de*
14 *facto coordinated with a candidate are treated as such*
15 *to prevent corruption, the appearance of corruption,*
16 *or the perception that some participants are circum-*
17 *venting the laws and regulations which govern the fi-*
18 *nancing of election campaigns.*

19 (e) *FINDINGS RELATING TO DISCLOSURES AND DIS-*
20 *CLAIMERS.—Congress finds and declares as follows:*

21 (1) *The American people have a compelling in-*
22 *terest in knowing who is funding independent expend-*
23 *itures and electioneering communications to influence*
24 *Federal elections, and the government has a compel-*
25 *ling interest in providing the public with that infor-*

1 *mation. Effective disclaimers and prompt disclosure*
2 *of expenditures, and the disclosure of the funding*
3 *sources for these expenditures, can provide share-*
4 *holders, voters, and citizens with the information*
5 *needed to evaluate the actions by special interests*
6 *seeking influence over the democratic process. Trans-*
7 *parency promotes accountability, increases the fund*
8 *of information available to the public concerning the*
9 *support given to candidates by special interests, sheds*
10 *the light of publicity on political spending, and en-*
11 *courages the leaders of organizations to act only upon*
12 *legitimate organizational purposes.*

13 *(2) Protecting this compelling interest has be-*
14 *come particularly important to address the antici-*
15 *ipated increase in special interest spending on elec-*
16 *tion-related communications which will result from*
17 *the Supreme Court's decision in the Citizens United*
18 *case. The current disclosure and disclaimer require-*
19 *ments were designed for a campaign finance system*
20 *in which such expenditures were subject to prohibi-*
21 *tions that no longer apply.*

22 *(3) More rigorous disclosure and disclaimer re-*
23 *quirements are necessary to protect against the eva-*
24 *sion of current rules. Organizations that engage in*
25 *election-related communications have used a variety*

1 *of methods to attempt to obscure their sponsorship of*
2 *communications from the general public. Robust dis-*
3 *closure and disclaimer requirements are necessary to*
4 *ensure that the electorate is informed about who is*
5 *paying for particular election-related communica-*
6 *tions, and so that the shareholders and members of*
7 *these organizations are aware of their organizations’*
8 *election-related spending.*

9 *(4) The current lack of accountability and trans-*
10 *parency allow special interest political spending to*
11 *serve as a private benefit for the officials of special*
12 *interest organizations, to the detriment of the organi-*
13 *zations and their shareholders and members.*

14 *(5) Various factors, including the advent of the*
15 *Internet, where particular communications can be*
16 *circulated and remain available for viewing long*
17 *after they are first broadcast, and the frequency of po-*
18 *litical campaigns that effectively begin long before*
19 *election day, have also rendered the existing system of*
20 *disclosure and disclaimer requirements (including the*
21 *limited time periods during which some of those re-*
22 *quirements currently apply) inadequate to protect*
23 *fully the government’s interest in ensuring that the*
24 *electorate is fully informed about the sources of elec-*
25 *tion-related spending, and that shareholders and citi-*

1 *zens alike have the information they need to hold cor-*
2 *porations and elected officials accountable for their*
3 *positions and supporters.*

4 *(6) To serve the interests of accountability and*
5 *transparency, it is also important that information*
6 *about who is funding independent expenditures and*
7 *electioneering communications be presented to the*
8 *electorate in a manner that is readily accessible and*
9 *that can be quickly and easily understood.*

10 *(f) FINDINGS RELATING TO CAMPAIGN SPENDING BY*
11 *LOBBYISTS.—Congress finds and declares as follows:*

12 *(1) Lobbyists and lobbying organizations, and*
13 *through them, their clients, influence the public deci-*
14 *sion-making process in a variety of ways.*

15 *(2) In recent years, scandals involving undue*
16 *lobbyist influence have lowered public trust in govern-*
17 *ment and jeopardized the willingness of voters to take*
18 *part in democratic governance.*

19 *(3) One way in which lobbyists may unduly in-*
20 *fluence Federal officials is through their or their cli-*
21 *ents making independent expenditures or election-*
22 *eering communications targeting elected officials.*

23 *(4) Disclosure of such independent expenditures*
24 *and electioneering communications will allow the*
25 *public to examine connections between such spending*

1 *and official actions, and will therefore limit the abil-*
 2 *ity of lobbyists to exert an undue influence on elected*
 3 *officials.*

4 ***TITLE I—REGULATION OF***
 5 ***CERTAIN POLITICAL SPENDING***

6 ***SEC. 101. PROHIBITING INDEPENDENT EXPENDITURES AND***
 7 ***ELECTIONEERING COMMUNICATIONS BY GOV-***
 8 ***ERNMENT CONTRACTORS.***

9 *(a) PROHIBITION APPLICABLE TO GOVERNMENT CON-*
 10 *TRACTORS.—*

11 *(1) PROHIBITION.—*

12 *(A) IN GENERAL.—Section 317(a)(1) of the*
 13 *Federal Election Campaign Act (2 U.S.C.*
 14 *441c(a)(1)) is amended by striking “purpose or*
 15 *use; or” and inserting the following: “purpose or*
 16 *use, to make any independent expenditure, or to*
 17 *disburse any funds for an electioneering commu-*
 18 *nication; or”.*

19 *(B) CONFORMING AMENDMENT.—The head-*
 20 *ing of section 317 of such Act (2 U.S.C. 441c)*
 21 *is amended by striking “CONTRIBUTIONS” and*
 22 *inserting “CONTRIBUTIONS, INDEPENDENT EX-*
 23 *PENDITURES, AND ELECTIONEERING COMMUNICA-*
 24 *TIONS”.*

1 (2) *THRESHOLD FOR APPLICATION OF BAN.*—

2 *Section 317 of such Act (2 U.S.C. 441c) is amended—*

3 (A) *by redesignating subsections (b) and (c)*

4 *as subsections (c) and (d); and*

5 (B) *by inserting after subsection (a) the fol-*

6 *lowing new subsection:*

7 “(b) *To the extent that subsection (a)(1) prohibits a*

8 *person who enters into a contract described in such sub-*

9 *section from making any independent expenditure or dis-*

10 *bursing funds for an electioneering communication, such*

11 *subsection shall apply only if the value of the contract is*

12 *equal to or greater than \$7,000,000.”.*

13 (b) *APPLICATION TO RECIPIENTS OF ASSISTANCE*

14 *UNDER TROUBLED ASSET PROGRAM.*—*Section 317(a) of*

15 *such Act (2 U.S.C. 441c(a)) is amended—*

16 (1) *by striking “or” at the end of paragraph (1);*

17 (2) *by redesignating paragraph (2) as para-*

18 *graph (3); and*

19 (3) *by inserting after paragraph (1) the fol-*

20 *lowing new paragraph:*

21 “(2) *who enters into negotiations for financial*

22 *assistance under title I of the Emergency Economic*

23 *Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) (re-*

24 *lating to the purchase of troubled assets by the Sec-*

25 *retary of the Treasury), during the period—*

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

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

4 (3) by adding at the end the following new para-
5 graph:

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

8 “(A) in which a foreign national described
9 in paragraph (1) or (2) directly or indirectly
10 owns 20 percent or more of the voting shares;

11 “(B) with respect to which the majority of
12 the members of the board of directors are foreign
13 nationals described in paragraph (1) or (2);

14 “(C) over which one or more foreign nation-
15 als described in paragraph (1) or (2) has the
16 power to direct, dictate, or control the decision-
17 making process of the corporation with respect to
18 its interests in the United States; or

19 “(D) over which one or more foreign nation-
20 als described in paragraph (1) or (2) has the
21 power to direct, dictate, or control the decision-
22 making process of the corporation with respect to
23 activities in connection with a Federal, State, or
24 local election, including—

1 “(i) the making of a contribution, do-
2 nation, expenditure, independent expendi-
3 ture, or disbursement for an electioneering
4 communication (within the meaning of sec-
5 tion 304(f)(3)); or

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

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

12 “(c) *CERTIFICATION OF COMPLIANCE REQUIRED*
13 *PRIOR TO CARRYING OUT ACTIVITY.*—Prior to the making
14 in connection with an election for Federal office of any con-
15 tribution, donation, expenditure, independent expenditure,
16 or disbursement for an electioneering communication by a
17 corporation during a year, the chief executive officer of the
18 corporation (or, if the corporation does not have a chief ex-
19 ecutive officer, the highest ranking official of the corpora-
20 tion), shall file a certification with the Commission, under
21 penalty of perjury, that the corporation is not prohibited
22 from carrying out such activity under subsection (b)(3), un-
23 less the chief executive officer has previously filed such a
24 certification during the year. Nothing in this subsection
25 shall be construed to apply to any contribution, donation,

1 *expenditure, independent expenditure, or disbursement*
2 *from a separate segregated fund established and adminis-*
3 *tered by a corporation under section 316(b)(2)(C).”.*

4 *(c) NO EFFECT ON SEPARATE SEGREGATED FUNDS OF*
5 *DOMESTIC CORPORATIONS.—Section 319 of such Act (2*
6 *U.S.C. 441e), as amended by subsection (b), is further*
7 *amended by adding at the end the following new subsection:*

8 *“(d) NO EFFECT ON SEPARATE SEGREGATE FUNDS OF*
9 *DOMESTIC CORPORATIONS.—Nothing in this section shall*
10 *be construed to prohibit any corporation which is not a for-*
11 *ign national described in paragraph (1) of subsection (b)*
12 *from establishing, administering, and soliciting contribu-*
13 *tions to a separate segregated fund under section*
14 *316(b)(2)(C), so long as none of the amounts in the fund*
15 *are provided by any foreign national described in para-*
16 *graph (1) or (2) of subsection (b) and no foreign national*
17 *described in paragraph (1) or (2) of subsection (b) has the*
18 *power to direct, dictate, or control the establishment or ad-*
19 *ministration of the fund.”.*

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

24 *“(e) NO EFFECT ON OTHER LAWS.—Nothing in this*
25 *section shall be construed to affect the determination of*

1 *whether a corporation is treated as a foreign national for*
2 *purposes of any law other than this Act.”.*

3 **SEC. 103. TREATMENT OF PAYMENTS FOR COORDINATED**
4 **COMMUNICATIONS AS CONTRIBUTIONS.**

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

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

9 *(2) by striking the period at the end of clause*
10 *(ii) and inserting “; or”; and*

11 *(3) by adding at the end the following new*
12 *clause:*

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

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

21 **“SEC. 324. COORDINATED COMMUNICATIONS.**

22 *“(a) COORDINATED COMMUNICATIONS DEFINED.—For*
23 *purposes of this Act, the term ‘coordinated communication’*
24 *means—*

1 “(1) a covered communication which, subject to
2 subsection (c), is made in cooperation, consultation,
3 or concert with, or at the request or suggestion of, a
4 candidate, an authorized committee of a candidate, or
5 a political committee of a political party; or

6 “(2) any communication that republishes, dis-
7 seminates, or distributes, in whole or in part, any
8 broadcast or any written, graphic, or other form of
9 campaign material prepared by a candidate, an au-
10 thorized committee of a candidate, or their agents.

11 “(b) COVERED COMMUNICATION DEFINED.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (4), for purposes of this subsection, the term
14 ‘covered communication’ means, for purposes of the
15 applicable election period described in paragraph (2),
16 a public communication (as defined in section
17 301(22)) that refers to a clearly identified candidate
18 for Federal office and is publicly distributed or pub-
19 licly disseminated during such period.

20 “(2) APPLICABLE ELECTION PERIOD.—For pur-
21 poses of paragraph (1), the ‘applicable election period’
22 with respect to a communication means—

23 “(A) in the case of a communication which
24 refers to a candidate for the office of President
25 or Vice President, the period—

1 “(i) beginning with the date that is
2 120 days before the date of the first primary
3 election, preference election, or nominating
4 convention for nomination for the office of
5 President which is held in any State; and

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

8 “(B) in the case of a communication which
9 refers to a candidate for any other Federal office,
10 the period—

11 “(i) beginning with the date that is 90
12 days before the earliest of the primary elec-
13 tion, preference election, or nominating con-
14 vention with respect to the nomination for
15 the office that the candidate is seeking; and

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

18 “(3) *SPECIAL RULE FOR PUBLIC DISTRIBUTION*
19 *OF COMMUNICATIONS INVOLVING CONGRESSIONAL CAN-*
20 *DIDATES.—For purposes of paragraph (1), in the case*
21 *of a communication involving a candidate for an of-*
22 *fice other than President or Vice President, the com-*
23 *munication shall be considered to be publicly distrib-*
24 *uted or publicly disseminated only if the dissemina-*

1 *tion or distribution occurs in the jurisdiction of the*
2 *office that the candidate is seeking.*

3 “(4) *EXCEPTION.—The term ‘covered commu-*
4 *nication’ does not include—*

5 “(A) *a communication appearing in a news*
6 *story, commentary, or editorial distributed*
7 *through the facilities of any broadcasting station,*
8 *newspaper, magazine, or other periodical publi-*
9 *cation, unless such facilities are owned or con-*
10 *trolled by any political party, political com-*
11 *mittee, or candidate; or*

12 “(B) *a communication which constitutes a*
13 *candidate debate or forum conducted pursuant to*
14 *the regulations adopted by the Commission to*
15 *carry out section 304(f)(3)(B)(iii), or which sole-*
16 *ly promotes such a debate or forum and is made*
17 *by or on behalf of the person sponsoring the de-*
18 *bate or forum.*

19 “(c) *NO FINDING OF COORDINATION BASED SOLELY*
20 *ON SHARING OF INFORMATION REGARDING LEGISLATIVE*
21 *OR POLICY POSITION.—For purposes of subsection (a)(1),*
22 *a covered communication may not be considered to be made*
23 *in cooperation, consultation, or concert with, or at the re-*
24 *quest or suggestion of, a candidate, an authorized committee*
25 *of a candidate, or a political committee of a political party*

1 *solely on the grounds that a person provided information*
2 *to the candidate or committee regarding that person’s posi-*
3 *tion on a legislative or policy matter (including urging the*
4 *candidate or party to adopt that person’s position), so long*
5 *as there is no discussion between the person and the can-*
6 *didate or committee regarding the candidate’s campaign for*
7 *election for Federal office.*

8 “(d) *PRESERVATION OF CERTAIN SAFE HARBORS AND*
9 *FIREWALLS.—Nothing in this section may be construed to*
10 *affect 11 CFR 109.21(g) or (h), as in effect on the date of*
11 *the enactment of the Democracy is Strengthened by Casting*
12 *Light on Spending in Elections Act.*

13 “(e) *TREATMENT OF COORDINATION WITH POLITICAL*
14 *PARTIES FOR COMMUNICATIONS REFERRING TO CAN-*
15 *DIDATES.—For purposes of this section, if a communication*
16 *which refers to any clearly identified candidate or can-*
17 *didates of a political party or any opponent of such a can-*
18 *didate or candidates is determined to have been made in*
19 *cooperation, consultation, or concert with or at the request*
20 *or suggestion of a political committee of the political party*
21 *but not in cooperation, consultation, or concert with or at*
22 *the request or suggestion of such clearly identified candidate*
23 *or candidates, the communication shall be treated as having*
24 *been made in cooperation, consultation, or concert with or*
25 *at the request or suggestion of the political committee of*

1 *the political party but not with or at the request or sugges-*
2 *tion of such clearly identified candidate or candidates.”.*

3 (c) *EFFECTIVE DATE.*—

4 (1) *IN GENERAL.*—*This section and the amend-*
5 *ments made by this section shall apply with respect*
6 *to payments made on or after the expiration of the*
7 *30-day period which begins on the date of the enact-*
8 *ment of this Act, without regard to whether or not the*
9 *Federal Election Commission has promulgated regu-*
10 *lations to carry out such amendments.*

11 (2) *TRANSITION RULE FOR ACTIONS TAKEN*
12 *PRIOR TO ENACTMENT.*—*No person shall be considered*
13 *to have made a payment for a coordinated commu-*
14 *nication under section 324 of the Federal Election*
15 *Campaign Act of 1971 (as amended by subsection (b))*
16 *by reason of any action taken by the person prior to*
17 *the date of the enactment of this Act. Nothing in the*
18 *previous sentence shall be construed to affect any de-*
19 *termination under any other provision of such Act*
20 *which is in effect on the date of the enactment of this*
21 *Act regarding whether a communication is made in*
22 *cooperation, consultation, or concert with, or at the*
23 *request or suggestion of, a candidate, an authorized*
24 *committee of a candidate, or a political committee of*
25 *a political party.*

1 **SEC. 104. TREATMENT OF POLITICAL PARTY COMMUNICA-**
2 **TIONS MADE ON BEHALF OF CANDIDATES.**

3 (a) *TREATMENT OF PAYMENT FOR PUBLIC COMMU-*
4 *UNICATION AS CONTRIBUTION IF MADE UNDER CONTROL OR*
5 *DIRECTION OF CANDIDATE.*—Section 301(8)(A) of the Fed-
6 *eral Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)),*
7 *as amended by section 103(a), is amended—*

- 8 (1) *by striking “or” at the end of clause (ii);*
9 (2) *by striking the period at the end of clause*
10 *(iii) and inserting “; or”; and*
11 (3) *by adding at the end the following new*
12 *clause:*

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

21 (b) *REQUIRING CONTROL OR DIRECTION BY CAN-*
22 *DIDATE FOR TREATMENT AS COORDINATED PARTY EX-*
23 *PENDITURE.*—

- 24 (1) *IN GENERAL.*—Paragraph (4) of section
25 *315(d) of such Act (2 U.S.C. 441a(d)) is amended to*
26 *read as follows:*

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

9 (2) *CONFORMING AMENDMENT.*—*Paragraph (1)*
10 *of section 315(d) of such Act (2 U.S.C. 441a(d)) is*
11 *amended by striking “paragraphs (2), (3), and (4)”*
12 *and inserting “paragraphs (2) and (3)”.*

13 (c) *EFFECTIVE DATE.*—*This section and the amend-*
14 *ments made by this section shall apply with respect to pay-*
15 *ments made on or after the expiration of the 30-day period*
16 *which begins on the date of the enactment of this Act, with-*
17 *out regard to whether or not the Federal Election Commis-*
18 *sion has promulgated regulations to carry out such amend-*
19 *ments.*

20 **SEC. 105. RESTRICTION ON INTERNET COMMUNICATIONS**
21 **TREATED AS PUBLIC COMMUNICATIONS.**

22 (a) *IN GENERAL.*—*Section 301(22) of the Federal*
23 *Election Campaign Act of 1971 (2 U.S.C. 431(22)) is*
24 *amended by adding at the end the following new sentence:*
25 *“A communication which is disseminated through the*

1 *Internet shall not be treated as a form of general public*
2 *political advertising under this paragraph unless the com-*
3 *munication was placed for a fee on another person’s Web*
4 *site.”.*

5 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
6 *section (a) shall take effect on the date of the enactment*
7 *of this Act.*

8 ***TITLE II—PROMOTING EFFEC-***
9 ***TIVE DISCLOSURE OF CAM-***
10 ***PAIGN-RELATED ACTIVITY***

11 ***Subtitle A—Treatment of Inde-***
12 ***pendent Expenditures and Elec-***
13 ***tioneering Communications***
14 ***Made by All Persons***

15 ***SEC. 201. INDEPENDENT EXPENDITURES.***

16 (a) *REVISION OF DEFINITION.*—*Subparagraph (A) of*
17 *section 301(17) of the Federal Election Campaign Act of*
18 *1971 (2 U.S.C. 431(17)) is amended to read as follows:*

19 “(A) *that, when taken as a whole, expressly*
20 *advocates the election or defeat of a clearly iden-*
21 *tified candidate, or is the functional equivalent*
22 *of express advocacy because it can be interpreted*
23 *by a reasonable person only as advocating the*
24 *election or defeat of a candidate, taking into ac-*
25 *count whether the communication involved men-*

1 *tions a candidacy, a political party, or a chal-*
2 *lenger to a candidate, or takes a position on a*
3 *candidate's character, qualifications, or fitness*
4 *for office; and”.*

5 *(b) UNIFORM 24-HOUR REPORTING FOR PERSONS*
6 *MAKING INDEPENDENT EXPENDITURES EXCEEDING*
7 *\$10,000 AT ANY TIME.—Section 304(g) of such Act (2*
8 *U.S.C. 434(g)) is amended by striking paragraphs (1) and*
9 *(2) and inserting the following:*

10 *“(1) INDEPENDENT EXPENDITURES EXCEEDING*
11 *THRESHOLD AMOUNT.—*

12 *“(A) INITIAL REPORT.—A person (including*
13 *a political committee) that makes or contracts to*
14 *make independent expenditures in an aggregate*
15 *amount equal to or greater than the threshold*
16 *amount described in paragraph (2) shall elec-*
17 *tronically file a report describing the expendi-*
18 *tures within 24 hours.*

19 *“(B) ADDITIONAL REPORTS.—After a per-*
20 *son files a report under subparagraph (A), the*
21 *person shall electronically file an additional re-*
22 *port within 24 hours after each time the person*
23 *makes or contracts to make independent expendi-*
24 *tures in an aggregate amount equal to or greater*
25 *than the threshold amount with respect to the*

1 *same election as that to which the initial report*
2 *relates.*

3 “(2) *THRESHOLD AMOUNT DESCRIBED.*—*In*
4 *paragraph (1), the ‘threshold amount’ means—*

5 “(A) *during the period up to and including*
6 *the 20th day before the date of an election,*
7 *\$10,000; or*

8 “(B) *during the period after the 20th day,*
9 *but more than 24 hours, before the date of an*
10 *election, \$1,000.*

11 “(3) *PUBLIC AVAILABILITY.*—*Notwithstanding*
12 *any other provision of this section, the Commission*
13 *shall ensure that the information required to be dis-*
14 *closed under this subsection is publicly available*
15 *through the Commission website not later than 24*
16 *hours after receipt in a manner that is downloadable*
17 *in bulk and machine readable.”.*

18 (c) *EFFECTIVE DATE.*—

19 (1) *IN GENERAL.*—*The amendment made by sub-*
20 *section (a) shall apply with respect to contributions*
21 *and expenditures made on or after the expiration of*
22 *the 30-day period which begins on the date of the en-*
23 *actment of this Act, without regard to whether or not*
24 *the Federal Election Commission has promulgated*
25 *regulations to carry out such amendments.*

1 (2) *REPORTING REQUIREMENTS.*—*The amend-*
2 *ment made by subsection (b) shall apply with respect*
3 *to reports required to be filed after the date of the en-*
4 *actment of this Act.*

5 **SEC. 202. ELECTIONEERING COMMUNICATIONS.**

6 (a) *EXPANSION OF PERIOD COVERING GENERAL*
7 *ELECTION.*—*Section 304(f)(3)(A)(i)(II)(aa) of the Federal*
8 *Election Campaign Act of 1971 (2 U.S.C.*
9 *434(f)(3)(A)(i)(II)(aa)) is amended by striking “60 days”*
10 *and inserting “120 days”.*

11 (b) *MANDATORY ELECTRONIC FILING.*—*Section*
12 *304(f)(1) of such Act (2 U.S.C. 434(f)(1)) is amended—*

13 (1) *by striking “file with” and inserting “elec-*
14 *tronically file with”; and*

15 (2) *by adding at the end the following new sen-*
16 *tence: “Notwithstanding any other provision of this*
17 *section, the Commission shall ensure that the infor-*
18 *mation required to be disclosed under this subsection*
19 *is publicly available through the Commission website*
20 *not later than 24 hours after receipt in a manner*
21 *that is downloadable in bulk and machine readable.”.*

22 (c) *EFFECTIVE DATE; TRANSITION FOR COMMUNICA-*
23 *TIONS MADE PRIOR TO ENACTMENT.*—*The amendment*
24 *made by subsection (a) shall apply with respect to commu-*
25 *nications made on or after the date of the enactment of this*

1 *Act, without regard to whether or not the Federal Election*
2 *Commission has promulgated regulations to carry out such*
3 *amendments, except that no communication which is made*
4 *prior to the date of the enactment of this Act shall be treated*
5 *as an electioneering communication under section*
6 *304(f)(3)(A)(i)(II) of the Federal Election Campaign Act*
7 *of 1971 (as amended by subsection (a)) unless the commu-*
8 *nication would be treated as an electioneering communica-*
9 *tion under such section if the amendment made by sub-*
10 *section (a) did not apply.*

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

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

17 *(1) by striking “or (g)”; and*

18 *(2) by adding at the end the following: “Notwith-*
19 *standing any other provision of this section, any per-*
20 *son who is required to file a statement under sub-*
21 *section (f) or subsection (g) shall file the statement in*
22 *electronic form accessible by computers, in a manner*
23 *which ensures that the information provided is*
24 *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.*—Section
8 304(g) of the Federal Election Campaign Act of 1971 (2
9 U.S.C. 434(g)) is amended by adding at the end the fol-
10 lowing new paragraph:

11 “(5) *DISCLOSURE OF ADDITIONAL INFORMATION*
12 *BY COVERED ORGANIZATIONS MAKING PAYMENTS FOR*
13 *PUBLIC INDEPENDENT EXPENDITURES.*—

14 “(A) *ADDITIONAL INFORMATION.*—If a cov-
15 ered organization makes or contracts to make
16 public independent expenditures in an aggregate
17 amount equal to or exceeding \$10,000 in a cal-
18 endar year, the report filed by the organization
19 under this subsection shall include, in addition
20 to the information required under paragraph
21 (3), the following information:

22 “(i) If any person made a donation or
23 payment to the covered organization during
24 the covered organization reporting period
25 which was provided for the purpose of being

1 *used for campaign-related activity or in re-*
2 *sponse to a solicitation for funds to be used*
3 *for campaign-related activity—*

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

15 “(II) *if any person identified*
16 *under subclause (I) designated that the*
17 *donation or payment be used for cam-*
18 *paign-related activity with respect to a*
19 *specific election or in support of a spe-*
20 *cific candidate, the name of the elec-*
21 *tion or candidate involved, and if any*
22 *such person designated that the dona-*
23 *tion or payment be used for a specific*
24 *public independent expenditure, a de-*
25 *scription of the expenditure.*

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

5 “(I) *in an aggregate amount*
6 *equal to or exceeding \$600 during such*
7 *period, if any of the disbursements*
8 *made by the organization for any of*
9 *the public independent expenditures*
10 *which are covered by the report were*
11 *not made from the organization’s Cam-*
12 *paign-Related Activity Account under*
13 *section 326; or*

14 “(II) *in an aggregate amount*
15 *equal to or exceeding \$6,000 during*
16 *such period, if the disbursements made*
17 *by the organization for all of the public*
18 *independent expenditures which are*
19 *covered by the report were made exclu-*
20 *sively from the organization’s Cam-*
21 *paign-Related Activity Account under*
22 *section 326 (but only if the organiza-*
23 *tion has made deposits described in*
24 *subparagraph (D) of section 326(a)(2)*
25 *into that Account during such period*

1 *in an aggregate amount equal to or*
2 *greater than \$10,000),*
3 *presented in the order of the aggregate*
4 *amount of payments made by such persons*
5 *during such period (with the identification*
6 *of the person making the largest payment*
7 *appearing first).*

8 “(B) *TREATMENT OF TRANSFERS MADE TO*
9 *OTHER PERSONS.—*

10 “(i) *IN GENERAL.—For purposes of the*
11 *requirement to file reports under this sub-*
12 *section (including the requirement under*
13 *subparagraph (A) to include additional in-*
14 *formation in such reports), a covered orga-*
15 *nization which transfers amounts to another*
16 *person (other than the covered organization*
17 *itself) for the purpose of making a public*
18 *independent expenditure by that person or*
19 *by any other person, or (in accordance with*
20 *clause (ii)) which is deemed to have trans-*
21 *ferred amounts to another person (other*
22 *than the covered organization itself) for the*
23 *purpose of making a public independent ex-*
24 *penditure by that person or by any other*

1 *person, shall be considered to have made a*
2 *public independent expenditure.*

3 “(ii) *RULES FOR DEEMING TRANSFERS*
4 *MADE FOR PURPOSE OF MAKING EXPENDI-*
5 *TURES.—For purposes of clause (i), in de-*
6 *termining whether a covered organization*
7 *or any other person who transfers amounts*
8 *to another person shall be deemed to have*
9 *transferred the amounts for the purpose of*
10 *making a public independent expenditure,*
11 *the following rules apply:*

12 “(I) *The person shall be deemed to*
13 *have transferred the amounts for the*
14 *purpose of making a public inde-*
15 *pendent expenditure if—*

16 “(aa) *the person designates,*
17 *requests, or suggests that the*
18 *amounts be used for public inde-*
19 *pendent expenditures and the per-*
20 *son to whom the amounts were*
21 *transferred agrees to do so or does*
22 *so;*

23 “(bb) *the person making the*
24 *public independent expenditure or*
25 *another person acting on that per-*

1 son's behalf expressly solicited the
2 person for a donation or payment
3 for making or paying for any
4 public independent expenditures;

5 “(cc) the person and the per-
6 son to whom the amounts were
7 transferred engaged in substantial
8 written or oral discussion regard-
9 ing the person either making, or
10 donating or paying for, any pub-
11 lic independent expenditures;

12 “(dd) the person or the per-
13 son to whom the amounts were
14 transferred knew or had reason to
15 know of the covered organization's
16 intent to make public independent
17 expenditures; or

18 “(ee) the person or the person
19 to whom the amounts were trans-
20 ferred made a public independent
21 expenditure during the 2-year pe-
22 riod which ends on the date on
23 which the amounts were trans-
24 ferred.

1 “(II) *The person shall not be*
2 *deemed to have transferred the*
3 *amounts for the purpose of making a*
4 *public independent expenditure if the*
5 *transfer was a commercial transaction*
6 *occurring in the ordinary course of*
7 *business between the person and the*
8 *person to whom the amounts were*
9 *transferred, unless there is affirmative*
10 *evidence that the amounts were trans-*
11 *ferred for the purpose of making a pub-*
12 *lic independent expenditure.*

13 “(C) *EXCLUSION OF AMOUNTS DESIGNATED*
14 *FOR OTHER CAMPAIGN-RELATED ACTIVITY.—For*
15 *purposes of subparagraph (A)(i), in determining*
16 *the amount of a donation or payment made by*
17 *a person which was provided for the purpose of*
18 *being used for campaign-related activity or in*
19 *response to a solicitation for funds to be used for*
20 *campaign-related activity, there shall be excluded*
21 *any amount which was designated by the person*
22 *to be used—*

23 “(i) *for campaign-related activity de-*
24 *scribed in clause (i) of section 325(d)(2)(A)*
25 *(relating to independent expenditures) with*

1 *respect to a different election, or with re-*
2 *spect to a candidate in a different election,*
3 *than an election which is the subject of any*
4 *of the public independent expenditures cov-*
5 *ered by the report involved; or*

6 *“(ii) for any campaign-related activity*
7 *described in clause (ii) of section*
8 *325(d)(2)(A) (relating to electioneering*
9 *communications).*

10 *“(D) EXCLUSION OF AMOUNTS PAID FROM*
11 *SEPARATE SEGREGATED FUND.—In determining*
12 *the amount of public independent expenditures*
13 *made by a covered organization for purposes of*
14 *this paragraph, there shall be excluded any*
15 *amounts paid from a separate segregated fund*
16 *established and administered by the organization*
17 *under section 316(b)(2)(C).*

18 *“(E) COVERED ORGANIZATION REPORTING*
19 *PERIOD DESCRIBED.—In this paragraph, the*
20 *‘covered organization reporting period’ is, with*
21 *respect to a report filed by a covered organiza-*
22 *tion under this subsection—*

23 *“(i) in the case of the first report filed*
24 *by a covered organization under this sub-*

1 *section which includes information required*
2 *under this paragraph, the shorter of—*

3 *“(I) the period which begins on*
4 *the effective date of the Democracy is*
5 *Strengthened by Casting Light on*
6 *Spending in Elections Act and ends on*
7 *the last day covered by the report, or*

8 *“(II) the 12-month period ending*
9 *on the last day covered by the report;*
10 *and*

11 *“(ii) in the case of any subsequent re-*
12 *port filed by a covered organization under*
13 *this subsection which includes information*
14 *required under this paragraph, the period*
15 *occurring since the most recent report filed*
16 *by the organization which includes such in-*
17 *formation.*

18 *“(F) COVERED ORGANIZATION DEFINED.—*

19 *In this paragraph, the term ‘covered organiza-*
20 *tion’ means any of the following:*

21 *“(i) Any corporation which is subject*
22 *to section 316(a).*

23 *“(ii) Any labor organization (as de-*
24 *finied in section 316).*

1 “(iii) Any organization described in
2 paragraph (4), (5), or (6) of section 501(c)
3 of the Internal Revenue Code of 1986 and
4 exempt from tax under section 501(a) of
5 such Code.

6 “(iv) Any political organization under
7 section 527 of the Internal Revenue Code of
8 1986, other than a political committee
9 under this Act.

10 “(G) OTHER DEFINITIONS.—In this para-
11 graph—

12 “(i) the terms ‘campaign-related activ-
13 ity’ and ‘unrestricted donor payment’ have
14 the meaning given such terms in section
15 325; and

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

20 (b) ELECTIONEERING COMMUNICATION REPORTS.—

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

23 (A) by redesignating paragraphs (6) and
24 (7) as paragraphs (7) and (8); and

1 (B) by inserting after paragraph (5) the
2 end the following new paragraph:

3 “(6) *DISCLOSURE OF ADDITIONAL INFORMATION*
4 *BY COVERED ORGANIZATIONS.*—

5 “(A) *ADDITIONAL INFORMATION.*—*If a cov-*
6 *ered organization files a statement under this*
7 *subsection, the statement shall include, in addi-*
8 *tion to the information required under para-*
9 *graph (2), the following information:*

10 “(i) *If any person made a donation or*
11 *payment to the covered organization during*
12 *the covered organization reporting period*
13 *which was provided for the purpose of being*
14 *used for campaign-related activity or in re-*
15 *sponse to a solicitation for funds to be used*
16 *for campaign-related activity—*

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

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

3 “(II) if any person identified
4 under subclause (I) designated that the
5 donation or payment be used for cam-
6 paign-related activity with respect to a
7 specific election or in support of a spe-
8 cific candidate, the name of the elec-
9 tion or candidate involved, and if any
10 such person designated that the dona-
11 tion or payment be used for a specific
12 electioneering communication, a de-
13 scription 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 any of the disburse-
21 ments made by the organization for
22 any of the electioneering communica-
23 tions which are covered by the state-
24 ment were not made from the organi-

1 *zation’s Campaign-Related Activity*
2 *Account under section 326; or*

3 *“(II) in an aggregate amount*
4 *equal to or exceeding \$10,000 during*
5 *such period, if the disbursements made*
6 *by the organization for all of the elec-*
7 *tioneering communications which are*
8 *covered by the statement were made ex-*
9 *clusively from the organization’s Cam-*
10 *paign-Related Activity Account under*
11 *section 326 (but only if the organiza-*
12 *tion has made deposits described in*
13 *subparagraph (D) of section 326(a)(2)*
14 *into that Account during such period*
15 *in an aggregate amount equal to or*
16 *greater than \$10,000),*

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

22 *“(B) TREATMENT OF TRANSFERS MADE TO*
23 *OTHER PERSONS.—*

24 *“(i) IN GENERAL.—For purposes of the*
25 *requirement to file statements under this*

1 subsection (including the requirement under
2 subparagraph (A) to include additional in-
3 formation in such statements), a covered or-
4 ganization which transfers amounts to an-
5 other person (other than the covered organi-
6 zation itself) for the purpose of making an
7 electioneering communication by that per-
8 son or by any other person, or (in accord-
9 ance with clause (ii)) which is deemed to
10 have transferred amounts to another person
11 (other than the covered organization itself)
12 for the purpose of making an electioneering
13 communication by that person or by any
14 other person, shall be considered to have
15 made a disbursement for an electioneering
16 communication.

17 “(ii) *RULES FOR DEEMING TRANSFERS*
18 *MADE FOR PURPOSE OF MAKING COMMU-*
19 *NICATIONS.—For purposes of clause (i), in*
20 *determining whether a covered organization*
21 *or any other person who transfers amounts*
22 *to another person shall be deemed to have*
23 *transferred the amounts for the purpose of*
24 *making an electioneering communication,*
25 *the following rules apply:*

1 “(I) *The person shall be deemed to*
2 *have transferred the amounts for the*
3 *purpose of making an electioneering*
4 *communication if—*

5 “(aa) *the person designates,*
6 *requests, or suggests that the*
7 *amounts be used for electioneering*
8 *communications and the person to*
9 *whom the amounts were trans-*
10 *ferred agrees to do so or does so;*

11 “(bb) *the person making the*
12 *electioneering communication or*
13 *another person acting on that per-*
14 *son’s behalf expressly solicited the*
15 *person for a donation or payment*
16 *for making or paying for any*
17 *electioneering communications;*

18 “(cc) *the person and the per-*
19 *son to whom the amounts were*
20 *transferred engaged in substantial*
21 *written or oral discussion regard-*
22 *ing the person either making, or*
23 *donating or paying for, any elec-*
24 *tioneering communications;*

1 “(dd) the person or the per-
2 son to whom the amounts were
3 transferred knew or had reason to
4 know of the covered organization’s
5 intent to make electioneering com-
6 munications; or

7 “(ee) the person or the person
8 to whom the amounts were trans-
9 ferred made an electioneering
10 communication during the 2-year
11 period which ends on the date on
12 which the amounts were trans-
13 ferred.

14 “(II) The person shall not be con-
15 sidered to have transferred the amounts
16 for the purpose of making an election-
17 eering communication if the transfer
18 was a commercial transaction occur-
19 ring in the ordinary course of business
20 between the person and the person to
21 whom the amounts were transferred,
22 unless there is affirmative evidence
23 that the amounts were transferred for
24 the purpose of making an election-
25 eering communication.

1 “(C) *EXCLUSION OF AMOUNTS DESIGNATED*
2 *FOR OTHER CAMPAIGN-RELATED ACTIVITY.*—*For*
3 *purposes of subparagraph (A)(i), in determining*
4 *the amount of a donation or payment made by*
5 *a person which was provided for the purpose of*
6 *being used for campaign-related activity or in*
7 *response to a solicitation for funds to be used for*
8 *campaign-related activity, there shall be excluded*
9 *any amount which was designated by the person*
10 *to be used—*

11 “(i) *for campaign-related activity de-*
12 *scribed in clause (ii) of section 325(d)(2)(A)*
13 *(relating to electioneering communications)*
14 *with respect to a different election, or with*
15 *respect to a candidate in a different elec-*
16 *tion, than an election which is the subject of*
17 *any of the electioneering communications*
18 *covered by the statement involved; or*

19 “(ii) *for any campaign-related activity*
20 *described in clause (i) of section*
21 *325(d)(2)(A) (relating to independent ex-*
22 *penditures consisting of a public commu-*
23 *nication).*

24 “(D) *COVERED ORGANIZATION REPORTING*
25 *PERIOD DESCRIBED.*—*In this paragraph, the*

1 ‘covered organization reporting period’ is, with
2 respect to a statement filed by a covered organi-
3 zation under this subsection—

4 “(i) in the case of the first statement
5 filed by a covered organization under this
6 subsection which includes information re-
7 quired under this paragraph, the shorter
8 of—

9 “(I) the period which begins on
10 the effective date of the Democracy is
11 Strengthened by Casting Light on
12 Spending in Elections Act and ends on
13 the disclosure date for the statement, or

14 “(II) the 12-month period ending
15 on the disclosure date for the state-
16 ment; and

17 “(ii) in the case of any subsequent
18 statement filed by a covered organization
19 under this subsection which includes infor-
20 mation required under this paragraph, the
21 period occurring since the most recent state-
22 ment filed by the organization which in-
23 cludes such information.

1 “(E) COVERED ORGANIZATION DEFINED.—

2 *In this paragraph, the term ‘covered organiza-*
3 *tion’ means any of the following:*

4 “(i) *Any corporation which is subject*
5 *to section 316(a).*

6 “(ii) *Any labor organization (as de-*
7 *fined in section 316).*

8 “(iii) *Any organization described in*
9 *paragraph (4), (5), or (6) of section 501(c)*
10 *of the Internal Revenue Code of 1986 and*
11 *exempt from tax under section 501(a) of*
12 *such Code.*

13 “(iv) *Any political organization under*
14 *section 527 of the Internal Revenue Code of*
15 *1986, other than a political committee*
16 *under this Act.*

17 “(F) OTHER DEFINITIONS.—*In this para-*
18 *graph, the terms ‘campaign-related activity’ and*
19 *‘unrestricted donor payment’ have the meaning*
20 *given such terms in section 325.”.*

21 (2) CONFORMING AMENDMENT.—*Section 304(2)*
22 *of such Act (2 U.S.C. 434(f)(2)) is amended by strik-*
23 *ing “If the disbursements” each place it appears in*
24 *subparagraph (E) and (F) and inserting the fol-*
25 *lowing: “Except in the case of a statement which is*

1 *required to include additional information under*
2 *paragraph (6), if the disbursements”.*

3 **SEC. 212. RULES REGARDING USE OF GENERAL TREASURY**
4 **FUNDS BY COVERED ORGANIZATIONS FOR**
5 **CAMPAIGN-RELATED ACTIVITY.**

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

9 **“SEC. 325. SPECIAL RULES FOR USE OF GENERAL TREAS-**
10 **URY FUNDS BY COVERED ORGANIZATIONS**
11 **FOR CAMPAIGN-RELATED ACTIVITY.**

12 **“(a) USE OF FUNDS FOR CAMPAIGN-RELATED ACTIV-**
13 **ITY.—**

14 **“(1) IN GENERAL.—***Subject to any applicable re-*
15 *strictions and prohibitions under this Act, a covered*
16 *organization may make disbursements for campaign-re-*
17 *lated activity using—*

18 **“(A) amounts paid or donated to the orga-**
19 *nization which are designated by the person pro-*
20 *viding the amounts to be used for campaign-re-*
21 *lated activity;*

22 **“(B) unrestricted donor payments made to**
23 *the organization; and*

24 **“(C) other funds of the organization, includ-**
25 *ing amounts received pursuant to commercial*

1 *activities in the regular course of a covered orga-*
2 *nization’s business.*

3 “(2) *NO EFFECT ON USE OF SEPARATE SEG-*
4 *REGATED FUND.—Nothing in this section shall be*
5 *construed to affect the authority of a covered organi-*
6 *zation to make disbursements from a separate seg-*
7 *regated fund established and administered by the or-*
8 *ganization under section 316(b)(2)(C).*

9 “(b) *MUTUALLY AGREED RESTRICTIONS ON USE OF*
10 *FUNDS FOR CAMPAIGN-RELATED ACTIVITY.—*

11 “(1) *AGREEMENT AND CERTIFICATION.—If a cov-*
12 *ered organization and a person mutually agree, at the*
13 *time the person makes a donation, payment, or trans-*
14 *fer to the organization which would require the orga-*
15 *nization to disclose the person’s identification under*
16 *section 304(g)(5)(A)(ii) or section 304(f)(6)(A)(ii),*
17 *that the organization will not use the donation, pay-*
18 *ment, or transfer for campaign-related activity, then*
19 *not later than 30 days after the organization receives*
20 *the donation, payment, or transfer the organization*
21 *shall transmit to the person a written certification by*
22 *the chief financial officer of the covered organization*
23 *(or, if the organization does not have a chief financial*
24 *officer, the highest ranking financial official of the or-*
25 *ganization) that—*

1 “(A) the organization will not use the dona-
2 tion, payment, or transfer for campaign-related
3 activity; and

4 “(B) the organization will not include any
5 information on the person in any report filed by
6 the organization under section 304 with respect
7 to independent expenditures or electioneering
8 communications, so that the person will not be
9 required to appear in a significant funder state-
10 ment or a Top 5 Funders list under section
11 318(e).

12 “(2) *EXCEPTION FOR PAYMENTS MADE PURSU-*
13 *ANT TO COMMERCIAL ACTIVITIES.*—Paragraph (1)
14 does not apply with respect to any payment or trans-
15 fer made pursuant to commercial activities in the reg-
16 ular course of a covered organization’s business.

17 “(c) *CERTIFICATIONS REGARDING DISBURSEMENTS*
18 *FOR CAMPAIGN-RELATED ACTIVITY.*—

19 “(1) *CERTIFICATION BY CHIEF EXECUTIVE OFFI-*
20 *CER.*—If, at any time during a calendar quarter, a
21 covered organization makes a disbursement of funds
22 for campaign-related activity using funds described
23 in subsection (a)(1), the chief executive officer of the
24 covered organization or the chief executive officer’s
25 designee (or, if the organization does not have a chief

1 *executive officer, the highest ranking official of the or-*
2 *ganization or the highest ranking official's designee)*
3 *shall file a statement with the Commission which con-*
4 *tains the following certifications:*

5 *“(A) None of the campaign-related activity*
6 *for which the organization disbursed the funds*
7 *during the quarter was made in cooperation,*
8 *consultation, or concert with, or at the request or*
9 *suggestion of, any candidate or any authorized*
10 *committee or agent of such candidate, or polit-*
11 *ical committee of a political party or agent of*
12 *any political party.*

13 *“(B) The chief executive officer or highest*
14 *ranking official of the covered organization (as*
15 *the case may be) has reviewed and approved each*
16 *statement and report filed by the organization*
17 *under section 304 with respect to any such dis-*
18 *bursement made during the quarter.*

19 *“(C) Each statement and report filed by the*
20 *organization under section 304 with respect to*
21 *any such disbursement made during the quarter*
22 *is complete and accurate.*

23 *“(D) All such disbursements made during*
24 *the quarter are in compliance with this Act.*

1 “(E) No portion of the amounts used to
2 make any such disbursements during the quarter
3 is attributable to funds received by the organiza-
4 tion that were restricted by the person who pro-
5 vided the funds from being used for campaign-
6 related activity pursuant to subsection (b).

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

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

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

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

21 “(A) Any corporation which is subject to
22 section 316(a).

23 “(B) Any labor organization (as defined in
24 section 316).

1 “(C) Any organization described in para-
2 graph (4), (5), or (6) of section 501(c) of the In-
3 ternal Revenue Code of 1986 and exempt from
4 tax under section 501(a) of such Code.

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

8 “(2) CAMPAIGN-RELATED ACTIVITY.—

9 “(A) IN GENERAL.—The term ‘campaign-re-
10 lated activity’ means—

11 “(i) an independent expenditure con-
12 sisting of a public communication (as de-
13 fined in section 301(22)), a transfer of
14 funds to another person (other than the
15 transferor itself) for the purpose of making
16 such an independent expenditure by that
17 person or by any other person, or (in ac-
18 cordance with subparagraph (B)) a transfer
19 of funds to another person (other than the
20 transferor itself) which is deemed to have
21 been made for the purpose of making such
22 an independent expenditure by that person
23 or by any other person; or

24 “(ii) an electioneering communication,
25 a transfer of funds to another person (other

1 *than the transferor itself) for the purpose of*
2 *making an electioneering communication by*
3 *that person or by any other person, or (in*
4 *accordance with subparagraph (B)) a trans-*
5 *fer of funds to another person (other than*
6 *the transferor itself) which is deemed to have*
7 *been made for the purpose of making an*
8 *electioneering communication by that per-*
9 *son or by any other person.*

10 *“(B) RULE FOR DEEMING TRANSFERS MADE*
11 *FOR PURPOSE OF CAMPAIGN-RELATED ACTIV-*
12 *ITY.—For purposes of subparagraph (A), in de-*
13 *termining whether a transfer of funds by one*
14 *person to another person shall be deemed to have*
15 *been made for the purpose of making an inde-*
16 *pendent expenditure consisting of a public com-*
17 *munication or an electioneering communication,*
18 *the following rules apply:*

19 *“(i) The transfer shall be deemed to*
20 *have been made for the purpose of making*
21 *such an independent expenditure or an elec-*
22 *tioneering communication if—*

23 *“(I) the person designates, re-*
24 *quests, or suggests that the amounts be*
25 *used for such independent expenditures*

1 *or electioneering communications and*
2 *the person to whom the amounts were*
3 *transferred agrees to do so or does so;*

4 *“(II) the person making such*
5 *independent expenditures or election-*
6 *eering communications or another per-*
7 *son acting on that person’s behalf ex-*
8 *pressly solicited the person for a dona-*
9 *tion or payment for making or paying*
10 *for any such independent expenditure*
11 *or electioneering communication;*

12 *“(III) the person and the person*
13 *to whom the amounts were transferred*
14 *engaged in substantial written or oral*
15 *discussion regarding the person either*
16 *making, or donating or paying for,*
17 *such independent expenditures or elec-*
18 *tioneering communications;*

19 *“(IV) the person or the person to*
20 *whom the amounts were transferred*
21 *knew or had reason to know of the cov-*
22 *ered organization’s intent to disburse*
23 *funds for such independent expendi-*
24 *tures or electioneering communications;*
25 *or*

1 “(V) *the person or the person to*
2 *whom the amounts were transferred*
3 *made such an independent expenditure*
4 *or electioneering communication dur-*
5 *ing the 2-year period which ends on*
6 *the date on which the amounts were*
7 *transferred.*

8 “(ii) *The transfer shall not be deemed*
9 *to have been made for the purpose of mak-*
10 *ing such an independent expenditure or an*
11 *electioneering communication if the transfer*
12 *was a commercial transaction occurring in*
13 *the ordinary course of business between the*
14 *person and the person to whom the amounts*
15 *were transferred, unless there is affirmative*
16 *evidence that the amounts were transferred*
17 *for the purpose of making such an inde-*
18 *pendent expenditure or electioneering com-*
19 *munication.*

20 “(3) *UNRESTRICTED DONOR PAYMENT.—The*
21 *term ‘unrestricted donor payment’ means a payment*
22 *to a covered organization which consists of a donation*
23 *or payment from a person other than the covered or-*
24 *ganization, except that such term does not include—*

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 or
6 payment to be used for campaign-related activity
7 or made in response to a solicitation for funds
8 to be used for campaign-related activity.”.

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

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

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

18 “(a) *OPTIONAL USE OF SEPARATE ACCOUNT.—*

19 “(1) *ESTABLISHMENT OF ACCOUNT.—*

20 “(A) *IN GENERAL.—At its option, a covered*
21 *organization may make disbursements for cam-*
22 *campaign-related activity using amounts from a*
23 *bank account established and controlled by the*
24 *organization to be known as the Campaign-Re-*
25 *lated Activity Account (hereafter in this section*

1 referred to as the ‘Account’), which shall be
2 maintained separately from all other accounts of
3 the organization and which shall consist exclu-
4 sively of the deposits described in paragraph (2).

5 “(B) *MANDATORY USE OF ACCOUNT AFTER*
6 *ESTABLISHMENT.*—If a covered organization es-
7 tablishes an Account under this section, it may
8 not make disbursements for campaign-related ac-
9 tivity from any source other than amounts from
10 the Account.

11 “(C) *EXCLUSIVE USE OF ACCOUNT FOR*
12 *CAMPAIGN-RELATED ACTIVITY.*—Amounts in the
13 Account shall be used exclusively for disburse-
14 ments by the covered organization for campaign-
15 related activity. After such disbursements are
16 made, information with respect to deposits made
17 to the Account shall be disclosed in accordance
18 with section 304(g)(5) or section 304(f)(6).

19 “(2) *DEPOSITS DESCRIBED.*—The deposits de-
20 scribed in this paragraph are deposits of the following
21 amounts:

22 “(A) Amounts donated or paid to the cov-
23 ered organization by a person other than the or-
24 ganization for the purpose of being used for cam-
25 paign-related activity, and for which the person

1 *providing the amounts has designated that the*
2 *amounts be used for campaign-related activity*
3 *with respect to a specific election or specific can-*
4 *didate.*

5 “(B) *Amounts donated or paid to the cov-*
6 *ered organization by a person other than the or-*
7 *ganization for the purpose of being used for cam-*
8 *paign-related activity, and for which the person*
9 *providing the amounts has not designated that*
10 *the amounts be used for campaign-related activ-*
11 *ity with respect to a specific election or specific*
12 *candidate.*

13 “(C) *Amounts donated or paid to the cov-*
14 *ered organization by a person other than the or-*
15 *ganization in response to a solicitation for funds*
16 *to be used for campaign-related activity.*

17 “(D) *Amounts transferred to the Account by*
18 *the covered organization from other accounts of*
19 *the organization, including from the organiza-*
20 *tion’s general treasury funds.*

21 “(3) *NO TREATMENT AS POLITICAL COM-*
22 *MITTEE.—The establishment and administration of*
23 *an Account in accordance with this subsection shall*
24 *not by itself be treated as the establishment or admin-*

1 *istration of a political committee for any purpose of*
2 *this Act.*

3 “(b) *REDUCTION IN AMOUNTS OTHERWISE AVAILABLE*
4 *FOR ACCOUNT IN RESPONSE TO DEMAND OF GENERAL DO-*
5 *NORS.—*

6 “(1) *IN GENERAL.—If a covered organization*
7 *which has established an Account obtains any reve-*
8 *nuces during a year which are attributable to a dona-*
9 *tion or payment from a person other than the covered*
10 *organization, and if any person who makes such a*
11 *donation or payment to the organization notifies the*
12 *organization in writing (at the time of making the*
13 *donation or payment) that the organization may not*
14 *use the donation or payment for campaign-related ac-*
15 *tivity, the organization shall reduce the amount of its*
16 *revenues available for deposits to the Account which*
17 *are described in subsection (a)(3)(D) during the year*
18 *by the amount of the donation or payment.*

19 “(2) *EXCEPTION.—Paragraph (1) does not apply*
20 *with respect to any payment made pursuant to com-*
21 *mercial activities in the regular course of a covered*
22 *organization’s business.*

23 “(c) *COVERED ORGANIZATION DEFINED.—In this sec-*
24 *tion, the term ‘covered organization’ means any of the fol-*
25 *lowing:*

1 “(1) Any corporation which is subject to section
2 316(a).

3 “(2) Any labor organization (as defined in sec-
4 tion 316).

5 “(3) Any organization described in paragraph
6 (4), (5), or (6) of section 501(c) of the Internal Rev-
7 enue Code of 1986 and exempt from tax under section
8 501(a) of such Code.

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

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

15 **SEC. 214. MODIFICATION OF RULES RELATING TO DIS-**
16 **CLAIMER STATEMENTS REQUIRED FOR CER-**
17 **TAIN COMMUNICATIONS.**

18 (a) *APPLYING REQUIREMENTS TO ALL INDEPENDENT*
19 *EXPENDITURE COMMUNICATIONS.*—Section 318(a) of the
20 *Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a))*
21 *is amended by striking “for the purpose of financing com-*
22 *munications expressly advocating the election or defeat of*
23 *a clearly identified candidate” and inserting “for an inde-*
24 *pendent expenditure consisting of a public communica-*
25 *tion”.*

1 **(b) STAND BY YOUR AD REQUIREMENTS.**—

2 **(1) MAINTENANCE OF EXISTING REQUIREMENTS**
 3 **FOR COMMUNICATIONS BY POLITICAL PARTIES AND**
 4 **OTHER POLITICAL COMMITTEES.**—Section 318(d)(2)
 5 of such Act (2 U.S.C. 441d(d)(2)) is amended—

6 **(A)** in the heading, by striking “OTHERS”
 7 and inserting “POLITICAL COMMITTEES”;

8 **(B)** by striking “subsection (a)” and insert-
 9 ing “subsection (a) which is paid for by a polit-
 10 ical committee (including a political committee
 11 of a political party), other than a political com-
 12 mittee which makes only electioneering commu-
 13 nications or independent expenditures consisting
 14 of public communications,”; and

15 **(C)** by striking “or other person” each place
 16 it appears.

17 **(2) SPECIAL DISCLAIMER REQUIREMENTS FOR**
 18 **CERTAIN COMMUNICATIONS.**—Section 318 of such Act
 19 (2 U.S.C. 441d) is amended by adding at the end the
 20 following new subsection:

21 **“(e) COMMUNICATIONS BY OTHERS.**—

22 **“(1) IN GENERAL.**—Any communication de-
 23 scribed in paragraph (3) of subsection (a) which is
 24 transmitted through radio or television (other than a
 25 communication to which subsection (d)(2) applies be-

1 *cause the communication is paid for by a political*
2 *committee, including a political committee of a polit-*
3 *ical party, other than a political committee which*
4 *makes only electioneering communications or inde-*
5 *pendent expenditures consisting of public communica-*
6 *tions) shall include, in addition to the requirements*
7 *of that paragraph, the following:*

8 *“(A) The individual disclosure statement*
9 *described in paragraph (2) (if the person paying*
10 *for the communication is an individual) or the*
11 *organizational disclosure statement described in*
12 *paragraph (3) (if the person paying for the com-*
13 *munication is not an individual).*

14 *“(B) If the communication is an election-*
15 *eering communication or an independent ex-*
16 *penditure consisting of a public communication*
17 *and is paid for in whole or in part with a pay-*
18 *ment which is treated as a disbursement by a*
19 *covered organization for campaign-related activ-*
20 *ity under section 325, the significant funder dis-*
21 *closure statement described in paragraph (4) (if*
22 *applicable), unless, on the basis of criteria estab-*
23 *lished in regulations promulgated by the Com-*
24 *mission, the communication is of such short du-*
25 *ration that including the statement in the com-*

1 *munication would constitute a hardship to the*
2 *person paying for the communication by requir-*
3 *ing a disproportionate amount of the commu-*
4 *nication's content to consist of the statement.*

5 “(C) *If the communication is an election-*
6 *eering communication or an independent ex-*
7 *penditure consisting of a public communication*
8 *and is paid for in whole or in part with a pay-*
9 *ment which is treated as a disbursement by a*
10 *covered organization for campaign-related activ-*
11 *ity under section 325, the Top Five Funders list*
12 *described in paragraph (5) (if applicable), un-*
13 *less, on the basis of criteria established in regula-*
14 *tions promulgated by the Commission, the com-*
15 *munication is of such short duration that includ-*
16 *ing the Top Five Funders list in the communica-*
17 *tion would constitute a hardship to the person*
18 *paying for the communication by requiring a*
19 *disproportionate amount of the communication's*
20 *content to consist of the Top Five Funders list.*

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

1 *the blank filled in with the name of the applicable in-*
 2 *dividual.*

3 “(3) *ORGANIZATIONAL DISCLOSURE STATEMENT*
 4 *DESCRIBED.—The organizational disclosure statement*
 5 *described in this paragraph is the following: ‘I am*
 6 _____, *the* _____ *of*
 7 _____, *and* _____ *approves*
 8 *this message.’, with—*

9 “(A) *the first blank to be filled in with the*
 10 *name of the applicable individual;*

11 “(B) *the second blank to be filled in with*
 12 *the title of the applicable individual; and*

13 “(C) *the third and fourth blank each to be*
 14 *filled in with the name of the organization or*
 15 *other person paying for the communication.*

16 “(4) *SIGNIFICANT FUNDER DISCLOSURE STATE-*
 17 *MENT DESCRIBED.—*

18 “(A) *STATEMENT IF SIGNIFICANT FUNDER*
 19 *IS AN INDIVIDUAL.—If the significant funder of*
 20 *a communication paid for in whole or in part*
 21 *with a payment which is treated as a disburse-*
 22 *ment by a covered organization for campaign-re-*
 23 *lated activity under section 325 is an indi-*
 24 *vidual, the significant funder disclosure state-*
 25 *ment described in this paragraph is the fol-*

1 *lowing: ‘I am _____ . I helped to pay*
 2 *for this message, and I approve it.’, with the*
 3 *blank filled in with the name of the applicable*
 4 *individual.*

5 “(B) *STATEMENT IF SIGNIFICANT FUNDER*
 6 *IS NOT AN INDIVIDUAL.—If the significant*
 7 *funder of a communication paid for in whole or*
 8 *in part with a payment which is treated as a*
 9 *disbursement by a covered organization for cam-*
 10 *paign-related activity under section 325 is not*
 11 *an individual, the significant funder disclosure*
 12 *statement described in this paragraph is the fol-*
 13 *lowing: ‘I am _____, the*
 14 *_____ of _____.*
 15 *_____ helped to pay for this message,*
 16 *and _____ approves it.’, with—*

17 “(i) *the first blank to be filled in with*
 18 *the name of the applicable individual;*

19 “(ii) *the second blank to be filled in*
 20 *with the title of the applicable individual;*
 21 *and*

22 “(iii) *the third, fourth, and fifth blank*
 23 *each to be filled in with the name of the sig-*
 24 *nificant funder of the communication.*

25 “(C) *SIGNIFICANT FUNDER DEFINED.—*

1 “(i) *INDEPENDENT EXPENDITURES.*—
2 *For purposes of this paragraph, the ‘signifi-*
3 *cant funder’ with respect to an independent*
4 *expenditure consisting of a public commu-*
5 *nication paid for in whole or in part with*
6 *a payment which is treated as a disburse-*
7 *ment by a covered organization for cam-*
8 *paign-related activity under section 325*
9 *shall be determined as follows:*

10 “(I) *If any report filed by any or-*
11 *ganization with respect to the inde-*
12 *pendent expenditure under section 304*
13 *includes information on any person*
14 *who made a payment to the organiza-*
15 *tion in an amount equal to or exceed-*
16 *ing \$100,000 which was designated by*
17 *the person to be used for campaign-re-*
18 *lated activity consisting of that specific*
19 *independent expenditure (as required*
20 *to be included in the report under sec-*
21 *tion 304(g)(5)(A)(i)), the person who is*
22 *identified among all such reports as*
23 *making the largest such payment.*

24 “(II) *If any report filed by any*
25 *organization with respect to the inde-*

1 *pendent expenditure under section 304*
2 *includes information on any person*
3 *who made a payment to the organiza-*
4 *tion in an amount equal to or exceed-*
5 *ing \$100,000 which was designated by*
6 *the person to be used for campaign-re-*
7 *lated activity with respect to the same*
8 *election or in support of the same can-*
9 *didate (as required to be included in*
10 *the report under section*
11 *304(g)(5)(A)(i)) but subclause (I) does*
12 *not apply, the person who is identified*
13 *among all such reports as making the*
14 *largest such payment.*

15 *“(III) If any report filed by any*
16 *organization with respect to the inde-*
17 *pendent expenditure under section 304*
18 *includes information on any person*
19 *who made a payment to the organiza-*
20 *tion which was provided for the pur-*
21 *pose of being used for campaign-related*
22 *activity or in response to a solicitation*
23 *for funds to be used for campaign-re-*
24 *lated activity (as required to be in-*
25 *cluded in the report under section*

1 304(g)(5)(A)(i)) but subclause (I) or
2 subclause (II) does not apply, the per-
3 son who is identified among all such
4 reports as making the largest such pay-
5 ment.

6 “(IV) If none of the reports filed
7 by any organization with respect to the
8 independent expenditure under section
9 304 includes information on any per-
10 son (other than the organization) who
11 made a payment to the organization
12 which was provided for the purpose of
13 being used for campaign-related activ-
14 ity or in response to a solicitation for
15 funds to be used for campaign-related
16 activity, but any of such reports in-
17 cludes information on any person who
18 made an unrestricted donor payment
19 to the organization (as required to be
20 included in the report under section
21 304(g)(5)(A)(ii)), the person who is
22 identified among all such reports as
23 making the largest such unrestricted
24 donor payment.

1 “(i) *ELECTIONEERING COMMUNICA-*
2 *TIONS.—For purposes of this paragraph, the*
3 *‘significant funder’ with respect to an elec-*
4 *tioning communication paid for in whole*
5 *or in part with a payment which is treated*
6 *as a disbursement by a covered organization*
7 *for campaign-related activity under section*
8 *325, shall be determined as follows:*

9 “(I) *If any report filed by any or-*
10 *ganization with respect to the election-*
11 *eering communication under section*
12 *304 includes information on any per-*
13 *son who made a payment to the orga-*
14 *nization in an amount equal to or ex-*
15 *ceeding \$100,000 which was designated*
16 *by the person to be used for campaign-*
17 *related activity consisting of that spe-*
18 *cific electioneering communication (as*
19 *required to be included in the report*
20 *under section 304(f)(6)(A)(i)), the per-*
21 *son who is identified among all such*
22 *reports as making the largest such pay-*
23 *ment.*

24 “(II) *If any report filed by any*
25 *organization with respect to the elec-*

1 *tioneering communication under sec-*
2 *tion 304 includes information on any*
3 *person who made a payment to the or-*
4 *ganization in an amount equal to or*
5 *exceeding \$100,000 which was des-*
6 *ignated by the person to be used for*
7 *campaign-related activity with respect*
8 *to the same election or in support of*
9 *the same candidate (as required to be*
10 *included in the report under section*
11 *304(f)(6)(A)(i)) but subclause (I) does*
12 *not apply, the person who is identified*
13 *among all such reports as making the*
14 *largest such payment.*

15 *“(III) If any report filed by any*
16 *organization with respect to the elec-*
17 *tioneering communication under sec-*
18 *tion 304 includes information on any*
19 *person who made a payment to the or-*
20 *ganization which was provided for the*
21 *purpose of being used for campaign-re-*
22 *lated activity or in response to a solici-*
23 *tation for funds to be used for cam-*
24 *paign-related activity (as required to*
25 *be included in the report under section*

1 304(f)(6)(A)(i)) but subclause (I) or
2 subclause (II) does not apply, the per-
3 son who is identified among all such
4 reports as making the largest such pay-
5 ment.

6 “(IV) If none of the reports filed
7 by any organization with respect to the
8 electioneering communication under
9 section 304 includes information on
10 any person who made a payment to
11 the organization which was provided
12 for the purpose of being used for cam-
13 paign-related activity or in response to
14 a solicitation for funds to be used for
15 campaign-related activity, but any of
16 such reports includes information on
17 any person who made an unrestricted
18 donor payment to the organization (as
19 required to be included in the report
20 under section 304(f)(6)(A)(ii)), the per-
21 son who is identified among all such
22 reports as making the largest such un-
23 restricted donor payment.

24 “(5) TOP 5 FUNDERS LIST DESCRIBED.—With
25 respect to a communication paid for in whole or in

1 *part with a payment which is treated as a disburse-*
2 *ment by a covered organization for campaign-related*
3 *activity under section 325, the Top 5 Funders list de-*
4 *scribed in this paragraph is—*

5 *“(A) in the case of a disbursement for an*
6 *independent expenditure consisting of a public*
7 *communication, a list of the 5 persons (or, in the*
8 *case of a communication transmitted through*
9 *radio, the 2 persons) who provided the largest*
10 *payments of any type which are required under*
11 *section 304(g)(5)(A) to be included in the reports*
12 *filed by any organization with respect to that*
13 *independent expenditure under section 304, to-*
14 *gether with the amount of the payments each*
15 *such person provided; or*

16 *“(B) in the case of a disbursement for an*
17 *electioneering communication, a list of the 5 per-*
18 *sons (or, in the case of a communication trans-*
19 *mitted through radio, the 2 persons) who pro-*
20 *vided the largest payments of any type which are*
21 *required under section 304(f)(6)(A) to be in-*
22 *cluded in the reports filed by any organization*
23 *with respect to that electioneering communica-*
24 *tion under section 304, together with the amount*
25 *of the payments each such person provided.*

1 “(6) *METHOD OF CONVEYANCE OF STATE-*
2 *MENT.—*

3 “(A) *COMMUNICATIONS TRANSMITTED*
4 *THROUGH RADIO.—In the case of a communica-*
5 *tion to which this subsection applies which is*
6 *transmitted through radio, the disclosure state-*
7 *ments required under paragraph (1) shall be*
8 *made by audio by the applicable individual in*
9 *a clearly spoken manner.*

10 “(B) *COMMUNICATIONS TRANSMITTED*
11 *THROUGH TELEVISION.—In the case of a commu-*
12 *nication to which this subsection applies which*
13 *is transmitted through television, the informa-*
14 *tion required under paragraph (1)—*

15 “(i) *shall appear in writing at the end*
16 *of the communication in a clearly readable*
17 *manner, with a reasonable degree of color*
18 *contrast between the background and the*
19 *printed statement, for a period of at least 6*
20 *seconds; and*

21 “(ii) *except in the case of a Top 5*
22 *Funders list described in paragraph (5),*
23 *shall also be conveyed by an unobscured,*
24 *full-screen view of the applicable individual,*
25 *or by the applicable individual making the*

1 *statement in voice-over accompanied by a*
2 *clearly identifiable photograph or similar*
3 *image of the individual.*

4 “(7) *APPLICABLE INDIVIDUAL DEFINED.*—*In this*
5 *subsection, the term ‘applicable individual’ means,*
6 *with respect to a communication to which this para-*
7 *graph applies—*

8 “(A) *if the communication is paid for by an*
9 *individual or if the significant funder of the*
10 *communication under paragraph (4) is an indi-*
11 *vidual, the individual involved;*

12 “(B) *if the communication is paid for by a*
13 *corporation or if the significant funder of the*
14 *communication under paragraph (4) is a cor-*
15 *poration, the chief executive officer of the cor-*
16 *poration (or, if the corporation does not have a*
17 *chief executive officer, the highest ranking official*
18 *of the corporation);*

19 “(C) *if the communication is paid for by a*
20 *labor organization or if the significant funder of*
21 *the communication under paragraph (4) is a*
22 *labor organization, the highest ranking officer of*
23 *the labor organization; or*

24 “(D) *if the communication is paid for by*
25 *any other person or if the significant funder of*

1 *the communication under paragraph (4) is any*
2 *other person, the highest ranking official of such*
3 *person.*

4 “(8) *COVERED ORGANIZATION DEFINED.*—*In this*
5 *subsection, the term ‘covered organization’ means any*
6 *of the following:*

7 “(A) *Any corporation which is subject to*
8 *section 316(a).*

9 “(B) *Any labor organization (as defined in*
10 *section 316).*

11 “(C) *Any organization described in para-*
12 *graph (4), (5), or (6) of section 501(c) of the In-*
13 *ternal Revenue Code of 1986 and exempt from*
14 *tax under section 501(a) of such Code.*

15 “(D) *Any political organization under sec-*
16 *tion 527 of the Internal Revenue Code of 1986,*
17 *other than a political committee under this Act.*

18 “(9) *OTHER DEFINITIONS.*—*In this subsection,*
19 *the terms ‘campaign-related activity’ and ‘unre-*
20 *stricted donor payment’ have the meaning given such*
21 *terms in section 325.”.*

22 “(3) *APPLICATION TO CERTAIN MASS MAILINGS.*—
23 *Section 318(a)(3) of such Act (2 U.S.C. 441d(a)(3))*
24 *is amended to read as follows:*

1 “(3) if not authorized by a candidate, an author-
2 ized political committee of a candidate, or its agents,
3 shall clearly state—

4 “(A) the name and permanent street ad-
5 dress, telephone number, or World Wide Web ad-
6 dress of the person who paid for the communica-
7 tion;

8 “(B) if the communication is an inde-
9 pendent expenditure consisting of a mass mail-
10 ing (as defined in section 301(23)) which is paid
11 for in whole or in part with a payment which
12 is treated as a disbursement by a covered organi-
13 zation for campaign-related activity under sec-
14 tion 325, the name and permanent street ad-
15 dress, telephone number, or World Wide Web ad-
16 dress of—

17 “(i) the significant funder of the com-
18 munication, if any (as determined in ac-
19 cordance with subsection (e)(4)(C)(i)); and

20 “(ii) each person who would be in-
21 cluded in the Top 5 Funders list which
22 would be submitted with respect to the com-
23 munication if the communication were
24 transmitted through television, if any (as

1 *determined in accordance with subsection*
2 *(e)(5)); and*

3 *“(C) that the communication is not author-*
4 *ized by any candidate or candidate’s com-*
5 *mittee.”.*

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

10 *“(f) SPECIAL RULES FOR POLITICAL ROBOCALLS.—*

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

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

23 *“(B) If the communication is an election-*
24 *eering communication or an independent ex-*
25 *penditure consisting of a public communication*

1 *and is paid for in whole or in part with a pay-*
2 *ment which is treated as a disbursement by a*
3 *covered organization for campaign-related activ-*
4 *ity under section 325, the significant funder dis-*
5 *closure statement described in subsection (e)(4)*
6 *(if applicable).*

7 “(2) *TIMING OF CERTAIN STATEMENT.*—*The*
8 *statement required to be included under paragraph*
9 *(1)(A) shall be made at the beginning of the political*
10 *robocall.*

11 “(3) *POLITICAL ROBOCALL DEFINED.*—*In this*
12 *subsection, the term ‘political robocall’ means any*
13 *outbound telephone call—*

14 “(A) *in which a person is not available to*
15 *speak with the person answering the call, and*
16 *the call instead plays a recorded message; and*

17 “(B) *which promotes, supports, attacks, or*
18 *opposes a candidate for election for Federal of-*
19 *fice.”.*

1 **Subtitle C—Reporting Require-**
2 **ments for Registered Lobbyists**

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

7 (a) *IN GENERAL.*—Section 5(d)(1) of the Lobbying
8 Disclosure Act of 1995 (2 U.S.C. 1604(d)(1)) is amended—

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

11 (2) by redesignating subparagraph (G) as sub-
12 paragraph (I); and

13 (3) by inserting after subparagraph (F) the fol-
14 lowing new subparagraphs:

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

24 “(H) the amount of any electioneering com-
25 munication (as defined in section 304(f)(3) of

1 *such Act (2 U.S.C. 434(f)(3)) equal to or greater*
2 *than \$1,000 made by such person or organiza-*
3 *tion, and for each such communication the name*
4 *of the candidate referred to in the communica-*
5 *tion and whether the communication involved*
6 *was in support of or in opposition to the can-*
7 *didate; and”.*

8 **(b) EFFECTIVE DATE.**—*The amendments made by this*
9 *section shall apply with respect to reports for semiannual*
10 *periods described in section 5(d)(1) of the Lobbying Disclo-*
11 *sure Act of 1995 that begin after the date of the enactment*
12 *of this Act.*

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

17 ***SEC. 301. REQUIRING DISCLOSURE BY COVERED ORGANIZA-***
18 ***TIONS OF INFORMATION ON CAMPAIGN-RE-***
19 ***LATED ACTIVITY.***

20 *Title III of the Federal Election Campaign Act of 1971*
21 *(2 U.S.C. 431 et seq.), as amended by section 213, is amend-*
22 *ed by adding at the end the following new section:*

1 **“SEC. 327. DISCLOSURES BY COVERED ORGANIZATIONS TO**
2 **SHAREHOLDERS, MEMBERS, AND DONORS OF**
3 **INFORMATION ON DISBURSEMENTS FOR CAM-**
4 **PAIGN-RELATED ACTIVITY.**

5 *“(a) INCLUDING INFORMATION IN REGULAR PERIODIC*
6 *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 activi-*
10 *ties shall include in each such report the information*
11 *described in paragraph (2) with respect to the dis-*
12 *bursements made by the organization for campaign-*
13 *related activity during the period covered by the re-*
14 *port.*

15 *“(2) INFORMATION DESCRIBED.—The informa-*
16 *tion described in this paragraph is, for each disburse-*
17 *ment 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 expend-*
21 *iture or electioneering communication involved;*

22 *“(C) the name of the candidate identified in*
23 *the independent expenditure or electioneering*
24 *communication involved, the office sought by the*
25 *candidate, and (if applicable) whether the inde-*
26 *pendent expenditure or electioneering commu-*

1 *nication involved was in support of or in opposi-*
2 *tion to the candidate;*

3 *“(D) in the case of a transfer of funds to*
4 *another person, the information required by sub-*
5 *paragraphs (A) through (C), as well as the name*
6 *of the recipient of the funds and the date and*
7 *amount of the funds transferred;*

8 *“(E) the source of such funds; and*

9 *“(F) such other information as the Commis-*
10 *sion determines is appropriate to further the*
11 *purposes of this subsection.*

12 *“(b) HYPERLINK TO INFORMATION INCLUDED IN RE-*
13 *PORTS FILED WITH COMMISSION.—*

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

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

23 *“(B) The information the organization is*
24 *required to include in a statement of disburse-*

1 *ments for electioneering communications under*
2 *section 304(f)(6).*

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

14 “(c) *COVERED ORGANIZATION DEFINED.—In this sec-*
15 *tion, the term ‘covered organization’ means any of the fol-*
16 *lowing:*

17 “(1) *Any corporation which is subject to section*
18 *316(a).*

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

21 “(3) *Any organization described in paragraph*
22 *(4), (5), or (6) of section 501(c) of the Internal Rev-*
23 *enue Code of 1986 and exempt from tax under section*
24 *501(a) of such Code.*

1 “(4) Any political organization under section
2 527 of the Internal Revenue Code of 1986, other than
3 a political committee under this Act.”.

4 **TITLE IV—OTHER PROVISIONS**

5 **SEC. 401. JUDICIAL REVIEW.**

6 (a) *SPECIAL RULES FOR ACTIONS BROUGHT ON CON-*
7 *STITUTIONAL GROUNDS.—If any action is brought for de-*
8 *claratory or injunctive relief to challenge the constitu-*
9 *tionality of any provision of this Act or any amendment*
10 *made by this Act, the following rules shall apply:*

11 (1) *The action shall be filed in the United States*
12 *District Court for the District of Columbia, and an*
13 *appeal from a decision of the District Court may be*
14 *taken to the Court of Appeals for the District of Co-*
15 *lumbia Circuit.*

16 (2) *A copy of the complaint shall be delivered*
17 *promptly to the Clerk of the House of Representatives*
18 *and the Secretary of the Senate.*

19 (3) *It shall be the duty of the United States Dis-*
20 *trict Court for the District of Columbia, the Court of*
21 *Appeals for the District of Columbia Circuit, and the*
22 *Supreme Court of the United States to advance on the*
23 *docket and to expedite to the greatest possible extent*
24 *the disposition of the action and appeal.*

1 (b) *INTERVENTION BY MEMBERS OF CONGRESS.*—In
2 any action in which the constitutionality of any provision
3 of this Act or any amendment made by this Act is raised,
4 any member of the House of Representatives (including a
5 Delegate or Resident Commissioner to the Congress) or Sen-
6 ate shall have the right to intervene either in support of
7 or opposition to the position of a party to the case regarding
8 the constitutionality of the provision or amendment. To
9 avoid duplication of efforts and reduce the burdens placed
10 on the parties to the action, the court in any such action
11 may make such orders as it considers necessary, including
12 orders to require intervenors taking similar positions to file
13 joint papers or to be represented by a single attorney at
14 oral argument.

15 (c) *CHALLENGE BY MEMBERS OF CONGRESS.*—Any
16 Member of the House of Representatives (including a Dele-
17 gate or Resident Commissioner to the Congress) or Senate
18 may bring an action, subject to the special rules described
19 in subsection (a), for declaratory or injunctive relief to chal-
20 lenge the constitutionality of any provision of this Act or
21 any amendment made by this Act.

22 **SEC. 402. SEVERABILITY.**

23 If any provision of this Act or amendment made by
24 this Act, or the application of a provision or amendment
25 to any person or circumstance, is held to be unconstitu-

1 tional, the remainder of this Act and amendments made
2 by this Act, and the application of the provisions and
3 amendment to any person or circumstance, shall not be af-
4 fected by the holding.

5 **SEC. 403. EFFECTIVE DATE.**

6 *Except as otherwise provided, this Act and the amend-*
7 *ments made by this Act shall take effect upon the expiration*
8 *of the 30-day period which begins on the date of the enact-*
9 *ment of this Act, and shall take effect without regard to*
10 *whether or not the Federal Election Commission has pro-*
11 *mulgated regulations to carry out such amendments.*

Union Calendar No. 280

11TH CONGRESS
2^D SESSION

H. R. 5175

[Report No. 111-492, Part I]

A BILL

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.

MAY 25, 2010

Reported from the Committee on House Administration
with an amendment

MAY 25, 2010

Committee on the Judiciary discharged; committed to the
Committee of the Whole House on the State of the
Union and ordered to be printed