

105TH CONGRESS
1ST SESSION

H. R. 1780

To amend the Federal Election Campaign Act of 1971 to expand the types of information on campaign spending required to be reported to the Federal Election Commission, to transfer responsibility for the enforcement of Federal laws governing the financing of campaigns for election for Federal office from the Commission to the Attorney General, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 1997

Mr. DREIER introduced the following bill; which was referred to the Committee on House Oversight, and in addition to the Committees on Ways and Means, and 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

A BILL

To amend the Federal Election Campaign Act of 1971 to expand the types of information on campaign spending required to be reported to the Federal Election Commission, to transfer responsibility for the enforcement of Federal laws governing the financing of campaigns for election for Federal office from the Commission to the Attorney General, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Voter Empowerment Act of 1997”.

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

Sec. 1. Short title; table of contents.

**TITLE I—PROMOTING DISCLOSURE OF INFORMATION ON
CAMPAIGN SPENDING**

Sec. 101. Disclosure of certain expenditures for issue advocacy.

Sec. 102. Disclosure of certain permissible activities by labor organizations and corporations.

Sec. 103. Disclosure by State and local political parties of information reported under State law.

Sec. 104. Mandatory electronic filing and preservation of Federal Election Commission reports.

Sec. 105. Timing for reporting.

Sec. 106. Waiver of “best efforts” exception for information on identification of contributors.

Sec. 107. Disclosure of certain non-Federal financial activities of national political parties.

TITLE II—ENCOURAGING PARTICIPATION IN CAMPAIGNS

Sec. 201. Indexing limits on contributions.

Sec. 202. Permitting corporate members of trade association to approve solicitations by more than one trade association.

Sec. 203. Tax credits for contributions by individuals.

TITLE III—REFORM OF FEDERAL ELECTION COMMISSION

Subtitle A—Enforcement of Federal Campaign Laws by Attorney General

Sec. 301. Enforcement by Attorney General.

Sec. 302. Termination of FEC enforcement authority.

Sec. 303. Reduction in number of members.

Subtitle B—Facilitating Dissemination of Information

Sec. 311. Index of advisory opinions.

Sec. 312. Written responses to questions.

Sec. 313. Publication of names of candidates accepting prohibited contributions.

**TITLE IV—TERMINATION OF PRESIDENTIAL ELECTION
CAMPAIGN FUND**

Sec. 401. Termination of taxpayer financing of presidential election campaigns.

1 **TITLE I—PROMOTING DISCLO-**
2 **SURE OF INFORMATION ON**
3 **CAMPAIGN SPENDING**

4 **SEC. 101. DISCLOSURE OF CERTAIN EXPENDITURES FOR**
5 **ISSUE ADVOCACY.**

6 (a) IN GENERAL.—Section 304 of the Federal Elec-
7 tion Campaign Act of 1971 (2 U.S.C. 434) is amended
8 by adding at the end the following new subsection:

9 “(d)(1) Each person who makes a payment in an
10 amount equal to or greater than \$100,000 for a commu-
11 nication containing issue advocacy shall submit a state-
12 ment to the Commission (not later than 24 hours after
13 making the payment) describing the amount spent, the
14 type of communication involved, and the market or area
15 in which the communication was disseminated.

16 “(2) In this subsection, a communication containing
17 issue advocacy is any communication which uses the name
18 or likeness of an individual holding Federal office or a can-
19 didate for election for Federal officer, mentions a national
20 political party, or uses the terms ‘the President’ or ‘Con-
21 gress’ in reference to an individual holding Federal office,
22 except that this subsection shall not apply with respect
23 to any payment which would be described in clause (i),
24 (iii), or (v) of section 301(9)(B) if the payment were an
25 expenditure under such section.”.

1 (b) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall apply with respect to payments made
 3 on or after January 1999.

4 **SEC. 102. DISCLOSURE OF CERTAIN PERMISSIBLE ACTIVITIES BY LABOR ORGANIZATIONS AND CORPORATIONS.**
 5
 6

7 (a) IN GENERAL.—Section 304 of the Federal Elec-
 8 tion Campaign Act of 1971 (2 U.S.C. 434), as amended
 9 by section 101(a), is further amended by adding at the
 10 end the following new subsection:

11 “(e)(1) Each corporation, national bank, or labor or-
 12 ganization who makes aggregate payments during a year
 13 in an amount equal to or greater than \$5,000 for any ac-
 14 tivity described in subparagraph (A), (B), or (C) of section
 15 316(a)(2) shall submit a statement to the Commission
 16 (not later than 24 hours after making the payments) de-
 17 scribing the amount spent and the activity involved.”.

18 (b) EFFECTIVE DATE.—The amendment made by
 19 subsection (a) shall apply with respect to payments made
 20 on or after January 1, 1999.

21 **SEC. 103. DISCLOSURE BY STATE AND LOCAL POLITICAL PARTIES OF INFORMATION REPORTED UNDER STATE LAW.**
 22
 23

24 (a) IN GENERAL.—Section 304 of the Federal Elec-
 25 tion Campaign Act of 1971 (2 U.S.C. 434), as amended

1 by section 101(a) and section 102(a), is further amended
 2 by adding at the end the following new subsection:

3 “(f) If a political committee of a State or local politi-
 4 cal party is required under a State or local law, rule, or
 5 regulation to submit a report on its disbursements to an
 6 entity of the State or local government, the committee
 7 shall file a copy of the report with the Commission at the
 8 time it submits the report to such an entity.”.

9 (b) EFFECTIVE DATE.—The amendments made by
 10 subsection (a) shall apply with respect to reports submit-
 11 ted on or after January 1, 1999.

12 **SEC. 104. MANDATORY ELECTRONIC FILING AND PRESER-**
 13 **VATION OF FEDERAL ELECTION COMMISSION**
 14 **REPORTS.**

15 (a) IN GENERAL.—Subsection 304(a)(11)(A) of the
 16 Federal Election Campaign Act of 1971 (2 U.S.C.
 17 434(a)(11)(A)) is amended by striking “permit reports re-
 18 quired by” and inserting “require reports under”.

19 (b) INCREASING ELECTRONIC DISCLOSURE.—

20 (1) IN GENERAL.—Section 304 of such Act (2
 21 U.S.C. 434), as amended by section 101(a), section
 22 102(a), and section 103(a), is further amended by
 23 adding at the end the following new subsection:

24 “(g)(1) The Commission shall make the information
 25 contained in the reports submitted under this section

1 available on the Internet and publicly available at the of-
2 fices of the Commission as soon as practicable (but in no
3 case later than 24 hours) after the information is received
4 by the Commission.

5 “(2) In this subsection, the term ‘Internet’ means the
6 international computer network of both Federal and non-
7 Federal interoperable packet-switched data networks.”.

8 (2) PERMITTING WAIVER OF ACQUISITION
9 RULES TO EXPEDITE ELECTRONIC ACCESS.—Not-
10 withstanding any other provision of law, the Federal
11 Election Commission may waive any of the following
12 provisions of Federal acquisition law to the extent
13 the Commission determines necessary to make the
14 information contained in reports submitted to the
15 Commission available on the Internet upon the expi-
16 ration of the 1-year period which begins on the date
17 of the enactment of this Act:

18 (A) Title III of the Federal Property and
19 Administrative Services Act of 1949 (41 U.S.C.
20 252–266).

21 (B) The Office of Federal Procurement
22 Policy Act (41 U.S.C. 401 et seq.).

23 (C) The Clinger-Cohen Act of 1996 (divi-
24 sions D and E of Public Law 104–106).

1 (D) The Federal Acquisition Streamlining
2 Act of 1994 (Public Law 103–355).

3 (E) The Small Business Act (15 U.S.C.
4 631 et seq.), except that all reasonable opportu-
5 nities to be awarded contracts shall be provided
6 to small business concerns and small business
7 concerns owned and controlled by socially and
8 economically disadvantaged individuals.

9 (F) Subchapter V of chapter 35 of title 31,
10 relating to the procurement protest system.

11 (G) The Federal Acquisition Regulation
12 and any laws not listed in (A) through (F) of
13 this section providing authority to promulgate
14 regulations in the Federal Acquisition Regula-
15 tion.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply with respect to reports for periods
18 beginning after the expiration of the 1-year period which
19 begins on the date of the enactment of this Act. During
20 that period, the Federal Election Commission shall submit
21 regular reports to Committee on Rules of Administration
22 of the Senate and the Committee on House Oversight of
23 the House of Representatives describing the progress
24 made by the Commission in its ability to accept reports

1 filed electronically and to make the information contained
2 in such reports available on the Internet.

3 **SEC. 105. TIMING FOR REPORTING.**

4 (a) DEADLINE FOR FILING.—

5 (1) REQUIRING REPORTS FOR ALL CONTRIBU-
6 TIONS MADE WITHIN 60 DAYS OF ELECTION; RE-
7 QUIRING REPORTS TO BE MADE WITHIN 24
8 HOURS.—Section 304(a)(6)(A) of the Federal Elec-
9 tion Campaign Act of 1971 (2 U.S.C. 434(a)(6)(A))
10 is amended—

11 (A) by striking “after the 20th day, but
12 more than 48 hours before any election” and
13 inserting “during the period which begins on
14 the 60th day before an election and ends at the
15 time the polls close for such election”; and

16 (B) by striking “48 hours” the second
17 place it appears and inserting the following:
18 “24 hours (or, if earlier, by midnight of the day
19 on which the contribution is deposited)”.

20 (2) REQUIRING ACTUAL DELIVERY BY DEAD-
21 LINE.—

22 (A) IN GENERAL.—Section 304(a)(6) of
23 such Act (2 U.S.C. 434(a)(6)) is amended by
24 adding at the end the following new subpara-
25 graph:

1 “(C) Notwithstanding paragraph (5), the time at
 2 which a notification or report under this paragraph is re-
 3 ceived by the Secretary, the Commission, or any other re-
 4 cipient to whom the notification is required to be sent shall
 5 be considered the time of filing of the notification or report
 6 with the recipient.”.

7 (B) CONFORMING AMENDMENT.—Section
 8 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is
 9 amended by striking “paragraph (2)(A)(i) or
 10 (4)(A)(ii)” and inserting “paragraphs (2)(A)(i),
 11 (4)(A)(ii), or (6))”.

12 (b) REQUIRING RECEIPT OF INDEPENDENT EXPEND-
 13 ITURE REPORTS WITHIN 24 HOURS.—

14 (1) IN GENERAL.—Section 304(c)(2) of such
 15 Act (2 U.S.C. 434(c)(2)) is amended in the matter
 16 following subparagraph (C)—

17 (A) by striking “shall be reported” and in-
 18 serting “shall be filed”; and

19 (B) by adding at the end the following new
 20 sentence: “Notwithstanding subsection (a)(5),
 21 the time at which the statement under this sub-
 22 section is received by the Secretary, the Com-
 23 mission, or any other recipient to whom the no-
 24 tification is required to be sent shall be consid-

1 ered the time of filing of the statement with the
2 recipient.”.

3 (2) CONFORMING AMENDMENT.—Section
4 304(a)(5) of such Act (2 U.S.C. 434(a)(5)), as
5 amended by subsection (a)(2)(B), is further amend-
6 ed by striking “or (6)” and inserting “or (6), or
7 subsection (c)(2)”.

8 (c) REQUIRING RECORD KEEPING AND REPORT OF
9 SECONDARY PAYMENTS BY CAMPAIGN COMMITTEES.—

10 (1) REPORTING.—Section 304(b)(5)(A) of such
11 Act (2 U.S.C. 434(b)(5)(A)) is amended by striking
12 the semicolon at the end and inserting the following:
13 “, and, if such person in turn makes expenditures
14 which aggregate \$500 or more in an election cycle
15 to other persons (not including employees) who pro-
16 vide goods or services to the candidate or the can-
17 didate’s authorized committees, the name and ad-
18 dress of such other persons, together with the date,
19 amount, and purpose of such expenditures;”.

20 (2) RECORD KEEPING.—Section 302 of such
21 Act (2 U.S.C. 432) is amended by adding at the end
22 the following new subsection:

23 “(j) A person described in section 304(b)(5)(A) who
24 makes expenditures which aggregate \$500 or more in an
25 election cycle to other persons (not including employees)

1 who provide goods or services to a candidate or a can-
2 didate's authorized committees shall provide to a political
3 committee the information necessary to enable the com-
4 mittee to report the information described in such sec-
5 tion.”.

6 (3) NO EFFECT ON OTHER REPORTS.—Nothing
7 in the amendments made by this subsection may be
8 construed to affect the terms of any other record-
9 keeping or reporting requirements applicable to can-
10 didates or political committees under title III of the
11 Federal Election Campaign Act of 1971.

12 (d) INCLUDING REPORT ON CUMULATIVE CONTRIBU-
13 TIONS AND EXPENDITURES IN POST ELECTION RE-
14 PORTS.—Section 304(a)(7) of such Act (2 U.S.C.
15 434(a)(7)) is amended—

16 (1) by striking “(7)” and inserting “(7)(A)”;
17 and

18 (2) by adding at the end the following new sub-
19 paragraph:

20 “(B) In the case of any report required to be filed
21 by this subsection which is the first report required to be
22 filed after the date of an election, the report shall include
23 a statement of the total contributions received and expend-
24 itures made as of the date of the election.”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to elections occurring
3 after January 1999.

4 **SEC. 106. WAIVER OF “BEST EFFORTS” EXCEPTION FOR IN-**
5 **FORMATION ON IDENTIFICATION OF CON-**
6 **TRIBUTORS.**

7 (a) IN GENERAL.—Section 302(i) of the Federal
8 Election Campaign Act of 1971 (2 U.S.C. 432(i)) is
9 amended—

10 (1) by striking “(i) When the treasurer” and
11 inserting “(i)(1) Except as provided in paragraph
12 (2), when the treasurer”; and

13 (2) by adding at the end the following new
14 paragraph:

15 “(2) Paragraph (1) shall not apply with respect to
16 information regarding the identification of any person who
17 makes a contribution or contributions aggregating more
18 than \$200 during a calendar year (as required to be pro-
19 vided under subsection (c)(3)).”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply with respect to persons making
22 contributions for elections occurring after January 1999.

1 **SEC. 107. DISCLOSURE OF CERTAIN NON-FEDERAL FINAN-**
2 **CIAL ACTIVITIES OF NATIONAL POLITICAL**
3 **PARTIES.**

4 Section 304 of the Federal Election Campaign Act
5 of 1971 (2 U.S.C. 434), as amended by section 101(a),
6 section 102(a), section 103(a), and section 104(b)(1), is
7 further amended—

8 (1) by redesignating subsection (g) as sub-
9 section (h); and

10 (2) by inserting after subsection (f) the follow-
11 ing new subsection:

12 “(g)(1) Notwithstanding any other provision of this
13 title, any person who provides any funds to a political com-
14 mittee of a national political party in an aggregate amount
15 of not less than \$250,000 during a calendar year shall
16 file a statement with the Commission in accordance with
17 subsection (a)(2) and shall include in the statement all
18 information which would be required to be provided under
19 this section if the entire amount provided were treated as
20 a contribution for purposes of the limitations, prohibitions,
21 and reporting requirements of this title.

22 “(2) Notwithstanding any other provision of this title,
23 each political committee of a national political party shall
24 include in the statements filed with the Commission under
25 this section information on all disbursements made by the
26 committee in an aggregate amount of not less than

1 \$250,000 during a calendar year, without regard to
2 whether any portion of the disbursements are otherwise
3 treated as expenditures for purposes of the limitations,
4 prohibitions, and reporting requirements of this title.”.

5 **TITLE II—ENCOURAGING** 6 **PARTICIPATION IN CAMPAIGNS**

7 **SEC. 201. INDEXING LIMITS ON CONTRIBUTIONS.**

8 (a) IN GENERAL.—Section 315(c) of the Federal
9 Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is
10 amended by adding at the end the following new para-
11 graph:

12 “(3)(A) The amount of each limitation established
13 under subsection (a) shall be adjusted as follows:

14 “(i) For calendar year 1999, each such amount
15 shall be equal to the amount described in such sub-
16 section, increased (in a compounded manner) by the
17 percentage increase in the price index (as defined in
18 subsection (c)(2)) for each year after 1976 and be-
19 fore 1999.

20 “(ii) For calendar year 2001 and each second
21 subsequent year, each such amount shall be equal to
22 the amount for the second previous year (as ad-
23 justed under this subparagraph), increased (in a
24 compounded manner) by the percentage increase in

1 the price index for the previous year and the second
 2 previous year.

3 “(B) In the case of any amount adjusted under this
 4 subparagraph which is not a multiple of \$500, the amount
 5 shall be rounded to the nearest highest multiple of \$500.”.

6 (b) APPLICATION OF INDEXING TO SUPPORT OF
 7 CANDIDATE’S COMMITTEES.—Section 302(e)(3)(B) of
 8 such Act (2 U.S.C. 432(e)(3)(B)) is amended by adding
 9 at the end the following new sentence: “The amount de-
 10 scribed in the previous sentence shall be adjusted (for
 11 years beginning with 1999) in the same manner as the
 12 amounts of limitations on contributions under section
 13 315(a) are adjusted under section 315(c)(3).”.

14 **SEC. 202. PERMITTING CORPORATE MEMBERS OF TRADE**
 15 **ASSOCIATION TO APPROVE SOLICITATIONS**
 16 **BY MORE THAN ONE TRADE ASSOCIATION.**

17 (a) IN GENERAL.—Section 316(b)(4)(D) of the Fed-
 18 eral Election Campaign Act of 1971 (2 U.S.C.
 19 441b(b)(4)(D)) is amended by striking “, and such mem-
 20 ber corporation” and all that follows and inserting a pe-
 21 riod.

22 (b) EFFECTIVE DATE.—The amendment made by
 23 subsection (a) shall apply with respect to elections occur-
 24 ring after January 1999.

1 **SEC. 203. TAX CREDITS FOR CONTRIBUTIONS BY INDIVID-**
 2 **UALS.**

3 (a) IN GENERAL.—Subpart A of part IV of sub-
 4 chapter A of chapter 1 of the Internal Revenue Code of
 5 1986 (relating to nonrefundable personal credits) is
 6 amended by inserting after section 23 the following new
 7 section:

8 **“SEC. 24. POLITICAL CONTRIBUTIONS.**

9 “(a) GENERAL RULE.—In the case of an individual,
 10 there shall be allowed as a credit against the tax imposed
 11 by this chapter for the taxable year an amount equal to
 12 one-half of all political contributions payment of which is
 13 made by the taxpayer within the taxable year.

14 “(b) LIMITATIONS.—

15 “(1) AMOUNT OF CREDIT.—The credit allowed
 16 by subsection (a) for a taxable year shall not exceed
 17 \$200 (\$400 in the case of a joint return).

18 “(2) VERIFICATION.—The credit allowed by
 19 subsection (a) shall be allowed, with respect to any
 20 political contribution, only if such contribution is
 21 verified in such manner as the Secretary shall pre-
 22 scribe by regulations.

23 “(c) DEFINITIONS.—For purposes of this section—

24 “(1) FEDERAL CANDIDATE.—The term ‘Fed-
 25 eral candidate’ means, with respect to any Federal
 26 elective public office, an individual who—

1 “(A) publicly announces before the close of
2 the calendar year following the calendar year in
3 which the contribution or gift is made that he
4 is a candidate for nomination or election to
5 such office, and

6 “(B) meets the qualifications prescribed by
7 law to hold such office.

8 “(2) POLITICAL CONTRIBUTION.—The term
9 ‘political contribution’ means a contribution or gift
10 of money to—

11 “(A) an individual who is a Federal can-
12 didate for use by such individual to further the
13 candidacy of such individual for nomination or
14 election to such office,

15 “(B) any committee, association, or organi-
16 zation (whether or not incorporated) organized
17 and operated exclusively for the purposes of in-
18 fluencing, or attempting to influence, the nomi-
19 nation or election of one or more individuals
20 who are Federal candidates, for use by such
21 committee, association, or organization to fur-
22 ther the candidacy of such individual or individ-
23 uals for nomination or election to such office, or

24 “(C) the national committee of a national
25 political party, the State committee of such a

1 party (as designated by such national commit-
2 tee), or a local committee of such a party (as
3 designated by such State committee).

4 “(3) NATIONAL POLITICAL PARTY.—The term
5 ‘national political party’ means—

6 “(A) in the case of contributions made
7 during a taxable year of the taxpayer in which
8 the electors of President and Vice President are
9 chosen, a political party presenting Federal can-
10 didates or electors for such offices on the offi-
11 cial election ballots of 10 or more States, and

12 “(B) in the case of contributions made
13 during any other taxable year of the taxpayer,
14 a political party which met the qualifications
15 described in subparagraph (A) in the last pre-
16 ceding election of a President or Vice President.

17 “(d) INFLATION ADJUSTMENT.—In the case of any
18 taxable year beginning in a calendar year after 2000, the
19 \$200 and \$400 amounts in subsection (b)(1) shall each
20 be increased by an amount equal to—

21 “(1) such dollar amount, multiplied by

22 “(2) the cost-of-living adjustment under section
23 1(f)(3) for the calendar year in which the taxable
24 year begins, determined by substituting ‘calendar

1 year 1999’ for ‘calendar year 1992’ in subparagraph
 2 (B) thereof.

3 If any amount as adjusted under the preceding sentence
 4 is not a multiple of \$10, such amount shall be rounded
 5 to the nearest multiple of \$10.

6 “(e) CROSS REFERENCES.—

“For transfer of appreciated property to a political organization, see section 84.

“For certain indirect contributions to political parties, see section 276.”

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 for subpart A of part IV of subchapter A of chapter 1
 9 of such Code is amended by inserting after the item relat-
 10 ing to section 23 the following new item:

“Sec. 24. Political contributions.”

11 (c) EFFECTIVE DATE.—The amendments made by
 12 this section shall apply to contributions made after Janu-
 13 ary 1, 1999.

14 **TITLE III—REFORM OF FEDERAL** 15 **ELECTION COMMISSION**

16 **Subtitle A—Enforcement of Federal** 17 **Campaign Laws by Attorney** 18 **General**

19 **SEC. 301. ENFORCEMENT BY ATTORNEY GENERAL.**

20 (a) TRANSFER OF AUTHORITY TO ATTORNEY GEN-
 21 ERAL.—

1 (1) IN GENERAL.—The Attorney General shall
2 establish an office within the Department of Justice
3 to enforce the provisions of title III of the Federal
4 Election Campaign Act of 1971 and chapter 95 and
5 96 of the Internal Revenue Code of 1986 by inves-
6 tigating complaints, initiating civil or criminal ac-
7 tions for injunctive, declaratory, or other appropriate
8 relief, and taking such other measures as the Attor-
9 ney General considers appropriate consistent with
10 this section.

11 (2) ASSESSMENT OF COSTS AGAINST ATTORNEY
12 GENERAL FOR CERTAIN UNSUCCESSFUL APPEALS.—
13 If the Attorney General appeals a decision by a
14 court in an action brought by the office established
15 under paragraph (1) and the appeal is denied (in
16 whole or in part) on the basis of the first amend-
17 ment to the Constitution of the United States, the
18 court shall require the Attorney General to reim-
19 burse the opposing party for the costs incurred by
20 the party (including reasonable attorney’s fees) in
21 responding to the appeal.

22 (b) REVIEW OF PROPOSED REGULATIONS OF COM-
23 MISSION.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, no rule or regulation proposed by

1 the Federal Election Commission after the expira-
2 tion of the period described in subsection (c) may
3 take effect unless the Attorney General certifies that
4 the regulation is consistent with the Constitution
5 and applicable statutes.

6 (2) DEEMED APPROVAL AFTER 90 DAYS.—The
7 Attorney General shall be deemed to have certified
8 a rule or regulation under this subsection if the At-
9 torney General does not reject the rule or regulation
10 during the 90-day period which begins on the date
11 the Federal Election Commission submits the rule or
12 regulation to the Attorney General for review under
13 this subsection.

14 (c) EFFECTIVE DATE.—This section shall apply with
15 respect to any complaint that a person has violated the
16 provisions of title III of the Federal Election Campaign
17 Act of 1971 and chapter 95 and 96 of the Internal Reve-
18 nue Code of 1986 which is filed pursuant to this section
19 or pending under title III of the Federal Election Cam-
20 paign Act of 1971 after the expiration of the 90-day pe-
21 riod which begins on the date the Attorney General cer-
22 tifies to the President and Congress that the Attorney
23 General has established the office referred to in subsection
24 (a).

1 **SEC. 302. TERMINATION OF FEC ENFORCEMENT AUTHOR-**
2 **ITY.**

3 (a) IN GENERAL.—Title III of the Federal Election
4 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
5 by striking section 309.

6 (b) CONFORMING AMENDMENTS.—(1) Section 306 of
7 such Act (2 U.S.C. 437c) is amended—

8 (A) in subsection (b)(1), by striking “shall ad-
9 minister,” and all that follows and inserting the fol-
10 lowing: “shall administer and formulate policy with
11 respect to, this Act and chapter 95 and chapter 96
12 of the Internal Revenue Code of 1954.”;

13 (B) in subsection (c), by striking “(6),”; and

14 (C) by striking subsection (f)(4).

15 (2) Section 307 of such Act (2 U.S.C. 437d) is
16 amended—

17 (A) by striking subsection (a)(6);

18 (B) in subsection (a)(9), by striking “to con-
19 duct investigations and hearings expeditiously,”; and

20 (C) by striking subsection (e).

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect upon the expiration of the
23 period described in section 301(c).

24 **SEC. 303. REDUCTION IN NUMBER OF MEMBERS.**

25 (a) IN GENERAL.—Section 306(a) of the Federal
26 Election Campaign Act of 1971 (2 U.S.C. 437c(a)) is

1 amended by adding at the end the following new para-
2 graph:

3 “(6)(A) Notwithstanding paragraph (1) and (2)(A),
4 effective 90 days after the Attorney General certifies to
5 the President and Congress pursuant to section 301(c) of
6 the Voter Empowerment Act of 1997 that an office has
7 been established in the Department of Justice to enforce
8 the provisions of this title and chapter 95 and 96 of the
9 Internal Revenue Code of 1986, the Commission shall con-
10 sist of 2 members appointed by the President by and with
11 the advice and consent of the Senate. The members shall
12 not be affiliated with the same political party.

13 “(B) Members of the Commission shall serve for
14 terms of 6 years, except that one of the first 2 members
15 appointed pursuant to this paragraph shall serve for a
16 term of 3 years. No individual appointed as a member pur-
17 suant to this paragraph may serve for more than 2 terms.

18 “(C) The term of any member serving as of the date
19 referred to in subparagraph (A) shall expire upon the ap-
20 pointment of the 2 members under this paragraph.”.

21 (b) CONFORMING AMENDMENT.—The second sen-
22 tence of section 306(c) of such Act (2 U.S.C. 437c(c)) is
23 amended by inserting after “except that” the following:
24 “(with respect to actions taken prior to the appointment
25 of members under subsection (a)(6))”.

Subtitle B—Facilitating Dissemination of Information

SEC. 311. INDEX OF ADVISORY OPINIONS.

(a) IN GENERAL.—Section 308 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437f) is amended by adding at the end the following new subsection:

“(e)(1) The Commission shall compile, publish, and regularly update a complete and detailed index of the advisory opinions issued under this section through which opinions may be found on the basis of the subjects included in the opinions.

“(2) The Commission shall make the index compiled, published, and updated under this subsection available on the Internet.

“(3) Upon the establishment by the Attorney General of an office within the Department of Justice to enforce the provisions of this title and chapter 95 and 96 of the Internal Revenue Code of 1986 pursuant to section 301 of the Voter Empowerment Act of 1997, this subsection shall apply only to the extent provided by the Attorney General under the operations of such office.”.

(b) EFFECTIVE DATE.—The Federal Election Commission shall first publish the index of advisory opinions described in section 308(e) of the Federal Election Cam-

1 paign Act of 1971 (as added by subsection (a)) not later
2 than 1 year after the date of the enactment of this Act.

3 **SEC. 312. WRITTEN RESPONSES TO QUESTIONS.**

4 (a) IN GENERAL.—Title III of the Federal Election
5 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
6 by inserting after section 308 the following new section:

7 “OTHER WRITTEN RESPONSES TO QUESTIONS

8 “SEC. 308A. (a) PERMITTING RESPONSES.—In addi-
9 tion to issuing advisory opinions under section 308, the
10 Commission shall issue written responses pursuant to this
11 section with respect to a written request concerning the
12 application of this Act, chapter 95 or chapter 96 of the
13 Internal Revenue Code of 1986, a rule or regulation pre-
14 scribed by the Commission, or an advisory opinion issued
15 by the Commission under section 308, with respect to a
16 specific transaction or activity by the person, if the Com-
17 mission finds the application of the Act, chapter, rule, reg-
18 ulation, or advisory opinion to the transaction or activity
19 to be clear and unambiguous.

20 “(b) PROCEDURE FOR RESPONSE.—

21 “(1) ANALYSIS BY STAFF.—The staff of the
22 Commission shall analyze each request submitted
23 under this section. If the staff believes that the
24 standard described in subsection (a) is met with re-
25 spect to the request, the staff shall circulate a state-

1 ment to that effect together with a draft response to
2 the request to the members of the Commission.

3 “(2) ISSUANCE OF RESPONSE.—Upon the expi-
4 ration of the 3-day period beginning on the date the
5 statement and draft response is circulated (excluding
6 weekends or holidays), the Commission shall issue
7 the response, unless during such period any member
8 of the Commission objects to issuing the response.

9 “(c) EFFECT OF RESPONSE.—

10 “(1) SAFE HARBOR.—Notwithstanding any
11 other provisions of law, any person who relies upon
12 any provision or finding of a written response issued
13 under this section and who acts in good faith in ac-
14 cordance with the provisions and findings of such re-
15 sponse shall not, as a result of any such act, be sub-
16 ject to any sanction provided by this Act or by chap-
17 ter 95 or chapter 96 of the Internal Revenue Code
18 of 1986, or any sanction of the Attorney General
19 under the office established under section 301(a) of
20 the Voter Empowerment Act of 1997.

21 “(2) NO RELIANCE BY OTHER PARTIES.—Any
22 written response issued by the Commission under
23 this section may only be relied upon by the person
24 involved in the specific transaction or activity with
25 respect to which such response is issued, and may

1 not be applied by the Commission with respect to
2 any other person or used by the Commission for en-
3 forcement or regulatory purposes.

4 “(d) PUBLICATION OF REQUESTS AND RE-
5 SPONSES.—The Commission shall make public any re-
6 quest for a written response made, and the responses is-
7 sued, under this section. In carrying out this subsection,
8 the Commission may not make public the identity of any
9 person submitting a request for a written response unless
10 the person specifically authorizes to Commission to do so.

11 “(e) COMPILATION OF INDEX.—The Commission
12 shall compile, publish, and regularly update a complete
13 and detailed index of the responses issued under this sec-
14 tion through which responses may be found on the basis
15 of the subjects included in the responses.

16 “(f) APPLICATION UPON ESTABLISHMENT OF EN-
17 FORCEMENT AUTHORITY BY ATTORNEY GENERAL.—
18 Upon the establishment by the Attorney General of an of-
19 fice within the Department of Justice to enforce the provi-
20 sions of this title and chapter 95 and 96 of the Internal
21 Revenue Code of 1986 pursuant to section 301 of the
22 Voter Empowerment Act of 1997, this section shall apply
23 only to the extent provided by the Attorney General under
24 the operations of such office.”.

1 (b) CONFORMING AMENDMENT.—Section 307(a)(7)
 2 of such Act (2 U.S.C. 437d(a)(7)) is amended by striking
 3 “of this Act” and inserting “and other written responses
 4 under section 308A”.

5 **SEC. 313. PUBLICATION OF NAMES OF CANDIDATES AC-**
 6 **CEPTING PROHIBITED CONTRIBUTIONS.**

7 Section 311(a) of the Federal Election Campaign Act
 8 of 1971 (2 U.S.C. 438(a)) is amended—

9 (1) by striking “and” at the end of paragraph
 10 (9);

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

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

15 “(11) prepare and publish periodically a list of
 16 candidates whose authorized committees have ac-
 17 cepted contributions in violation of any provision of
 18 this title.”.

19 **TITLE IV—TERMINATION OF**
 20 **PRESIDENTIAL ELECTION**
 21 **CAMPAIGN FUND**

22 **SEC. 401. TERMINATION OF TAXPAYER FINANCING OF**
 23 **PRESIDENTIAL ELECTION CAMPAIGNS.**

24 (a) TERMINATION OF DESIGNATION OF INCOME TAX
 25 PAYMENTS.—Section 6096 of the Internal Revenue Code

1 of 1986 is amended by adding at the end the following
2 new subsection:

3 “(d) **TERMINATION.**—This section shall not apply to
4 taxable years beginning after December 31, 1997.”

5 (b) **TERMINATION OF FUND AND ACCOUNT.**—

6 (1) **TERMINATION OF PRESIDENTIAL ELECTION**
7 **CAMPAIGN FUND.**—

8 (A) **IN GENERAL.**—Chapter 95 of subtitle
9 H of such Code is amended by adding at the
10 end the following new section:

11 **“SEC. 9014. TERMINATION.**

12 “The provisions of this chapter shall not apply with
13 respect to any presidential election (or any presidential
14 nominating convention) after December 31, 1998, or to
15 any candidate in such an election.”

16 (B) **TRANSFER OF EXCESS FUNDS TO GEN-**
17 **ERAL FUND.**—Section 9006 of such Code is
18 amended by adding at the end the following
19 new subsection:

20 “(d) **TRANSFER OF FUNDS REMAINING AFTER**
21 **1998.**—The Secretary shall transfer all amounts in the
22 fund after December 31, 1998, to the general fund of the
23 Treasury.”

1 (2) TERMINATION OF ACCOUNT.—Chapter 96
2 of subtitle H of such Code is amended by adding at
3 the end the following new section:

4 **“SEC. 9043. TERMINATION.**

5 “The provisions of this chapter shall not apply to any
6 candidate with respect to any presidential election after
7 December 31, 1998.”

8 (c) CLERICAL AMENDMENTS.—

9 (1) The table of sections for chapter 95 of sub-
10 title H of such Code is amended by adding at the
11 end the following new item:

“Sec. 9014. Termination.”

12 (2) The table of sections for chapter 96 of sub-
13 title H of such Code is amended by adding at the
14 end the following new item:

“Sec. 9043. Termination.”

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