

105TH CONGRESS
1ST SESSION

S. 57

To amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multi-candidate political committees, to limit soft money of political party committees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. FEINGOLD (for himself and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, to limit soft money of political party committees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Senate Campaign Financing and Spending Reform Act”.

6 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and declarations of the Senate.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Expenditure Limits and Benefits

- Sec. 101. Senate expenditure limits and benefits.
- Sec. 102. Political action committees.
- Sec. 103. Reporting requirements.
- Sec. 104. Disclosure by candidates other than eligible Senate candidates.

Subtitle B—General Provisions

- Sec. 131. Broadcast rates and preemption.
- Sec. 132. Extension of reduced third-class mailing rates to eligible senate candidates.
- Sec. 133. Campaign advertising amendments.
- Sec. 134. Definitions.
- Sec. 135. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

- Sec. 201. Definitions.
- Sec. 202. Reporting requirements for certain independent expenditures.

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 Party Committees

- Sec. 311. Soft money of political party committees.
- Sec. 312. Reporting requirements.

TITLE IV—CONTRIBUTIONS

- Sec. 401. Contributions through intermediaries and conduits; prohibition on 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. Limited exclusion of advances by campaign workers from the definition of the term “contribution”.

TITLE V—REPORTING REQUIREMENTS

- Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
- Sec. 502. Personal and consulting services.
- Sec. 503. Contributions of \$50 or more.
- Sec. 504. Computerized indices of contributions.

TITLE VI—FEDERAL ELECTION COMMISSION

- Sec. 601. Use of candidates’ names.

- Sec. 602. Reporting requirements.
- Sec. 603. Provisions relating to the general counsel of the Commission.
- Sec. 604. Penalties.
- Sec. 605. Random audits.
- Sec. 606. Prohibition of false representation to solicit contributions.
- Sec. 607. Regulations relating to use of non-Federal money.
- Sec. 608. Filing of reports using computers and facsimile machines.

TITLE VII—MISCELLANEOUS

- Sec. 701. Prohibition of leadership committees.
- Sec. 702. Polling data contributed to candidates.
- Sec. 703. Restrictions on use of campaign funds for personal purposes.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

- Sec. 801. Effective date.
- Sec. 802. Severability.
- Sec. 803. Expedited review of constitutional issues.

1 **SEC. 2. FINDINGS AND DECLARATIONS OF THE SENATE.**

2 (a) **NECESSITY FOR SPENDING LIMITS.**—The Senate
 3 finds and declares that—

4 (1) the current system of campaign finance has
 5 led to public perceptions that political contributions
 6 and their solicitation have unduly influenced the offi-
 7 cial conduct of elected officials;

8 (2) permitting candidates for Federal office to
 9 raise and spend unlimited amounts of money con-
 10 stitutes a fundamental flaw in the current system of
 11 campaign finance, and has undermined public re-
 12 spect for the Senate as an institution;

13 (3) the failure to limit campaign expenditures
 14 has caused individuals elected to the Senate to spend
 15 an increasing proportion of their time in office as
 16 elected officials raising funds, interfering with the

1 ability of the Senate to carry out its constitutional
2 responsibilities;

3 (4) the failure to limit campaign expenditures
4 has damaged the Senate as an institution, due to the
5 time lost to raising funds for campaigns; and

6 (5) to prevent the appearance of undue influ-
7 ence and to restore public trust in the Senate as an
8 institution, it is necessary to limit campaign expend-
9 itures, through a system which provides public bene-
10 fits to candidates who agree to limit campaign ex-
11 penditures.

12 (b) NECESSITY FOR ATTRIBUTING COOPERATIVE EX-
13 PENDITURES TO CANDIDATES.—The Senate finds and de-
14 clares that—

15 (1) public confidence and trust in the system of
16 campaign finance would be undermined should any
17 candidate be able to circumvent a system of caps on
18 expenditures through cooperative expenditures with
19 outside individuals, groups, or organizations;

20 (2) cooperative expenditures by candidates with
21 outside individuals, groups, or organizations would
22 severely undermine the effectiveness of caps on cam-
23 paign expenditures, unless they are included within
24 such caps; and

1 (3) to maintain the integrity of the system of
 2 campaign finance, expenditures by any individual,
 3 group, or organization that have been made in co-
 4 operation with any candidate, authorized committee,
 5 or agent of any candidate must be attributed to that
 6 candidate's cap on campaign expenditures.

7 **TITLE I—CONTROL OF CON-**
 8 **GRESSIONAL CAMPAIGN**
 9 **SPENDING**

10 **Subtitle A—Senate Election Cam-**
 11 **campaign Expenditure Limits and**
 12 **Benefits**

13 **SEC. 101. SENATE EXPENDITURE LIMITS AND BENEFITS.**

14 (a) AMENDMENT OF FECA.—Federal Election Cam-
 15 paign Act of 1971 (2 U.S.C. 431 et seq.) is amended by
 16 adding at the end the following:

17 **“TITLE V—EXPENDITURE LIMITS**
 18 **AND BENEFITS FOR SENATE**
 19 **ELECTION CAMPAIGNS**

20 **“SEC. 501. DEFINITIONS.**

21 “In this title:

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

1 “(2) EXCESS EXPENDITURE AMOUNT.—The
 2 term ‘excess expenditure amount’, with respect to an
 3 eligible Senate candidate, means the amount applica-
 4 ble to the eligible Senate candidate under section
 5 504(c).

6 “(3) EXPENDITURE.—The term ‘expenditure’
 7 has the meaning given in paragraph (9) of section
 8 301, excluding subparagraph (B)(ii) of that para-
 9 graph.

10 “(4) FUND.—The term ‘Fund’ means the Sen-
 11 ate Election Campaign Fund established by section
 12 509.

13 “(5) GENERAL ELECTION EXPENDITURE
 14 LIMIT.—The term ‘general 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 503(b).

18 “(6) PERSONAL FUNDS EXPENDITURE LIMIT.—
 19 The term ‘personal funds expenditure limit’ means
 20 the limit stated in section 503(a).

21 “(7) PRIMARY ELECTION EXPENDITURE
 22 LIMIT.—The term ‘primary election expenditure
 23 limit’, with respect to an eligible Senate candidate,
 24 means the limit applicable to the eligible Senate can-
 25 didate under section 502(d)(1)(A).

1 “(8) RUNOFF ELECTION EXPENDITURE
2 LIMIT.—The term ‘runoff election expenditure limit’,
3 with respect to an eligible Senate candidate, means
4 the limit applicable to the eligible Senate candidate
5 under section 502(d)(1)(B).

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

7 “(a) IN GENERAL.—For purposes of this title, a can-
8 didate is an eligible Senate candidate if the candidate—
9 “(1) files a primary election eligibility certifi-
10 cation and declaration under subsection (b) and is in
11 compliance with the representations made in the cer-
12 tification and declaration; and

13 “(2) files a general election eligibility certifi-
14 cation and declaration under subsection (c) and is in
15 compliance with the representations made in the cer-
16 tification and declaration.

17 “(b) PRIMARY ELECTION ELIGIBILITY CERTIFI-
18 CATION AND DECLARATION.—

19 “(1) IN GENERAL.—The requirements of this
20 subsection are met if the candidate files with the
21 Secretary of the Senate—

22 “(A) a certification, under pending of per-
23 jury, that the candidate has met the threshold
24 contribution requirement of subsection (e); and

1 “(B) a declaration that the candidate and
2 the candidate’s authorized committees—

3 “(i)(I) will not exceed the primary
4 election expenditure limit or runoff election
5 expenditure limits; and

6 “(II) will accept only an amount of
7 contributions for the primary election and
8 any runoff election that does not exceed
9 the primary election expenditure limit and,
10 if there is a runoff election, the runoff elec-
11 tion expenditure limit;

12 “(ii)(I) will not exceed the primary
13 and runoff election multicandidate political
14 committee contribution limits of subsection
15 (f); and

16 “(II) will accept only an amount of
17 contributions for the primary election and
18 any runoff election from multicandidate
19 political committees that does not exceed
20 those limits;

21 “(iii) will not accept contributions for the
22 primary or runoff election that would cause the
23 candidate to exceed the limitation on contribu-
24 tions from out-of-State residents under sub-
25 section (g);

1 “(iv) will not exceed the personal funds ex-
 2 penditure limit; and

3 “(v) will not exceed the general election ex-
 4 penditure limit.

5 “(2) DEADLINE FOR FILING DECLARATION.—

6 The declaration under paragraph (1) shall be filed
 7 not later than the date on which the candidate files
 8 as a candidate for the primary election.

9 “(c) GENERAL ELECTION ELIGIBILITY CERTIFI-
 10 CATION AND DECLARATION.—

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

14 “(A) a certification, under penalty of per-
 15 jury, that—

16 “(i) the candidate and the candidate’s
 17 authorized committees—

18 “(I) did not exceed the primary
 19 election expenditure limit or runoff
 20 election expenditure limit;

21 “(II) did not accept contributions
 22 for the primary election or runoff elec-
 23 tion in excess of the primary election
 24 expenditure limit or runoff election ex-
 25 penditure limit, reduced by any

1 amounts transferred to the current
2 election cycle from a preceding elec-
3 tion cycle;

4 “(III) did not accept contribu-
5 tions for the primary or runoff elec-
6 tion in excess of the multicandidate
7 political committee contribution limits
8 under subsection (f);

9 “(IV) did not accept contribu-
10 tions for the primary election or run-
11 off election that caused the candidate
12 to exceed the limitation on contribu-
13 tions from out-of-State residents
14 under subsection (g); and

15 “(ii) at least 1 other candidate has
16 qualified for the same general election bal-
17 lot under the law of the candidate’s State;
18 and

19 “(B) a declaration that the candidate and
20 the authorized committees of the candidate—

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

1 “(ii) except as otherwise provided by
2 this title, will not accept any contribution
3 for the general election to the extent that
4 the contribution—

5 “(I) would cause the aggregate
6 amount of contributions to exceed the
7 sum of the amount of the general
8 election expenditure limit, reduced by
9 any amounts transferred to the cur-
10 rent election cycle from a previous
11 election cycle and not taken into ac-
12 count under subparagraph (A)(ii);

13 “(II) would cause the candidate
14 to exceed the limitation on contribu-
15 tions from out-of-State residents
16 under subsection (g);

17 “(III) would be in violation of
18 section 315;

19 “(iii) will deposit all payments re-
20 ceived under this title in an account in-
21 sured by the Federal Deposit Insurance
22 Corporation from which funds may be
23 withdrawn by check or similar means of
24 payment to third parties;

1 “(vi) will furnish campaign records,
 2 evidence of contributions, and other appro-
 3 priate information to the Commission; and

4 “(v) will cooperate in the case of any
 5 audit and examination by the Commission
 6 under section 506 and will pay any
 7 amounts required to be paid under that
 8 section.

9 “(2) DEADLINE FOR FILING DECLARATION AND
 10 CERTIFICATION.—The declaration and certification
 11 under paragraph (1) shall be filed not later than 7
 12 days after the earlier of—

13 “(A) the date on which the candidate
 14 qualifies for the general election ballot under
 15 State law; or

16 “(B) if, under State law, a primary or run-
 17 off election to qualify for the general election
 18 ballot occurs after September 1, the date on
 19 which the candidate wins the primary or runoff
 20 election.

21 “(d) PRIMARY AND RUNOFF ELECTION EXPENDI-
 22 TURE LIMITS.—

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

1 “(A) the candidate or the candidate’s au-
 2 thorized committees did not make expenditures
 3 for the primary election in excess of the lesser
 4 of—

5 “(i) 67 percent of the general election
 6 expenditure limit; or

7 “(ii) \$2,750,000;

8 “(B) the candidate and the candidate’s au-
 9 thorized committees did not make expenditures
 10 for any runoff election in excess of 20 percent
 11 of the general election expenditure limit.

12 “(2) INDEXING.—The \$2,750,000 amount
 13 under paragraph (1)(A)(ii) shall be increased as of
 14 the beginning of each calendar year based on the in-
 15 crease in the price index determined under section
 16 315(c), except that, for purposes of subsection (d)(1)
 17 and section 503(b)(3), the base period shall be cal-
 18 endar year 1996.

19 “(3) INCREASE.—The limitations under sub-
 20 paragraphs (A) and (B) of paragraph (1) with re-
 21 spect to any candidate shall be increased by the ag-
 22 gregate amount of independent expenditures in op-
 23 position to, or on behalf of any opponent of, the can-
 24 didate during the primary or runoff election period,

1 whichever is applicable, that are required to be re-
 2 ported to the Secretary of the Senate or to the Com-
 3 mission with respect to that period under section
 4 304.

5 “(4) EXCESS AMOUNT OF CONTRIBUTIONS.—

6 “(A) IN GENERAL.—If the contributions
 7 received by a candidate or the candidate’s au-
 8 thorized committees for the primary election or
 9 runoff election exceed the expenditures for ei-
 10 ther election—

11 “(i) the excess amount of contribu-
 12 tions shall be treated as contributions for
 13 the general election; and

14 “(ii) expenditures for the general elec-
 15 tion may be made from the excess amount
 16 of contributions.

17 “(B) LIMITATION.—Subparagraph (A)
 18 shall not apply to the extent that treatment of
 19 excess contributions in accordance with sub-
 20 paragraph (A)—

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

23 “(ii) would cause the aggregate
 24 amount of contributions received for the

1 general election to exceed the limits under
2 subsection (c)(1)(D)(iii).

3 “(e) THRESHOLD CONTRIBUTION REQUIREMENT.—

4 “(1) IN GENERAL.—The requirement of this
5 subsection is met if the candidate and the can-
6 didate’s authorized committees have received allow-
7 able contributions during the applicable period in an
8 amount at least equal to the lesser of—

9 “(A) 10 percent of the general election expendi-
10 ture limit; or

11 “(B) \$250,000.

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

14 “(A) ALLOWABLE CONTRIBUTION.—

15 “(i) IN GENERAL.—The term ‘allow-
16 able contribution’ means a contribution
17 that is made as a gift of money by an indi-
18 vidual pursuant to a written instrument
19 identifying the individual as the contribu-
20 tor.

21 “(ii) EXCLUSIONS.—The term ‘allow-
22 able contribution’ does not include—

23 “(I) a contribution from any in-
24 dividual during the applicable period
25 to the extent that the aggregate

1 amount of such contributions from the
 2 individual exceeds \$250; or

3 “(II) a contribution from an indi-
 4 vidual residing outside the candidate’s
 5 State to the extent that acceptance of
 6 the contribution would bring a can-
 7 didate out of compliance with sub-
 8 section (g).

9 “(iii) APPLICABILITY.—Items sub-
 10 clauses (I) and (II) of clause (ii) shall not
 11 apply for purposes of section 504(a).

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

14 “(i) the period beginning on January
 15 1 of the calendar year preceding the cal-
 16 endar year of a general election and ending
 17 on—

18 “(I) the date on which the certifi-
 19 cation and declaration under sub-
 20 section (c) is filed by the candidate; or

21 “(II) for purposes of subsection
 22 (a) of section 503, the date of the
 23 general election; or

24 “(ii) in the case of a special election
 25 for the office of United States Senator, the

1 period beginning on the date on which the
 2 vacancy in the office occurs and ending on
 3 the date of the general election.

4 “(f) MULTICANDIDATE POLITICAL COMMITTEE CON-
 5 TRIBUTION LIMITS.—The requirements of this subsection
 6 are met if the candidate and the candidate’s authorized
 7 committees have accepted from multicandidate political
 8 committees allowable contributions that do not exceed—

9 “(1) during the primary election period, an
 10 amount equal to 20 percent of the primary election
 11 spending limit; and

12 “(2) during the runoff election period, an
 13 amount equal to 20 percent of the runoff election
 14 spending limit.

15 “(g) LIMITATION ON OUT-OF-STATE CONTRIBU-
 16 TIONS.—

17 “(1) REQUIREMENTS.—The requirements of
 18 this subsection are met if at least 50 percent of the
 19 total amount of contributions accepted by the can-
 20 didate and the candidate’s authorized committees
 21 are from individuals who are legal residents of the
 22 candidate’s State.

23 “(2) PERSONAL FUNDS.—For purposes of para-
 24 graph (1), amounts consisting of funds from sources

1 described in section 503(a) shall be treated as con-
 2 tributions from individuals residing outside the can-
 3 didate's State.

4 “(3) TIME FOR DETERMINATION.—A deter-
 5 mination whether the requirements of paragraph (1)
 6 are met shall be made each time a candidate is re-
 7 quired to file a report under section 304 and shall
 8 be made on an aggregate basis.

9 **“SEC. 503. LIMITS ON EXPENDITURES.**

10 “(a) PERSONAL FUNDS EXPENDITURE LIMIT.—

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

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

18 “(A) personal funds of the candidate or a
 19 member of the candidate's immediate family; or

20 “(B) proceeds of indebtedness incurred by
 21 the candidate or a member of the candidate's
 22 immediate family.

23 “(b) GENERAL ELECTION EXPENDITURE LIMIT.—

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

6 “(A) \$5,500,000; or

7 “(B) the greater of—

8 “(i) \$950,000; or

9 “(ii) \$400,000; plus

10 “(I) 30 cents multiplied by the
 11 voting age population not in excess of
 12 4,000,000; and

13 “(II) 25 cents multiplied by the
 14 voting age population in excess of
 15 4,000,000.

16 “(2) EXCEPTION.—In the case of an eligible
 17 Senate candidate in a State that has not more than
 18 1 transmitter for a commercial Very High Fre-
 19 quency (VHF) television station licensed to operate
 20 in that State, paragraph (1)(B)(ii) shall be applied
 21 by substituting—

22 “(A) ‘80 cents’ for ‘30 cents’ in subclause
 23 (I); and

24 “(B) ‘70 cents’ for ‘25 cents’ in subclause
 25 (II).

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

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

10 “(d) EXPENDITURES.—For purposes of this title, the
11 term ‘expenditure’ has the meaning given such term by
12 section 301(9), except that in determining any expendi-
13 tures made by, or on behalf of, a candidate or a can-
14 didate’s authorized committees, section 301(9)(B) shall be
15 applied without regard to clause (ii) or (vi).

16 “(e) EXPENDITURES IN RESPONSE TO INDEPEND-
17 ENT EXPENDITURES.—If an eligible Senate candidate is
18 notified by the Commission under section 304(c)(4) that
19 independent expenditures totaling \$10,000 or more have
20 been made in the same election in favor of another can-
21 didate or against the eligible candidate, the eligible can-
22 didate shall be permitted to spend an amount equal to the
23 amount of the independent expenditures, and any such ex-
24 penditures shall not be subject to any limit applicable
25 under this title to the eligible candidate for the election.

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

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

4 “(1) the broadcast media rates provided under
5 section 315(b) of the Communications Act of 1934;

6 “(2) the mailing rates provided in section
7 3626(e) of title 39, United States Code; and

8 “(3) payments in an amount equal to—

9 “(A) the public financing amount deter-
10 mined under subsection (b);

11 “(B) the excess expenditure amount deter-
12 mined under subsection (c); and

13 “(C) the independent expenditure amount
14 determined under subsection (d).

15 “(b) PUBLIC FINANCING AMOUNT.—

16 “(1) DETERMINATION.—The public financing
17 amount is—

18 “(A) in the case of an eligible candidate
19 who is a major party candidate and has met the
20 threshold requirement of section 502(e)—

21 “(i)(I) during the primary election pe-
22 riod, the public financing an amount equal
23 to 100 percent of the amount of contribu-
24 tions received during that period from indi-
25 viduals residing in the candidate’s State in
26 the aggregate amount of \$100 or less; plus

1 “(II) an amount equal to 50 percent
 2 of the amount of contributions received
 3 during that period from individuals resid-
 4 ing in the candidate’s State in the aggre-
 5 gate amount of more than \$100 but less
 6 than \$251, up to 50 percent of the pri-
 7 mary election expenditure limit; reduced by

8 “(III) the threshold requirement
 9 under section 502(e);

10 (ii)(I) during the runoff election pe-
 11 riod, an amount equal to 100 percent of
 12 the amount of contributions received dur-
 13 ing that period from individuals residing in
 14 the candidate’s State in the aggregate
 15 amount of \$100 or less; plus

16 “(II) an amount equal to 50 percent
 17 of the amount of contributions received
 18 during that period from individuals resid-
 19 ing in the candidate’s State in the aggre-
 20 gate amount of more than \$100 but less
 21 than \$251, up to 10 percent of the general
 22 election expenditure limit; and

23 “(III) during the general election pe-
 24 riod, an amount equal to the general elec-
 25 tion expenditure limit; and

1 “(B) in the case of an eligible candidate
 2 who is not a major party candidate and who
 3 has met the threshold requirement of section
 4 502(e)—

5 “(i)(I) during the primary election pe-
 6 riod, an amount equal to 100 percent of
 7 the amount of contributions received dur-
 8 ing that period from individuals residing in
 9 the candidate’s State in the aggregate
 10 amount of \$100 or less; plus

11 “(II) an amount equal to 50 percent
 12 of the amount of contributions received
 13 during that period from individuals resid-
 14 ing in the candidate’s State in the aggre-
 15 gate amount of more than \$100 but less
 16 than \$251, up to 50 percent of the pri-
 17 mary election expenditure limit; reduced by

18 “(III) the threshold requirement
 19 under section 502(e);

20 “(ii)(I) during the runoff election pe-
 21 riod, an amount equal to 100 percent of
 22 the amount of contributions received dur-
 23 ing that period from individuals residing in
 24 the candidate’s State in the aggregate
 25 amount of \$100 or less; plus,

1 “(II) an amount equal to 50 percent
 2 of the amount of contributions received
 3 during that period from individuals resid-
 4 ing in the candidate’s State in the aggre-
 5 gate amount of more than \$100 but less
 6 than \$251, up to 10 percent of the general
 7 election expenditure limit; and

8 “(iii)(I) during the general election
 9 period, an amount equal to 100 percent of
 10 the amount of contributions received dur-
 11 ing that period from individuals residing in
 12 the candidate’s State in the aggregate
 13 amount of \$100 or less, plus;

14 “(II) an amount equal to 50 percent
 15 of the amount of contributions received
 16 during that period from individuals resid-
 17 ing in the candidate’s State in the aggre-
 18 gate amount of more than \$100 but less
 19 than \$251, up to 50 percent of the general
 20 election expenditure limit.

21 “(c) EXCESS EXPENDITURE AMOUNT.—

22 “(1) DETERMINATION.—The excess expenditure
 23 amount is—

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

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

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

11 “(iii) if the opponent’s excess equals
 12 or exceeds $66\frac{2}{3}$ percent of the general
 13 election expenditure limit, an amount equal
 14 to one-third of the general election expend-
 15 iture limit; and

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

19 “(i) the amount of allowable contribu-
 20 tions accepted by the eligible Senate can-
 21 didate during the applicable period in ex-
 22 cess of the threshold contribution require-
 23 ment under section 502(e);

24 “(ii) 50 percent of the general election
 25 expenditure limit; or

1 “(iii) the opponent’s excess.

2 “(2) DEFINITION OF OPPONENT’S EXCESS.—In
 3 this subsection, the term ‘opponent’s excess’ means
 4 the amount by which an opponent of an eligible Sen-
 5 ate candidate in the general election accepts con-
 6 tributions or makes (or obligates to make) expendi-
 7 tures for the election in excess of the general elec-
 8 tion expenditure limit.

9 “(d) INDEPENDENT EXPENDITURE AMOUNT.—The
 10 independent expenditure amount is the total amount of
 11 independent expenditures made, or obligated to be made,
 12 during the general election period by 1 or more persons
 13 in opposition to, or on behalf of an opponent of, an eligible
 14 Senate candidate that are required to be reported by the
 15 persons under section 304(c) with respect to the general
 16 election period and are certified by the Commission under
 17 section 304(c).

18 “(e) WAIVER OF EXPENDITURE AND CONTRIBUTION
 19 LIMITS.—

20 “(1) RECIPIENTS OF EXCESS EXPENDITURE
 21 AMOUNT PAYMENTS AND INDEPENDENT EXPENDI-
 22 TURE AMOUNT PAYMENTS.—

1 “(A) IN GENERAL.—An eligible Senate
 2 candidate who receives payments under sub-
 3 section (a)(3) that are allocable to the inde-
 4 pendent expenditure or excess expenditure
 5 amounts described in subsections (c) and (d)
 6 may make expenditures from the payments for
 7 the general election without regard to the gen-
 8 eral election expenditure limit.

9 “(B) NONMAJOR PARTY CANDIDATES.—In
 10 the case of an eligible Senate candidate who is
 11 not a major party candidate, the general elec-
 12 tion expenditure limit shall be increased by the
 13 amount (if any) by which the excess opponent
 14 expenditure amount exceeds the amount deter-
 15 mined under subsection (b)(2)(B) with respect
 16 to the candidate.

17 “(2) ALL BENEFIT RECIPIENTS.—

18 “(A) IN GENERAL.—An eligible Senate
 19 candidate who receives benefits under this sec-
 20 tion may make expenditures for the general
 21 election without regard to the personal funds
 22 expenditure limit or general election expendi-
 23 ture limit if any 1 of the eligible Senate can-
 24 didate’s opponents who is not an eligible Senate
 25 candidate raises an amount of contributions or

1 makes or becomes obligated to make an amount
 2 of expenditures for the general election that ex-
 3 ceeds 200 percent of the general election ex-
 4 penditure limit.

5 “(B) LIMITATION.—The amount of the ex-
 6 penditures that may be made by reason of sub-
 7 paragraph (A) shall not exceed 100 percent of
 8 the general election expenditure limit.

9 “(3) ACCEPTANCE OF CONTRIBUTION WITHOUT
 10 REGARD TO SECTION 502(c)(1)(B)(IV).—

11 “(A) A candidate who receives benefits
 12 under this section may accept a contribution for
 13 the general election without regard to section
 14 502(c)(1)(B)(iv) if—

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

18 “(ii) any other candidate in the same
 19 general election who is not an eligible Sen-
 20 ate candidate raises an amount of con-
 21 tributions or makes or becomes obligated
 22 to make an amount of expenditures for the
 23 general election that exceeds 75 percent of
 24 the general election expenditure limit appli-
 25 cable to such other candidate.

1 “(B) LIMITATION.—The amount of con-
 2 tributions that may be received by reason of
 3 subparagraph (A) shall not exceed 100 percent
 4 of the general election expenditure limit.

5 “(e) USE OF PAYMENTS.—

6 “(1) PERMITTED USE.—Payments received by
 7 an eligible Senate candidate under subsection (a)(3)
 8 shall be used to make expenditures with respect to
 9 the general election period for the candidate.

10 “(2) PROHIBITED USE.—Payments received by
 11 an eligible Senate candidate under subsection (a)(3)
 12 shall not be used—

13 “(A) except as provided in subparagraph
 14 (D), to make any payments, directly or indi-
 15 rectly, to the candidate or to any member of the
 16 immediate family of the candidate;

17 “(B) to make any expenditure other than
 18 an expenditure to further the general election of
 19 the candidate;

20 “(C) to make an expenditure the making
 21 of which constitutes a violation of any law of
 22 the United States or of the State in which the
 23 expenditure is made; or

24 “(D) subject to section 315(i), to repay
 25 any loan to any person except to the extent that

1 proceeds of the loan were used to further the
2 general election of the candidate.

3 **“SEC. 505. CERTIFICATION BY COMMISSION.**

4 “(a) CERTIFICATION OF STATUS AS ELIGIBLE SEN-
5 ATE CANDIDATE.—

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

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

14 “(b) CERTIFICATION OF ELIGIBILITY TO RECEIVE
15 BENEFITS.—

16 “(1) IN GENERAL.—Not later than 7 business
17 days after an eligible Senate candidate files a re-
18 quest with the Secretary of the Senate to receive
19 benefits under section 504, the Commission shall
20 issue a certification stating whether the candidate is
21 eligible for payments under this title and the amount
22 of such payments to which such candidate is enti-
23 tled.

24 “(2) CONTENTS OF REQUEST.—A request
25 under paragraph (1) shall—

“(c) DETERMINATIONS BY THE COMMISSION.—All determinations made by the Commission under this title (including certifications under subsections (a) and (b)) shall be final and conclusive, except to the extent that a determination is subject to examination and audit by the Commission under section 506 and judicial review under section 507.

20 “(a) EXAMINATIONS AND AUDITS.—

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1 States in which there was an eligible Senate can-
2 didate on the ballot, as designated by the Commis-
3 sion through the use of an appropriate statistical
4 method of random selection, to determine whether
5 the candidates have complied with the conditions of
6 eligibility and other requirements of this title. If the
7 Commission selects a candidate, the Commission
8 shall examine and audit the campaign accounts of
9 all other candidates in the general election for the
10 office the selected candidate is seeking.

11 “(2) WITH REASON TO BELIEVE THERE MAY
12 HAVE BEEN A VIOLATION.—The Commission may
13 conduct an examination and audit of the campaign
14 accounts of any eligible Senate candidate in a gen-
15 eral election if the Commission determines that there
16 exists reason to believe that the eligible Senate can-
17 didate may have failed to comply with this title.

18 “(b) EXCESS PAYMENT.—If the Commission deter-
19 mines any payment was made to an eligible Senate can-
20 didate under this title in excess of the aggregate amounts
21 to which the eligible Senate candidate was entitled, the
22 Commission shall notify the eligible Senate candidate, and
23 the eligible Senate candidate shall pay an amount equal
24 to the excess.

1 “(c) REVOCATION OF STATUS.—If the Commission
 2 revokes the certification of an eligible Senate candidate as
 3 an eligible Senate candidate under section 505(a)(1), the
 4 Commission shall notify the eligible Senate candidate, and
 5 the eligible Senate candidate shall pay an amount equal
 6 to the payments received under this title.

7 “(d) MISUSE OF BENEFIT.—If the Commission de-
 8 termines that any amount of any benefit made available
 9 to an eligible Senate candidate under this title was not
 10 used as provided for in this title, the Commission shall
 11 notify the eligible Senate candidate, and the eligible Sen-
 12 ate candidate shall pay the amount of that benefit.

13 “(e) EXCESS EXPENDITURES.—If the Commission
 14 determines that an eligible Senate candidate who received
 15 benefits under this title made expenditures that in the ag-
 16 gregate exceed the primary election expenditure, the run-
 17 off election expenditure limit, or the general election ex-
 18 penditure limit, the Commission shall notify the eligible
 19 Senate candidate, and the eligible Senate candidate shall
 20 pay an amount equal to the amount of the excess expendi-
 21 tures.

22 “(f) CIVIL PENALTIES.—

23 “(1) MISUSE OF BENEFIT.—If the Commission
 24 determines that an eligible Senate candidate has
 25 committed a violation described in subsection (d),

1 the Commission may assess a civil penalty against
2 the eligible Senate candidate in an amount not
3 greater than 200 percent of the amount of the bene-
4 fit that was misused.

5 “(2) EXCESS EXPENDITURES.—

6 “(A) LOW AMOUNT OF EXCESS EXPENDI-
7 TURES.—If the Commission determines that an
8 eligible Senate candidate made expenditures
9 that exceeded by 2.5 percent or less the pri-
10 mary election expenditure limit, the runoff elec-
11 tion expenditure limit, or the general election
12 expenditure limit, the Commission shall assess
13 a civil penalty against the eligible Senate can-
14 didate in an amount equal to the amount of the
15 excess expenditures.

16 “(B) MEDIUM AMOUNT OF EXCESS EX-
17 PENDITURES.—If the Commission determines
18 that an eligible Senate candidate made expendi-
19 tures that exceeded by more than 2.5 percent
20 and less than 5 percent the primary election ex-
21 penditure limit, the runoff election expenditure
22 limit, or the general election expenditure limit,
23 the Commission shall assess a civil penalty
24 against the eligible Senate candidate in an

1 amount equal to 3 times the amount of the ex-
 2 cess expenditures.

3 “(C) LARGE AMOUNT OF EXCESS EXPEND-
 4 ITURES.—If the Commission determines that an
 5 eligible Senate candidate made expenditures
 6 that exceeded by 5 percent or more the primary
 7 election expenditure limit, the runoff election
 8 expenditure limit, or the general election ex-
 9 penditure limit, the Commission shall assess a
 10 civil penalty against the eligible Senate can-
 11 didate in an amount equal to the sum of 3
 12 times the amount of the excess expenditures
 13 plus an additional amount determined by the
 14 Commission.

15 “(g) UNEXPENDED FUNDS.—

16 “(1) RETENTION FOR PURPOSES OF LIQUIDA-
 17 TION OF OBLIGATIONS.—An eligible Senate can-
 18 didate may retain for a period not exceeding 120
 19 days after the date of a general election any unex-
 20 pended funds received under this title for the liq-
 21 uidation of all obligations to pay expenditures for
 22 the general election incurred during the general elec-
 23 tion period.

1 “(2) REPAYMENT.—At the end of the 120-day
2 period, any unexpended funds received under this
3 title shall be promptly repaid.

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

8 “(i) DEPOSITS.—The Secretary shall deposit all pay-
9 ments received under this section into the Senate Election
10 Campaign Fund.

11 **“SEC. 507. JUDICIAL REVIEW.**

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

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

21 “(c) AGENCY ACTION.—For purposes of this section,
22 the term ‘agency action’ has the meaning given the term
23 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;

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

21 “(D) the balance in the Senate Election
 22 Campaign Fund, and the balance in any ac-
 23 count maintained by the Fund.

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

1 “(b) REGULATIONS.—

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

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

14 **“SEC. 510. PAYMENTS TO ELIGIBLE CANDIDATES.**

15 “(a) SENATE ELECTION CAMPAIGN FUND.—

16 “(1) ESTABLISHMENT OF CAMPAIGN FUND.—
17 There is established on the books of the Treasury of
18 the United States a special fund to be known as the
19 ‘Senate Election Campaign Fund’.

20 “(2) APPROPRIATIONS.—

21 (A) IN GENERAL.—There are appropriated
22 to the Fund for each fiscal year, out of
23 amounts in the general fund of the Treasury
24 not otherwise appropriated, amounts equal to—

1 “(i) any contributions by persons
2 which are specifically designated as being
3 made to the Fund;

4 “(ii) amounts collected under section
5 506(i); and

6 “(iii) any other amounts that may be
7 appropriated to or deposited into the Fund
8 under this title.

9 “(B) TRANSFERS.—The Secretary of the
10 Treasury shall, from time to time, transfer to
11 the Fund an amount not in excess of the
12 amounts described in subparagraph (A).

13 “(C) FISCAL YEAR.—Amounts in the Fund
14 shall remain available without fiscal year limita-
15 tion.

16 “(3) USE OF FUND.—Amounts in the Fund
17 shall be available only for the purposes of—

18 “(A) making payments required under this
19 title; and

20 “(B) making expenditures in connection
21 with the administration of the Fund.

1 “(4) FUND ACCOUNT.—The Secretary shall
2 maintain such accounts in the Fund as may be re-
3 quired by this title or which the Secretary deter-
4 mines to be necessary to carry out the provisions of
5 this title.

6 “(b) PAYMENTS ON CERTIFICATION.—On receipt of
7 a certification from the Commission under section 505, ex-
8 cept as provided in subsection (c), the Secretary shall, sub-
9 ject to the availability of appropriations, promptly pay the
10 amount certified by the Commission to the candidate out
11 of the Senate Election Campaign Fund.

12 “(c) INSUFFICIENT FUNDS.—

13 “(1) WITHHOLDING.—If, at the time of a cer-
14 tification by the Commission under section 505 for
15 payment to an eligible Senate candidate, the Sec-
16 retary determines that the monies in the Senate
17 Election Campaign Fund are not, or may not be,
18 sufficient to satisfy the full entitlement of all eligible
19 candidates, the Secretary shall withhold from the
20 amount of the payment any amount that the Sec-
21 retary determines to be necessary to ensure that
22 each eligible Senate candidate will receive the same
23 pro rata share of the candidate’s full entitlement.

24 “(2) SUBSEQUENT PAYMENT.—Amounts with-
25 held under paragraph (1) shall be paid when the

1 Secretary determines that there are sufficient mon-
 2 ies in the Senate Election Campaign Fund to pay all
 3 or a portion of the funds withheld from all eligible
 4 Senate candidates, but, if only a portion is to be
 5 paid, the portion shall be paid in such a manner that
 6 each eligible candidate receives an equal pro rata
 7 share.

8 “(3) NOTIFICATION OF ESTIMATED WITHHOLD-
 9 ING.—

10 “(A) ADVANCE ESTIMATE OF AVAILABLE
 11 FUNDS AND PROJECTED COSTS.—Not later
 12 than December 31 of any calendar year preced-
 13 ing a calendar year in which there is a regularly
 14 scheduled general election, the Secretary, after
 15 consultation with the Commission, shall make
 16 an estimate of—

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

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

22 “(B) NOTIFICATION.—If the Secretary de-
 23 termines that there will be insufficient funds
 24 under subparagraph (A) for any calendar year,
 25 the Secretary shall notify by registered mail

1 each candidate for the Senate on January 1 of
 2 that year (or, if later, the date on which an in-
 3 dividual becomes such a candidate) of the
 4 amount that the Secretary estimates will be the
 5 pro rata withholding from each eligible Senate
 6 candidate's payments under this subsection.

7 “(C) INCREASE IN CONTRIBUTION
 8 LIMIT.—The amount of an eligible candidate's
 9 contribution limit under section
 10 502(c)(1)(B)(iv) shall be increased by the
 11 amount of the estimated pro rata withholding
 12 under subparagraph (B).

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

15 “(A) IN GENERAL.—The Secretary shall
 16 notify the Commission and each eligible Senate
 17 candidate by registered mail of any actual re-
 18 duction in the amount of any payment by rea-
 19 son of this subsection.

20 “(B) GREATER AMOUNT OF WITHHOLD-
 21 ING.—If the amount of a withholding exceeds
 22 the amount estimated under paragraph (3), an
 23 eligible Senate candidate's contribution limit
 24 under section 502(c)(1)(B)(iv) shall be in-
 25 creased by the amount of the excess.”.

1 (b) EFFECTIVE DATES.—

2 (1) IN GENERAL.—Except as provided in this
3 subsection, the amendment made by subsection (a)
4 shall apply to elections occurring after December 31,
5 1998.

6 (2) APPLICABILITY TO CONTRIBUTIONS AND
7 EXPENDITURES.—For purposes of any expenditure
8 or contribution limit imposed by the amendment
9 made by subsection (b)—

10 (A) no expenditure made before January 1,
11 1999, shall be taken into account, except that
12 there shall be taken into account any such ex-
13 penditure for goods or services to be provided
14 after that date; and

15 (B) all cash, cash items, and Government
16 securities on hand as of January 1, 1999, shall
17 be taken into account in determining whether
18 the contribution limit is met, except that there
19 shall not be taken into account amounts used
20 during the 60-day period beginning on January
21 1, 1999, to pay for expenditures that were in-
22 curred (but unpaid) before that date.

23 (c) EFFECT OF INVALIDITY ON OTHER PROVISIONS
24 OF TITLE.—If section 502, 503, or 504 of the Federal
25 Election Campaign Act of 1971 (as added by subsection

1 (a)) or any part of those sections is held to be invalid,
 2 this Act and all amendments made by this Act shall be
 3 treated as invalid.

4 (d) PROVISIONS TO FACILITATE VOLUNTARY CON-
 5 TRIBUTIONS TO SENATE ELECTION CAMPAIGN FUND.—

6 (1) GENERAL RULE.—Part VIII of subchapter
 7 A of chapter 61 of the Internal Revenue Code of
 8 1986 (relating to returns and records) is amended
 9 by adding at the end the following:

10 **“Subpart B—Designation of Additional Amounts to**
 11 **Senate Election Campaign Fund**

“Sec. 6097. Designation of additional amounts.

12 **“SEC. 6097. DESIGNATION OF ADDITIONAL AMOUNTS.**

13 “(a) GENERAL RULE.—Every individual (other than
 14 a nonresident alien) who files an income tax return for
 15 any taxable year may designate an additional amount
 16 equal to \$5 (\$10 in the case of a joint return) to be paid
 17 over to the Senate Election Campaign Fund.

18 “(b) MANNER AND TIME OF DESIGNATION.—A des-
 19 ignation under subsection (a) may be made for any taxable
 20 year only at the time of filing the income tax return for
 21 the taxable year. Such designation shall be made on the
 22 page bearing the taxpayer’s signature.

23 “(c) TREATMENT OF ADDITIONAL AMOUNTS.—Any
 24 additional amount designated under subsection (a) for any

1 taxable year shall, for all purposes of law, be treated as
 2 an additional income tax imposed by chapter 1 for such
 3 taxable year.

4 “(d) INCOME TAX RETURN.—For purposes of this
 5 section, the term ‘income tax return’ means the return of
 6 the tax imposed by chapter 1.”.

7 (2) CONFORMING AMENDMENTS.—(A) Part
 8 VIII of subchapter A of chapter 61 of such Code is
 9 amended by striking the heading and inserting:

10 **“PART VIII—DESIGNATION OF AMOUNTS TO**
 11 **ELECTION CAMPAIGN FUNDS**

“Subpart A. Presidential Election Campaign Fund.

“Subpart B. Designation of additional amounts to Senate Elec-
 tion Campaign Fund.

12 **“Subpart A—Presidential Election Campaign Fund”.**

13 (B) The table of parts for subchapter A of
 14 chapter 61 of such Code is amended by striking the
 15 item relating to part VIII and inserting:

“Part VIII. Designation of amounts to election campaign funds.”

16 (3) EFFECTIVE DATE.—The amendments made
 17 by this section shall apply to taxable years beginning
 18 after December 31, 1998.

19 **SEC. 102. POLITICAL ACTION COMMITTEES.**

20 (a) LIMITATIONS ON MULTICANDIDATE POLITICAL
 21 COMMITTEE CONTRIBUTIONS TO CANDIDATES.—Section
 22 315(a)(2) of the Federal Election Campaign Act of 1971
 23 (2 U.S.C. 441a(a)(2)) is amended—

1 (1) by striking “(2) No multicandidate” and in-
 2 serting the following:

3 “(2) MULTICANDIDATE POLITICAL COMMIT-
 4 TEES.—

5 “(A) IN GENERAL.—No multicandidate”;

6 (2) in subparagraph (A) by striking “\$5,000”
 7 and inserting “\$1,000”;

8 (3) by redesignating subparagraphs (A), (B),
 9 and (C) as clauses (i), (ii), and (iii), respectively;
 10 and

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

12 “(B) CONTRIBUTIONS TO CANDIDATES.—

13 Notwithstanding subparagraph (A)(i) it shall be
 14 unlawful for a multicandidate political commit-
 15 tee to make a contribution to a candidate for
 16 election, or nomination for election, to the Sen-
 17 ate or an authorized committee of a Senate
 18 candidate, or for a Senate candidate to accept
 19 a contribution, to the extent that the making or
 20 accepting of the contribution would cause the
 21 amount of contributions received by the can-
 22 didate and the candidate’s authorized commit-
 23 tees from multicandidate political committees to
 24 exceed the lesser of—

25 “(i) \$825,000; or

1 “(ii) 20 percent of the primary elec-
 2 tion expenditure limit, runoff election ex-
 3 penditure limit, or general election expend-
 4 iture limit (as those terms are defined in
 5 section 501) that is applicable (or, if the
 6 candidate were an eligible Senate can-
 7 didate (as defined in section 501) would be
 8 applicable) to the candidate.”.

9 (b) INDEXING.—The \$825,000 amount under
 10 subparagraph (B) shall be increased as of the begin-
 11 ning of each calendar year based on the increase in
 12 the price index determined under section 315(c) of
 13 the Federal Election Campaign Act of 1971 (2
 14 U.S.C. 441a(c)), except that for purposes of sub-
 15 paragraph (B), the base period shall be the calendar
 16 year 1996.

17 (c) RETURN OF EXCESS.—A candidate or au-
 18 thorized committee that receives a contribution from
 19 a multicandidate political committee in excess of the
 20 amount allowed under subparagraph (B) shall re-
 21 turn the amount of the excess contribution to the
 22 contributor.

1 (d) LIMITATIONS ON MULTICANDIDATE COMMITTEE
 2 CONTRIBUTIONS TO POLITICAL COMMITTEES.—Para-
 3 graphs (1)(C) and (2)(A)(iii) of section 315(a) of the Fed-
 4 eral Election Campaign Act of 1971 (2 U.S.C. 441a(a)),
 5 as amended by subsection (a), are amended by striking
 6 “\$5,000” and inserting “\$1,000”.

7 (e) EFFECTIVE DATES.—

8 (1) IN GENERAL.—Except as provided in para-
 9 graph (2), the amendments made by this section
 10 shall apply to elections (and the election cycles relat-
 11 ing thereto) occurring after December 31, 1998.

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

15 (A) a contribution made or received before
 16 January 1, 1999; or

17 (B) a contribution made to, or received by,
 18 a candidate on or after January 1, 1999, to the
 19 extent that the aggregate amount of such con-
 20 tributions made to or received by the candidate
 21 is not greater than the excess (if any) of—

22 (i) the aggregate amount of such con-
 23 tributions made to or received by any op-
 24 ponent of the candidate before January 1,
 25 1999; over

1 (ii) the aggregate amount of such con-
 2 tributions made to or received by the can-
 3 didate before January 1, 1999.

4 **SEC. 103. REPORTING REQUIREMENTS.**

5 Title III of the Federal Election Campaign Act of
 6 1971 (2 U.S.C. 431 et seq.) is amended by inserting after
 7 section 304 the following:

8 **“SEC. 304A. REPORTING REQUIREMENTS FOR SENATE CAN-**
 9 **DIDATES.**

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

13 “(b) CANDIDATE OTHER THAN ELIGIBLE SENATE
 14 CANDIDATE.—

15 “(1) DECLARATION OF INTENT.—A candidate
 16 for the office of Senator who does not file a certifi-
 17 cation with the Secretary of the Senate under sec-
 18 tion 502(c) shall, at the time provided in section
 19 502(c)(2), file with the Secretary of the Senate a
 20 declaration as to whether the candidate intends to
 21 make expenditures for the general election in excess
 22 of the general election expenditure limit.

23 “(2) REPORTS.—

1 “(A) INITIAL REPORT.—A candidate for
2 the Senate who qualifies for the ballot for a
3 general election—

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

6 “(ii) who receives contributions in an
7 aggregate amount or makes or obligates to
8 make expenditures in an aggregate amount
9 for the general election that exceeds 75
10 percent of the general election expenditure
11 limit;

12 shall file a report with the Secretary of the Sen-
13 ate within 24 hours after aggregate contribu-
14 tions have been received or aggregate expendi-
15 tures have been made or obligated to be made
16 in that amount (or, if later, within 24 hours
17 after the date of qualification for the general
18 election ballot), setting forth the candidate’s ag-
19 gregate amount of contributions received and
20 aggregate amount of expenditures made or obli-
21 gated to be made for the election as of the date
22 of the report.

23 “(B) ADDITIONAL REPORTS.—After an ini-
24 tial report is filed under subparagraph (A), the
25 candidate shall file additional reports (until the

amount of such contributions or expenditures exceeds 200 percent of the general election expenditure limit) with the Secretary of the Senate within 24 hours after each time additional contributions are received, or expenditures are made or are obligated to be made, that in the aggregate exceed an amount equal to 10 percent of the general election expenditure limit and after the aggregate amount of contributions or expenditures exceeds $133\frac{1}{3}$, $166\frac{2}{3}$, and 200 percent of the general election expenditure limit.

“(3) NOTIFICATION OF OTHER CANDIDATES.—

The Commission—

“(A) shall, within 24 hours after receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate of the filing of the declaration or report; and

“(B) if an opposing candidate has received aggregate contributions, or made or obligated to make aggregate expenditures, in excess of the general election expenditure limit, shall certify, under subsection (e), the eligibility for payment

1 of any amount to which an eligible Senate can-
 2 didate in the general election is entitled under
 3 section 504(a).

4 “(4) ACTION BY THE COMMISSION ABSENT RE-
 5 PORT.—

6 “(A) IN GENERAL.—Notwithstanding the
 7 reporting requirements under this subsection,
 8 the Commission may make its own determina-
 9 tion that a candidate in a general election who
 10 is not an eligible Senate candidate has raised
 11 aggregate contributions, or made or has obli-
 12 gated to make aggregate expenditures, in the
 13 amounts that would require a report under
 14 paragraph (2).

15 “(B) NOTIFICATION OF ELIGIBLE SENATE
 16 CANDIDATES.—The Commission shall—

17 “(i) within 24 hours after making a
 18 determination under subparagraph (A), no-
 19 tify each eligible Senate candidate in the
 20 general election of the making of the deter-
 21 mination; and

22 “(ii) when the aggregate amount of
 23 contributions or expenditures exceeds the
 24 general election expenditure limit, certify
 25 under subsection (e) an eligible Senate

1 candidate's eligibility for payment of any
 2 amount under section 504(a).

3 “(c) REPORTS ON PERSONAL FUNDS.—

4 “(1) FILING.—A candidate for the Senate who,
 5 during an election cycle, expends more than the per-
 6 sonal funds expenditure limit during the election
 7 cycle shall file a report with the Secretary of the
 8 Senate within 24 hours after expenditures have been
 9 made or loans incurred in excess of the personal
 10 funds expenditure limit.

11 “(2) NOTIFICATION OF ELIGIBLE SENATE CAN-
 12 DIDATES.—Within 24 hours after a report has been
 13 filed under paragraph (1), the Commission shall no-
 14 tify each eligible Senate candidate in the general
 15 election of the filing of the report.

16 “(3) ACTION BY THE COMMISSION ABSENT RE-
 17 PORT.—

18 “(A) IN GENERAL.—Notwithstanding the
 19 reporting requirements under this subsection,
 20 the Commission may make its own determina-
 21 tion that a candidate for the Senate has made
 22 expenditures in excess of the amount under
 23 paragraph (1).

24 “(B) NOTIFICATION OF ELIGIBLE SENATE
 25 CANDIDATES.—Within 24 hours after making a

1 determination under subparagraph (A), the
2 Commission shall notify each eligible Senate
3 candidate in the general election of the making
4 of the determination.

5 “(d) CANDIDATES FOR OTHER OFFICES.—

6 “(1) FILING.—Each individual—

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

9 “(B) who, during the election cycle for that
10 office, held any other Federal, State, or local
11 office or was a candidate for any such office;
12 and

13 “(C) who expended any amount during the
14 election cycle before becoming a candidate for
15 the office of United States Senator that would
16 have been treated as an expenditure if the indi-
17 vidual had been such a candidate (including
18 amounts for activities to promote the image or
19 name recognition of the individual);

20 shall, within 7 days after becoming a candidate for
21 the office of United States Senator, report to the
22 Secretary of the Senate the amount and nature of
23 such expenditures.

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

6 “(3) DETERMINATION.—The Commission shall,
7 as soon as practicable, make a determination as to
8 whether any amounts reported under paragraph (1)
9 were made for purposes of influencing the election of
10 the individual to the office of Senator.

11 “(e) BASIS OF CERTIFICATIONS.—Notwithstanding
12 section 505(a), the certification required by this section
13 shall be made by the Commission on the basis of reports
14 filed in accordance with this Act or on the basis of the
15 Commission’s own investigation or determination.

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

18 “(1) transmit a copy of any report or filing re-
19 ceived under this section or under title V (whenever
20 a 24 hour response is required of the Commission)
21 as soon as possible (but not later than 4 working
22 hours of the Commission) after receipt of the report
23 or filing;

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

4 “(3) preserve the reports and filings in the
 5 same manner as the Commission under section
 6 311(a)(5).”.

7 **SEC. 104. DISCLOSURE BY CANDIDATES OTHER THAN ELI-**
 8 **GIBLE SENATE CANDIDATES.**

9 Section 318 of the Federal Election Campaign Act
 10 of 1971 (2 U.S.C. 441d) (as amended by section 133) is
 11 amended by adding at the end the following:

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

20 **Subtitle B—General Provisions**

21 **SEC. 131. BROADCAST RATES AND PREEMPTION.**

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

24 (1) by striking “(b) The charges” and inserting
 25 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”;

10 (B) by striking “sixty” and inserting “45”;

11 and

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

17 and

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

19 “(2) ELIGIBLE SENATE CANDIDATES.—In the
20 case of an eligible Senate candidate (as described in
21 section 501 of the Federal Election Campaign Act),
22 the charges for the use of a television broadcasting
23 station during the general election period (as defined

1 in section 301 of that Act) shall not exceed 50 per-
 2 cent of the lowest charge described in paragraph
 3 (1)(A).

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

6 (1) by redesignating subsections (c) and (d) as
 7 subsections (e) and (f), respectively; and

8 (2) by inserting after subsection (b) the follow-
 9 ing:

10 “(c) PREEMPTION.—

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

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

24 “(d) TIME FOR LEGALLY QUALIFIED SENATE CAN-
 25 DIDATES.—In the case of a legally qualified candidate for

1 the United States Senate, a licensee shall provide broad-
 2 cast time without regard to the rates charged for the
 3 time.”.

4 **SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING**
 5 **RATES TO ELIGIBLE SENATE CANDIDATES.**

6 Section 3626(e) of title 39, United States Code, is
 7 amended—

8 (1) in paragraph (2)(A)—

9 (A) by striking “and the National” and in-
 10 serting “the National”; and

11 (B) by striking “Committee;” and insert-
 12 ing “Committee, and, subject to paragraph (3),
 13 the principal campaign committee of an eligible
 14 House of Representatives or Senate can-
 15 didate;”;

16 (2) in paragraph (2)(B), by striking “and”
 17 after the semicolon;

18 (3) in paragraph (2)(C), by striking the period
 19 and inserting “; and”;

20 (4) by adding after paragraph (2)(C) the fol-
 21 lowing new subparagraph:

22 “(D) The terms ‘eligible Senate candidate’ and
 23 ‘principal campaign committee’ have the meanings
 24 given those terms in section 301 of the Federal
 25 Election Campaign Act of 1971.”; and

1 (5) by adding after paragraph (2) the following
2 paragraph:

3 “(3) The rate made available under this subsection
4 with respect to an eligible Senate candidate shall apply
5 only to—

6 “(A) the general election period (as defined in
7 section 301 of the Federal Election Campaign Act of
8 1971); and

9 “(B) that number of pieces of mail equal to the
10 number of individuals in the voting age population
11 (as certified under section 315(e) of such Act) of the
12 congressional district or State, whichever is applica-
13 ble.”.

14 **SEC. 133. CAMPAIGN ADVERTISING AMENDMENTS.**

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

17 (1) in subsection (a)—

18 (A) by striking “Whenever” and inserting
19 the following:

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

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

3 (C) by striking “direct”; and

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

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

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

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

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

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

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

20 “(d) REQUIREMENTS FOR BROADCAST AND CABLE-
 21 CAST COMMUNICATIONS.—

22 “(1) PAID FOR OR AUTHORIZED BY THE CAN-
 23 DIDATE.—

24 “(A) IN GENERAL.—A broadcast or cable-
 25 cast communication described in paragraph (1)

1 or (2) of subsection (a) shall include, in addi-
2 tion to the requirements of those paragraphs,
3 an audio statement by the candidate that iden-
4 tifies the candidate and states that the can-
5 didate has approved the communication.

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

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

16 “(ii) that appears at the end of the
17 communication in a clearly readable man-
18 ner with a reasonable degree of color con-
19 trast between the background and the
20 printed statement, for a period of at least
21 4 seconds; and

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

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

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

22 “(A) means an election that will directly
23 result in the election of a person to a Federal
24 office; but

1 “(B) does not include an open primary
2 election.

3 “(20) The term ‘general election period’ means,
4 with respect to a candidate, the period beginning on
5 the day after the date of the primary or runoff elec-
6 tion for the specific office that the candidate is seek-
7 ing, whichever is later, and ending on the earlier
8 of—

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

10 “(B) the date on which the candidate with-
11 draws from the campaign or otherwise ceases
12 actively to seek election.

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

14 “(A) a candidate’s spouse;

15 “(B) a child, stepchild, parent, grand-
16 parent, brother, half-brother, sister, or half-sis-
17 ter of the candidate or the candidate’s spouse;
18 and

19 “(C) the spouse of any person described in
20 subparagraph (B).

21 “(22) The term ‘major party’ has the meaning
22 given the term in section 9002(6) of the Internal
23 Revenue Code of 1986, except that if a candidate
24 qualified under State law for the ballot in a general

1 election in an open primary in which all the can-
 2 didates for the office participated and which resulted
 3 in the candidate and at least 1 other candidate's
 4 qualifying for the ballot in the general election, the
 5 candidate shall be treated as a candidate of a major
 6 party for purposes of title V.

7 “(23) The term ‘primary election’ means an
 8 election that may result in the selection of a can-
 9 didate for the ballot in a general election for a Fed-
 10 eral office.

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

16 “(A) the date of the first primary election
 17 for that office following the last general election
 18 for that office; or

19 “(B) the date on which the candidate with-
 20 draws from the election or otherwise ceases ac-
 21 tively to seek election.

22 “(25) The term ‘runoff election’ means an elec-
 23 tion held after a primary election that is prescribed
 24 by applicable State law as the means for deciding

1 which candidate will be on the ballot in the general
2 election for a Federal office.

3 “(26) The term ‘runoff election period’ means,
4 with respect to any candidate, the period beginning
5 on the day following the date of the last primary
6 election for the specific office that the candidate is
7 seeking and ending on the date of the runoff election
8 for that office.

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

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

13 “(A) in the case of a candidate or the au-
14 thorized committees of a candidate, the period
15 beginning on the day after the date of the most
16 recent general election for the specific office or
17 seat that the candidate is seeking and ending
18 on the date of the next general election for that
19 office or seat; and

20 “(B) in the case of all other persons, the
21 period beginning on the first day following the
22 date of the last general election and ending on
23 the date of the next general election.”.

24 “(29) The term ‘lobbyist’ means—

1 “(A) a person required to register under
 2 the Lobbying Disclosure Act of 1995 (2 U.S.C.
 3 1601 et seq.) or the Foreign Agents Registra-
 4 tion Act of 1938 (22 U.S.C. 611 et seq.); and

5 “(B) a person who receives compensation
 6 in return for having contact with Congress on
 7 any legislative matter.”.

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

12 **SEC. 135. PROVISIONS RELATING TO FRANKED MASS**
 13 **MAILINGS.**

14 (a) MASS MAILINGS OF SENATORS.—Section
 15 3210(a)(6) of title 39, United States Code, is amended—

16 (1) in subparagraph (A), by striking “It is the
 17 intent of Congress that a Member of, or a Member-
 18 elect to, Congress” and inserting “A Member of, or
 19 Member-elect to, the House”; and

20 (2) in subparagraph (C)—

21 (A) by striking “if such mass mailing is
 22 postmarked fewer than 60 days immediately be-
 23 fore the date” and inserting “if such mass mail-
 24 ing is postmarked during the calendar year”;
 25 and

1 (B) by inserting “or reelection” before the
2 period.

3 (b) MASS MAILINGS OF HOUSE MEMBERS.—Section
4 3210 of title 39, United States Code, is amended—

5 (1) in subsection (a)(7) by striking “, except
6 that—” and all that follows through the end of sub-
7 paragraph (B) and inserting a period; and

8 (2) in subsection (d)(1) by striking “delivery—”
9 and all that follows through the end of subparagraph
10 (B) and inserting “delivery within that area con-
11 stituting the congressional district or State from
12 which the Member was elected.”.

13 (c) PROHIBITION ON USE OF OFFICIAL FUNDS.—
14 The Committee on House Administration of the House of
15 Representatives may not approve any payment, nor may
16 a Member of the House of Representatives make any ex-
17 penditure from, any allowance of the House of Represent-
18 atives or any other official funds if any portion of the pay-
19 ment or expenditure is for any cost related to a mass mail-
20 ing by a Member of the House of Representatives outside
21 the congressional district of the Member.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. DEFINITIONS.

(a) INDEPENDENT EXPENDITURE; EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

“(17) INDEPENDENT EXPENDITURE.—

“(A) IN GENERAL.—The term ‘independent expenditure’ means an expenditure for an advertisement or other communication that—

“(i) contains express advocacy; and

“(ii) is made without the participation or cooperation of, or without the consultation of, a candidate or a candidate’s representative.

“(B) EXCLUSIONS.—The term ‘independent expenditure’ does not include the following:

“(i) An expenditure made by—

“(I) an authorized committee of a candidate; or

“(II) a political committee of a political party.

“(ii) An expenditure if there is any arrangement, coordination, or direction

1 with respect to the expenditure between
2 the candidate or the candidate's represent-
3 ative and the person making the expendi-
4 ture.

5 “(iii) An expenditure if, in the same
6 election cycle, the person making the ex-
7 penditure—

8 “(I) is or has been authorized to
9 raise or expend funds on behalf of the
10 candidate or the candidate's author-
11 ized committees; or

12 “(II) is serving or has served as
13 a member, employee, or agent of the
14 candidate's authorized committees in
15 an executive or policymaking position.

16 “(iv) An expenditure if the person
17 making the expenditure has played a sig-
18 nificant role in advising or counseling the
19 candidate or the candidate's agents at any
20 time on the candidate's plans, projects, or
21 needs relating to the candidate's pursuit of
22 nomination for election, or election, to
23 Federal office, in the same election cycle,
24 including any advice relating to the can-
25 didate's decision to seek Federal office.

1 “(v) An expenditure if the person
 2 making the expenditure retains the profes-
 3 sional services of any individual or other
 4 person also providing services in the same
 5 election cycle to the candidate in connec-
 6 tion with the candidate’s pursuit of nomi-
 7 nation for election, or election, to Federal
 8 office, including any services relating to
 9 the candidate’s decision to seek Federal of-
 10 fice.

11 “(C) DEFINITIONS.—For purposes of sub-
 12 paragraph (B)—

13 “(i) the person making the expendi-
 14 ture includes any officer, director, em-
 15 ployee, or agent of a person; and

16 “(ii) the term ‘professional service’ in-
 17 cludes any service (other than legal and ac-
 18 counting services for purposes of ensuring
 19 compliance with this title) in support of a
 20 candidate’s pursuit of nomination for elec-
 21 tion, or election, to Federal office.

22 “(18) EXPRESS ADVOCACY.—

23 “(A) IN GENERAL.—The term ‘express ad-
 24 vocacy’ means a communication that is taken as
 25 a whole and with limited reference to external

events, makes an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party.

“(B) EXPRESSION OF SUPPORT FOR OR OPPOSITION TO.—In subparagraph (A), the term ‘expression of support for or opposition to’ includes a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity, or to refrain from taking action.”.

“(C) VOTING RECORDS.—The term ‘express advocacy’ does not include the publication and distribution of a communication that is limited to providing information about votes by elected officials on legislative matters and that does not expressly advocate the election or defeat of a clearly identified candidate.”.

(b) CONTRIBUTION DEFINITION AMENDMENT.—Sec-

tion 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended—

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

(2) by striking the period at the end of clause

(ii) and inserting “; or”; and

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

2 “(iii) any payment or other trans-
3 action referred to in paragraph (17)(A)(i)
4 that is excluded from the meaning of ‘inde-
5 pendent expenditure’ under paragraph
6 (17)(B).”.

7 **SEC. 202. REPORTING REQUIREMENTS FOR CERTAIN INDE-**
8 **PENDENT EXPENDITURES.**

9 (a) IN GENERAL.—Section 304 of the Federal Elec-
10 tion Campaign Act of 1971 (2 U.S.C. 434) is amended
11 by adding at the end the following:

12 “(d) TIME FOR REPORTING CERTAIN EXPENDI-
13 TURES.—

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

15 “(A) INITIAL REPORT.—A person (includ-
16 ing a political committee) that makes independ-
17 ent expenditures aggregating \$1,000 or more
18 after the 20th day, but more than 24 hours, be-
19 fore an election shall file a report describing the
20 expenditures within 24 hours after that amount
21 of independent expenditures has been made.

22 “(B) ADDITIONAL REPORTS.—After a per-
23 son files a report under subparagraph (A), the
24 person filing the report shall file an additional
25 report each time that independent expenditures

1 aggregating an additional \$1,000 are made with
 2 respect to the same election as that to which
 3 the initial report relates.

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

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

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

19 “(3) PLACE OF FILING; CONTENTS; TRANSMIT-
 20 TAL.—

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

23 “(i) shall be filed with the Commis-
 24 sion; 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 TO CANDIDATES.—In
 7 the case of an election for United States Sen-
 8 ator, not later than 48 hours after receipt of a
 9 report under this subsection, the Commission
 10 shall transmit a copy of the report to each eligi-
 11 ble candidate seeking nomination for election
 12 to, or election to, the office in question.

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

17 “(5) DETERMINATIONS BY THE COMMISSION.—

18 “(A) IN GENERAL.—The Commission may,
 19 upon a request of a candidate or on its own ini-
 20 tiative, make its own determination that a per-
 21 son, including a political committee, has made,
 22 or has incurred obligations to make, independ-
 23 ent expenditures with respect to any candidate
 24 in any Federal election that in the aggregate

1 exceed the applicable amounts under paragraph
2 (1) or (2).

3 “(B) NOTIFICATION.—In the case of a
4 United States Senator, the Commission shall
5 notify each candidate in the election of the
6 making of the determination within 2 business
7 days after making the determination.

8 “(C) TIME TO COMPLY WITH REQUEST
9 FOR DETERMINATION.—A determination made
10 at the request of a candidate shall be made with
11 48 hours of the request.

12 “(6) NOTIFICATION OF AN ALLOWABLE IN-
13 CREASE IN INDEPENDENT EXPENDITURE LIMIT.—
14 When independent expenditures totaling in the ag-
15 gregate \$10,000 have been made in the same elec-
16 tion in favor of another candidate or against an eli-
17 gible Senate candidate, the Commission shall, within
18 2 business days, notify the eligible candidate that
19 such candidate is entitled to an increase under sec-
20 tion 503(e) in the candidate’s applicable election
21 limit in an amount equal to the amount of such
22 independent expenditures.”.

1 **TITLE III—EXPENDITURES**
 2 **Subtitle A—Personal Funds; Credit**
 3 **SEC. 301. CONTRIBUTIONS AND LOANS FROM PERSONAL**
 4 **FUNDS.**

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

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

10 “(1) REPAYMENT OF LOANS.—If a candidate or
 11 a member of the candidate’s immediate family made
 12 a loan to the candidate or to the candidate’s author-
 13 ized committees during an election cycle, no con-
 14 tribution received after the date of the general elec-
 15 tion for the election cycle may be used to repay the
 16 loan.

17 “(2) RETURN OF CONTRIBUTIONS.—No con-
 18 tribution by a candidate or member of the can-
 19 didate’s immediate family may be returned to the
 20 candidate or member other than as part of a pro
 21 rata distribution of excess contributions to all con-
 22 tributors.”.

1 **SEC. 302. EXTENSIONS OF CREDIT.**

2 Section 301(8)(A) of the Federal Election Campaign
3 Act of 1971 (2 U.S.C. 431(8)(A)), as amended by section
4 201(b), is amended—

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

6 (2) by striking the period at the end of clause

7 (iii) and inserting “; or”; and

8 (3) by inserting at the end the following:

9 “(iv) with respect to a candidate and
10 the candidate’s authorized committees, any
11 extension of credit for goods or services re-
12 lating to advertising on a broadcasting sta-
13 tion, in a newspaper or magazine, or by a
14 mailing, or relating to other similar types
15 of general public political advertising, if
16 the extension of credit is—

17 “(I) in an amount greater than
18 \$1,000; and

19 “(II) for a period greater than
20 the period, not in excess of 60 days,
21 for which credit is generally extended
22 in the normal course of business after
23 the date on which the goods or serv-
24 ices are furnished or the date of a
25 mailing.”.

1 **Subtitle B—Soft Money of Political**
 2 **Party Committees**

3 **SEC. 311. SOFT MONEY OF POLITICAL PARTY COMMITTEES.**

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

8 **“SEC. 324. SOFT MONEY OF POLITICAL PARTY COMMIT-**
 9 **TEES.**

10 “(a) NATIONAL COMMITTEES.—A national commit-
 11 tee of a political party and the congressional campaign
 12 committees of a political party (including a national con-
 13 gressional campaign committee of a political party, an en-
 14 tity that is established, financed, maintained, or controlled
 15 by the national committee, a national congressional cam-
 16 paign committee of a political party, and an officer or
 17 agent of any such party or entity but not including an
 18 entity regulated under subsection (b)) shall not solicit or
 19 accept an amount or spend any funds, or solicit or accept
 20 a transfer from another political committee, that is not
 21 subject to the limitations, prohibitions, and reporting re-
 22 quirements of this Act.

23 “(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

24 “(1) IN GENERAL.—Any amount that is ex-
 25 pended or disbursed by a State, district, or local

1 committee of a political party (including an entity
2 that is established, financed, maintained, or con-
3 trolled by a State, district, or local committee of a
4 political party and an agent or officer of any such
5 committee or entity) during a calendar year in which
6 a Federal election is held, for any activity that might
7 affect the outcome of a Federal election, including
8 any voter registration or get-out-the-vote activity,
9 any generic campaign activity, and any communica-
10 tion that identifies a candidate (regardless of wheth-
11 er a candidate for State or local office is also men-
12 tioned or identified) shall be made from funds sub-
13 ject to the limitations, prohibitions, and reporting
14 requirements of this Act.

15 “(2) ACTIVITY EXCLUDED FROM PARAGRAPH
16 (1).—

17 “(A) IN GENERAL.—Paragraph (1) shall
18 not apply to an expenditure or disbursement
19 made by a State, district, or local committee of
20 a political party for—

21 “(i) a contribution to a candidate for
22 State or local office if the contribution is
23 not designated or otherwise earmarked to
24 pay for an activity described in paragraph
25 (1);

1 “(ii) the costs of a State, district, or
2 local political convention;

3 “(iii) the non-Federal share of a
4 State, district, or local party committee’s
5 administrative and overhead expenses (but
6 not including the compensation in any
7 month of any individual who spends more
8 than 20 percent of the individual’s time on
9 activity during the month that may affect
10 the outcome of a Federal election) except
11 that for purposes of this paragraph, the
12 non-Federal share of a party committee’s
13 administrative and overhead expenses shall
14 be determined by applying the ratio of the
15 non-Federal disbursements to the total
16 Federal expenditures and non-Federal dis-
17 bursements made by the committee during
18 the previous presidential election year to
19 the committee’s administrative and over-
20 head expenses in the election year in ques-
21 tion;

22 “(iv) the costs of grassroots campaign
23 materials, including buttons, bumper stick-
24 ers, and yard signs that name or depict

1 only a candidate for State or local office;
2 and

3 (v) the cost of any campaign activity
4 conducted solely on behalf of a clearly
5 identified candidate for State or local of-
6 fice, if the candidate activity is not an ac-
7 tivity described in paragraph (1).

8 “(B) FUNDRAISING COSTS.—Any amount
9 spent by a national, State, district, or local
10 committee, by an entity that is established, fi-
11 nanced, maintained or controlled by a State,
12 district, or local committee of a political party,
13 or by an agent or officer of any such committee
14 or entity to raise funds that are used, in whole
15 or in part, in connection with an activity de-
16 scribed in paragraph (1) shall be made from
17 funds subject to the limitations, prohibitions,
18 and reporting requirements of this Act.

19 “(c) TAX-EXEMPT ORGANIZATIONS.—No national,
20 State, district, or local committee of a political party shall
21 solicit any funds for or make any donations to an organi-
22 zation that is exempt from Federal taxation under section
23 501(c) of the Internal Revenue Code of 1986.

24 “(d) CANDIDATES.—

1 “(1) IN GENERAL.—Except as provided in para-
 2 graph (2), no candidate, individual holding Federal
 3 office, or agent of a candidate or individual holding
 4 Federal office may—

5 “(A) solicit or receive funds in connection
 6 with an election for Federal office unless the
 7 funds are subject to the limitations, prohibi-
 8 tions, and reporting requirements of this Act;
 9 or

10 “(B) solicit or receive funds that are to be
 11 expended in connection with any election for
 12 other than a Federal election unless the
 13 funds—

14 “(i) are not in excess of the amounts
 15 permitted with respect to contributions to
 16 candidates and political committees under
 17 section 315(a) (1) and (2); and

18 “(ii) are not from sources prohibited
 19 by this Act from making contributions with
 20 respect to an election for Federal office.

21 “(2) EXCEPTION.—Paragraph (1) does not
 22 apply to the solicitation or receipt of funds by an in-
 23 dividual who is a candidate for a State or local office
 24 if the solicitation or receipt of funds is permitted

1 under State law for the individual's State or local
2 campaign committee.”.

3 **SEC. 312. REPORTING REQUIREMENTS.**

4 (a) REPORTING REQUIREMENTS.—Section 304 of the
5 Federal Election Campaign Act of 1971 (2 U.S.C. 434)
6 is amended by adding at the end the following:

7 “(d) POLITICAL COMMITTEES.—

8 “(1) NATIONAL AND CONGRESSIONAL POLITI-
9 CAL COMMITTEES.—The national committee of a po-
10 litical party, a congressional campaign committee of
11 a political party, and any subordinate committee of
12 a national committee or congressional campaign
13 committee of a political party, shall report all re-
14 cepts and disbursements during the reporting pe-
15 riod, whether or not in connection with an election
16 for Federal office.

17 “(2) OTHER POLITICAL COMMITTEES TO WHICH
18 SECTION 324 APPLIES.—A political committee (not
19 described in paragraph (1)) to which section 324 ap-
20 plies shall report all receipts and disbursements.

21 “(3) TRANSFERS.—A political committee to
22 which section 324 applies shall—

23 “(A) include in a report under paragraph
24 (1) or (2) the amount of any transfer described
25 in section 324(d)(2); and

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

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

7 “(5) ITEMIZATION.—If a political committee
8 has receipts or disbursements to which this sub-
9 section applies from any person aggregating in ex-
10 cess of \$200 for any calendar year, the political
11 committee shall separately itemize its reporting for
12 the person in the same manner as under paragraphs
13 (3)(A), (5), and (6) of subsection (b).

14 “(6) REPORTING PERIODS.—Reports required
15 to be filed by this subsection shall be filed for the
16 same time periods as reports are required for politi-
17 cal committees under subsection (a).”.

18 (b) REPORT OF EXEMPT CONTRIBUTIONS.—Section
19 301(8) of the Federal Election Campaign Act of 1971 (2
20 U.S.C. 431(8)) is amended by adding at the end the fol-
21 lowing:

22 “(C) REPORTING REQUIREMENT.—The ex-
23 clusion provided in subparagraph (B)(viii) shall
24 not apply for purposes of any requirement to
25 report contributions under this Act, and all

1 such contributions aggregating in excess of
2 \$200 shall be reported.”.

3 (c) REPORTS BY STATE COMMITTEES.—Section 304
4 of the Federal Election Campaign Act of 1971 (2 U.S.C.
5 434 (as amended by subsection (a))) is amended by adding
6 at the end the following:

7 “(f) FILING OF STATE REPORTS.—In lieu of any re-
8 port required to be filed under this Act, the Commission
9 may allow a State committee of a political party to file
10 with the Commission a report required to be filed under
11 State law if the Commission determines that such a report
12 contains substantially the same information as a report
13 required under this Act.”.

14 (d) OTHER REPORTING REQUIREMENTS.—

15 (1) AUTHORIZED COMMITTEES.—Section
16 304(b)(4) of the Federal Election Campaign Act of
17 1971 (2 U.S.C. 434(b)(4)) is amended—

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

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

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

23 “(J) in the case of an authorized commit-
24 tee, disbursements for the primary election, the

1 general election, and any other election in which
2 the candidate participates;”.

3 (2) NAMES AND ADDRESSES.—Section
4 304(b)(5)(A) of the Federal Election Campaign Act
5 of 1971 (2 U.S.C. 434(b)(5)(A)) is amended—

6 (A) by striking “within the calendar year”;

7 and

8 (B) by striking “such operating expendi-
9 tures” and inserting “operating expenses, and
10 the election to which the operating expense re-
11 lates”.

12 **TITLE IV—CONTRIBUTIONS**

13 **SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES** 14 **AND CONDUITS; PROHIBITION ON CERTAIN** 15 **CONTRIBUTIONS BY LOBBYISTS.**

16 (a) CONTRIBUTIONS THROUGH INTERMEDIARIES
17 AND CONDUITS.—Section 315(a)(8) of FECA (2 U.S.C.
18 441a(a)(8)) is amended by striking paragraph (8) and in-
19 serting the following:

20 “(8) INTERMEDIARIES AND CONDUITS.—

21 “(A) DEFINITIONS.—In this paragraph:

22 “(i) ACTING ON BEHALF OF THE EN-
23 TITY.—The term ‘acting on behalf of the
24 entity’ means soliciting one or more con-
25 tributions—

1 “(I) in the name of an entity;

2 “(II) using other than incidental
3 resources of an entity; or

4 “(III) by directing a significant
5 portion of the solicitations to other of-
6 ficers, employees, agents, or members
7 of an entity or their spouses, or by so-
8 liciting a significant portion of the
9 other officers, employees, agents, or
10 members of an entity or their spouses.

11 “(ii) BUNDLER.—The term ‘bundler’
12 means an intermediary or conduit that is
13 any of the following persons or entities:

14 “(I) A political committee (other
15 than the authorized campaign com-
16 mittee of the candidate that receives
17 contributions as described in subpara-
18 graph (B) or (C)).

19 “(II) Any officer, employee or
20 agent of a political committee de-
21 scribed in subclause (I).

22 “(III) An entity.

23 “(IV) Any officer, employee, or
24 agent of an entity who is acting on
25 behalf of the entity.

1 “(V) A person required to be list-
2 ed as a lobbyist on a registration or
3 other report filed pursuant to the
4 Lobbying Disclosure Act of 1995 (2
5 U.S.C. 1601 et seq.) or any successor
6 law that requires reporting on the ac-
7 tivities of a person who is a lobbyist
8 or foreign agent.

9 “(iii) DELIVER.—The term ‘deliver’
10 means to deliver contributions to a can-
11 didate by any method of delivery used or
12 suggested by a bundler that communicates
13 to the candidate (or to the person who re-
14 ceives the contributions on behalf of the
15 candidate) that the bundler collected the
16 contributions for the candidate, including
17 such methods as—

18 “(I) personal delivery;

19 “(II) United States mail or simi-
20 lar services;

21 “(III) messenger service; and

22 “(IV) collection at an event or re-
23 ception.

1 “(iv) ENTITY.—The term ‘entity’
 2 means a corporation, labor organization, or
 3 partnership.

4 “(B) TREATMENT AS CONTRIBUTIONS
 5 FROM PERSONS BY WHOM MADE.—

6 “(i) IN GENERAL.—For purposes of
 7 the limitations imposed by this section, all
 8 contributions made by a person, either di-
 9 rectly or indirectly, on behalf of a can-
 10 didate, including contributions that are in
 11 any way earmarked or otherwise directed
 12 through an intermediary or conduit to the
 13 candidate, shall be treated as contributions
 14 from the person to the candidate.

15 “(ii) REPORTING.—The intermediary
 16 or conduit through which a contribution is
 17 made shall report the name of the original
 18 contributor and the intended recipient of
 19 the contribution to the Commission and to
 20 the intended recipient.

21 “(C) TREATMENT AS CONTRIBUTIONS
 22 FROM THE BUNDLER.—Contributions that a
 23 bundler delivers to a candidate, agent of the
 24 candidate, or the candidate’s authorized com-
 25 mittee shall be treated as contributions from

1 the bundler to the candidate as well as from the
 2 original contributor.

3 “(D) NO LIMITATION ON OR PROHIBITION
 4 OF CERTAIN ACTIVITIES.—This subsection does
 5 not—

6 “(i) limit fundraising efforts for the
 7 benefit of a candidate that are conducted
 8 by another candidate or Federal office-
 9 holder; or

10 “(ii) prohibit any individual described
 11 in subparagraph (A)(ii)(IV) from soliciting,
 12 collecting, or delivering a contribution to a
 13 candidate, agent of the candidate, or the
 14 candidate’s authorized committee if the in-
 15 dividual is not acting on behalf of the en-
 16 tity.”.

17 (b) PROHIBITION OF CERTAIN CONTRIBUTIONS BY
 18 LOBBYISTS.—Section 315 of the Federal Election Cam-
 19 paign Act of 1971 (2 U.S.C. 441a) (as amended by section
 20 314(b)) is amended by adding at the end the following:

21 “(m) PROHIBITION OF CERTAIN CONTRIBUTIONS BY
 22 LOBBYISTS.—

23 “(1) IN GENERAL.—A lobbyist, or a political
 24 committee controlled by a lobbyist, shall not make a

1 contribution to or solicit contributions for or on be-
 2 half of—

3 “(A) a Federal officeholder or candidate
 4 for Federal office if, during the preceding 12
 5 months, the lobbyist has made a lobbying con-
 6 tact with the officeholder or candidate; or

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

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

22 “(3) SOLICITATION OF CONTRIBUTIONS.—If a
 23 lobbyist advises or otherwise suggests to a client of
 24 the lobbyist (including a client that is the lobbyist’s
 25 regular employer), or to a political committee that is

1 funded or administered by such a client, that the cli-
 2 ent or political committee should make a contribu-
 3 tion to or solicit a contribution for or on behalf of—

4 “(A) a member of Congress or candidate
 5 for Congress, the making or soliciting of such
 6 a contribution is prohibited if the lobbyist has
 7 made a lobbying contact with the member of
 8 Congress within the preceding 12 months; or

9 “(B) an authorized committee of the Presi-
 10 dent or Vice President, the making or soliciting
 11 of such a contribution shall be unlawful if the
 12 lobbyist has made a lobbying contact with a
 13 covered executive branch official within the pre-
 14 ceding 12 months.

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

21 “(A) the term ‘lobbyist’ includes a person
 22 required to register under the Foreign Agents
 23 Registration Act of 1938 (22 U.S.C. 611 et
 24 seq.); and

“(B) for purposes of this subsection, a lobbyist shall be considered to make a lobbying contact or communication with a member of Congress if the lobbyist makes a lobbying contact or communication with—

“(i) the member of Congress;

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

“(iii) any person employed by a committee, joint committee, or leadership office who, to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the member of Congress.”.

SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

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

“(n) DEPENDENTS NOT OF VOTING AGE.—

“(1) IN GENERAL.—For purposes of this section, any contribution by an individual who—

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

1 “(B) has not, as of the time of the making
 2 of the contribution, attained the legal age for
 3 voting in an election to Federal office in the
 4 State in which the individual resides;
 5 shall be treated as having been made by the other
 6 individual.

7 “(2) ALLOCATION BETWEEN SPOUSES.—If such
 8 individual described in paragraph (1) is the depend-
 9 ent of another individual and the individual’s spouse,
 10 the contribution described in paragraph (1) shall be
 11 allocated among such individuals in the manner de-
 12 termined by them.”.

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

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

19 “(9) AGGREGATION OF CONTRIBUTIONS FROM
 20 STATE AND LOCAL COMMITTEES OF POLITICAL PAR-
 21 TIES.—Notwithstanding paragraph (5)(B), a can-
 22 didate may not accept, with respect to an election,
 23 any contribution from a State or local committee of
 24 a political party (including any subordinate commit-
 25 tee of such a committee), if the contribution, when

1 added to the total of contributions previously accept-
 2 ed from all such committees of that political party,
 3 would cause the total amount of contributions to ex-
 4 ceed a limitation on contributions to a candidate
 5 under this section.”.

6 **SEC. 404. LIMITED EXCLUSION OF ADVANCES BY CAM-**
 7 **PAIGN WORKERS FROM THE DEFINITION OF**
 8 **THE TERM “CONTRIBUTION”.**

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

11 (1) in clause (xiii), by striking “and” after the
 12 semicolon at the end;

13 (2) in clause (xiv), by striking the period at the
 14 end and inserting: “; and”; and

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

17 “(xv) any advance voluntarily made on behalf of
 18 an authorized committee of a candidate by an indi-
 19 vidual in the normal course of such individual’s re-
 20 sponsibilities as a volunteer for, or employee of, the
 21 committee, if the advance is reimbursed by the com-
 22 mittee within 10 days after the date on which the
 23 advance is made, and the value of advances on be-
 24 half of a committee does not exceed \$500 with re-
 25 spect to an election.”.

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CAL- ENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)–(7)) are amended by inserting after “calendar year” each place it appears the following: “(election cycle, in the case of an authorized committee of a candidate for Federal office)”.

SEC. 502. PERSONAL AND CONSULTING SERVICES.

Section 304(b)(5)(A) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: “, except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed”.

1 **SEC. 503. CONTRIBUTIONS OF \$50 OR MORE.**

2 Section 304(b)(2)(A) of Federal Election Campaign
3 Act of 1971 (2 U.S.C. 434(b)(2)(A)) is amended by insert-
4 ing “, including the name and address of each person who
5 makes contributions aggregating at least \$50 but not
6 more than \$200 during the calendar year” after “political
7 committees”.

8 **SEC. 504. COMPUTERIZED INDICES OF CONTRIBUTIONS.**

9 Section 311(a) of Federal Election Campaign Act of
10 1971 (2 U.S.C. 438(a)) is amended—

11 (1) by striking “and” at the end of paragraph
12 (9);

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

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

17 “(11) maintain computerized indices of con-
18 tributions of \$50 or more.”.

19 **TITLE VI—FEDERAL ELECTION**
20 **COMMISSION**

21 **SEC. 601. USE OF CANDIDATES’ NAMES.**

22 Section 302(e)(4) of Federal Election Campaign Act
23 of 1971 (2 U.S.C. 432(e)(4)) is amended to read as fol-
24 lows:

25 “(4) NAME OF POLITICAL COMMITTEE.—

1 (A) AUTHORIZED COMMITTEE.—The name
 2 of each authorized committee shall include the
 3 name of the candidate who authorized the com-
 4 mittee under paragraph (1).

5 “(B) UNAUTHORIZED COMMITTEE.—A po-
 6 litical committee that is not an authorized com-
 7 mittee shall not include the name of any can-
 8 didate in its name or use the name of any can-
 9 didate in any activity on behalf of such commit-
 10 tee in such a context as to suggest that the
 11 committee is an authorized committee of the
 12 candidate or that the use of the candidate’s
 13 name has been authorized by the candidate.”.

14 **SEC. 602. REPORTING REQUIREMENTS.**

15 (a) OPTION TO FILE MONTHLY REPORTS—Section
 16 304(a)(2) of Federal Election Campaign Act of 1971 (2
 17 U.S.C. 434(a)(2)) is amended—

18 (1) in subparagraph (A) by striking “and” at
 19 the end;

20 (2) in subparagraph (B) by striking the period
 21 at the end and inserting “; and”; and

22 (3) by inserting the following new subparagraph
 23 at the end:

24 “(C) in lieu of the reports required by sub-
 25 paragraphs (A) and (B), the treasurer may file

1 monthly reports in all calendar years, which
 2 shall be filed no later than the 15th day after
 3 the last day of the month and shall be complete
 4 as of the last day of the month, except that, in
 5 lieu of filing the reports otherwise due in No-
 6 vember and December of any year in which a
 7 regularly scheduled general election is held, a
 8 pre-primary election report and a pre-general
 9 election report shall be filed in accordance with
 10 subparagraph (A)(i), a post-general election re-
 11 port shall be filed in accordance with subpara-
 12 graph (A)(ii), and a year end report shall be
 13 filed no later than January 31 of the following
 14 calendar year.”.

15 (b) FILING DATE.—Section 304(a)(4)(B) of Federal
 16 Election Campaign Act of 1971 (2 U.S.C. 434(a)(4)(B))
 17 is amended by striking “20th” and inserting “15th”.

18 **SEC. 603. PROVISIONS RELATING TO THE GENERAL COUN-**
 19 **SEL OF THE COMMISSION.**

20 (a) VACANCY IN THE OFFICE OF GENERAL COUN-
 21 SEL.—Section 306(f) of Federal Election Campaign Act
 22 of 1971 (2 U.S.C. 437c(f)) is amended by adding at the
 23 end the following:

1 “(5) VACANCY.—In the event of a vacancy in
 2 the office of general counsel, the next highest rank-
 3 ing enforcement official in the general counsel’s of-
 4 fice shall serve as acting general counsel with full
 5 powers of the general counsel until a successor is ap-
 6 pointed.”.

7 (b) PAY OF THE GENERAL COUNSEL.—Section
 8 306(f)(1) of Federal Election Campaign Act of 1971 (2
 9 U.S.C. 437c(f)(1)) is amended—

10 (1) by inserting “and the general counsel” after
 11 “staff director” in the second sentence; and

12 (2) by striking the third sentence.

13 **SEC. 604. PENALTIES.**

14 (a) PENALTIES PRESCRIBED IN CONCILIATION
 15 AGREEMENTS.—

16 (1) CIVIL PENALTY FOR VIOLATION OF ACT.—

17 Section 309(a)(5)(A) of Federal Election Campaign
 18 Act of 1971 (2 U.S.C. 437g(a)(5)(A)) is amended by
 19 striking “which does not exceed the greater of
 20 \$5,000 or an amount equal to any contribution or
 21 expenditure involved in such violation” and inserting
 22 “which is—

23 “(i) not less than 50 percent of all
 24 contributions and expenditures involved in
 25 the violation (or such lesser amount as the

1 Commission provides if necessary to ensure
 2 that the penalty is not unjustly dispropor-
 3 tionate to the violation); and

4 “(ii) not greater than all contributions
 5 and expenditures involved in the violation”.

6 (2) PENALTY FOR KNOWING AND WILLFUL VIO-
 7 LATION OF ACT.—Section 309(a)(5)(B) of Federal
 8 Election Campaign Act of 1971 (2 U.S.C.
 9 437g(a)(5)(B)) is amended by striking “which does
 10 not exceed the greater of \$10,000 or an amount
 11 equal to 200 percent of any contribution or expendi-
 12 ture involved in such violation” and inserting “which
 13 is—

14 “(i) not less than all contributions
 15 and expenditures involved in the violation;
 16 and

17 “(ii) not greater than 150 percent of
 18 all contributions and expenditures involved
 19 in the violation”.

20 (b) PENALTIES WHEN VIOLATIONS ARE ADJU-
 21 DICATED IN COURT.—

22 (1) COMMISSION PROCEEDINGS INSTITUTED
 23 FOR AN ORDER.—Section 309(a)(6)(A) of Federal
 24 Election Campaign Act of 1971 (2 U.S.C.

1 437g(a)(6)(A)) is amended by striking all that fol-
 2 lows “appropriate order” and inserting “, including
 3 an order for a civil penalty in the amount deter-
 4 mined under subparagraph (A) or (B) in the district
 5 court of the United States for the district in which
 6 the defendant resides, transacts business, or may be
 7 found.”.

8 (2) COURT ORDERS.—Section 309(a)(6)(B) of
 9 Federal Election Campaign Act of 1971 (2 U.S.C.
 10 437g(a)(6)(B)) is amended by striking all that fol-
 11 lows “other order” and inserting “, including an
 12 order for a civil penalty which is—

13 “(i) not less than all contributions
 14 and expenditures involved in the violation;
 15 and

16 “(ii) not greater than 200 percent of
 17 all contributions and expenditures involved
 18 in the violation;

19 upon a proper showing that the person involved has com-
 20 mitted, or is about to commit (if the relief sought is a
 21 permanent or temporary injunction or a restraining
 22 order), a violation of this Act or chapter 95 of chapter
 23 96 of the Internal Revenue Code of 1986.”.

24 (3) KNOWING AND WILLFUL VIOLATION PEN-
 25 ALTY.—Section 309(a)(6)(C) of Federal Election

1 Campaign Act of 1971 (29 U.S.C. 437g(6)(C)) is
 2 amended by striking “a civil penalty” and all that
 3 follows and inserting “a civil penalty which is—”

4 “(i) not less than 200 percent of all
 5 contributions and expenditures involved in
 6 the violation; and

7 “(ii) not greater than 250 percent of
 8 all contributions and expenditures involved
 9 in the violation.”.

10 **SEC. 605. RANDOM AUDITS.**

11 Section 311(b) of Federal Election Campaign Act of
 12 1971 (2 U.S.C. 438(b)) is amended—

13 (1) by inserting “(1)” before “The Commis-
 14 sion”; and

15 (2) by adding at the end the following new
 16 paragraph:

17 “(2) RANDOM AUDITS.—

18 “(A) IN GENERAL.—Notwithstanding para-
 19 graph (1), the Commission may from time to
 20 time conduct random audits and investigations
 21 to ensure voluntary compliance with this Act.

22 “(B) SELECTION OF SUBJECTS.—The sub-
 23 jects of such audits and investigations shall be
 24 selected on the basis of criteria established by

1 vote of at least 4 members of the Commission
2 to ensure impartiality in the selection process.

3 “(C) APPLICABILITY.—This paragraph
4 does not apply to an authorized committee of
5 an eligible Senate candidate subject to audit
6 under section 505(a) or an authorized commit-
7 tee of an eligible House of Representatives can-
8 didate subject to audit under section 605(a).”.

9 **SEC. 606. PROHIBITION OF FALSE REPRESENTATION TO**
10 **SOLICIT CONTRIBUTIONS.**

11 Section 322 of Federal Election Campaign Act of
12 1971 (2 U.S.C. 441h) is amended—

13 (1) by inserting after “SEC. 322.” the follow-
14 ing: “(a)”; and

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

16 “(b) FALSE SOLICITATION OF CONTRIBUTIONS.—No
17 person shall solicit contributions by falsely representing
18 himself as a candidate or as a representative of a can-
19 didate, a political committee, or a political party.”.

20 **SEC. 607. REGULATIONS RELATING TO USE OF NON-FED-**
21 **ERAL MONEY.**

22 Section 306 of Federal Election Campaign Act of
23 1971 (2 U.S.C. 437c) is amended by adding at the end
24 the following:

1 “(g) REGULATIONS.—The Commission shall promul-
 2 gate regulations to prohibit devices or arrangements which
 3 have the purpose or effect of undermining or evading the
 4 provisions of this Act restricting the use of non-Federal
 5 money to affect Federal elections.”.

6 **SEC. 608. FILING OF REPORTS USING COMPUTERS AND**
 7 **FACSIMILE MACHINES.**

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

11 “(6)(A) The Commission, in consultation
 12 with the Secretary of the Senate, may prescribe
 13 regulations under which persons required to file
 14 designations, statements, and reports under this
 15 Act—

16 “(i) are required to maintain and
 17 file them for any calendar year in
 18 electronic form accessible by comput-
 19 ers if the person has, or has reason to
 20 expect to have, aggregate contribu-
 21 tions or expenditures in excess of a
 22 threshold amount determined by the
 23 Commission; and

24 “(ii) may maintain and file them
 25 in that manner if not required to do

1 so under regulations prescribed under
2 clause (i).

3 “(B) The Commission, in consultation
4 with the Secretary of the Senate, shall pre-
5 scribe regulations which allow persons to
6 file designations, statements, and reports
7 required by this Act through the use of
8 facsimile machines.

9 “(C) In prescribing regulations under
10 this paragraph, the Commission shall pro-
11 vide methods (other than requiring a sig-
12 nature on the document being filed) for
13 verifying designations, statements, and re-
14 ports covered by the regulations. Any docu-
15 ment verified under any of the methods
16 shall be treated for all purposes (including
17 penalties for perjury) in the same manner
18 as a document verified by signature.

19 “(D) The Secretary of the Senate and
20 the Clerk of the House of Representatives
21 shall ensure that any computer or other
22 system that they may develop and main-
23 tain to receive designations, statements,
24 and reports in the forms required or per-
25 mitted under this paragraph is compatible

1 with any such system that the Commission
2 may develop and maintain.”.

3 **TITLE VII—MISCELLANEOUS**

4 **SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.**

5 (a) DEFINITIONS.—Section 301 of the Federal Elec-
6 tion Campaign Act of 1971 (2 U.S.C. 431) is amended
7 by adding at the end the following:

8 (b) PROHIBITION.—Section 302(e) of the Federal
9 Election Campaign Act of 1971 (2 U.S.C. 432(e)) is
10 amended—

11 (1) by striking paragraph (3) and inserting the
12 following:

13 “(3) LIMITATIONS.—A political committee that
14 supports or has supported more than 1 candidate
15 shall not be designated as an authorized committee,
16 except that—

17 “(A) a candidate for the office of President
18 nominated by a political party may designate
19 the national committee of the political party as
20 the candidate’s principal campaign committee if
21 the national committee maintains separate
22 books of account with respect to its functions as
23 a principal campaign committee; and

24 “(B) a candidate may designate a political
25 committee established solely for the purpose of

joint fundraising by such candidates as an authorized committee.”; and

(2) by adding at the end the following:

“(6) PROHIBITION OF LEADERSHIP COMMITTEES.—

“(A) IN GENERAL.—

“(i) PROHIBITION.—A candidate for Federal office or an individual holding Federal office shall not establish, finance, maintain, or control any political committee or non-Federal political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3).

“(ii) CANDIDATE FOR MORE THAN 1 OFFICE.—A candidate for more than 1 Federal office may designate a separate principal campaign committee for the campaign for election to each Federal office.

“(B) TRANSITION.—

“(i) CONTINUATION FOR 12 MONTHS.—For a period of 12 months 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 1 YEAR.—At the end of that period the po-
7 litical committee shall disburse all funds by
8 1 or more of the following means:

9 “(I) Making contributions a per-
10 son described in section 501(c)(3) of
11 the Internal Revenue Code of 1986
12 and exempt from taxation under sec-
13 tion 501(a) of the United States
14 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 can-
22 didates or non-Federal candidates.”.

1 **SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.**

2 Section 301(8) of Federal Election Campaign Act of
3 1971 (2 U.S.C. 431(8)), as amended by section 314(b),
4 is amended by inserting at the end the following:

5 “(D) VALUATION OF POLLING DATA AS A
6 CONTRIBUTION.—A contribution of polling data
7 to a candidate shall be valued at the fair mar-
8 ket value of the data on the date the poll was
9 completed, depreciated at a rate not more than
10 1 percent per day from such date to the date
11 on which the contribution was made.”.

12 **SEC. 703. RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR**
13 **PERSONAL PURPOSES.**

14 (a) RESTRICTIONS ON USE OF CAMPAIGN FUNDS.—
15 Title III of Federal Election Campaign Act of 1971 (2
16 U.S.C. 431 et seq.) (as amended by section 311) is amend-
17 ed by adding at the end the following:

18 **“SEC. 325. RESTRICTIONS ON USE OF CAMPAIGN FUNDS**
19 **FOR PERSONAL PURPOSES.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) CAMPAIGN EXPENSE.—The term ‘cam-
22 paign expense’ means an expense that is attributable
23 solely to a bona fide campaign purpose.

24 “(2) INHERENTLY PERSONAL PURPOSES.—The
25 term ‘inherently personal purpose’ means a purpose

1 that, by its nature, confers a personal benefit, in-
 2 cluding a home mortgage, rent, or utility payment,
 3 clothing purchase, noncampaign automobile expense,
 4 country club membership, vacation, or trip of a non-
 5 campaign nature, household food items, tuition pay-
 6 ment, admission to a sporting event, concert, theater
 7 or other form of entertainment not associated with
 8 a campaign, dues, fees, or contributions to a health
 9 club or recreational facility, and any other inherently
 10 personal living expense as determined under the reg-
 11 ulations promulgated pursuant to section 301(b) of
 12 the Senate Campaign Financing and Spending Re-
 13 form Act.

14 “(b) PERMITTED AND PROHIBITED USES.—An indi-
 15 vidual who receives contributions as a candidate for Fed-
 16 eral office—

17 “(1) shall use the contributions only for legiti-
 18 mate and verifiable campaign expenses; and

19 “(2) shall not use the contributions for any in-
 20 herently personal purpose.”.

21 (b) REGULATION.—Not later than 90 days after the
 22 date of enactment of this Act, the Federal Election Com-
 23 mission shall issue a regulation consistent with this Act
 24 to implement subsection (a). The regulation shall apply

1 to all contributions possessed by an individual on the date
 2 of enactment of this Act.

3 **TITLE VIII—EFFECTIVE DATES;** 4 **AUTHORIZATIONS**

5 **SEC. 801. EFFECTIVE DATE.**

6 Except as otherwise provided in this Act and the
 7 amendments made by this Act shall take effect on the date
 8 of the enactment of this Act but shall not apply with re-
 9 spect to activities in connection with any election occurring
 10 before January 1, 1999.

11 **SEC. 802. SEVERABILITY.**

12 Except as provided in section 101(c), if any provision
 13 of this Act (including any amendment made by this Act),
 14 or the application of any such provision to any person or
 15 circumstance, is held invalid, the validity of any other pro-
 16 vision of this Act, or the application of the provision to
 17 other persons and circumstances, shall not be affected
 18 thereby.

19 **SEC. 803. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.**

20 (a) **DIRECT APPEAL TO SUPREME COURT.**—An ap-
 21 peal may be taken directly to the Supreme Court of the
 22 United States from any interlocutory order or final judg-
 23 ment, decree, or order issued by any court ruling on the
 24 constitutionality of any provision of this Act or amend-
 25 ment made by this Act.

1 (b) ACCEPTANCE AND EXPEDITION.—The Supreme
2 Court shall, if it has not previously ruled on the question
3 addressed in the ruling below, accept jurisdiction over, ad-
4 vance on the docket, and expedite the appeal to the great-
5 est extent possible.

