

105TH CONGRESS
1ST SESSION

S. 11

To reform the Federal election campaign laws applicable to Congress.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. DASCHLE (for himself, Mr. FORD, Mr. GLENN, Mr. LEVIN, Ms. MIKULSKI, Mr. REID, Ms. MOSELEY-BRAUN, Mr. DURBIN, Mr. WELLSTONE, Mr. KERRY, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To reform the Federal election campaign laws applicable
to Congress.

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.**

4 (a) SHORT TITLE.—This title may be cited as the
5 “Congressional Election Campaign Spending Limit and
6 Reform Act of 1997”.

1 (b) TABLE OF CONTENTS.—

Sec. 1. Short title.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

- Sec. 101. Senate spending limits and benefits.
- Sec. 102. Ban on activities of political action committees in senate elections.
- Sec. 103. Reporting requirements.
- Sec. 104. Disclosure by candidates other than eligible senate candidates.
- Sec. 105. Excess campaign funds of senate candidates.
- Sec. 106. Contribution limit for eligible senate candidates.

Subtitle B—General Provisions

- Sec. 111. Broadcast rates and preemption.
- Sec. 112. Reporting requirements for certain independent expenditures.
- Sec. 113. Campaign advertising amendments.
- Sec. 114. Definitions.
- Sec. 115. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

- Sec. 201. Definition of independent expenditure.
- Sec. 202. Independent versus coordinated expenditures by political party committees.
- Sec. 203. Treatment of qualified nonprofit corporations.
- Sec. 204. Equal broadcast time.

TITLE III—EXPENDITURES

Subtitle A—Personal Funds; Credit

- Sec. 301. Contributions and loans from personal funds.
- Sec. 302. Extensions of credit.

Subtitle B—Soft Money of Political Parties

- Sec. 311. Preparation and distribution by volunteers of materials in connection with State and local political party voter registration and get-out-the-vote activities so as not to be considered a contribution or expenditure.
- Sec. 312. Contributions to political party committees.
- Sec. 313. Provisions relating to national, State, and local party committees.
- Sec. 314. Restrictions on fundraising by candidates and officeholders.
- Sec. 315. Reporting requirements.

Subtitle C—Soft Money of Persons Other Than Political Parties

- Sec. 321. Soft money of persons other than political parties.

TITLE IV—CONTRIBUTIONS

- Sec. 401. Prohibition of certain contributions by lobbyists.
- Sec. 402. Contributions by dependents not of voting age.
- Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.

- Sec. 404. Contributions and expenditures using money secured by physical force or other intimidation.
- Sec. 405. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than \$100.

TITLE V—AUTHORITIES AND DUTIES OF THE FEDERAL ELECTION COMMISSION

- Sec. 501. Filing of reports using computers and facsimile machines.
- Sec. 502. Increase in threshold for reporting requirements.
- Sec. 503. Audits.
- Sec. 504. Authority to seek injunction.
- Sec. 505. Penalties.
- Sec. 506. Independent litigating authority.
- Sec. 507. Reference of suspected violation to the attorney general.
- Sec. 508. Powers of the commission.

TITLE VI—MISCELLANEOUS

- Sec. 601. Prohibition of leadership committees.
- Sec. 602. Telephone voting by persons with disabilities.
- Sec. 603. Certain tax-exempt organizations not subject to corporate limits.
- Sec. 604. Aiding and abetting violations of the Federal election campaign act of 1971.
- Sec. 605. Campaign advertising that refers to an opponent.
- Sec. 606. Limit on congressional use of the franking privilege.
- Sec. 607. Participation by foreign nationals in political activities.
- Sec. 608. Certification of compliance with foreign contribution and solicitation limitations.

TITLE VII—EFFECTIVE DATES; AUTHORIZATIONS

- Sec. 701. Effective date.
- Sec. 702. Budget neutrality.
- Sec. 703. Severability.
- Sec. 704. Expedited review of constitutional issues.
- Sec. 705. Regulations.

1 **TITLE I—CONTROL OF CON-**
 2 **GRESSIONAL CAMPAIGN**
 3 **SPENDING**

4 **Subtitle A—Senate Election Cam-**
 5 **paign Spending Limits and Ben-**
 6 **efits**

7 **SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.**

8 (a) IN GENERAL.—The Federal Election Campaign
 9 Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding
 10 at the end the following:

11 **“TITLE V—SPENDING LIMITS**
 12 **AND BENEFITS FOR SENATE**
 13 **ELECTION CAMPAIGNS**

14 **“SEC. 501. DEFINITIONS.**

15 “In this title:

16 “(1) ELIGIBLE SENATE CANDIDATE.—The term
 17 ‘eligible Senate candidate’ means a candidate who is
 18 certified under section 505 as being eligible to re-
 19 ceive benefits under this title.

20 “(2) EXCESS EXPENDITURE AMOUNT.—The
 21 term ‘excess expenditure amount’, with respect to an
 22 eligible Senate candidate, means the amount applica-
 23 ble to the eligible Senate candidate under section
 24 504(b).

1 “(3) EXPENDITURE.—The term ‘expenditure’
 2 has the meaning given in paragraph (9) of section
 3 301, excluding subparagraph (B)(ii) of that para-
 4 graph.

5 “(4) GENERAL ELECTION EXPENDITURE
 6 LIMIT.—The term ‘general election expenditure
 7 limit’, with respect to an eligible Senate candidate,
 8 means the limit applicable to the eligible Senate can-
 9 didate under section 503(b).

10 “(5) PERSONAL FUNDS EXPENDITURE LIMIT.—
 11 The term ‘personal funds expenditure limit’ means
 12 the limit stated in section 503(a).

13 “(6) PRIMARY ELECTION EXPENDITURE
 14 LIMIT.—The term ‘primary election expenditure
 15 limit’, with respect to an eligible Senate candidate,
 16 means the limit applicable to the eligible Senate can-
 17 didate under section 502(d)(1)(A).

18 “(7) RUNOFF ELECTION EXPENDITURE
 19 LIMIT.—The term ‘runoff election expenditure limit’,
 20 with respect to an eligible Senate candidate, means
 21 the limit applicable to the eligible Senate candidate
 22 under section 502(d)(1)(B).

23 **“SEC. 502. ELIGIBLE SENATE CANDIDATES.**

24 “(a) IN GENERAL.—For purposes of this title, a can-
 25 didate is an eligible Senate candidate if the candidate—

1 “(1) files a primary election eligibility declara-
 2 tion under subsection (b) and is in compliance with
 3 the representations made in the declaration;

4 “(2) files a general election eligibility certifi-
 5 cation and declaration under subsection (c) and is in
 6 compliance with the representations made in the cer-
 7 tification and declaration; and

8 “(3) meets the threshold contribution require-
 9 ments of subsection (e).

10 “(b) PRIMARY ELECTION ELIGIBILITY DECLARA-
 11 TION.—

12 “(1) IN GENERAL.—The requirements of this
 13 subsection are met if the candidate files with the
 14 Secretary of the Senate a declaration that—

15 “(A) the candidate and the candidate’s au-
 16 thorized committees—

17 “(i) will meet the primary and runoff
 18 election expenditure limits of subsection
 19 (d); and

20 “(ii) will accept only an amount of
 21 contributions for the primary and runoff
 22 elections that does not exceed those limits;

23 “(B) the candidate and the candidate’s au-
 24 thorized committees will meet the personal
 25 funds expenditure limit;

1 “(C) the candidate and the candidate’s au-
 2 thorized committees will meet the general elec-
 3 tion expenditure limit; and

4 “(D) the candidate and the candidate’s au-
 5 thorized committees will meet the closed cap-
 6 tioning requirements of section 510.

7 “(2) DEADLINE FOR FILING DECLARATION.—
 8 The declaration under paragraph (1) shall be filed
 9 not later than the date on which the candidate files
 10 as a candidate for the primary election.

11 “(c) GENERAL ELECTION ELIGIBILITY CERTIFI-
 12 CATION AND DECLARATION.—

13 “(1) IN GENERAL.—The requirements of this
 14 subsection are met if the candidate files with the
 15 Secretary of the Senate—

16 “(A) a certification, under penalty of per-
 17 jury, that—

18 “(i) the candidate and the candidate’s
 19 authorized committees—

20 “(I) met the primary and runoff
 21 election expenditure limits under sub-
 22 section (d); and

23 “(II) did not accept contributions
 24 for the primary or runoff election in

1 excess of the primary or runoff ex-
 2 penditure limit under subsection (d),
 3 whichever is applicable, reduced by
 4 any amounts transferred to the cur-
 5 rent election cycle from a preceding
 6 election cycle;

7 “(ii) the candidate met the threshold
 8 contribution requirement under subsection
 9 (e), and that only allowable contributions
 10 were taken into account in meeting such
 11 requirement; and

12 “(iii) at least 1 other candidate has
 13 qualified for the same general election bal-
 14 lot under the law of the candidate’s State;
 15 and

16 “(B) a declaration that the candidate and
 17 the authorized committees of the candidate—

18 “(i) except as otherwise provided by
 19 this title, will not make expenditures that
 20 exceed the general election expenditure
 21 limit;

22 “(ii) will not accept any contributions
 23 in violation of section 315;

24 “(iii) except as otherwise provided by
 25 this title, will not accept any contribution

1 for the general election to the extent that
2 the contribution would cause the aggregate
3 amount of contributions to exceed the sum
4 of the amount of the general election ex-
5 penditure limit and the amounts described
6 in subsections (c), (d), and (e) of section
7 503, reduced by any amounts transferred
8 to the current election cycle from a pre-
9 vious election cycle and not taken into ac-
10 count under subparagraph (A)(ii)(II);

11 “(iv) will deposit all payments re-
12 ceived under this title in an account in-
13 sured by the Federal Deposit Insurance
14 Corporation from which funds may be
15 withdrawn by check or similar means of
16 payment to third parties;

17 “(v) will furnish campaign records,
18 evidence of contributions, and other appro-
19 priate information to the Commission;

20 “(vi) will cooperate in the case of any
21 audit and examination by the Commission
22 under section 506 and will pay any
23 amounts required to be paid under that
24 section; and

1 “(vii) will meet the closed captioning
2 requirements of section 510.

3 “(2) DEADLINE FOR FILING CERTIFICATION.—

4 The certification under paragraph (1) shall be filed
5 not later than 7 days after the earlier of—

6 “(A) the date on which the candidate
7 qualifies for the general election ballot under
8 State law; or

9 “(B) if, under State law, a primary or run-
10 off election to qualify for the general election
11 ballot occurs after September 1, the date on
12 which the candidate wins the primary or runoff
13 election.

14 “(d) PRIMARY AND RUNOFF EXPENDITURE LIM-
15 ITS.—

16 “(1) IN GENERAL.—The requirements of this
17 subsection are met if—

18 “(A) the candidate or the candidate’s au-
19 thorized committees did not make expenditures
20 for the primary election in excess of the lesser
21 of—

22 “(i) 67 percent of the general election
23 expenditure limit; or

24 “(ii) \$2,750,000; and

1 “(B) the candidate and the candidate’s au-
2 thorized committees did not make expenditures
3 for any runoff election in excess of 20 percent
4 of the general election expenditure limit.

5 “(2) INDEXING.—The \$2,750,000 amount
6 under paragraph (1)(A)(ii) shall be increased as of
7 the beginning of each calendar year based on the in-
8 crease in the price index determined under section
9 315(c), except that the base period shall be calendar
10 year 1996.

11 “(3) INCREASE.—The limitations under sub-
12 paragraphs (A) and (B) of paragraph (1) with re-
13 spect to any candidate shall be increased by the ag-
14 gregate amount of independent expenditures in op-
15 position to, or on behalf of any opponent of, the can-
16 didate during the primary or runoff election period,
17 whichever is applicable, that are required to be re-
18 ported to the Secretary of the Senate or to the Com-
19 mission with respect to that period under section
20 304.

21 “(4) EXCESS AMOUNT OF CONTRIBUTIONS.—

22 “(A) IN GENERAL.—If the contributions
23 received by a candidate or the candidate’s au-
24 thorized committees for the primary election or

1 runoff election exceed the expenditures for ei-
 2 ther election—

3 “(i) the excess amount of contribu-
 4 tions shall be treated as contributions for
 5 the general election; and

6 “(ii) expenditures for the general elec-
 7 tion may be made from the excess amount
 8 of contributions.

9 “(B) LIMITATION.—Subparagraph (A)
 10 shall not apply to the extent that treatment of
 11 excess contributions in accordance with sub-
 12 paragraph (A)—

13 “(i) would result in the violation of
 14 any limitation under section 315; or

15 “(ii) would cause the aggregate
 16 amount of contributions received for the
 17 general election to exceed the limits under
 18 subsection (c)(1)(D)(iii).

19 “(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—

20 “(1) IN GENERAL.—The requirements of this
 21 subsection are met if the candidate and the can-
 22 didate’s authorized committees have received allow-
 23 able contributions during the applicable period in an
 24 amount at least equal to 5 percent of the general
 25 election expenditure limit.

1 “(2) DEFINITIONS.—In this section and sub-
2 sections (b) and (c) of section 504:

3 “(A) ALLOWABLE CONTRIBUTION.—The
4 term ‘allowable contribution’ means a contribu-
5 tion that is made as a gift of money by an indi-
6 vidual pursuant to a written instrument identi-
7 fying the individual as the contributor.

8 “(B) APPLICABLE PERIOD.—The term ‘ap-
9 plicable period’ means—

10 “(i) the period beginning on January
11 1 of the calendar year preceding the cal-
12 endar year of a general election and ending
13 on—

14 “(I) the date on which the certifi-
15 cation under subsection (c) is filed by
16 the candidate; or

17 “(II) for purposes of subsections
18 (b) and (c) of section 504, the date of
19 the general election; or

20 “(ii) in the case of a special election
21 for the office of United States Senator, the
22 period beginning on the date on which the
23 vacancy in the office occurs and ending on
24 the date of the general election.

1 **“SEC. 503. LIMIT ON EXPENDITURES.**

2 “(a) PERSONAL FUNDS EXPENDITURE LIMIT.—

3 “(1) IN GENERAL.—The aggregate amount of
4 expenditures that may be made during an election
5 cycle by an eligible Senate candidate or the can-
6 didate’s authorized committees from the sources de-
7 scribed in paragraph (2) shall not exceed \$25,000.

8 “(2) SOURCES.—A source is described in this
9 paragraph if it is—

10 “(A) personal funds of the candidate or a
11 member of the candidate’s immediate family; or

12 “(B) proceeds of indebtedness incurred by
13 the candidate or a member of the candidate’s
14 immediate family.

15 “(b) GENERAL ELECTION EXPENDITURE LIMIT.—

16 “(1) IN GENERAL.—Except as otherwise pro-
17 vided in this title, the aggregate amount of expendi-
18 tures for a general election by an eligible Senate
19 candidate and the candidate’s authorized committees
20 shall not exceed the lesser of—

21 “(A) \$5,500,000; or

22 “(B) the greater of—

23 “(i) \$1,200,000; or

24 “(ii) \$400,000; plus

1 “(I) 30 cents multiplied by the
 2 voting age population not in excess of
 3 4,000,000; and

4 “(II) 25 cents multiplied by the
 5 voting age population in excess of
 6 4,000,000.

7 “(2) EXCEPTION.—In the case of an eligible
 8 Senate candidate in a State that has not more than
 9 1 transmitter for a commercial Very High Fre-
 10 quency (VHF) television station licensed to operate
 11 in that State, paragraph (1)(B)(ii) shall be applied
 12 by substituting—

13 “(A) ‘92 cents’ for ‘30 cents’ in subclause
 14 (I); and

15 “(B) ‘90 cents’ for ‘25 cents’ in subclause
 16 (II).

17 “(3) INDEXING.—The amount otherwise deter-
 18 mined under paragraph (1) for any calendar year
 19 shall be increased by the same percentage as the
 20 percentage increase for the calendar year under sec-
 21 tion 502(d)(2).

22 “(c) LEGAL AND ACCOUNTING COMPLIANCE
 23 FUND.—

24 “(1) IN GENERAL.—The general election ex-
 25 penditure limit, shall not apply to qualified legal or

1 accounting expenditures made by a candidate or the
 2 candidate’s authorized committees or a Federal of-
 3 ficeholder from a legal and accounting compliance
 4 fund meeting the requirements of paragraph (2).

5 “(2) REQUIREMENTS.—A legal and accounting
 6 compliance fund meets the requirements of this
 7 paragraph if—

8 “(A) the fund is established with respect to
 9 qualified legal or accounting expenditures in-
 10 curred with respect to a particular election;

11 “(B) the only amounts transferred to the
 12 fund are amounts received in accordance with
 13 the limitations, prohibitions, and reporting re-
 14 quirements of this Act;

15 “(C) the aggregate amounts transferred to,
 16 and expenditures made from, the fund do not
 17 exceed the sum of—

18 “(i) the lesser of—

19 “(I) 15 percent of the general
 20 election expenditure limit for the elec-
 21 tion for which the fund was estab-
 22 lished; or

23 “(II) \$300,000; plus

24 “(ii) the amount determined under
 25 paragraph (4); and

1 “(D) no funds received by the candidate
2 under section 504(a)(3) are transferred to the
3 fund.

4 “(3) DEFINITION OF QUALIFIED LEGAL OR AC-
5 COUNTING EXPENDITURE.—For purposes of this
6 subsection, the term ‘qualified legal or accounting
7 expenditure’ means—

8 “(A) an expenditure for costs of legal or
9 accounting services provided in connection
10 with—

11 “(i) an administrative or court pro-
12 ceeding initiated under this Act for the
13 election for which the legal and accounting
14 fund was established; or

15 “(ii) the preparation of a document or
16 report required by this Act or by the Com-
17 mission;

18 “(B) an expenditure for legal or account-
19 ing service provided in connection with the elec-
20 tion cycle for which the legal and accounting
21 compliance fund was established to ensure com-
22 pliance with this Act with respect to the elec-
23 tion cycle.

24 “(4) INCREASE.—

1 “(A) PETITION.—If, after a general elec-
 2 tion, primary election, or runoff election, a can-
 3 didate determines that qualified legal or ac-
 4 counting expenditures will exceed the limit
 5 under paragraph (2)(C)(i), the candidate may
 6 petition the Commission for an increase in the
 7 limit by filing the petition with the Secretary of
 8 the Senate.

9 “(B) DETERMINATION.—The Commission
 10 shall authorize an increase in the limit under
 11 paragraph (2)(C)(i) in the amount (if any) by
 12 which the Commission determines the qualified
 13 legal or accounting expenditures exceed the
 14 limit.

15 “(C) JUDICIAL REVIEW.—A determination
 16 under subparagraph (B) shall be subject to ju-
 17 dicial review under section 507.

18 “(D) CONTRIBUTIONS AND EXPENDITURES
 19 NOT COUNTED.—Except as provided in section
 20 315, a contribution received or expenditure
 21 made under this paragraph shall not be counted
 22 against any contribution or expenditure limit
 23 applicable to the candidate under this title.

1 “(5) TREATMENT.—Funds in a legal and ac-
 2 counting compliance fund shall be treated for pur-
 3 poses of this Act as a separate segregated fund, ex-
 4 cept that any portion of the fund not used to pay
 5 qualified legal or accounting expenditures, and not
 6 transferred to a legal and accounting compliance
 7 fund for the election cycle for the next general elec-
 8 tion, shall be treated in the same manner as other
 9 campaign funds for purposes of section 313(b).

10 “(d) PAYMENT OF TAXES ON EARNINGS.—The limi-
 11 tation under subsection (b) shall not apply to any expendi-
 12 ture for Federal, State, or local income taxes on the earn-
 13 ings of a candidate’s authorized committees.

14 “(e) CERTAIN EXPENSES.—In the case of an eligible
 15 Senate candidate who holds a Federal office, the limitation
 16 under subsection (b) shall not apply to ordinary and nec-
 17 essary expenses of travel of the candidate and the can-
 18 didate’s spouse and children between Washington, District
 19 of Columbia, and the candidate’s State in connection with
 20 the candidate’s activities as a holder of Federal office.

21 **“SEC. 504. BENEFITS FOR ELIGIBLE SENATE CANDIDATES.**

22 “(a) IN GENERAL.—An eligible Senate candidate
 23 shall be entitled to—

1 “(1) the broadcast media rates provided under
 2 section 315(b) of the Communications Act of 1934;
 3 and

4 “(2) payments in an amount equal to—

5 “(A) the excess expenditure amount deter-
 6 mined under subsection (b); and

7 “(B) the independent expenditure amount
 8 determined under subsection (c).

9 “(b) EXCESS EXPENDITURE AMOUNT.—

10 “(1) DETERMINATION.—The excess expenditure
 11 amount is—

12 “(A) in the case of a major party can-
 13 didate, an amount equal to the sum of—

14 “(i) if the opponent’s excess is less
 15 than $33\frac{1}{3}$ percent of the general election
 16 expenditure limit, an amount equal to one-
 17 third of the general election expenditure
 18 limit; plus

19 “(ii) if the opponent’s excess equals or
 20 exceeds $33\frac{1}{3}$ percent but is less than $66\frac{2}{3}$
 21 percent of the general election expenditure
 22 limit, an amount equal to one-third of the
 23 general election expenditure limit; plus

24 “(iii) if the opponent’s excess equals
 25 or exceeds $66\frac{2}{3}$ percent of the general

1 election expenditure limit, an amount equal
 2 to one-third of the general election expend-
 3 iture limit; and

4 “(B) in the case of an eligible Senate can-
 5 didate who is not a major party candidate, an
 6 amount equal to the least of—

7 “(i) the amount of allowable contribu-
 8 tions accepted by the eligible Senate can-
 9 didate during the applicable period in ex-
 10 cess of the threshold contribution require-
 11 ment under section 502(e);

12 “(ii) 50 percent of the general election
 13 expenditure limit; or

14 “(iii) the opponent’s excess.

15 “(2) DEFINITION OF OPPONENT’S EXCESS.—In
 16 this subsection, the term ‘opponent’s excess’ means
 17 the amount by which an opponent of an eligible Sen-
 18 ate candidate in the general election accepts con-
 19 tributions or makes (or obligates to make) expendi-
 20 tures for the election in excess of the general elec-
 21 tion expenditure limit.

22 “(c) INDEPENDENT EXPENDITURE AMOUNT.—The
 23 independent expenditure amount is the total amount of
 24 independent expenditures made, or obligated to be made,
 25 during the general election period by 1 or more persons

1 in opposition to, or on behalf of an opponent of, an eligible
 2 Senate candidate that are required to be reported by the
 3 persons under section 304(d) with respect to the general
 4 election period and are certified by the Commission under
 5 section 304(d).

6 “(d) WAIVER OF EXPENDITURE AND CONTRIBUTION
 7 LIMITS.—

8 “(1) RECIPIENTS OF EXCESS EXPENDITURE
 9 AMOUNT PAYMENTS AND INDEPENDENT EXPENDI-
 10 TURE AMOUNT PAYMENTS.—

11 “(A) IN GENERAL.—An eligible Senate
 12 candidate who receives payments under sub-
 13 section (a)(2) may make expenditures from the
 14 payments for the general election without re-
 15 gard to the general election expenditure limit.

16 “(B) NONMAJOR PARTY CANDIDATES.—In
 17 the case of an eligible Senate candidate who is
 18 not a major party candidate, the general elec-
 19 tion expenditure limit shall be increased by the
 20 amount (if any) by which the opponent’s excess
 21 expenditure amount exceeds the amount deter-
 22 mined under subsection (b)(2)(B) with respect
 23 to the candidate.

24 “(2) ALL BENEFIT RECIPIENTS.—

“(A) IN GENERAL.—An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to the personal funds expenditure limit or general election expenditure limit if any 1 of the eligible Senate candidate’s opponents who is not an eligible Senate candidate raises an amount of contributions or makes or becomes obligated to make an amount of expenditures for the general election that exceeds 200 percent of the general election expenditure limit.

“(B) LIMITATION.—The amount of the expenditures that may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit.

“(3) ACCEPTANCE OF CONTRIBUTION WITHOUT REGARD TO SECTION 502(c)(1)(D)(iii).—

“(A) A candidate who receives benefits under this section may accept a contribution for the general election without regard to section 502(c)(1)(D)(iii) if—

“(i) a major party candidate in the same general election is not an eligible Senate candidate; or

1 “(ii) any other candidate in the same
 2 general election who is not an eligible Sen-
 3 ate candidate raises an amount of con-
 4 tributions or makes or becomes obligated
 5 to make an amount of expenditures for the
 6 general election that exceeds 75 percent of
 7 the general election expenditure limit appli-
 8 cable to such other candidate.

9 “(B) LIMITATION.—The amount of con-
 10 tributions that may be received by reason of
 11 subparagraph (A) shall not exceed 100 percent
 12 of the general election expenditure limit.

13 “(e) USE OF PAYMENTS.—

14 “(1) PERMITTED USE.—Payments received by
 15 an eligible Senate candidate under subsection (a)(2)
 16 shall be used to make expenditures with respect to
 17 the general election period for the candidate.

18 “(2) PROHIBITED USE.—Payments received by
 19 an eligible Senate candidate under subsection (a)(2)
 20 shall not be used—

21 “(A) except as provided in paragraph (4),
 22 to make any payments, directly or indirectly, to
 23 the candidate or to any member of the imme-
 24 diate family of the candidate;

1 “(B) to make any expenditure other than
2 an expenditure to further the general election of
3 the candidate;

4 “(C) to make an expenditure the making
5 of which constitutes a violation of any law of
6 the United States or of the State in which the
7 expenditure is made; or

8 “(D) subject to section 315(i), to repay
9 any loan to any person except to the extent that
10 proceeds of the loan were used to further the
11 general election of the candidate.

12 **“SEC. 505. CERTIFICATION BY THE COMMISSION.**

13 “(a) CERTIFICATION OF STATUS AS ELIGIBLE SEN-
14 ATE CANDIDATE.—

15 “(1) IN GENERAL.—The Commission shall cer-
16 tify to any candidate meeting the requirements of
17 section 502 that the candidate is an eligible Senate
18 candidate entitled to benefits under this title.

19 “(2) REVOCATION.—The Commission shall re-
20 voke a certification under paragraph (1) if the Com-
21 mission determines that a candidate fails to continue
22 to meet the requirements of section 502.

23 “(b) CERTIFICATION OF ELIGIBILITY TO RECEIVE
24 BENEFITS.—

1 “(1) IN GENERAL.—Not later than 48 hours
 2 after an eligible Senate candidate files a request
 3 with the Secretary of the Senate to receive benefits
 4 under section 504, the Commission shall issue a cer-
 5 tification stating whether the candidate is eligible for
 6 payments under this title and the amount of such
 7 payments to which such candidate is entitled.

8 “(2) CONTENTS OF REQUEST.—A request
 9 under paragraph (1) shall—

10 “(A) contain such information and be
 11 made in accordance with such procedures as the
 12 Commission may provide by regulation; and

13 “(B) contain a verification signed by the
 14 candidate and the treasurer of the principal
 15 campaign committee of the candidate stating
 16 that the information furnished in support of the
 17 request, to the best of their knowledge, is cor-
 18 rect and fully satisfies the requirements of this
 19 title.

20 “(c) DETERMINATIONS BY THE COMMISSION.—All
 21 determinations made by the Commission under this title
 22 (including certifications under subsections (a) and (b))
 23 shall be final and conclusive, except to the extent that a
 24 determination is subject to examination and audit by the

1 Commission under section 506 and judicial review under
2 section 507.

3 **“SEC. 506. EXAMINATIONS AND AUDITS; REPAYMENTS;**
4 **CIVIL PENALTIES.**

5 “(a) EXAMINATIONS AND AUDITS.—

6 “(1) AFTER A GENERAL ELECTION.—After each
7 general election, the Commission shall conduct an
8 examination and audit of the campaign accounts of
9 all candidates in 5 percent of the elections to the
10 Senate in which there was an eligible Senate can-
11 didate on the ballot, as designated by the Commis-
12 sion through the use of an appropriate statistical
13 method of random selection, to determine whether
14 the candidates have complied with the conditions of
15 eligibility and other requirements of this title.

16 “(2) AFTER A SPECIAL ELECTION.—After each
17 special election in which an eligible Senate candidate
18 was on the ballot, the Commission shall conduct an
19 examination and audit of the campaign accounts of
20 all candidates in the election to determine whether
21 the candidates have complied with the conditions of
22 eligibility and other requirements of this title.

23 “(3) WITH REASON TO BELIEVE THERE MAY
24 HAVE BEEN A VIOLATION.—The Commission may
25 conduct an examination and audit of the campaign

1 accounts of any eligible Senate candidate in a gen-
2 eral election if the Commission determines that there
3 exists reason to believe that the eligible Senate can-
4 didate failed to comply with this title.

5 “(b) EXCESS PAYMENT.—If the Commission deter-
6 mines any payment was made to an eligible Senate can-
7 didate under this title in excess of the aggregate amounts
8 to which the eligible Senate candidate was entitled, the
9 Commission shall notify the eligible Senate candidate, and
10 the eligible Senate candidate shall pay an amount equal
11 to the excess.

12 “(c) REVOCATION OF STATUS.—If the Commission
13 revokes the certification of an eligible Senate candidate as
14 an eligible Senate candidate under section 505(a)(1), the
15 Commission shall notify the eligible Senate candidate, and
16 the eligible Senate candidate shall pay an amount equal
17 to the payments received under this title.

18 “(d) MISUSE OF BENEFIT.—If the Commission de-
19 termines that any amount of any benefit made available
20 to an eligible Senate candidate under this title was not
21 used as provided for in this title, the Commission shall
22 notify the eligible Senate candidate, and the eligible Sen-
23 ate candidate shall pay the amount of that amount.

24 “(e) EXCESS EXPENDITURES.—If the Commission
25 determines that an eligible Senate candidate who received

1 benefits under this title made expenditures that in the ag-
 2 gregate exceed the primary election expenditure, the run-
 3 off election expenditure limit, or the general election ex-
 4 penditure limit, the Commission shall notify the eligible
 5 Senate candidate, and the eligible Senate candidate shall
 6 pay an amount equal to the amount of the excess expendi-
 7 tures.

8 “(f) CIVIL PENALTIES.—

9 “(1) MISUSE OF BENEFIT.—If the Commission
 10 determines that an eligible Senate candidate has
 11 committed a violation described in subsection (d),
 12 the Commission may assess a civil penalty against
 13 the eligible Senate candidate in an amount not
 14 greater than 200 percent of the amount of the bene-
 15 fit that was misused.

16 “(2) EXCESS EXPENDITURES.—

17 “(A) LOW AMOUNT OF EXCESS EXPENDI-
 18 TURES.—If the Commission determines that an
 19 eligible Senate candidate made expenditures
 20 that exceeded by 2.5 percent or less the pri-
 21 mary election expenditure limit, the runoff elec-
 22 tion expenditure limit, or the general election
 23 expenditure limit, the Commission shall assess

1 a civil penalty against the eligible Senate can-
2 didate in an amount equal to the amount of the
3 excess expenditures.

4 “(B) MEDIUM AMOUNT OF EXCESS EX-
5 PENDITURES.—If the Commission determines
6 that an eligible Senate candidate made expendi-
7 tures that exceeded by more than 2.5 percent
8 and less than 5 percent the primary election ex-
9 penditure limit, the runoff election expenditure
10 limit, or the general election expenditure limit,
11 the Commission shall assess a civil penalty
12 against the eligible Senate candidate in an
13 amount equal to 3 times the amount of the ex-
14 cess expenditures.

15 “(C) LARGE AMOUNT OF EXCESS EXPEND-
16 ITURES.—If the Commission determines that an
17 eligible Senate candidate made expenditures
18 that exceeded by 5 percent or more the primary
19 election expenditure limit, the runoff election
20 expenditure limit, or the general election ex-
21 penditure limit, the Commission shall assess a
22 civil penalty against the eligible Senate can-
23 didate in an amount equal to the amount of the
24 excess expenditures an amount equal to the
25 sum of—

1 “(i) 3 times the amount of the excess
 2 expenditures plus an additional amount de-
 3 termined by the Commission; plus

4 “(ii) if the Commission determines
 5 that the exceeding of the expenditure limit
 6 was willful, an amount equal to the
 7 amount of benefits that the eligible Senate
 8 candidate received under this title.

9 “(g) UNEXPENDED FUNDS.—

10 “(1) REPAYMENT.—Subject to paragraph (2),
 11 any amount received by an eligible Senate candidate
 12 under this title and not expended on or before the
 13 date of the general election shall be repaid not later
 14 than 30 days after the date of the general election.

15 “(2) RETENTION FOR PURPOSES OF LIQUIDA-
 16 TION OF OBLIGATIONS.—An eligible Senate can-
 17 didate may retain for a period not exceeding 120
 18 days after the date of a general election a reasonable
 19 portion of unexpended funds received under this title
 20 for the liquidation of all obligations to pay expendi-
 21 tures for the general election incurred during the
 22 general election period. At the end of the 120-day
 23 period, any unexpended funds received under this
 24 title shall be promptly repaid.

1 “(h) PAYMENTS RETURNED TO SOURCE.—Any pay-
 2 ment, repayment, or civil penalty under this section shall
 3 be paid to the entity that afforded benefits under this title
 4 to the eligible Senate candidate.

5 “(i) LIMIT ON PERIOD FOR NOTIFICATION.—No no-
 6 tification shall be made by the Commission under this sec-
 7 tion with respect to an election more than 3 years after
 8 the date of the election.

9 **“SEC. 507. JUDICIAL REVIEW.**

10 “(a) JUDICIAL REVIEW.—Any agency action by the
 11 Commission under this title shall be subject to review by
 12 the United States Court of Appeals for the District of Co-
 13 lumbia Circuit upon petition filed in that court within 30
 14 days after the date of the agency action.

15 “(b) APPLICATION OF TITLE 5, UNITED STATES
 16 CODE.—Chapter 7 of title 5, United States Code, shall
 17 apply to judicial review of any agency action by the Com-
 18 mission under this title.

19 “(c) AGENCY ACTION.—For purposes of this section,
 20 the term ‘agency action’ has the meaning given the term
 21 in section 551(13) of title 5, United States Code.

1 **“SEC. 508. PARTICIPATION BY COMMISSION IN JUDICIAL**
2 **PROCEEDINGS.**

3 “(a) APPEARANCES.—The Commission may appear
4 in and defend against any action instituted under this sec-
5 tion and under section 507 by attorneys employed in the
6 office of the Commission or by counsel whom it may ap-
7 point without regard to the provisions of title 5, United
8 States Code, governing appointments in the competitive
9 service, and whose compensation it may fix without regard
10 to chapter 51 and subchapter III of chapter 53 of that
11 title.

12 “(b) ACTIONS FOR RECOVERY OF AMOUNT OF BENE-
13 FITS.—The Commission, by attorneys and counsel de-
14 scribed in subsection (a), may bring an action in United
15 States district court to recover any amounts determined
16 under this title to be payable to any entity that afforded
17 a benefit to an eligible Senate candidate under this title.

18 “(c) ACTION FOR INJUNCTIVE RELIEF.—The Com-
19 mission, by attorneys and counsel described in subsection
20 (a), may petition the courts of the United States for such
21 injunctive relief as is appropriate in order to implement
22 any provision of this title.

1 “(d) APPEALS.—The Commission, on behalf of the
 2 United States, may appeal from, and may petition the Su-
 3 preme Court for certiorari to review, any judgment or de-
 4 cree entered with respect to actions in which the Commis-
 5 sion under this section.

6 **“SEC. 509. REPORTS TO CONGRESS; REGULATIONS.**

7 “(a) REPORTS.—

8 “(1) IN GENERAL.—As soon as practicable
 9 after each general election, the Commission shall
 10 submit a full report to the Senate setting forth—

11 “(A) the expenditures (shown in such de-
 12 tail as the Commission determines to be appro-
 13 priate) made by each eligible Senate candidate
 14 and the authorized committees of the candidate;

15 “(B) the amounts certified by the Commis-
 16 sion under section 505 as benefits available to
 17 each eligible Senate candidate; and

18 “(C) the amount of repayments, if any, re-
 19 quired under section 506 and the reason why
 20 each repayment was required.

21 “(2) PRINTING.—Each report under paragraph
 22 (1) shall be printed as a Senate document.

23 “(b) REGULATIONS.—

1 “(1) IN GENERAL.—The Commission may issue
 2 such regulations, conduct such examinations and in-
 3 vestigations, and require the keeping and submission
 4 of such books, records, and information, as the Com-
 5 mission considers necessary to carry out the func-
 6 tions and duties of the Commission under this title.

7 “(2) STATEMENT TO SENATE.—Not less than
 8 30 days before issuing a regulation under paragraph
 9 (1), the Commission shall submit to the Senate a
 10 statement setting forth the proposed regulation and
 11 containing a detailed explanation and justification
 12 for the regulation.

13 **“SEC. 510. CLOSED CAPTIONING IN TELEVISION BROAD-**
 14 **CASTS.**

15 “Any television broadcast prepared or distributed by
 16 an eligible Senate candidate shall be prepared in a manner
 17 that contains, is accompanied by, or otherwise readily per-
 18 mits closed captioning of the oral content of the broadcast
 19 to be broadcast by way of line 21 of the vertical blanking
 20 interval or by way of a comparable successor technology.

21 **“SEC. 511. LIMITATIONS ON PAYMENTS.**

22 “(a) PAYMENTS ON CERTIFICATION.—On receipt of
 23 a certification from the Commission under section 505, ex-
 24 cept as provided in subsection (b), the Secretary shall,

1 subject to the availability of appropriations, promptly pay
 2 the amount certified by the Commission to the candidate.

3 “(b) INSUFFICIENT FUNDS.—

4 “(1) WITHHOLDING.—If, at the time of a cer-
 5 tification by the Commission under section 505 for
 6 payment to an eligible Senate candidate, the Sec-
 7 retary determines that there are not, or may not be,
 8 sufficient funds to satisfy the full entitlement of all
 9 eligible Senate candidates, the Secretary shall with-
 10 hold from the amount of the payment such amount
 11 as the Secretary determines to be necessary to en-
 12 sure that each eligible Senate candidate will receive
 13 the same pro rata share of the candidate’s full enti-
 14 tlement.

15 “(2) SUBSEQUENT PAYMENT.—Amounts with-
 16 held under paragraph (1) shall be paid when the
 17 Secretary determines that there are sufficient funds
 18 to pay all or a portion of the funds withheld from
 19 all eligible Senate candidates, but, if only a portion
 20 is to be paid, the portion shall be paid in such a
 21 manner that each eligible Senate candidate receives
 22 an equal pro rata share.

23 “(3) NOTIFICATION OF ESTIMATED WITHHOLD-
 24 ING.—

“(A) ADVANCE ESTIMATE OF AVAILABLE FUNDS AND PROJECTED COSTS.—Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

“(i) the amount of funds that will be available to make payments under this title in the general election year; and

“(ii) the costs of implementing this title in the general election year.

“(B) NOTIFICATION.—If the Secretary determines under subparagraph (A) that there will be insufficient funds for any calendar year, the Secretary shall notify by registered mail each candidate for the Senate on January 1 of that year (or, if later, the date on which an individual becomes such a candidate) of the amount that the Secretary estimates will be the pro rata withholding from each eligible Senate candidate’s payments under this subsection.

“(C) INCREASE IN CONTRIBUTION LIMIT.—The amount of an eligible candidate’s contribution limit under section

1 502(c)(1)(D)(iii) shall be increased by the
 2 amount of the estimated pro rata withholding
 3 under subparagraph (B).

4 “(4) NOTIFICATION OF ACTUAL WITHHOLD-
 5 ING.—

6 “(A) IN GENERAL.—The Secretary shall
 7 notify the Commission and each eligible Senate
 8 candidate by registered mail of any actual re-
 9 duction in the amount of any payment by rea-
 10 son of this subsection.

11 “(B) GREATER AMOUNT OF WITHHOLD-
 12 ING.—If the amount of a withholding exceeds
 13 the amount estimated under paragraph (3), an
 14 eligible Senate candidate’s contribution limit
 15 under section 502(c)(1)(D)(iii) shall be in-
 16 creased by the amount of the excess.”.

17 (b) EFFECTIVE DATES.—

18 (1) IN GENERAL.—Except as provided in this
 19 subsection, the amendment made by subsection (a)
 20 shall apply to elections occurring after December 31,
 21 1996.

22 (2) APPLICABILITY TO CONTRIBUTIONS AND
 23 EXPENDITURES.—For purposes of any expenditure
 24 or contribution limit imposed by the amendment
 25 made by subsection (a)—

1 (A) no expenditure made before January 1,
 2 1997, shall be taken into account, except that
 3 there shall be taken into account any such ex-
 4 penditure for goods or services to be provided
 5 after that date; and

6 (B) all cash, cash items, and Government
 7 securities on hand as of January 1, 1997, shall
 8 be taken into account in determining whether
 9 the contribution limit is met, except that there
 10 shall not be taken into account amounts used
 11 during the 60-day period beginning on January
 12 1, 1997, to pay for expenditures that were in-
 13 curred (but unpaid) before that date.

14 (c) EFFECT OF INVALIDITY ON OTHER PROVISIONS
 15 OF TITLE.—If section 502, 503, or 504 of the Federal
 16 Election Campaign Act of 1971 (as added by subsection
 17 (a)) or any part of those sections is held to be invalid,
 18 this Act and all amendments made by this Act shall be
 19 treated as invalid.

20 **SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COM-**
 21 **MITTEES IN SENATE ELECTIONS.**

22 (a) IN GENERAL.—Title III of the Federal Election
 23 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
 24 by adding at the end the following:

1 **“SEC. 324. BAN ON SENATE ELECTION ACTIVITIES BY PO-**
 2 **LITICAL ACTION COMMITTEES.**

3 “(a) IN GENERAL.—Notwithstanding any other pro-
 4 vision of this Act, no person other than an individual or
 5 a political committee may make contributions, solicit or
 6 receive contributions, or make expenditures for the pur-
 7 pose of influencing an election, or nomination for election,
 8 to the office of United States Senator.

9 “(b) EXECUTIVE OFFICERS AND ADMINISTRATIVE
 10 EMPLOYEES.—In the case of an individual who is an exec-
 11 utive officer or administrative employee of an employer—

12 “(1) the individual shall not make a contribu-
 13 tion—

14 “(A) to any political committee established
 15 and maintained by any political party for use in
 16 an election, or nomination for election, to the
 17 office of United States Senator; or

18 “(B) to any candidate for nomination for
 19 election, or election, to the office of United
 20 States Senator or the candidate’s authorized
 21 committees;

22 if the contribution is made at the direction of, or is
 23 otherwise controlled or influenced by, the employer;
 24 and

25 “(2) the individual shall not make any such
 26 contribution if the making of the contribution would

1 cause the aggregate amount of contributions made
 2 by all executive officers and administrative employ-
 3 ees of the employer in any calendar year to exceed—

4 “(A) \$20,000 in the case of such political
 5 committees; and

6 “(B) \$5,000 in the case of any such can-
 7 didate and the candidate’s authorized commit-
 8 tees.”.

9 (b) CANDIDATE’S COMMITTEES.—Section 315(a) of
 10 the Federal Election Campaign Act of 1971 (2 U.S.C.
 11 441a(a)) is amended by adding at the end the following:

12 “(9) For the purposes of the limitations under
 13 paragraphs (1) and (2), any political committee that
 14 is established or financed or maintained or con-
 15 trolled by any candidate or Federal officeholder shall
 16 be considered to be an authorized committee of the
 17 candidate or officeholder. Nothing in this paragraph
 18 shall be construed to permit the establishment, fi-
 19 nancing, maintenance, or control of any committee
 20 that is prohibited by paragraph (3) or (6) of section
 21 302(e).”.

22 (c) RULES APPLICABLE WHEN BAN NOT IN EF-
 23 FECT.—For purposes of the Federal Election Campaign
 24 Act of 1971 (2 U.S.C. 431 et seq.), during any period
 25 beginning after the effective date in which the limitation

1 under section 324 of that Act (as added by subsection (a))
 2 is not in effect, the amendments made by subsections (a)
 3 and (b) shall not be in effect.

4 (d) RULE ENSURING PROHIBITION OF DIRECT COR-
 5 PORATE AND LABOR ORGANIZATION SPENDING.—If sec-
 6 tion 316(a) of the Federal Election Campaign Act of 1971
 7 (2 U.S.C. 441b(a)) is held to be invalid by reason of the
 8 amendments made by this section, the amendments made
 9 by subsections (a) and (b) shall not apply to contributions
 10 by any political committee that is directly or indirectly es-
 11 tablished, administered, or supported by a connected orga-
 12 nization that is a bank, corporation, or other organization
 13 described in section 316(a) of that Act.

14 (e) RESTRICTIONS ON CONTRIBUTIONS TO POLITI-
 15 CAL COMMITTEES.—Paragraphs (1)(D) and (2)(D) of sec-
 16 tion 315(a) of the Federal Election Campaign Act of 1971
 17 (2 U.S.C. 441a(a)), as redesignated by section 312, are
 18 amended by striking “\$5,000” and inserting “\$1,000”.

19 (f) EFFECTIVE DATES.—

20 (1) IN GENERAL.—Except as provided in para-
 21 graph (2), the amendments made by this section
 22 shall apply to elections (and the election cycles relat-
 23 ing thereto) occurring after December 31, 1996.

1 (2) APPLICABILITY.—In applying the amend-
 2 ments made by this section, there shall not be taken
 3 into account—

4 (A) a contribution made or received before
 5 January 1, 1997; or

6 (B) a contribution made to, or received by,
 7 a candidate on or after January 1, 1997, to the
 8 extent that the aggregate amount of such con-
 9 tributions made to or received by the candidate
 10 is not greater than the excess (if any) of—

11 (i) the aggregate amount of such con-
 12 tributions made to or received by any op-
 13 ponent of the candidate before January 1,
 14 1997; over

15 (ii) the aggregate amount of such con-
 16 tributions made to or received by the can-
 17 didate before January 1, 1997.

18 **SEC. 103. REPORTING REQUIREMENTS.**

19 Title III of the Federal Election Campaign Act of
 20 1971 (2 U.S.C. 431 et seq.) is amended by inserting after
 21 section 304 the following:

1 **“SEC. 304A. REPORTING REQUIREMENTS FOR SENATE CAN-**
 2 **DIDATES.**

3 “(a) MEANINGS OF TERMS.—Any term used in this
 4 section that is used in title V shall have the same meaning
 5 as when used in title V.

6 “(b) CANDIDATE OTHER THAN ELIGIBLE SENATE
 7 CANDIDATE.—

8 “(1) DECLARATION OF INTENT.—A candidate
 9 for the office of Senator who does not file a certifi-
 10 cation with the Secretary of the Senate under sec-
 11 tion 502(c) shall, at the time provided in section
 12 501(c)(2), file with the Secretary of the Senate a
 13 declaration as to whether the candidate intends to
 14 make expenditures for the general election in excess
 15 of the general election expenditure limit.

16 “(2) REPORTS.—

17 “(A) INITIAL REPORT.—A candidate for
 18 the Senate who qualifies for the ballot for a
 19 general election—

20 “(i) who is not an eligible Senate can-
 21 didate under section 502; and

22 “(ii) who receives contributions in an
 23 aggregate amount or makes or obligates to
 24 make expenditures in an aggregate amount
 25 for the general election that exceeds 75

1 percent of the general election expenditure
2 limit;
3 shall file a report with the Secretary of the Sen-
4 ate within 2 business days after aggregate con-
5 tributions have been received or aggregate ex-
6 penditures have been made or obligated to be
7 made in that amount (or, if later, within 2 busi-
8 ness days after the date of qualification for the
9 general election ballot), setting forth the can-
10 didate's aggregate amount of contributions re-
11 ceived and aggregate amount of expenditures
12 made or obligated to be made for the election
13 as of the date of the report.

14 “(B) ADDITIONAL REPORTS.—After an ini-
15 tial report is filed under subparagraph (A), the
16 candidate shall file additional reports (until the
17 amount of such contributions or expenditures
18 exceeds 200 percent of the general election ex-
19 penditure limit) with the Secretary of the Sen-
20 ate within 2 business days after each time addi-
21 tional contributions are received, or expendi-
22 tures are made or are obligated to be made,
23 that in the aggregate exceed an amount equal
24 to 10 percent of the general election expendi-
25 ture limit and after the aggregate amount of

1 contributions or expenditures exceeds 100,
 2 133 $\frac{1}{3}$, 166 $\frac{2}{3}$, and 200 percent of the general
 3 election expenditure limit.

4 “(3) NOTIFICATION OF OTHER CANDIDATES.—

5 The Commission—

6 “(A) shall, within 2 business days after re-
 7 ceipt of a declaration or report under paragraph
 8 (1) or (2), notify each eligible Senate candidate
 9 of the filing of the declaration or report; and

10 “(B) if an opposing candidate has received
 11 aggregate contributions, or made or obligated to
 12 make aggregate expenditures, in excess of the
 13 general election expenditure limit, shall certify,
 14 under subsection (e), the eligibility for payment
 15 of any amount to which an eligible Senate can-
 16 didate in the general election is entitled under
 17 section 504(a).

18 “(4) ACTION BY THE COMMISSION ABSENT RE-

19 PORT.—

20 “(A) IN GENERAL.—Notwithstanding the
 21 reporting requirements under this subsection,
 22 the Commission may make its own determina-
 23 tion that a candidate in a general election who
 24 is not an eligible Senate candidate has raised

1 aggregate contributions, or made or has obli-
 2 gated to make aggregate expenditures, in the
 3 amounts that would require a report under
 4 paragraph (2).

5 “(B) NOTIFICATION OF ELIGIBLE SENATE
 6 CANDIDATES.—The Commission shall—

7 “(i) within 2 business days after mak-
 8 ing a determination under subparagraph
 9 (A), notify each eligible Senate candidate
 10 in the general election of the making of the
 11 determination; and

12 “(ii) when the aggregate amount of
 13 contributions or expenditures exceeds the
 14 general election expenditure limit, certify
 15 under subsection (e) an eligible Senate
 16 candidate’s eligibility for payment of any
 17 amount under section 504(a).

18 “(c) REPORTS ON PERSONAL FUNDS.—

19 “(1) FILING.—A candidate for the Senate who,
 20 during an election cycle, expends more than the per-
 21 sonal funds expenditure limit during the election
 22 cycle shall file a report with the Secretary of the
 23 Senate within 2 business days after expenditures
 24 have been made or loans incurred in excess of the
 25 personal funds expenditure limit.

1 “(2) NOTIFICATION OF ELIGIBLE SENATE CAN-
 2 DIDATES.—Within 2 business days after a report
 3 has been filed under paragraph (1), the Commission
 4 shall notify each eligible Senate candidate in the
 5 general election of the filing of the report.

6 “(3) ACTION BY THE COMMISSION ABSENT RE-
 7 PORT.—

8 “(A) IN GENERAL.—Notwithstanding the
 9 reporting requirements under this subsection,
 10 the Commission may make its own determina-
 11 tion that a candidate for the Senate has made
 12 expenditures in excess of the amount under
 13 paragraph (1).

14 “(B) NOTIFICATION OF ELIGIBLE SENATE
 15 CANDIDATES.—Within 2 business days after
 16 making a determination under subparagraph
 17 (A), the Commission shall notify each eligible
 18 Senate candidate in the general election of the
 19 making of the determination.

20 “(d) CANDIDATES FOR OTHER OFFICES.—

21 “(1) FILING.—Each individual—

22 “(A) who becomes a candidate for the of-
 23 fice of United States Senator;

24 “(B) who, during the election cycle for that
 25 office, held any other Federal, State, or local

1 office or was a candidate for any such office;
2 and

3 “(C) who expended any amount during the
4 election cycle before becoming a candidate for
5 the office of United States Senator that would
6 have been treated as an expenditure if the indi-
7 vidual had been such a candidate (including
8 amounts for activities to promote the image or
9 name recognition of the individual);
10 shall, within 7 days after becoming a candidate for
11 the office of United States Senator, report to the
12 Secretary of the Senate the amount and nature of
13 such expenditures.

14 “(2) APPLICABILITY.—Paragraph (1) shall not
15 apply to any expenditures in connection with a Fed-
16 eral, State, or local election that has been held be-
17 fore the individual becomes a candidate for the office
18 of United States Senator.

19 “(3) DETERMINATION.—The Commission shall,
20 as soon as practicable, make a determination as to
21 whether any amounts reported under paragraph (1)
22 were made for purposes of influencing the election of
23 the individual to the office of Senator.

1 “(4) CERTIFICATION.—The Commission shall
 2 certify to the individual and the individual’s oppo-
 3 nents the amounts the Commission determines to be
 4 described in paragraph (3), and such amounts shall
 5 be treated as expenditures for purposes of this Act.

6 “(e) BASIS OF CERTIFICATIONS.—Notwithstanding
 7 section 505(a), the certification required by this section
 8 shall be made by the Commission on the basis of reports
 9 filed in accordance with this Act or on the basis of the
 10 Commission’s own investigation or determination.

11 “(f) SHORTER PERIODS FOR REPORTS AND NOTICES
 12 DURING ELECTION WEEK.—Any report, determination,
 13 or notice required by reason of an event occurring during
 14 the 7-day period ending on the date of the general election
 15 shall be made within 24 hours (rather than 2 business
 16 days) of the event.

17 “(g) COPIES OF REPORTS AND PUBLIC INSPEC-
 18 TION.—The Secretary of the Senate shall—

19 “(1) transmit a copy of any report or filing re-
 20 ceived under this section or under title V as soon as
 21 possible (but not later than 4 working hours of the
 22 Commission) after receipt of the report or filing;

23 “(2) make the report or filing available for pub-
 24 lic inspection and copying in the same manner as
 25 the Commission under section 311(a)(4); and

1 “(3) preserve the reports and filings in the
2 same manner as the Commission under section
3 311(a)(5).”.

4 **SEC. 104. DISCLOSURE BY CANDIDATES OTHER THAN ELI-**
5 **GIBLE SENATE CANDIDATES.**

6 Section 318 of the Federal Election Campaign Act
7 of 1971 (2 U.S.C. 441d) (as amended by section 113) is
8 amended by adding at the end the following:

9 “(e) DISCLOSURE BY CANDIDATES OTHER THAN EL-
10 IGIBLE SENATE CANDIDATES.—A broadcast, cablecast, or
11 other communication that is paid for or authorized by a
12 candidate in the general election for the office of United
13 States Senator who is not an eligible Senate candidate,
14 or the authorized committee of such a candidate, shall
15 contain the following sentence: ‘This candidate has not
16 agreed to voluntary campaign spending limits.’.”.

17 **SEC. 105. EXCESS CAMPAIGN FUNDS OF SENATE CAN-**
18 **DIDATES.**

19 Section 313 of the Federal Election Campaign Act
20 of 1971 (2 U.S.C. 439a) is amended—

21 (1) by inserting “(a) IN GENERAL.—” before
22 “Amounts” and adjusting the margin appropriately;
23 and

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

25 “(b) DISPOSITION OF EXCESS CAMPAIGN FUNDS.—

1 “(1) Except as provided in paragraph (2), and
2 notwithstanding subsection (a), a candidate for the
3 Senate who has amounts in excess of amounts nec-
4 essary to defray expenditures for an election cycle,
5 including any fines or penalties relating thereto,
6 shall, not later than 1 year after the date of the gen-
7 eral election for the election cycle—

8 “(A) expend the excess in the manner de-
9 scribed in subsection (a); or

10 “(B) pay the excess to the general fund of
11 the Treasury of the United States.

12 “(2) APPLICABILITY.—Paragraph (1) shall not
13 apply to any amount—

14 “(A) that is transferred to a legal and ac-
15 counting compliance fund under section 503(c);
16 or

17 “(B) that is transferred for use in the next
18 election cycle, to the extent that the amount
19 transferred does not exceed 20 percent of the
20 sum of the primary election expenditure limit
21 under section 501(d)(1)(A) and the general
22 election expenditure limit for the election cycle
23 from which the amounts are transferred.”.

1 **SEC. 106. CONTRIBUTION LIMIT FOR ELIGIBLE SENATE**
 2 **CANDIDATES.**

3 Section 315(a)(1) of the Federal Election Campaign
 4 Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

5 (1) in subparagraph (A), by inserting “except
 6 as provided in subparagraph (B),” before “to”;

7 (2) by redesignating subparagraphs (B) and
 8 (C) as subparagraphs (C) and (D), respectively; and

9 (3) by inserting after subparagraph (A) the fol-
 10 lowing:

11 “(B) to an eligible Senate candidate (as defined
 12 in section 501) and the authorized political commit-
 13 tees of the candidate which, in the aggregate, exceed
 14 \$2,000, if an opponent of the eligible Senate can-
 15 didate fails to comply with the expenditure limits
 16 contained in this Act and has received contributions
 17 in excess of 10 percent of the general election limits
 18 contained in this Act or has expended personal funds
 19 in excess of 10 percent of the general election limits
 20 contained in this Act;”.

21 **Subtitle B—General Provisions**

22 **SEC. 111. BROADCAST RATES AND PREEMPTION.**

23 (a) BROADCAST RATES.—Section 315(b) of the Com-
 24 munications Act of 1934 (47 U.S.C. 315(b)) is amended—

25 (1) by striking “(b) The charges” and inserting
 26 the following:

1 “(b) BROADCAST MEDIA RATES.—

2 “(1) IN GENERAL.—The charges”;

3 (2) by redesignating paragraphs (1) and (2) as
4 subparagraphs (A) and (B), respectively, and adjust-
5 ing the margins accordingly;

6 (3) in paragraph (1)(A) (as redesignated by
7 paragraph (2))—

8 (A) by striking “forty-five” and inserting
9 “30”; and

10 (B) by striking “lowest unit charge of the
11 station for the same class and amount of time
12 for the same period” and inserting “lowest
13 charge of the station for the same amount of
14 time for the same period on the same date”;
15 and

16 (4) by adding at the end the following:

17 “(2) ELIGIBLE SENATE CANDIDATES.—

18 “(A) IN GENERAL.—In the case of an eligi-
19 ble Senate candidate (as described in section
20 501 of the Federal Election Campaign Act), the
21 charges for the use of a television broadcasting
22 station during the 30-day period and 60-day pe-
23 riod referred to in paragraph (1)(A) shall not
24 exceed 50 percent of the lowest charge de-
25 scribed in paragraph (1)(A).

1 “(B) APPLICABILITY.—Subparagraph (A)
 2 shall not apply to broadcasts that are to be paid
 3 from amounts received under section
 4 504(a)(2)(B) of the Federal Election Campaign
 5 Act of 1971.”.

6 (b) PREEMPTION; ACCESS.—Section 315 of the Com-
 7 munications Act of 1947 (47 U.S.C. 315) is amended—

8 (1) by redesignating subsections (c) and (d) as
 9 subsection (d) and (e), respectively; and

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

12 “(c) PREEMPTION.—

13 “(1) IN GENERAL.—Except as provided in para-
 14 graph (2), a licensee shall not preempt the use, dur-
 15 ing any period specified in subsection (b)(1), of a
 16 broadcasting station by a legally qualified candidate
 17 for public office who has purchased and paid for
 18 such use pursuant to subsection (b)(1).

19 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-
 20 CENSEE.—If a program to be broadcast by a broad-
 21 casting station is preempted because of cir-
 22 cumstances beyond the control of the broadcasting
 23 station, any candidate advertising spot scheduled to
 24 be broadcast during that program may also be pre-
 25 empted.”.

1 (c) REVOCATION OF LICENSE FOR FAILURE TO PER-
 2 MIT ACCESS.—Section 312(a)(7) of the Communications
 3 Act of 1947 (47 U.S.C. 312(a)(7)) is amended—

4 (1) by striking “or repeated”;

5 (2) by inserting “or cable system” after “broad-
 6 casting station”; and

7 (3) by striking “his candidacy” and inserting
 8 “his or her candidacy, under the same terms, condi-
 9 tions, and business practices as apply to the broad-
 10 casting station’s most favored advertiser”.

11 **SEC. 112. REPORTING REQUIREMENTS FOR CERTAIN INDE-**
 12 **PENDENT EXPENDITURES.**

13 (a) IN GENERAL.—Section 304 of the Federal Elec-
 14 tion Campaign Act of 1971 (2 U.S.C. 434) (as amended
 15 by section 608) is amended by adding at the end the fol-
 16 lowing:

17 “(e) TIME FOR REPORTING CERTAIN EXPENDI-
 18 TURES.—

19 “(1) EXPENDITURES AGGREGATING \$1,000.—A
 20 person that makes independent expenditures aggre-
 21 gating \$1,000 or more after the 20th day, but more
 22 than 24 hours, before an election shall file a report
 23 describing the expenditures within 24 hours after
 24 that amount of independent expenditures has been
 25 made.

1 “(2) EXPENDITURES AGGREGATING \$10,000.—

2 “(A) INITIAL REPORT.—A person that
3 makes independent expenditures aggregating
4 \$10,000 or more at any time up to and includ-
5 ing the 20th day before an election shall file a
6 report describing the expenditures within 48
7 hours that amount of independent expenditures
8 has been made.

9 “(B) ADDITIONAL REPORTS.—After a per-
10 son files a report under subparagraph (A), the
11 person filing the report shall file an additional
12 report each time that independent expenditures
13 aggregating an additional \$10,000 are made
14 with respect to the same election as that to
15 which the initial report relates.

16 “(3) PLACE OF FILING; CONTENTS; TRANSMIT-
17 TAL.—

18 “(A) PLACE OF FILING; CONTENTS.—A re-
19 port under this subsection—

20 “(i) shall be filed with the Secretary
21 of the Senate or the Commission, and the
22 Secretary of State of the candidate’s State;
23 and

1 “(ii) shall contain the information re-
 2 quired by subsection (b)(6)(B)(iii), includ-
 3 ing whether each independent expenditure
 4 was made in support of, or in opposition
 5 to, a candidate.

6 “(B) TRANSMITTAL.—

7 “(i) TO THE COMMISSION.—As soon
 8 as possible (but not later than 4 working
 9 hours of the Commission) after receipt of
 10 a report under this subsection, the Sec-
 11 retary of the Senate shall transmit the re-
 12 port to the Commission.

13 “(ii) TO CANDIDATES.—Not later
 14 than 48 hours after receipt of a report
 15 under this subsection, the Commission
 16 shall transmit a copy of the report to each
 17 candidate seeking nomination for election
 18 to, or election to, the office in question.

19 “(4) OBLIGATION TO MAKE EXPENDITURE.—
 20 For purposes of this subsection, an expenditure shall
 21 be treated as being made when it is made or obli-
 22 gated to be made.

23 “(5) ADVANCE NOTICE OF INTENTION TO MAKE
 24 INDEPENDENT EXPENDITURES.—

1 “(A) IN GENERAL.—A person that intends
 2 to make independent expenditures totaling
 3 \$5,000 or more during the 20 days before an
 4 election shall file a notice of that intention not
 5 later than the 20th day before the election.

6 “(B) PLACE OF FILING; CONTENTS;
 7 TRANSMITTAL.—

8 “(i) PLACE OF FILING; CONTENTS.—
 9 A statement under subparagraph (A)—

10 “(I) shall be filed with the Sec-
 11 retary of the Senate or the Commis-
 12 sion, and the Secretary of State of the
 13 candidate’s State; and

14 “(II) shall identify each can-
 15 didate whom the expenditure will sup-
 16 port or oppose.

17 “(ii) TRANSMITTAL.—

18 “(I) TO THE COMMISSION.—As
 19 soon as possible (but not later than 4
 20 working hours of the Commission)
 21 after receipt of a notice of intention
 22 under this paragraph, the Commission
 23 shall transmit the notice to the Com-
 24 mission.

1 “(II) TO CANDIDATES.—Not
 2 later than 48 hours after the receipt
 3 of a notice of intention under this
 4 paragraph, the Commission shall
 5 transmit a copy of the notice to each
 6 candidate identified in the notice.

7 “(6) DETERMINATIONS BY THE COMMISSION.—

8 “(A) IN GENERAL.—The Commission may
 9 make its own determination that a person has
 10 made, or has incurred obligations to make,
 11 independent expenditures with respect to any
 12 Federal election that in the aggregate exceed
 13 the applicable amounts under paragraph (1) or
 14 (2).

15 “(B) NOTIFICATION.—The Commission
 16 shall notify each candidate in the election of the
 17 making of the determination within 24 hours
 18 after making the determination.

19 “(7) CERTIFICATION OF ELIGIBILITY TO RE-
 20 CEIVE BENEFITS.—At the same time as a candidate
 21 is notified under paragraph (3), (5), or (6) with re-
 22 spect to expenditures during a general election pe-
 23 riod, the Commission shall certify eligibility to re-
 24 ceive benefits under section 504(a).

1 “(8) PUBLIC AVAILABILITY; PRESERVATION.—
 2 The Secretary of the Senate shall make any report
 3 or notice of intention received under this subsection
 4 available for public inspection and copying in the
 5 same manner as under section 311(a)(4), and shall
 6 preserve the reports and notices in the same manner
 7 as under section 311(a)(5).”.

8 (b) CONFORMING AMENDMENT.—Section 304(c)(2)
 9 of the Federal Election Campaign Act of 1971 (2 U.S.C.
 10 434(c)(2)) is amended by striking the undesignated mat-
 11 ter after subparagraph (C).

12 **SEC. 113. CAMPAIGN ADVERTISING AMENDMENTS.**

13 Section 318 of the Federal Election Campaign Act
 14 of 1971 (2 U.S.C. 441d) is amended—

15 (1) in subsection (a)—

16 (A) by striking “Whenever” and inserting
 17 the following:

18 “(a) DISCLOSURE.—When a political committee
 19 makes a disbursement for the purpose of financing any
 20 communication through any broadcasting station, news-
 21 paper, magazine, outdoor advertising facility, mailing, or
 22 any other type of general public political advertising, or
 23 when”;

24 (B) by striking “an expenditure” and in-
 25 serting “a disbursement”;

1 (C) by striking “direct”; and

2 (D) in paragraph (3), by inserting “and
3 permanent street address” after “name”;

4 (2) in subsection (b), by inserting “SAME
5 CHARGE AS CHARGE FOR COMPARABLE USE.—” be-
6 fore “No”; and

7 (3) by adding at the end the following:

8 “(c) REQUIREMENTS FOR PRINTED COMMUNICA-
9 TIONS.—A printed communication described in subsection
10 (a) shall be—

11 “(1) of sufficient type size to be clearly read-
12 able by the recipient of the communication;

13 “(2) contained in a printed box set apart from
14 the other contents of the communication; and

15 “(3) consist of a reasonable degree of color con-
16 trast between the background and the printed state-
17 ment.

18 “(d) REQUIREMENTS FOR BROADCAST AND CABLE-
19 CAST COMMUNICATIONS.—

20 “(1) PAID FOR OR AUTHORIZED BY THE CAN-
21 DIDATE.—

22 “(A) IN GENERAL.—A broadcast or cable-
23 cast communication described in paragraph (1)
24 or (2) of subsection (a) shall include, in addi-
25 tion to the requirements of those paragraphs,

1 an audio statement by the candidate that iden-
2 tifies the candidate and states that the can-
3 didate has approved the communication.

4 “(B) TELEVISED COMMUNICATIONS.—A
5 broadcast or cablecast communication described
6 in paragraph (1) that is broadcast or cablecast
7 by means of television shall include, in addition
8 to the audio statement under subparagraph (A),
9 a written statement—

10 “(i) that states: ‘I [name of can-
11 didate] am a candidate for [the office the
12 candidate is seeking], and I have approved
13 this message’;

14 “(ii) that appears at the end of the
15 communication in a clearly readable man-
16 ner with a reasonable degree of color con-
17 trast between the background and the
18 printed statement, for a period of at least
19 4 seconds; and

20 “(iii) that is accompanied by a clearly
21 identifiable photographic or similar image
22 of the candidate.

23 “(2) NOT PAID FOR OR AUTHORIZED BY THE
24 CANDIDATE.—A broadcast or cablecast communica-
25 tion described in subsection (a)(3) shall include, in

1 addition to the requirements of that paragraph, in a
 2 clearly spoken manner, the statement—

3 ‘ is responsible for the
 4 content of this advertisement.’;

5 with the blank to be filled in with the name of the political
 6 committee or other person paying for the communication
 7 and the name of any connected organization of the payor;
 8 and, if the communication is broadcast or cablecast by
 9 means of television, the statement shall also appear in a
 10 clearly readable manner with a reasonable degree of color
 11 contrast between the background and the printed state-
 12 ment, for a period of at least 4 seconds.”.

13 **SEC. 114. DEFINITIONS.**

14 (a) IN GENERAL.—Section 301 of the Federal Elec-
 15 tion Campaign Act of 1971 (2 U.S.C. 431) is amended
 16 by striking paragraph (19) and inserting the following:

17 “(19) The term ‘general election’—

18 “(A) means an election that will directly
 19 result in the election of a person to a Federal
 20 office; and

21 “(B) includes a primary election that may
 22 result in the election of a person to a Federal
 23 office.

24 “(20) The term ‘general election period’ means,
 25 with respect to a candidate, the period beginning on

1 the day after the date of the primary or runoff elec-
2 tion for the specific office that the candidate is seek-
3 ing, whichever is later, and ending on the earlier
4 of—

5 “(A) the date of the general election; or

6 “(B) the date on which the candidate with-
7 draws from the campaign or otherwise ceases
8 actively to seek election.

9 “(21) The term ‘immediate family’ means—

10 “(A) a candidate’s spouse;

11 “(B) a child, stepchild, parent, grand-
12 parent, brother, half-brother, sister, or half-sis-
13 ter of the candidate or the candidate’s spouse;
14 and

15 “(C) the spouse of any person described in
16 subparagraph (B).

17 “(22) The term ‘major party’ has the meaning
18 given the term in section 9002(6) of the Internal
19 Revenue Code of 1986, except that if a candidate
20 qualified for the ballot in a general election in an
21 open primary in which all the candidates for the of-
22 fice participated and which resulted in the candidate
23 and at least 1 other candidate’s qualifying for the
24 ballot in the general election, the candidate shall be

1 treated as a candidate of a major party for purposes
2 of title V.

3 “(23) The term ‘primary election’ means an
4 election that may result in the selection of a can-
5 didate for the ballot in a general election for a Fed-
6 eral office.

7 “(24) The term ‘primary election period’
8 means, with respect to a candidate, the period begin-
9 ning on the day following the date of the last elec-
10 tion for the specific office that the candidate is seek-
11 ing and ending on the earlier of—

12 “(A) the date of the first primary election
13 for that office following the last general election
14 for that office; or

15 “(B) the date on which the candidate with-
16 draws from the election or otherwise ceases ac-
17 tively to seek election.

18 “(25) The term ‘runoff election’ means an elec-
19 tion held after a primary election that is prescribed
20 by applicable State law as the means for deciding
21 which candidate will be on the ballot in the general
22 election for a Federal office.

23 “(26) The term ‘runoff election period’ means,
24 with respect to any candidate, the period beginning
25 on the day following the date of the last primary

1 election for the specific office that the candidate is
 2 seeking and ending on the date of the runoff election
 3 for that office.

4 “(27) The term ‘voting age population’ means
 5 the number of residents of a State who are 18 years
 6 of age or older, as certified under section 315(e).

7 “(28) The term ‘election cycle’ means—

8 “(A) in the case of a candidate or the au-
 9 thorized committees of a candidate, the period
 10 beginning on the day after the date of the most
 11 recent general election for the specific office or
 12 seat that the candidate is seeking and ending
 13 on the date of the next general election for that
 14 office or seat; and

15 “(B) in the case of all other persons, the
 16 period beginning on the first day following the
 17 date of the last general election and ending on
 18 the date of the next general election.”.

19 (b) IDENTIFICATION.—Section 301(13) of the Fed-
 20 eral Election Campaign Act of 1971 (2 U.S.C. 431(13))
 21 is amended by striking “mailing address” and inserting
 22 “permanent residence address”.

1 **SEC. 115. PROVISIONS RELATING TO FRANKED MASS**
 2 **MAILINGS.**

3 Section 3210(a)(6)(C) of title 39, United States
 4 Code, is amended—

5 (1) by striking “if the mass mailing is post-
 6 marked fewer than 60 days immediately before the
 7 date” and inserting “if the mass mailing is post-
 8 marked during the calendar year”; and

9 (2) by inserting “or reelection” before the pe-
 10 riod.

11 **TITLE II—INDEPENDENT**
 12 **EXPENDITURES**

13 **SEC. 201. DEFINITION OF INDEPENDENT EXPENDITURE.**

14 Section 301 of the Federal Election Campaign Act
 15 of 1971 (2 U.S.C. 431) is amended by striking paragraph
 16 (17) and inserting the following:

17 “(17) INDEPENDENT EXPENDITURE.—

18 “(A) IN GENERAL.—The term “independ-
 19 ent expenditure” means an expenditure by a
 20 person other than a candidate or candidate’s
 21 authorized committee—

22 “(i) that is made for a communication
 23 that contains express advocacy; and

24 “(ii) is made without the participation
 25 or cooperation of and without coordination
 26 with a candidate.

“(B) EXPRESS ADVOCACY.—The term ‘express advocacy’ means a communication advocating the election or defeat of a clearly identified candidate and includes any communication that—

“(i)(I) contains a phrase such as ‘vote for’, ‘re-elect’, ‘support’, ‘cast your ballot for’, ‘(name of candidate) for Congress’, ‘(name of candidate) in 1997’, ‘vote against’, ‘defeat’, ‘reject’;

“(II) recommends a position on an issue and clearly identifies 1 or more candidates as supporting or opposing that position; or

“(III) contains campaign slogans or individual words that in context can have no reasonable meaning other than to recommend the election or defeat of 1 or more clearly identified candidates;

“(ii) clearly identifies 1 or more candidates and is broadcast by a radio broadcast station or a television broadcast station (including a cable system) within 60 calendar days preceding the date of an election (or with respect to a candidate for

the office of Vice President or President in
a general election, within 90 calendar days
preceding the date of the general election);
or

“(iii) taken as a whole and with limited
reference to external events, such as
proximity to an election, expresses unmistakable
support for or opposition to 1 or
more clearly identified candidates.

“(C) WITHOUT THE PARTICIPATION OR
COOPERATION OF AND WITHOUT COORDINATION
WITH A CANDIDATE.—The term ‘without the
participation or cooperation of and without coordination
with a candidate’, with respect to an
expenditure, means an expenditure that is
made—

“(i) without any request or suggestion
from or any involvement of a candidate or
candidate’s representative;

“(ii) without the involvement of any
person who, during the election cycle in
which the expenditure is made, has raised
funds on behalf of the candidate, counseled
or advised the candidate or the candidate’s
representative regarding the election (other

than to provide legal and accounting services to ensure compliance with this Act), engaged in campaign-related research or polling analysis with respect to the election, or communicated with or received information from the candidate or the candidate's representative about the candidate's plans, resources, expenditures, or needs regarding the election; and

“(iii) without the involvement of any person who received compensation, during the election cycle in which the expenditure is made, from the candidate or candidate's representative and from the person making the independent expenditure.”.

SEC. 202. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY POLITICAL PARTY COMMITTEES.

(a) DEFINITION OF COORDINATED EXPENDITURE.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

“(19) COORDINATED EXPENDITURE.—The term ‘coordinated expenditure’ means an expenditure that is made by a person other than the candidate and that is not an independent expenditure.”.

1 (b) INDEPENDENT VERSUS COORDINATED EXPENDI-
 2 TURES BY POLITICAL PARTY COMMITTEES.—Section
 3 315(d) of the Federal Election Campaign Act of 1971 (2
 4 U.S.C. 441a(d)) is amended—

5 (1) in paragraph (1) by striking “and (3)” and
 6 inserting “, (3) and (4)”; and

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

8 “(4) PROHIBITION AGAINST MAKING BOTH
 9 COORDINATED EXPENDITURES AND INDEPEND-
 10 ENT EXPENDITURES.—

11 “(A) IN GENERAL.—A committee of a
 12 political party shall not make both a co-
 13 ordinated expenditure and an independent
 14 expenditure with respect to the same can-
 15 didate during a single election cycle.

16 “(B) CERTIFICATION.—Before mak-
 17 ing a coordinated expenditure or an inde-
 18 pendent expenditure with respect to a can-
 19 didate, a committee of a political party
 20 that is subject to this subsection shall file
 21 with the Commission a certification, signed
 22 by the treasurer, stating whether the com-
 23 mittee will make coordinated expenditures
 24 or independent expenditures with respect
 25 to the candidate.

1 “(C) TRANSFERS.—A party commit-
 2 tee that certifies under this paragraph that
 3 the committee will make coordinated ex-
 4 penditures with respect to a candidate
 5 shall not, in the same election cycle, make
 6 a transfer of funds to, or receive a transfer
 7 of funds from, any other party committee
 8 that has certified under this paragraph
 9 that it will make independent expenditures
 10 with respect to the candidate.”.

11 **SEC. 203. TREATMENT OF QUALIFIED NONPROFIT COR-**
 12 **PORATIONS.**

13 Section 316 of the Federal Election Campaign Act
 14 of 1971 (2 U.S.C. 441b) is amended by adding at the end
 15 the following:

16 “(c) EXCEPTION FOR CERTAIN TAX-EXEMPT COR-
 17 PORATIONS.—

18 “(1) IN GENERAL.—Notwithstanding the prohi-
 19 bitions of this section, a qualified nonprofit corpora-
 20 tion may make an independent expenditure.

21 “(2) DEFINITION OF QUALIFIED NONPROFIT
 22 CORPORATION.—For purposes of this Act, the term
 23 ‘qualified nonprofit corporation’ means a corporation
 24 that meets the following requirements:

1 “(A) TAX-EXEMPT STATUS.—The corpora-
 2 tion is exempt from taxation under section
 3 501(a) of the Internal Revenue Code of 1986
 4 and is described in section 501(c)(4) of the
 5 Code.

6 “(B) PURPOSES.—The corporation is orga-
 7 nized exclusively to promote specific political
 8 ideas.

9 “(C) NO TRADE OR BUSINESS.—The cor-
 10 poration does not engage in any activity that
 11 constitutes a trade or business.

12 “(D) ESTABLISHMENT.—The corporation
 13 was not established by—

14 “(i) a corporation that is carrying on
 15 a trade or business;

16 “(ii) a labor organization; or

17 “(iii) a business league or other orga-
 18 nization described in section 501(c)(6) of
 19 the Internal Revenue Code of 1986.

20 “(E) CONTRIBUTIONS.—The corporation
 21 does not accept, directly or indirectly, donations
 22 of anything of value from any corporation, labor
 23 organization or organization described in sub-
 24 paragraph (D)(iii), and does not serve, directly

1 or indirectly, as a conduit for expenditures by
2 such entities.

3 “(F) CLAIMS AND INCENTIVES.—The cor-
4 poration—

5 “(i) has no shareholder or other per-
6 son, other than an employee or creditor
7 without an ownership interest, whose affili-
8 ation could allow a claim on the assets or
9 earnings of such corporation; and

10 “(ii) offers no incentives or disincen-
11 tives for persons to associate or not to as-
12 sociate with the corporation other than the
13 positions of the corporation on political is-
14 sues.

15 “(3) STATUS AS POLITICAL COMMITTEE.—If a
16 qualified nonprofit corporation meets the qualifica-
17 tions of section 301(4), the corporation shall be
18 treated as a political committee.

19 “(4) DISCLOSURE TO DONORS.—All solicita-
20 tions of donations by the qualified nonprofit corpora-
21 tion shall inform potential donors that donations
22 may be used by the corporation for political pur-
23 poses, such as supporting or opposing candidates for
24 public office.”.

1 **SEC. 204. EQUAL BROADCAST TIME.**

2 Section 315 of the Communications Act of 1934 (47
3 U.S.C. 315) is amended by striking subsection (a) and in-
4 serting the following:

5 “(a) **EQUAL OPPORTUNITY TO USE BROADCASTING**
6 **STATION.**—

7 “(1) **IN GENERAL.**—A licensee that permits any
8 person who is a legally qualified candidate for public
9 office to use a broadcasting station (other than any
10 use required to be provided under paragraph (2))
11 shall afford equal opportunities to all other such
12 candidates for that office in the use of the broad-
13 casting station.

14 “(2) **INDEPENDENT EXPENDITURES.**—

15 “(A) **INFORMATION TO BE PROVIDED TO**
16 **LICENSEE BY PERSON RESERVING BROADCAST**
17 **TIME.**—A person that reserves broadcast time
18 the payment for which would constitute an
19 independent expenditure (as defined in section
20 301 of the Federal Election Campaign Act of
21 1971 (2 U.S.C. 431)) shall—

22 “(i) inform the licensee that payment
23 for the broadcast time will constitute an
24 independent expenditure;

25 “(ii) inform the licensee of the names
26 of all candidates for the office to which the

1 proposed broadcast relates and state
2 whether the message to be broadcast is in-
3 tended to be made in support of or in op-
4 position to each such candidate; and

5 “(iii) provide the licensee a copy of
6 the statement described in section 304(d)
7 of the Federal Election Campaign Act of
8 1971 (2 U.S.C. 434(d)).

9 “(B) RESPONSE BY LICENSEE.—A licensee
10 that is informed as described in subparagraph
11 (A) shall—

12 “(i) if any of the candidates described
13 in subparagraph (A)(ii) has provided the
14 licensee the name and address of a person
15 to whom notification under this subpara-
16 graph is to be given—

17 “(I) notify the person of the pro-
18 posed making of the independent ex-
19 penditure; and

20 “(II) allow any such candidate
21 (other than a candidate for whose
22 benefit the independent expenditure is
23 made) to purchase the same amount
24 of broadcast time immediately after

1 the broadcast time paid for by the
2 independent expenditure; and

3 “(ii) in the case of an opponent of a
4 candidate for whose benefit the independ-
5 ent expenditure is made who certifies to
6 the licensee that the opponent is eligible to
7 have the cost of response broadcast time
8 paid using funds derived from a payment
9 made under section 504(a)(2)(B) of the
10 Federal Election Campaign Act of 1971,
11 afford the opponent such broadcast time
12 without requiring payment in advance and
13 at the cost specified in subsection (b).

14 “(3) NO CENSORSHIP.—A licensee shall have no
15 power of censorship over the material broadcast
16 under this section.

17 “(4) NO OBLIGATION.—Except as provided in
18 paragraph (2), no obligation is imposed under this
19 subsection on any licensee to allow the use of its sta-
20 tion by any candidate.

21 “(5) CERTAIN APPEARANCES NOT CONSIDERED
22 USE OF BROADCASTING STATION.—

23 “(A) IN GENERAL.—An appearance by a
24 legally qualified candidate on a—

25 “(i) bona fide newscast;

1 “(ii) bona fide news interview;

2 “(iii) bona fide news documentary (if
3 the appearance of the candidate is inciden-
4 tal to the presentation of the subject or
5 subjects covered by the news documen-
6 tary); or

7 “(iv) on-the-spot coverage of bona fide
8 news events (including political conventions
9 and activities incidental thereto);

10 shall not be considered to be use of a broadcast-
11 ing station within the meaning of this sub-
12 section.

13 “(B) NO RELIEF FROM OTHER OBLIGA-
14 TIONS.—Nothing in subparagraph (A) relieves a
15 licensee, in connection with the presentation of
16 newscasts, news interviews, news documen-
17 taries, and on-the-spot coverage of news events,
18 from the obligation under this Act to operate in
19 the public interest and to afford reasonable op-
20 portunity for the discussion of conflicting views
21 on issues of public importance.

22 “(6) ENDORSEMENT OF CANDIDATE BY LI-
23 CENSEE.—

“(A) IN GENERAL.—A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

“(i) notice of the date and time of broadcast of the editorial;

“(ii) a taped or printed copy of the editorial; and

“(iii) a reasonable opportunity to broadcast a response using the licensee’s facilities.

“(B) TIME FOR RESPONSE.—

“(i) 72 HOURS OR MORE BEFORE ELECTION.—In the case of an editorial described in subparagraph (A) that is first broadcast 72 hours or more before the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial.

“(ii) LESS THAN 72 HOURS BEFORE ELECTION.—In the case of an editorial described in subparagraph (A) that is first

1 broadcast less than 72 hours before the
 2 date of an election, the notice and copy
 3 shall be provided at a time prior to the
 4 first broadcast that will be sufficient to en-
 5 able candidates a reasonable opportunity to
 6 prepare and broadcast a response.”.

7 **TITLE III—EXPENDITURES**

8 **Subtitle A—Personal Funds; Credit**

9 **SEC. 301. CONTRIBUTIONS AND LOANS FROM PERSONAL** 10 **FUNDS.**

11 Section 315 of the Federal Election Campaign Act
 12 of 1971 (2 U.S.C. 441a) is amended by adding at the end
 13 the following:

14 “(i) LIMITATIONS ON REPAYMENT OF LOANS AND
 15 RETURN OF CONTRIBUTIONS FROM PERSONAL FUNDS.—

16 “(1) REPAYMENT OF LOANS.—If a candidate or
 17 a member of the candidate’s immediate family made
 18 a loan to the candidate or to the candidate’s author-
 19 ized committees during an election cycle, no con-
 20 tribution received after the date of the general elec-
 21 tion for the election cycle may be used to repay the
 22 loan.

23 “(2) RETURN OF CONTRIBUTIONS.—No con-
 24 tribution by a candidate or member of the can-
 25 didate’s immediate family may be returned to the

1 candidate or member other than as part of a pro
 2 rata distribution of excess contributions to all con-
 3 tributors.”.

4 **SEC. 302. EXTENSIONS OF CREDIT.**

5 Section 301(8)(A) of the Federal Election Campaign
 6 Act of 1971 (2 U.S.C. 431(8)(A)) (as amended by section
 7 201(b)), 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 inserting at the end the following:

12 “(iv) with respect to a candidate and

13 the candidate’s authorized committees, any

14 extension of credit for goods or services re-

15 lating to advertising on a broadcasting sta-

16 tion, in a newspaper or magazine, or by a

17 mailing, or relating to other similar types

18 of general public political advertising, if

19 the extension of credit is—

20 “(I) in an amount greater than

21 \$1,000; and

22 “(II) for a period greater than

23 the period, not in excess of 60 days,

24 for which credit is generally extended

25 in the normal course of business after

1 the date on which the goods or serv-
 2 ices are furnished or the date of a
 3 mailing.”.

4 **Subtitle B—Soft Money of Political** 5 **Parties**

6 **SEC. 311. PREPARATION AND DISTRIBUTION BY VOLUN-**
 7 **TEERS OF MATERIALS IN CONNECTION WITH**
 8 **STATE AND LOCAL POLITICAL PARTY VOTER**
 9 **REGISTRATION AND GET-OUT-THE-VOTE AC-**
 10 **TIVITIES SO AS NOT TO BE CONSIDERED A**
 11 **CONTRIBUTION OR EXPENDITURE.**

12 (a) CONTRIBUTION.—Section 301(8)(B)(xii) of the
 13 Federal Election Campaign Act of 1971 (2 U.S.C.
 14 431(8)(B)(xii)) is amended—

15 (1) by striking “such committee” and inserting
 16 “the committee in connection with volunteer activi-
 17 ties”;

18 (2) by striking “: *Provided*, That” and inserting
 19 “if”;

20 (3) by redesignating the items designated as
 21 items “(1)”, “(2)”, and “(3)”, respectively, as sub-
 22 clauses (I), (II), and (III);

23 (4) by striking “and” at the end of subclause
 24 (II) (as redesignated);

1 (5) by inserting “and” at the end of subclause
2 (III) (as redesignated); and

3 (6) by adding at the end the following:

4 “(IV) the activities are conducted
5 solely by, and any materials are dis-
6 tributed solely by, volunteers;”.

7 (b) EXPENDITURE.—Section 301(9)(B)(ix) of the
8 Federal Election Campaign Act of 1971 (2 U.S.C.
9 431(9)(B)(ix)) is amended—

10 (1) by striking “such committee” and inserting
11 “the committee in connection with volunteer activi-
12 ties”;

13 (2) by striking “: *Provided, That*” and inserting
14 “if”;

15 (3) by redesignating the items designated as
16 items “(1)”, “(2)”, and “(3)”, respectively, as sub-
17 clauses (I), (II), and (III);

18 (4) by striking “and” at the end of subclause
19 (II) (as redesignated);

20 (5) by inserting “and” at the end of subclause
21 (III) (as redesignated); and

22 (6) by adding at the end the following:

23 “(IV) any materials in connection
24 with the activities are prepared for

1 distribution (and are distributed) sole-
 2 ly by volunteers; and”.

3 **SEC. 312. CONTRIBUTIONS TO POLITICAL PARTY COMMIT-**
 4 **TEES.**

5 (a) INDIVIDUAL CONTRIBUTIONS TO STATE
 6 PARTY.—Section 315(a)(1) of the Federal Election Cam-
 7 paign Act of 1971 (2 U.S.C. 441a(a)(1)) (as amended by
 8 section 106) is amended—

9 (1) by striking “or” at the end of subparagraph
 10 (B);

11 (2) by redesignating subparagraph (D) as sub-
 12 paragraph (E); and

13 (3) by inserting after subparagraph (C) the fol-
 14 lowing:

15 “(D) to—

16 “(i) a State Party Grassroots Fund
 17 established and maintained by a State
 18 committee of a political party in any cal-
 19 endar year that, in the aggregate, exceed
 20 \$20,000; or

21 “(ii) any other political committee es-
 22 tablished and maintained by a State com-
 23 mittee of a political party in any calendar
 24 year that, in the aggregate, exceed \$5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed \$20,000; or”.

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

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

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

“(C) to—

“(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year that, in the aggregate, exceed \$15,000; or

“(ii) to any other political committee established and maintained by a State

1 committee of a political party that, in the
 2 aggregate, exceed \$5,000;
 3 except that the aggregate contributions de-
 4 scribed in this subparagraph that may be made
 5 by a multicandidate political committee to the
 6 State Party Grassroots Fund and all commit-
 7 tees of a State Committee of a political party
 8 in any State in any calendar year shall not ex-
 9 ceed \$15,000; or”.

10 (c) OVERALL LIMIT.—Section 315(a) of the Federal
 11 Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is
 12 amended by striking paragraph (3) and inserting the fol-
 13 lowing:

14 “(3) OVERALL LIMIT.—

15 “(A) ELECTION CYCLE.—No individual
 16 shall make contributions during any election
 17 cycle (as defined in section 301(28)(B)) that, in
 18 the aggregate, exceed \$60,000.

19 “(B) CALENDAR YEAR.—

20 “(i) IN GENERAL.—No individual
 21 shall make contributions during any cal-
 22 endar year—

23 “(I) to all candidates and their
 24 authorized political committees that,
 25 in the aggregate, exceed \$25,000; or

1 “(II) to all political committees
 2 established and maintained by State
 3 committees of a political party that, in
 4 the aggregate, exceed \$20,000.

5 “(ii) NONELECTION YEAR.—For pur-
 6 poses of clause (i), a contribution made to
 7 a candidate or the candidate’s authorized
 8 political committees in a year other than
 9 the calendar year in which the election is
 10 held with respect to which the contribution
 11 is made shall be treated as being made
 12 during the calendar year in which the elec-
 13 tion is held.”.

14 (d) PRESIDENTIAL CANDIDATE COMMITTEE TRANS-
 15 FERS.—

16 (1) AMENDMENT OF FECA.—Section 315(b)(1)
 17 of the Federal Election Campaign Act of 1971 (2
 18 U.S.C. 441a(b)(1)) is amended by striking subpara-
 19 graph (B) and inserting the following:

20 “(B) in the case of a campaign for election
 21 to that office, an amount equal to the sum of—

22 “(i) \$20,000,000; plus

23 “(ii) the lesser of—

24 “(I) 2 cents multiplied by the
 25 voting age population of the United

1 States (as certified under subsection
2 (e); or

3 “(II) the amounts transferred by
4 the candidate and the authorized com-
5 mittees of the candidate to the na-
6 tional committee of the candidate’s
7 political party for distribution to State
8 Party Grassroots Funds.”.

9 (2) AMENDMENT OF INTERNAL REVENUE
10 CODE.—Subparagraph (A) of section 9002(11) of
11 the Internal Revenue Code of 1986 (defining quali-
12 fied campaign expense) is amended—

13 (A) by striking “or” at the end of clause
14 (ii);

15 (B) by inserting “or” at the end of clause
16 (iii); and

17 (C) by adding at the end the following:

18 “(iv) any transfers to the national
19 committee of the candidate’s political party
20 for distribution to State Party Grassroots
21 Funds (as defined in section 301(30) of
22 the Federal Election Campaign Act of
23 1971) to the extent that such transfers do
24 not exceed the amount determined under
25 section 315(b)(1)(B)(ii) of that Act;”.

1 **SEC. 313. PROVISIONS RELATING TO NATIONAL, STATE,**
 2 **AND LOCAL PARTY COMMITTEES.**

3 (a) SOFT MONEY OF COMMITTEES OF POLITICAL
 4 PARTIES.—Title III of the Federal Election Campaign Act
 5 of 1971 (2 U.S.C. 431 et seq.) (as amended by section
 6 102(a)) is amended by adding at the end the following:

7 **“SEC. 325. POLITICAL PARTY COMMITTEES.**

8 **“(a) LIMITATIONS ON NATIONAL COMMITTEES.—**

9 **“(1) IN GENERAL.—**A national committee of a
 10 political party and the congressional campaign com-
 11 mittees of a political party shall not solicit or accept
 12 any amount, or solicit or accept a transfer from an-
 13 other political committee, that is not subject to the
 14 limitations, prohibitions, and reporting requirements
 15 of this Act.

16 **“(2) EXCLUSIONS.—**Paragraph (1) shall not
 17 apply to any amount received—

18 **“(A) that—**

19 **“(i) is to be transferred to a State**
 20 **committee of a political party and is used**
 21 **solely for an activity described in clause**
 22 **(xi), (xii), (xiii), (xiv), (xv), (xvi), or (xvii)**
 23 **of section 301(9)(B); or**

24 **“(ii) is described in section**
 25 **301(8)(B)(viii); and**

1 “(B) with respect to which a contributor
 2 has been notified that the amount will be used
 3 solely for the purposes described in subpara-
 4 graph (A).

5 “(b) TRANSFERS TO TAX-EXEMPT ORGANIZA-
 6 TIONS.—A national committee or a State committee of a
 7 political party shall not transfer any funds to an organiza-
 8 tion that is exempt from taxation under section 501(a)
 9 of the Internal Revenue Code of 1986 and is described
 10 in section 501(c)(3) of the Code.

11 “(c) ACTIVITIES SUBJECT TO THIS ACT.—

12 “(1) IN GENERAL.—Any amount solicited, re-
 13 ceived, expended, or disbursed directly or indirectly
 14 by a national, State, district, or local committee of
 15 a political party (including any subordinate commit-
 16 tee) with respect to any of the following activities
 17 shall be treated as a contribution subject to the limi-
 18 tations, prohibitions, and reporting requirements of
 19 this Act:

20 “(A)(i) Any get-out-the-vote activity con-
 21 ducted during a calendar year in which an elec-
 22 tion for the office of President is held.

23 “(ii) Any other get-out-the-vote activity un-
 24 less subsection (c)(2) applies to the activity.

25 “(B) Any generic campaign activity.

1 “(C) Any activity that identifies or pro-
2 motes a Federal candidate, regardless of wheth-
3 er—

4 “(i) a State or local candidate is also
5 identified or promoted; or

6 “(ii) any portion of the funds dis-
7 bursed constitutes a contribution or ex-
8 penditure under this Act.

9 “(D) Voter registration.

10 “(E) Development and maintenance of
11 voter files during an even-numbered calendar
12 year.

13 “(F) Any other activity that—

14 “(i) significantly affects a Federal
15 election; or

16 “(ii) is not described in section
17 301(8)(B)(xvii).

18 “(2) FUNDRAISING COSTS.—Any amount spent
19 to raise funds that are used, in whole or in part, in
20 connection with an activity described in paragraph
21 (1) shall be treated as an expenditure subject to the
22 limitations, prohibitions, and reporting requirements
23 of this Act.

1 “(d) GET-OUT-THE-VOTE ACTIVITIES BY STATE,
 2 DISTRICT, AND LOCAL COMMITTEES OF A POLITICAL
 3 PARTY.—

4 “(1) IN GENERAL.—Except as provided in para-
 5 graph (2), any get-out-the-vote activity for a State
 6 or local candidate, or for a ballot measure, that is
 7 conducted by a State, district, or local committee of
 8 a political party (including any subordinate commit-
 9 tee) shall be treated as an expenditure subject to the
 10 limitations, prohibitions, and reporting requirements
 11 of this Act.

12 “(2) EXCLUSIONS.—Paragraph (1) shall not
 13 apply to any activity that the State committee of a
 14 political party certifies to the Commission is an ac-
 15 tivity that—

16 “(A) is conducted during a calendar year
 17 other than a calendar year in which an election
 18 for the office of President is held;

19 “(B) is exclusively on behalf of (and spe-
 20 cifically identifies only) 1 or more State or local
 21 candidates or ballot measures; and

22 “(C) does not include any effort or means
 23 used to identify or turn out those identified to

1 be supporters of any Federal candidate (includ-
 2 ing any activity that is undertaken in coordina-
 3 tion with, or on behalf of, a candidate for Fed-
 4 eral office).

5 “(e) STATE PARTY GRASSROOTS FUNDS.—

6 “(1) IN GENERAL.—A State committee of a po-
 7 litical party may make disbursements and expendi-
 8 tures from its State Party Grassroots Fund only
 9 for—

10 “(A) a generic campaign activity;

11 “(B) the making of a payment described in
 12 clause (v), (x), or (xii) of paragraph (8)(B) or
 13 clause (iv), (viii), or (ix) of paragraph (9)(B) of
 14 section 301;

15 “(C) subject to the limitations of section
 16 315(d), the making of a payment described in
 17 paragraph (8)(B)(xii) or (9)(B)(ix) of section
 18 301 on behalf of a candidate other than a can-
 19 didate for President or Vice President;

20 “(D) voter registration; and

21 “(E) development and maintenance of
 22 voter files during an even-numbered calendar
 23 year.

24 “(2) TRANSFERS.—

“(A) IN GENERAL.—Notwithstanding section 315(a)(4) and except as provided in subparagraph (B), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee.

“(B) TRANSFER TO SEPARATE SEGREGATED FUND OF DISTRICT OR LOCAL COMMITTEE.—A transfer may be made from a State Party Grassroots Fund to a district or local committee of the same political party in the same State if the district or local committee—

“(i) has established a separate fund for the purposes described in paragraph (1); and

“(ii) uses the transferred funds solely for those purposes.

“(f) AMOUNTS RECEIVED BY STATE PARTY GRASSROOTS FUND FROM NON-FEDERAL CANDIDATE COMMITTEES.—

“(1) IN GENERAL.—Any amount received by a State Party Grassroots Fund from a non-Federal candidate committee for expenditures described in

1 subsection (b) that are for the benefit of that can-
 2 didate shall be treated as meeting the requirements
 3 of subsection (b) and section 304(f) if—

4 “(A) the amount is derived from funds
 5 that meet the requirements of this Act with re-
 6 spect to any limitation or prohibition as to
 7 source or dollar amount specified in paragraphs
 8 (1)(A) and (2)(A) of section 315(a); and

9 “(B) the non-Federal candidate commit-
 10 tee—

11 “(i) maintains, in the account from
 12 which payment is made, records of the
 13 sources and amounts of funds for purposes
 14 of determining whether those requirements
 15 are met; and

16 “(ii) certifies that the requirements
 17 were met.

18 “(2) DETERMINATION OF COMPLIANCE.—For
 19 purposes of paragraph (1)(A), in determining wheth-
 20 er the funds transferred meet the requirements of
 21 this Act referred to in paragraph (1)(A)—

22 “(A) a non-Federal candidate committee’s
 23 cash on hand shall be treated as consisting of
 24 the funds most recently received by the commit-
 25 tee; and

1 “(B) the committee must be able to dem-
 2 onstrate that its cash on hand contains suffi-
 3 cient funds meeting those requirements as are
 4 necessary to cover the transferred funds.

5 “(3) REPORTING.—Notwithstanding paragraph
 6 (1), a State Party Grassroots Fund that receives a
 7 transfer described in paragraph (1) from a non-Fed-
 8 eral candidate committee—

9 “(A) shall meet the reporting requirements
 10 of this Act; and

11 “(B) shall submit to the Commission all
 12 certifications received with respect to receipt of
 13 the transfer from the candidate committee.”.

14 (b) DEFINITIONS.—

15 (1) CONTRIBUTION.—Section 301(8)(B) of the
 16 Federal Election Campaign Act of 1971 (2 U.S.C.
 17 431(8)(B)) is amended—

18 (A) by striking “and” at the end of clause
 19 (xiii);

20 (B) by striking the period at the end of
 21 clause (xiv) and inserting a semicolon; and

22 (C) by adding at the end the following:

23 “(xv) any amount contributed to a
 24 candidate for other than Federal office;

1 “(xvi) any amount received or ex-
2 pended to pay the costs of a State or local
3 political convention;

4 “(xvii) any payment for campaign ac-
5 tivities that are exclusively on behalf of
6 (and specifically identify only) State or
7 local candidates and do not identify any
8 Federal candidate, and that are not activi-
9 ties described in section 325(c) (without
10 regard to paragraph (6)(B)) or section
11 325(d)(1);

12 “(xviii) any payment for administra-
13 tive expenses of a State or local committee
14 of a political party, including expenses
15 for—

16 “(I) overhead, including party
17 meetings;

18 “(II) staff (other than individuals
19 devoting a significant amount of their
20 time to elections for Federal office
21 and individuals engaged in conducting
22 get-out-the-vote activities for a Fed-
23 eral election); and

24 “(III) party elections or cau-
25 cuses;

1 “(xix) any payment for research per-
 2 taining solely to State and local candidates
 3 and issues;

4 “(xx) any payment for development
 5 and maintenance of voter files other than
 6 during the 1-year period ending on the
 7 date during an even-numbered calendar
 8 year on which regularly scheduled general
 9 elections for Federal office occur; and

10 “(xxi) any payment for any other ac-
 11 tivity that is solely for the purpose of influ-
 12 encing, and that solely affects, an election
 13 for non-Federal office and that is not an
 14 activity described in section 325(c) (with-
 15 out regard to paragraph (6)(B)) or section
 16 325(d)(1).”.

17 (2) EXPENDITURE.—Section 301(9)(B) of the
 18 Federal Election Campaign Act of 1971 (2 U.S.C.
 19 431(9)(B)) is amended—

20 (A) by striking “and” at the end of clause
 21 (ix);

22 (B) by striking the period at the end of
 23 clause (x) and inserting a semicolon; and

24 (C) by adding at the end the following:

1 “(xi) any amount contributed to a
2 candidate for other than Federal office;

3 “(xii) any amount received or ex-
4 pended to pay the costs of a State or local
5 political convention;

6 “(xiii) any payment for campaign ac-
7 tivities that are exclusively on behalf of
8 (and specifically identify only) State or
9 local candidates and do not identify any
10 Federal candidate, and that are not activi-
11 ties described in section 325(c) (without
12 regard to paragraph (6)(B)) or section
13 325(d)(1);

14 “(xiv) any payment for administrative
15 expenses of a State or local committee of
16 a political party, including expenses for—

17 “(I) overhead, including party
18 meetings;

19 “(II) staff (other than individuals
20 devoting a significant amount of their
21 time to elections for Federal office
22 and individuals engaged in conducting
23 get-out-the-vote activities for a Fed-
24 eral election); and

1 “(III) conducting party elections
2 or caucuses;

3 “(xv) any payment for research per-
4 taining solely to State and local candidates
5 and issues;

6 “(xvi) any payment for development
7 and maintenance of voter files other than
8 during the 1-year period ending on the
9 date during an even-numbered calendar
10 year on which regularly scheduled general
11 elections for Federal office occur; and

12 “(xvii) any payment for any other ac-
13 tivity that is solely for the purpose of influ-
14 encing, and that solely affects, an election
15 for non-Federal office and that is not an
16 activity described in section 325(c) (with-
17 out regard to paragraph (6)(B)) or section
18 325(d)(1).”.

19 (3) OTHER TERMS.—Section 301 of the Federal
20 Election Campaign Act of 1971 (2 U.S.C. 431) (as
21 amended by section 114(a)) is amended by adding at
22 the end the following:

23 “(29) GENERIC CAMPAIGN ACTIVITY.—The
24 term ‘generic campaign activity’ means a campaign

1 activity that promotes a political party rather than
 2 a particular candidate or non-Federal candidate.

3 “(30) STATE PARTY GRASSROOTS FUND.—The
 4 term ‘State Party Grassroots Fund’ means a sepa-
 5 rate fund established and maintained by a State
 6 committee of a political party solely for purposes of
 7 making expenditures and other disbursements de-
 8 scribed in section 325(d).

9 “(31) NON-FEDERAL CANDIDATE.—The term
 10 ‘non-Federal candidate’ means a candidate for State
 11 or local office.

12 “(32) NON-FEDERAL CANDIDATE COMMIT-
 13 TEE.—For purposes of this subsection, the term
 14 ‘non-Federal candidate committee’ means a commit-
 15 tee established, financed, maintained, or controlled
 16 by a non-Federal candidate.”.

17 (c) LIMITATION APPLIED AT NATIONAL LEVEL.—
 18 Section 315(d)(3) of the Federal Election Campaign Act
 19 of 1971 (2 U.S.C. 441a(d)(3)) is amended—

20 (1) by striking “(3) The national” and inserting
 21 the following:

22 “(3) CANDIDATES FOR THE SENATE AND THE
 23 HOUSE OF REPRESENTATIVES.—

24 “(A) IN GENERAL.—The national”;

1 (2) by redesignating subparagraphs (A), (B),
 2 and (C) as clauses (i), (ii), and (iii), respectively,
 3 and adjusting the margins as appropriate; and

4 (3) by adding at the end the following:

5 “(2) EXPENDITURES BY CONGRESSIONAL CAM-
 6 PAIGN COMMITTEES.—Notwithstanding paragraph
 7 (1), a congressional campaign committee of a politi-
 8 cal party shall make the expenditures described in
 9 paragraph (1) that are authorized to be made by a
 10 national or State committee with respect to a can-
 11 didate in any State unless the congressional cam-
 12 paign committee allocates all or a portion of the ex-
 13 penditures to either or both of those committees.”.

14 (d) APPLICATION OF LIMITATIONS TO ENTIRE ELEC-
 15 TION CYCLE.—Section 315(d) of the Federal Election
 16 Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

17 (1) in paragraph (1) by striking “general”; and

18 (2) in the first sentence of paragraph (2) and
 19 in paragraph (3)—

20 (A) by striking “general”; and

21 (B) by striking “which” and inserting
 22 “that, during an election cycle,”.

1 **SEC. 314. RESTRICTIONS ON FUNDRAISING BY CANDIDATES**
 2 **AND OFFICEHOLDERS.**

3 (a) STATE FUNDRAISING ACTIVITIES.—Section 315
 4 of the Federal Election Campaign Act of 1971 (2 U.S.C.
 5 441a) (as amended by section 301) is amended by adding
 6 at the end the following:

7 “(j) LIMITATIONS ON FUNDRAISING ACTIVITIES OF
 8 FEDERAL CANDIDATES AND OFFICEHOLDERS AND CER-
 9 TAIN POLITICAL COMMITTEES.—

10 “(1) IN GENERAL.—For purposes of this Act, a
 11 candidate, an individual holding Federal office, or
 12 any agent of the candidate or individual may not so-
 13 licit funds to, or receive funds on behalf of, any per-
 14 son—

15 “(A) that are to be expended in connection
 16 with any election for Federal office unless the
 17 funds are subject to the limitations, prohibi-
 18 tions, and requirements of this Act; or

19 “(B) that are to be expended in connection
 20 with any election for other than Federal office
 21 unless the funds are not in excess of amounts
 22 permitted with respect to Federal candidates
 23 and political committees under paragraphs (1)
 24 and (2) of subsection (a), and are not from
 25 sources prohibited by those paragraphs with re-
 26 spect to elections to Federal office.

1 “(2) LIMITATION ON SOLICITATIONS.—

2 “(A) IN GENERAL.—The aggregate
3 amount that a person described in subpara-
4 graph (B) may solicit from a multicandidate po-
5 litical committee for State committees described
6 in subsection (a)(1)(C) (including subordinate
7 committees) for any calendar year shall not ex-
8 ceed the dollar amount in effect under sub-
9 section (a)(2)(B) for the calendar year.

10 “(B) APPLICABILITY.—A person is de-
11 scribed in this subparagraph if the person is a
12 candidate, an individual holding Federal office,
13 an agent of such a candidate or individual, or
14 a national, State, district, or local committee of
15 a political party (including a subordinate com-
16 mittee) or an agent of such a committee.

17 “(3) APPEARANCE OR PARTICIPATION IN A
18 FUNDRAISING EVENT.—The appearance or participa-
19 tion by a candidate or individual holding Federal of-
20 fice in a fundraising event conducted by a committee
21 of a political party or a non-Federal candidate shall
22 not be treated as a solicitation for purposes of para-
23 graph (1) if the candidate or individual does not so-
24 licit or receive, or make disbursements from, any
25 funds resulting from the activity.

1 “(4) STATE LAW.—Paragraph (1) shall not
 2 apply to the solicitation or receipt of funds, or dis-
 3 bursements, by an individual who is a non-Federal
 4 candidate if the activity is permitted under State
 5 law.

6 “(5) DEFINITION.—For purposes of this sub-
 7 section, an individual shall be treated as holding
 8 Federal office if the individual—

9 “(A) holds a Federal office; or

10 “(B) holds a position described in level I of
 11 the Executive Schedule under section 5312 of
 12 title 5, United States Code.”.

13 (b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of
 14 the Federal Election Campaign Act of 1971 (2 U.S.C.
 15 441a) (as amended by subsection (a)) is amended by add-
 16 ing at the end the following:

17 “(k) TAX-EXEMPT ORGANIZATIONS.—

18 “(1) IN GENERAL.—If an individual is a can-
 19 didate for, or holds, Federal office during any pe-
 20 riod, the individual shall not during that period so-
 21 licit contributions to, or on behalf of, any organiza-
 22 tion that is described in section 501(c) of the Inter-
 23 nal Revenue Code of 1986 if a significant portion of
 24 the activities of the organization include voter reg-
 25 istration or get-out-the-vote campaigns.

1 “(2) DEFINITION.—For purposes of this sec-
 2 tion, an individual shall be treated as holding Fed-
 3 eral office if the individual—

4 “(A) holds a Federal office; or

5 “(B) holds a position described in level I of
 6 the Executive Schedule under section 5312 of
 7 title 5, United States Code.”.

8 **SEC. 315. REPORTING REQUIREMENTS.**

9 (a) REPORTING REQUIREMENTS.—Section 304 of the
 10 Federal Election Campaign Act of 1971 (2 U.S.C. 434)
 11 (as amended by section 112(a)) is amended by adding at
 12 the end the following:

13 “(f) POLITICAL COMMITTEES.—

14 “(1) NATIONAL AND CONGRESSIONAL POLITI-
 15 CAL COMMITTEES.—The national committee of a po-
 16 litical party, a congressional campaign committee of
 17 a political party, and any subordinate committee of
 18 a national committee or congressional campaign
 19 committee of a political party, shall report all re-
 20 ceipts and disbursements during the reporting pe-
 21 riod, whether or not in connection with an election
 22 for Federal office.

23 “(2) OTHER POLITICAL COMMITTEES TO WHICH
 24 SECTION 325 APPLIES.—A political committee (not

described in paragraph (1)) to which section 325 applies shall report all receipts and disbursements, including separate schedules for receipts and disbursements for a State Grassroots Fund.

“(3) TRANSFERS.—A political committee to which section 325 applies shall—

“(A) include in a report under paragraph (1) or (2) the amount of any transfer described in section 325(d)(2); and

“(B) itemize those amounts to the extent required by section 304(b)(3)(A).

“(4) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

“(5) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of \$200 for any calendar year, the political committee shall separately itemize its reporting for the person in the same manner as under paragraphs (3)(A), (5), and (6) of subsection (b).

“(6) REPORTING PERIODS.—Reports required to be filed by this subsection shall be filed for the

1 same time periods as reports are required for politi-
 2 cal committees under subsection (a).”.

3 (b) REPORT OF EXEMPT CONTRIBUTIONS.—Section
 4 301(8) of the Federal Election Campaign Act of 1971 (2
 5 U.S.C. 431(8)) is amended by adding at the end the fol-
 6 lowing:

7 “(C) REPORTING REQUIREMENT.—The ex-
 8 clusion provided in subparagraph (B)(viii) shall
 9 not apply for purposes of any requirement to
 10 report contributions under this Act, and all
 11 such contributions aggregating in excess of
 12 \$200 shall be reported.”.

13 (c) REPORTS BY STATE COMMITTEES.—Section 304
 14 of the Federal Election Campaign Act of 1971 (2 U.S.C.
 15 434 (as amended by subsection (a))) is amended by adding
 16 at the end the following:

17 “(g) FILING OF STATE REPORTS.—In lieu of any re-
 18 port required to be filed under this Act, the Commission
 19 may allow a State committee of a political party to file
 20 with the Commission a report required to be filed under
 21 State law if the Commission determines that such a report
 22 contains substantially the same information as a report
 23 required under this Act.”.

24 (d) OTHER REPORTING REQUIREMENTS.—

1 (1) AUTHORIZED COMMITTEES.—Section
2 304(b)(4) of the Federal Election Campaign Act of
3 1971 (2 U.S.C. 434(b)(4)) is amended—

4 (A) by striking “and” at the end of sub-
5 paragraph (H);

6 (B) by inserting “and” at the end of sub-
7 paragraph (I); and

8 (C) by adding at the end the following:

9 “(J) in the case of an authorized commit-
10 tee, disbursements for the primary election, the
11 general election, and any other election in which
12 the candidate participates;”.

13 (2) NAMES AND ADDRESSES.—Section
14 304(b)(5)(A) of the Federal Election Campaign Act
15 of 1971 (2 U.S.C. 434(b)(5)(A)) is amended—

16 (A) by striking “within the calendar year”;
17 and

18 (B) by striking “such operating expendi-
19 ture” and inserting “operating expense, and the
20 election to which the operating expense re-
21 lates”.

1 **Subtitle C—Soft Money of Persons**
 2 **Other Than Political Parties**

3 **SEC. 321. SOFT MONEY OF PERSONS OTHER THAN POLITI-**
 4 **CAL PARTIES.**

5 Section 304 of the Federal Election Campaign Act
 6 of 1971 (2 U.S.C. 434) (as amended by section 315(c))
 7 is amended by adding at the end the following:

8 “(h) ELECTION ACTIVITY OF PERSONS OTHER THAN
 9 POLITICAL PARTIES.—

10 “(1) INITIAL STATEMENT.—A person to which
 11 section 325 does not apply that makes (or obligates
 12 to make) aggregate disbursements totaling in excess
 13 of \$2,000 for activities described in section 325(c)
 14 shall file a statement with the Commission—

15 “(A) within 48 hours after the disburse-
 16 ments or obligations in excess of \$2,000 are
 17 made; or

18 “(B) in the case of disbursements or obli-
 19 gations that are made within 14 days of an
 20 election, on or before the 14th day before the
 21 election.

22 “(2) ADDITIONAL STATEMENTS.—An additional
 23 statement shall be filed each time additional dis-
 24 bursements aggregating \$2,000 are made by a per-
 25 son described in paragraph (1).

1 “(3) APPLICABILITY.—This subsection does not
2 apply to—

3 “(A) a candidate or a candidate’s author-
4 ized committees; or

5 “(B) an independent expenditure.

6 “(4) CONTENTS.—A statement under this sec-
7 tion shall contain such information about the dis-
8 bursements as the Commission shall prescribe, in-
9 cluding if applicable, whether the disbursement was
10 in support of, or in opposition to, a candidate or a
11 political party.

12 “(5) PLACE OF FILING.—A statement under
13 this section shall be filed with the Secretary of the
14 Senate or the Clerk of the House of Representatives,
15 and the Secretary of State (or equivalent official) of
16 the candidate’s State. The Secretary of the Senate
17 or Clerk of the House of Representatives shall, as
18 soon as possible (but not later than 24 hours after
19 receipt), transmit a copy of the statement to the
20 Commission.

21 “(6) TRANSMITTAL.—Not later than 48 hours
22 after receipt, the Commission shall transmit a state-
23 ment filed under this subsection—

24 “(A) to the candidates or political parties
25 involved in the election in question; or

1 “(B) if the disbursement is not in support
 2 of, or in opposition to, a candidate or political
 3 party, to the State committees of each political
 4 party in the State in question.

5 “(7) DETERMINATIONS BY THE COMMISSION.—
 6 The Commission may make its own determination
 7 that disbursements described in paragraph (1) have
 8 been made or are obligated to be made. The Com-
 9 mission shall notify the candidates or political par-
 10 ties described in paragraph (2) not later than 24
 11 hours after its determination.”.

12 **TITLE IV—CONTRIBUTIONS**

13 **SEC. 401. PROHIBITION OF CERTAIN CONTRIBUTIONS BY** 14 **LOBBYISTS.**

15 Section 315 of the Federal Election Campaign Act
 16 of 1971 (2 U.S.C. 441a) (as amended by section 314(b))
 17 is amended by adding at the end the following:

18 “(m) PROHIBITION OF CERTAIN CONTRIBUTIONS BY
 19 LOBBYISTS.—

20 “(1) IN GENERAL.—A lobbyist, or a political
 21 committee controlled by a lobbyist, shall not make a
 22 contribution to—

23 “(A) a Federal officeholder or candidate
 24 for Federal office if, during the preceding 12

1 months, the lobbyist has made a lobbying con-
2 tact with the officeholder or candidate; or

3 “(B) any authorized committee of the
4 President or Vice President of the United
5 States if, during the preceding 12 months, the
6 lobbyist has made a lobbying contact with a
7 covered executive branch official.

8 “(2) CONTRIBUTIONS TO MEMBER OF CON-
9 GRESS OR CANDIDATE FOR CONGRESS.—A lobbyist
10 who, or a lobbyist whose political committee, has
11 made a contribution to a member of Congress or
12 candidate for Congress (or any authorized committee
13 of the President) shall not, during the 12 months
14 following such contribution, make a lobbying contact
15 with the member or candidate who becomes a mem-
16 ber of Congress or with a covered executive branch
17 official.

18 “(3) DEFINITIONS.—In this subsection the
19 terms ‘covered executive branch official’, ‘lobbying
20 contact’, and ‘lobbyist’ have the meanings given
21 those terms in section 3 of the Federal Lobbying
22 Disclosure Act of 1995 (2 U.S.C. 1602) except
23 that—

24 “(A) the term ‘lobbyist’ includes a person
25 required to register under the Foreign Agents

1 Registration Act of 1938 (22 U.S.C. 611 et
2 seq.); and

3 “(B) for purposes of this subsection, a lob-
4 byist shall be considered to make a lobbying
5 contact or communication with a member of
6 Congress if the lobbyist makes a lobbying con-
7 tact or communication with—

8 “(i) the member of Congress;

9 “(ii) any person employed in the office
10 of the member of Congress; or

11 “(iii) any person employed by a com-
12 mittee, joint committee, or leadership of-
13 fice who, to the knowledge of the lobbyist,
14 was employed at the request of or is em-
15 ployed at the pleasure of, reports primarily
16 to, represents, or acts as the agent of the
17 member of Congress.”.

18 **SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOT-**
19 **ING AGE.**

20 Section 315 of the Federal Election Campaign Act
21 of 1971 (2 U.S.C. 441a) (as amended by section 401(a))
22 is amended by adding at the end the following:

23 “(n) DEPENDENTS NOT OF VOTING AGE.—

24 “(1) IN GENERAL.—For purposes of this sec-
25 tion, any contribution by an individual who—

1 “(A) is a dependent of another individual;
2 and

3 “(B) has not, as of the time of the making
4 of the contribution, attained the legal age for
5 voting in an election to Federal office in the
6 State in which the individual resides;

7 shall be treated as having been made by the other
8 individual.

9 “(2) ALLOCATION BETWEEN SPOUSES.—If an
10 individual described in paragraph (1) is the depend-
11 ent of another individual and the other individual’s
12 spouse, a contribution described in paragraph (1)
13 shall be allocated among those individuals in a man-
14 ner determined by the individuals.”.

15 **SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE**
16 **AND LOCAL COMMITTEES OF POLITICAL PAR-**
17 **TIES TO BE AGGREGATED.**

18 Section 315(a) of the Federal Election Campaign Act
19 of 1971 (2 U.S.C. 441a(a)) (as amended by section
20 102(b)) is amended by adding at the end the following:

21 “(10) AGGREGATION OF CONTRIBUTIONS FROM
22 STATE AND LOCAL COMMITTEES OF POLITICAL PAR-
23 TIES.—Notwithstanding paragraph (5)(B), a can-
24 didate may not accept, with respect to an election,
25 any contribution from a State or local committee of

1 a political party (including any subordinate commit-
 2 tee of such a committee), if the contribution, when
 3 added to the total of contributions previously accept-
 4 ed from all such committees of that political party,
 5 would cause the total amount of contributions to ex-
 6 ceed a limitation on contributions to a candidate
 7 under this section.”.

8 **SEC. 404. CONTRIBUTIONS AND EXPENDITURES USING**
 9 **MONEY SECURED BY PHYSICAL FORCE OR**
 10 **OTHER INTIMIDATION.**

11 Title III of the Federal Election Campaign Act of
 12 1971 (2 U.S.C. 431) (as amended by section 313) is
 13 amended by adding at the end the following:

14 **“SEC. 326. USE OF PHYSICAL FORCE OR INTIMIDATION TO**
 15 **OBTAIN A CONTRIBUTION OR EXPENDITURE**
 16 **OR DETER THE FILING OF A COMPLAINT.**

17 “It shall be unlawful for any person to—

18 “(1) cause another person to make a contribu-
 19 tion or expenditure by using physical force, job dis-
 20 crimination, a financial reprisal, a threat of physical
 21 force, job discrimination, or financial reprisal, or
 22 taking or threatening to take other adverse action;

23 “(2) make a contribution or expenditure utiliz-
 24 ing money or anything of value secured in the man-
 25 ner described in paragraph (1).”or

1 “(3) use physical force, job discrimination, or
 2 financial reprisal, a threat of physical force, job dis-
 3 crimination, or financial reprisal, or take or threaten
 4 to take other adverse action, against an employee,
 5 union member, or other person—

6 “(A) to deter or prevent any person from
 7 filing a complaint, providing testimony, or oth-
 8 erwise cooperating with enforcement efforts
 9 under this Act; or

10 “(B) to retaliate against any person who
 11 has filed a complaint, provided testimony, or
 12 otherwise cooperated with enforcement efforts
 13 under this Act.”.

14 **SEC. 405. PROHIBITION OF ACCEPTANCE BY A CANDIDATE**
 15 **OF CASH CONTRIBUTIONS FROM ANY ONE**
 16 **PERSON AGGREGATING MORE THAN \$100.**

17 Section 321 of the Federal Election Campaign Act
 18 of 1971 (2 U.S.C. 441g) is amended by inserting “, and
 19 no candidate or authorized committee of a candidate shall
 20 accept from any 1 person,” after “make”.

1 **TITLE V—AUTHORITIES AND DU-**
2 **TIES OF THE FEDERAL ELEC-**
3 **TION COMMISSION**

4 **SEC. 501. FILING OF REPORTS USING COMPUTERS AND**
5 **FACSIMILE MACHINES.**

6 Section 302(g) of the Federal Election Campaign Act
7 of 1971 (2 U.S.C. 432(g)) is amended by adding at the
8 end the following:

9 “(6) FILING OF REPORTS USING COMPUTERS
10 AND FACSIMILE MACHINES.—

11 “(A) COMPUTERS.—The Commission, in
12 consultation with the Secretary of the Senate
13 and the Clerk of the House of Representatives,
14 may issue a regulation under a person required
15 to file a designation, statement, or report under
16 this Act—

17 “(i) are required to maintain and file
18 the designation, statement, or report for
19 any calendar year in electronic form acces-
20 sible by computers if the person has, or
21 has reason to expect to have, aggregate
22 contributions or expenditures in excess of a
23 threshold amount determined by the Com-
24 mission; and

1 “(ii) may maintain and file the des-
2 ignation, statement, or report in that man-
3 ner if not required to do so under a regula-
4 tion under clause (i).

5 “(B) FACSIMILE MACHINES.—The Com-
6 mission, in consultation with the Secretary of
7 the Senate and the Clerk of the House of Rep-
8 resentatives, shall prescribe a regulation that
9 allows a person to file a designation, statement,
10 or report required by this Act through the use
11 of a facsimile machine.

12 “(C) VERIFICATION.—In a regulation
13 under this paragraph, the Commission shall
14 provide methods (other than requiring a signa-
15 ture on the document being filed) for verifying
16 a designation, statement, or report. Any docu-
17 ment verified under any of the methods shall
18 be treated for all purposes (including penalties
19 for perjury) in the same manner as a document
20 verified by signature.

21 “(D) COMPATIBILITY OF SYSTEMS.—The
22 Secretary of the Senate and the Clerk of the
23 House of Representatives shall ensure that any
24 computer or other system that the Secretary or
25 the Clerk may develop and maintain to receive

1 designations, statements, and reports in the
 2 forms required or permitted under this para-
 3 graph is compatible with any system that the
 4 Commission may develop and maintain.”.

5 **SEC. 502. INCREASE IN THRESHOLD FOR REPORTING RE-**
 6 **QUIREMENTS.**

7 (a) IDENTIFICATION OF CONTRIBUTORS.—Section
 8 302(c)(3) of the Federal Election Campaign Act of 1971
 9 (2 U.S.C. 432(c)(3)) is amended by striking “\$200” and
 10 inserting “\$50”.

11 (b) IDENTIFICATION OF DISBURSEMENTS.—Section
 12 302(c)(5) of the Federal Election Campaign Act of 1971
 13 (2 U.S.C. 432(c)(5)) is amended by striking “\$200” and
 14 inserting “\$50”.

15 **SEC. 503. AUDITS.**

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

19 (1) by inserting “(1)” before “The Commis-
 20 sion”; and

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

1 “(2) RANDOM AUDITS.—Notwithstanding paragraph
 2 (1), the Commission may from time to time conduct ran-
 3 dom audits and investigations to ensure voluntary compli-
 4 ance with this Act. The subjects of such audits and inves-
 5 tigation shall be selected on the basis of criteria estab-
 6 lished by vote of at least 4 members of the Commission
 7 to ensure impartiality in the selection process. This para-
 8 graph does not apply to an authorized committee of a can-
 9 didate for President or Vice President subject to audit
 10 under title VI or to an authorized committee of an eligible
 11 Senate candidate or an eligible House candidate subject
 12 to audit under section 522(a).”.

13 (b) EXTENSION OF PERIOD DURING WHICH CAM-
 14 PAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the
 15 Federal Election Campaign Act of 1971 (2 U.S.C.
 16 438(b)), as redesignated by subsection (a), is amended by
 17 striking “6 months” and inserting “12 months”.

18 **SEC. 504. AUTHORITY TO SEEK INJUNCTION.**

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

21 (1) by adding at the end the following:

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

1 “(i) there is a substantial likelihood that a vio-
2 lation of this Act is occurring or is about to occur;

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

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

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

10 the Commission may initiate a civil action for a temporary
11 restraining order or a temporary injunction pending the
12 outcome of the proceedings described in paragraphs (1),
13 (2), (3), and (4).

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

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

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

1 **SEC. 505. PENALTIES.**

2 (a) INCREASED PENALTIES.—Section 309(a) of the
3 Federal Election Campaign Act of 1971 (2 U.S.C.
4 437g(a)) is amended—

5 (1) in paragraphs (5)(A), (6)(A), and (6)(B) by
6 striking “\$5,000” and inserting “\$10,000”;

7 (2) in paragraph (5)(B) by striking “the great-
8 er of \$10,000 or an amount equal to 200 percent”
9 and inserting “the greater of \$20,000 or 300 per-
10 cent”; and

11 (3) in paragraph (6)(C) by striking “the great-
12 er of \$10,000 or an amount equal to 200 percent”
13 and inserting “the greater of \$20,000 or 300 per-
14 cent”.

15 (b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of
16 the Federal Election Campaign Act of 1971 (2 U.S.C.
17 437g(a)(5)) is amended by striking the period and insert-
18 ing “, and, if authorized by the agreement, may include
19 equitable remedies or penalties including disgorgement of
20 funds to the United States Treasury, community service
21 requirements, suspension or disbarment of treasurers, or
22 public education requirements.”.

23 (c) AUTOMATIC PENALTY FOR LATE FILING.—Sec-
24 tion 309(a) of the Federal Election Campaign Act of 1971
25 (2 U.S.C. 437g(a)) is amended—

26 (1) by adding at the end the following:

1 “(13) PENALTY FOR LATE FILING.—

2 “(A) IN GENERAL.—The Commission shall
3 establish a schedule of mandatory monetary
4 penalties that shall be imposed by the staff di-
5 rector of the Commission for any failure to
6 meet the time requirements for filing under sec-
7 tion 304.

8 “(B) REQUIRED FILING OF LATE RE-
9 PORT.—The Commission may require a report
10 that has not been filed within the time require-
11 ments of section 304 to be filed by a specific
12 date.

13 “(C) PROCEDURE FOR ASSESSING PEN-
14 ALTIES AND FILING DEADLINES.—Penalties
15 and filing requirements imposed under this
16 paragraph shall not be subject to paragraph
17 (1), (2), (3), (4), (5) or (12).

18 “(D) APPEALS.—

19 “(i) IN GENERAL.—A political com-
20 mittee shall have 30 days after the imposi-
21 tion of penalty or filing requirement under
22 this paragraph to file an exception with the
23 Commission.

1 “(ii) COMMISSION DETERMINATION.—

2 Within 30 days after receiving the excep-
 3 tion, the Commission shall make a deter-
 4 mination that is a final agency action sub-
 5 ject to exclusive review by the United
 6 States Court of Appeals for the District of
 7 Columbia Circuit under section 706 of title
 8 5, United States Code, upon petition filed
 9 in the court by the political committee that
 10 is the subject of the agency action, if the
 11 petition is filed within 30 days of the Com-
 12 mission action for which review is
 13 sought.”;

14 (2) in paragraph (5)(D)—

15 (A) by inserting after the first sentence the
 16 following: “In any case in which a penalty or
 17 filing requirement imposed on a political com-
 18 mittee or treasurer under paragraph (13) has
 19 not been satisfied, the Commission may insti-
 20 tute a civil action for enforcement under para-
 21 graph 6(A).”; and

22 (B) by inserting before the period in the
 23 last sentence “or has failed to pay a penalty or
 24 meet a filing requirement imposed under para-
 25 graph (13)”; and

1 (3) in paragraph (6)(A), by striking “paragraph
2 (4)(A)” and inserting “paragraph (4)(A) or (13)”.

3 **SEC. 506. INDEPENDENT LITIGATING AUTHORITY.**

4 (a) LITIGATING AUTHORITY.—Section 306(f) of Fed-
5 eral Election Campaign Act of 1971 (2 U.S.C. 437c(f))
6 is amended by striking paragraph (4) and inserting the
7 following:

8 “(4) INDEPENDENT LITIGATING AUTHORITY.—

9 “(A) IN GENERAL.—Notwithstanding para-
10 graph (2) or any other provision of law, the
11 Commission is authorized to appear on its own
12 behalf in any action related to the exercise of
13 its statutory duties or powers in any court as
14 a party or amicus curiae, either—

15 “(i) by attorneys employed in the of-
16 fice of the Commission, or

17 “(ii) by counsel whom the Commission
18 may appoint, on a temporary basis, as may
19 be necessary for such purpose, without re-
20 gard to the provisions of title 5, United
21 States Code, and whose compensation the
22 Commission may fix without regard to the
23 provisions of chapter 51 and subchapter
24 III of chapter 53 of that title.

1 “(B) APPEALS.—The authority granted under
 2 subparagraph (A) includes the power of the Commis-
 3 sion to appeal from, and petition the Supreme Court
 4 for certiorari to review, judgments, or decrees en-
 5 tered with respect to actions in which the Commis-
 6 sion appears pursuant to the authority provided by
 7 this Act.”.

8 (b) POWER OF COMMISSION TO PETITION THE SU-
 9 PREME COURT.—Section 307(a)(6) of Federal Election
 10 Campaign Act of 1971 (2 U.S.C. 437d(a)(6)) is amended
 11 by striking “or appeal any civil action” and inserting “,
 12 appeal any civil action or petition the Supreme Court for
 13 certiorari to review judgments or decrees entered with re-
 14 spect to actions in which the Commission appears”.

15 **SEC. 507. REFERENCE OF SUSPECTED VIOLATION TO THE**
 16 **ATTORNEY GENERAL.**

17 Section 309(a)(5) of Federal Election Campaign Act
 18 of 1971 (2 U.S.C. 437g(a)) is amended by striking sub-
 19 paragraph (C) and inserting the following:

20 “(C) REFERRAL TO THE ATTORNEY GEN-
 21 ERAL.—The Commission may at any time, by
 22 an affirmative vote of 4 of its members, refer
 23 a possible violation of this Act or chapter 95 or
 24 chapter 96 of the Internal Revenue Code of
 25 1986 to the Attorney General of the United

1 States, without regard to any limitations set
2 forth in this section.”.

3 **SEC. 508. POWERS OF THE COMMISSION.**

4 (a) INITIATION OF ENFORCEMENT PROCEEDING.—
5 Section 309(a)(2) of Federal Election Campaign Act of
6 1971 (2 U.S.C. 437g(a)(2)) is amended by striking “rea-
7 son to believe that” and inserting “reason to investigate
8 whether”.

9 (b) SERVICE OF PROCESS.—Section 306(f) of the
10 Federal Election Campaign Act of 1971 (2 U.S.C.
11 437c(f)) is amended by inserting at the end the following:

12 “(5) SERVICE OF PROCESS.—In any matter
13 under this Act or under chapter 95 or chapter 96
14 of the Internal Revenue Code of 1986, the Commis-
15 sion may at its discretion, without court order and
16 with or without reimbursement, require the United
17 States Marshal Service to serve process on behalf of
18 the Commission, including serving a summons, sub-
19 poena, or complaint, upon any person.”.

20 (c) VENUE FOR VIOLATIONS ADJUDICATED IN
21 COURT.—Section 309(a)(6)(A) of Federal Election Cam-
22 paign Act of 1971 (2 U.S.C. 437g(a)(6)(A)) is amended
23 by striking “for the district in which the person against
24 whom such action is brought is found, resides, or transacts
25 business” and inserting “in which the defendant resides,

1 transacts business, or is found or in which the violation
 2 occurred”.

3 (d) FILING OF REPORTS WITH COMMISSION IN-
 4 STEAD OF THE SECRETARY OF THE SENATE.—

5 (1) SECTION 302.—Section 302(g) of the Fed-
 6 eral Election Campaign Act of 1971 (2 U.S.C.
 7 432(g)) is amended—

8 (A) by striking “(g)(1)” and all that fol-
 9 lows through “(3) All” and inserting “(g) FIL-
 10 ING.—”;

11 (B) by striking paragraph (4); and

12 (C) by striking “, except designations,
 13 statements, and reports filed in accordance with
 14 paragraph (1),”.

15 (2) SECTION 304.—Section 304 of Federal Elec-
 16 tion Campaign Act of 1971 (2 U.S.C. 434) is
 17 amended—

18 (A) in the first sentence of subsection
 19 (a)(6), by striking “the Secretary, or the Com-
 20 mission,” and inserting “the Commission”; and

21 (B) in the third sentence of subsection
 22 (c)(2), by striking “the Secretary, or”.

23 (3) SECTION 311.—Section 311(a)(4) of Federal
 24 Election Campaign Act of 1971 (2 U.S.C.

1 438(a)(4)) is amended by striking “Secretary, or
2 the”.

3 (e) AUTHORIZATION TO ACCEPT GIFTS.—Section
4 306(f) of the Federal Election Campaign Act of 1971 (2
5 U.S.C. 437c(f)) is amended by adding at the end the fol-
6 lowing:

7 “(6) AUTHORIZATION TO ACCEPT GIFTS.—

8 “(A) IN GENERAL.—To carry out the pur-
9 poses of this Act, the Commission may accept,
10 hold, administer, and utilize gifts, devises, and
11 bequests of property, both real and personal, if
12 the acceptance and use of the gifts, devises, or
13 bequests does not create a conflict of interest.

14 “(B) DEPOSIT OF GIFTS.—Gifts and be-
15 quests of money and proceeds from sales of
16 other property received as gifts, devises, or be-
17 quests shall be deposited in the Treasury and
18 shall be disbursed upon the order of the Com-
19 mission.

20 “(C) USE OF GIFTS.—Property accepted
21 pursuant to this section, and the proceeds from
22 the property, shall be used as closely as prac-
23 ticable in accordance with the terms of the
24 gifts, devises, or bequests.”.

1 **TITLE VI—MISCELLANEOUS**

2 **SEC. 601. PROHIBITION OF LEADERSHIP COMMITTEES.**

3 Section 302(e) of the Federal Election Campaign Act
4 of 1971 (2 U.S.C. 432(e)) is amended—

5 (1) by striking paragraph (3) and inserting the
6 following:

7 “(3) LIMITATIONS.—A political committee that
8 supports or has supported more than 1 candidate
9 shall not be designated as an authorized committee,
10 except that—

11 “(A) a candidate for the office of President
12 nominated by a political party may designate
13 the national committee of the political party as
14 the candidate’s principal campaign committee if
15 the national committee maintains separate
16 books of account with respect to its functions as
17 a principal campaign committee; and

18 “(B) a candidate may designate a political
19 committee established solely for the purpose of
20 joint fundraising by such candidates as an au-
21 thorized committee.”; and

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

23 “(6) PROHIBITION OF LEADERSHIP COMMIT-
24 TEES.—

25 “(A) IN GENERAL.—

1 “(i) PROHIBITION.—A candidate or
 2 an individual holding Federal office shall
 3 not establish, finance, maintain, or control
 4 any political committee or non-Federal po-
 5 litical committee other than a principal
 6 campaign committee of the candidate, au-
 7 thorized committee, party committee, or
 8 other political committee designated in ac-
 9 cordance with paragraph (3).

10 “(ii) CANDIDATE FOR MORE THAN 1
 11 OFFICE.—A candidate for more than 1
 12 Federal office may designate a separate
 13 principal campaign committee for the cam-
 14 paign for election to each Federal office.

15 “(iii) CANDIDATES FOR STATE OR
 16 LOCAL OFFICE.—This paragraph does not
 17 preclude a Federal officeholder who is a
 18 candidate for State or local office from es-
 19 tablishing, financing, maintaining, or con-
 20 trolling a political committee for election of
 21 the individual to the State or local office.

22 “(B) TRANSITION.—

23 “(i) CONTINUATION FOR 12
 24 MONTHS.—For a period of 12 months
 25 after the effective date of this paragraph,

1 any political committee established before
2 that date but that is prohibited under sub-
3 paragraph (A) may continue to make con-
4 tributions.

5 “(ii) DISBURSEMENT AT THE END OF
6 12 MONTHS.—At the end of the 12-month
7 period, the political committee shall dis-
8 burse all funds by 1 or more of the follow-
9 ing means:

10 “(I) Making contributions to a
11 person described in section 501(c)(3)
12 of the Internal Revenue Code of 1986
13 and exempt from taxation under sec-
14 tion 501(a) of the Code.

15 “(II) Making a contribution to
16 the Treasury of the United States.

17 “(III) Contributing to the na-
18 tional, State, or local committee of a
19 political party.

20 “(IV) Making a contribution of
21 not to exceed \$1,000 each to 1 or
22 more candidates or non-Federal can-
23 didates.”.

1 **SEC. 602. TELEPHONE VOTING BY PERSONS WITH DISABIL-**
2 **ITIES.**

3 (a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH
4 DISABILITIES TO VOTE BY TELEPHONE.—

5 (1) IN GENERAL.—The Federal Election Com-
6 mission shall conduct a study to determine the fea-
7 sibility of developing a system or systems by which
8 persons with disabilities may be permitted to vote by
9 telephone.

10 (2) CONSULTATION.—The Federal Election
11 Commission shall conduct the study described in
12 paragraph (1) in consultation with State and local
13 election officials, representatives of the telecommuni-
14 cations industry, representatives of persons with dis-
15 abilities, and other concerned members of the public.

16 (3) CRITERIA.—The system or systems devel-
17 oped pursuant to paragraph (1) shall—

18 (A) propose a description of the kinds of
19 disabilities that impose such difficulty in travel
20 to polling places that a person with a disability
21 who may desire to vote is discouraged from un-
22 dertaking such travel;

23 (B) propose procedures to identify persons
24 who are so disabled; and

25 (C) describe procedures and equipment
26 that may be used to ensure that—

1 (i) only persons who are entitled to
2 use the system are permitted to use it;

3 (ii) the votes of persons who use the
4 system are recorded accurately and remain
5 secret;

6 (iii) the system minimizes the possibil-
7 ity of vote fraud; and

8 (iv) the system minimizes the finan-
9 cial costs that State and local governments
10 would incur in establishing and operating
11 the system.

12 (4) REQUESTS FOR PROPOSALS.—In developing
13 a system described in paragraph (1), the Federal
14 Election Commission may request proposals from
15 private contractors for the design of procedures and
16 equipment to be used in the system.

17 (5) PHYSICAL ACCESS.—Nothing in this section
18 is intended to supersede or supplant efforts by State
19 and local governments to make polling places phys-
20 ically accessible to persons with disabilities.

21 (6) DEADLINE.—The Federal Election Commis-
22 sion shall submit to Congress the study required by
23 this section not later than 1 year after the effective
24 date of this Act.

1 **SEC. 603. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT SUB-**
 2 **JECT TO CORPORATE LIMITS.**

3 Section 316 of the Federal Election Campaign Act
 4 of 1971 (2 U.S.C. 441b) is amended by adding at the end
 5 the following:

6 “(c) PROHIBITIONS NOT TO APPLY TO INDEPEND-
 7 ENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANI-
 8 ZATIONS.—

9 “(1) IN GENERAL.—Nothing in this section
 10 shall preclude a qualified nonprofit corporation from
 11 making an independent expenditure.

12 “(2) DEFINITION OF QUALIFIED NONPROFIT
 13 CORPORATION.—In this subsection, the term ‘quali-
 14 fied nonprofit corporation’ means a corporation de-
 15 scribed in section 501(c)(4) of the Internal Revenue
 16 Code of 1986 that is exempt from taxation under
 17 section 501(a) of the Code and that meets the fol-
 18 lowing requirements:

19 “(A) PURPOSE.—The only express purpose
 20 of the corporation is the promotion of political
 21 ideas.

22 “(B) NO TRADE OR BUSINESS.—The cor-
 23 poration cannot and does not engage in any ac-
 24 tivities that constitute a trade or business.

25 “(C) GROSS RECEIPTS.—The gross re-
 26 ceipts of the corporation for the calendar year

1 have not (and will not) exceed \$100,000, and
2 the net value of the total assets at any time
3 during the calendar year do not exceed
4 \$250,000.

5 “(D) ESTABLISHMENT.—The corpora-
6 tion—

7 “(i) was not established by—

8 “(I) a person described in section
9 501(c)(6) of the Internal Revenue
10 Code of 1986 that is exempt from tax-
11 ation under section 501(a) of the
12 Code;

13 “(II) a corporation engaged in
14 carrying out a trade or business; or

15 “(III) a labor organization; and

16 “(ii) cannot and does not directly or
17 indirectly accept donations of anything of
18 value from any such person, corporation,
19 or labor organization.

20 “(E) ASSETS AND EARNINGS.—The cor-
21 poration—

22 “(i) has no shareholder or other per-
23 son affiliated with it that could make a
24 claim on its assets or earnings; and

1 “(ii) offers no incentives or disincen-
 2 tives for associating or not associating with
 3 it other than on the basis of its position on
 4 any political issue.

5 “(3) QUALIFIED NONPROFIT CORPORATION
 6 TREATED AS POLITICAL COMMITTEE.—If a major
 7 purpose of a qualified nonprofit corporation is the
 8 making of independent expenditures, and the re-
 9 quirements of section 301(4) are met with respect to
 10 the corporation, the corporation shall be treated as
 11 a political committee.

12 “(4) NOTICE REQUIREMENT.—All solicitations
 13 by a qualified nonprofit corporation shall include a
 14 notice informing contributors that donations may be
 15 used by the corporation to make independent ex-
 16 penditures.

17 “(5) REPORTS.—A qualified nonprofit corpora-
 18 tion shall file reports as required by subsections (d)
 19 and (e) of section 304.

20 **SEC. 604. AIDING AND ABETTING VIOLATIONS OF THE FED-**
 21 **ERAL ELECTION CAMPAIGN ACT OF 1971.**

22 Title III of the Federal Election Campaign Act of
 23 1971 (as amended by section 404) is amended by adding
 24 at the end the following:

1 **“SEC. 327. AIDING AND ABETTING VIOLATIONS.**

2 “With reference to any provision of this Act that
3 places a requirement or prohibition on any person acting
4 in a particular capacity, any person who knowingly aids
5 or abets the person in that capacity in violating that provi-
6 sion may be proceeded against as a principal in the viola-
7 tion.”.

8 **SEC. 605. CAMPAIGN ADVERTISING THAT REFERS TO AN**
9 **OPPONENT.**

10 Title III of the Federal Election Campaign Act of
11 1971 (2 U.S.C. 431 et seq.) (as amended by section 505)
12 is amended by adding at the end the following:

13 **“SEC. 328. CAMPAIGN ADVERTISING THAT REFERS TO AN**
14 **OPPONENT.**

15 “(a) CANDIDATES.—A candidate or candidate’s au-
16 thorized committee that places in the mail a campaign ad-
17 vertisement or any other communication to the general
18 public that directly or indirectly refers to an opponent or
19 the opponents of the candidate in an election, with or with-
20 out identifying any opponent in particular, shall file an
21 exact copy of the communication with the Commission and
22 with the Secretary of State of the candidate’s State by
23 not later than 12:00 p.m. on the day on which the commu-
24 nication is first placed in the mail to the general public.

25 “(b) PERSONS OTHER THAN CANDIDATES.—

1 “(1) IN GENERAL.—A person other than a can-
 2 didate or candidate’s authorized committee that
 3 places in the mail a campaign advertisement or any
 4 other communication described in paragraph (2)
 5 shall file an exact copy of the communication with
 6 the Commission and with the Secretary of State of
 7 the candidate’s State by not later than 12:00 p.m.
 8 on the day on which the communication is first
 9 placed in the mail to the general public.

10 “(2) ADVOCACY OR REFERENCE TO OPPO-
 11 NENT.—A communication is described in this para-
 12 graph if it is a communication to the general public
 13 that—

14 “(A) advocates the election of a particular
 15 candidate in an election; and

16 “(B) directly or indirectly refers to an op-
 17 ponent or the opponents of the candidate in the
 18 election, with or without identifying any oppo-
 19 nent in particular.”.

20 **SEC. 606. LIMIT ON CONGRESSIONAL USE OF THE FRANK-**
 21 **ING PRIVILEGE.**

22 Section 3210(a)(6) of title 39, United States Code,
 23 is amended by striking subparagraph (A) and inserting
 24 the following:

1 “(A) A Member of Congress may not mail
 2 any mass mailing as franked mail during a year
 3 in which there will be an election for the seat
 4 held by the Member during the period between
 5 January 1 of that year and the date of the gen-
 6 eral election for that office, unless the Member
 7 has made a public announcement that the
 8 Member will not be a candidate for reelection to
 9 that seat or for election to any other Federal
 10 office.”.

11 **SEC. 607. PARTICIPATION BY FOREIGN NATIONALS IN PO-**
 12 **LITICAL ACTIVITIES.**

13 (a) PROHIBITION.—Section 319 of the Federal Elec-
 14 tion Campaign Act of 1971 (2 U.S.C. 441e) is amended—

15 (1) by striking the heading and inserting “PAR-
 16 TICIPATION BY FOREIGN NATIONALS IN POLITICAL
 17 ACTIVITIES”;

18 (2) by striking subsection (a) and inserting the
 19 following:

20 “(a) PROHIBITED CONTRIBUTIONS AND EXPENDI-
 21 TURES.—

22 “(1) It shall be unlawful for a foreign national
 23 directly or through any other person to make any
 24 contribution or expenditure of money or other thing
 25 of value, or to promise expressly or impliedly to

1 make any contribution or expenditure, in connection
2 with an election to any political office or in connec-
3 tion with any primary election, convention, or caucus
4 held to select candidates for any political office; or
5 “(2) for any person to solicit, receive, or accept
6 a contribution from a foreign national.”;

7 (3) by redesignating subsection (b) as sub-
8 section (c); and

9 (4) by inserting after subsection (a) the follow-
10 ing:

11 “(b) PROHIBITED ACTIVITIES.—It shall be unlawful
12 for a foreign national or an individual lawfully admitted
13 for permanent residence, as defined by section 101(a)(20)
14 of the Immigration and Nationality Act (8 U.S.C.
15 1101(a)(20), to direct, dictate, control, or directly or indi-
16 rectly participate in the decisionmaking process of any
17 other person, (as defined in 301(11)), with regard to the
18 person’s Federal or non-Federal election-related activities,
19 such as a decision concerning the making of a contribution
20 or expenditure in connection with an election for any Fed-
21 eral office or a decision concerning the administration of
22 a political committee.”.

1 (b) AFFIRMATION OF ELIGIBILITY TO MAKE CON-
 2 TRIBUTION.—Section 319 of the Federal Election Cam-
 3 paign Act of 1971 (2 U.S.C. 441e) (as amended by sub-
 4 section (a)) is amended by adding at the end the following:

5 “(d) AFFIRMATION OF ELIGIBILITY TO MAKE CON-
 6 TRIBUTION.—A candidate or authorized committee of a
 7 candidate shall not accept a contribution in excess of \$500
 8 unless the contribution is accompanied by a statement,
 9 signed by the person making the contribution, affirming
 10 that the person is not a person prohibited by this section
 11 from making the contribution.”.

12 **SEC. 608. CERTIFICATION OF COMPLIANCE WITH FOREIGN**
 13 **CONTRIBUTION AND SOLICITATION LIMITA-**
 14 **TIONS.**

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

17 (1) by redesignating subsection (c) as sub-
 18 section (d); and

19 (2) by inserting after subsection (b) the follow-
 20 ing:

21 “(c) CERTIFICATION OF COMPLIANCE WITH FOREIGN
 22 CONTRIBUTION AND SOLICITATION LIMITATIONS—Each

1 report required under this section shall include a certifi-
 2 cation under penalty of perjury that the political commit-
 3 tee has not knowingly solicited or accepted contributions
 4 prohibited by section 319.”.

5 **TITLE VII—EFFECTIVE DATES;** 6 **AUTHORIZATIONS**

7 **SEC. 701. EFFECTIVE DATE.**

8 Except as otherwise provided in this Act, this Act and
 9 the amendments made by this Act shall take effect on the
 10 date of enactment of this Act.

11 **SEC. 702. BUDGET NEUTRALITY.**

12 (a) DELAYED EFFECTIVENESS.—This Act (other
 13 than this section) and the amendments made by this Act
 14 shall not be effective until the Director of the Office of
 15 Management and Budget certifies that the estimated costs
 16 under section 252 of the Balanced Budget and Emergency
 17 Deficit Control Act of 1985 (2 U.S.C. 902) have been off-
 18 set by the enactment of legislation effectuating this Act.

19 (b) FUNDING.—Legislation effectuating this Act
 20 shall not provide for general revenue increases, reduce ex-
 21 penditures for any existing Federal program, or increase
 22 the Federal budget deficit.

23 **SEC. 703. SEVERABILITY.**

24 Except as provided in section 101(c), if any provision
 25 of this Act (including any amendment made by this Act),

1 or the application of any such provision to any person or
 2 circumstance is held invalid, the validity of any other pro-
 3 vision of this Act, or the application of the provision to
 4 other persons and circumstances shall not be affected
 5 thereby.

6 **SEC. 704. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.**

7 (a) DIRECT APPEAL TO SUPREME COURT.—An ap-
 8 peal may be taken directly to the Supreme Court of the
 9 United States from any interlocutory order or final judg-
 10 ment, decree, or order issued by any court ruling on the
 11 constitutionality of any provision of this Act or amend-
 12 ment made by this Act.

13 (b) ACCEPTANCE AND EXPEDITION.—The Supreme
 14 Court shall, if the Court has not previously ruled on the
 15 question addressed in the ruling below, accept jurisdiction
 16 over, advance on the docket, and expedite the appeal to
 17 the greatest extent possible.

18 **SEC. 705. REGULATIONS.**

19 The Federal Election Commission shall prescribe any
 20 regulations required to carry out this Act and the amend-
 21 ments made by this Act not later than 270 days after the
 22 effective date of this Act.

○