

106TH CONGRESS  
1ST SESSION

# S. 16

To reform the Federal election campaign laws applicable to Congress.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. DASCHLE (for himself, Mr. SARBANES, Mr. BRYAN, Mr. KERRY, Mr. ROCKEFELLER, Mr. DURBIN, Mr. WELLSTONE, Mr. MOYNIHAN, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To reform the Federal election campaign laws applicable  
to Congress.

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

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

4       (a) SHORT TITLE.—This title may be cited as the  
5       “Congressional Election Campaign Spending Limit and  
6       Reform Act of 1999”.

7       (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

### TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

#### Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.

- Sec. 102. Reporting requirements.
- Sec. 103. Disclosure by candidates other than eligible Senate candidates.
- Sec. 104. Excess campaign funds of Senate candidates.
- Sec. 105. Contribution limit for eligible Senate candidates.

#### Subtitle B—General Provisions

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

### TITLE II—INDEPENDENT EXPENDITURES

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

### TITLE III—EXPENDITURES

#### Subtitle A—Personal Funds; Credit

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

#### Subtitle B—Soft Money of Political Parties

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

#### Subtitle C—Soft Money of Persons Other Than Political Parties

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

### TITLE IV—CONTRIBUTIONS

- Sec. 401. Prohibition of certain contributions by lobbyists.
- Sec. 402. Contributions by dependents not of voting age.
- Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.
- Sec. 404. Contributions and expenditures using money secured by physical force or other intimidation.
- Sec. 405. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than \$100.

### TITLE V—AUTHORITIES AND DUTIES OF THE FEDERAL ELECTION COMMISSION

- Sec. 501. Filing of reports using computers and facsimile machines.
- Sec. 502. Increase in threshold for reporting requirements.

- Sec. 503. Audits.
- Sec. 504. Authority to seek injunction.
- Sec. 505. Penalties.
- Sec. 506. Independent litigating authority.
- Sec. 507. Reference of suspected violation to the Attorney General.
- Sec. 508. Powers of the commission.

#### TITLE VI—MISCELLANEOUS

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

#### TITLE VII—EFFECTIVE DATES; AUTHORIZATIONS

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

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

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

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

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

1 **“TITLE V—SPENDING LIMITS**  
 2 **AND BENEFITS FOR SENATE**  
 3 **ELECTION CAMPAIGNS**

4 **“SEC. 501. DEFINITIONS.**

5 “In this title:

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

10 “(2) EXCESS EXPENDITURE AMOUNT.—The  
 11 term ‘excess expenditure amount’, with respect to an  
 12 eligible Senate candidate, means the amount applica-  
 13 ble to the eligible Senate candidate under section  
 14 504(b).

15 “(3) EXPENDITURE.—The term ‘expenditure’  
 16 has the meaning given in paragraph (9) of section  
 17 301, excluding subparagraph (B)(ii) of that para-  
 18 graph.

19 “(4) GENERAL ELECTION EXPENDITURE  
 20 LIMIT.—The term ‘general election expenditure  
 21 limit’, with respect to an eligible Senate candidate,  
 22 means the limit applicable to the eligible Senate can-  
 23 didate under section 503(b).

1 “(5) PERSONAL FUNDS EXPENDITURE LIMIT.—

2 The term ‘personal funds expenditure limit’ means  
3 the limit stated in section 503(a).

4 “(6) PRIMARY ELECTION EXPENDITURE

5 LIMIT.—The term ‘primary election expenditure  
6 limit’, with respect to an eligible Senate candidate,  
7 means the limit applicable to the eligible Senate can-  
8 didate under section 502(d)(1)(A).

9 “(7) RUNOFF ELECTION EXPENDITURE

10 LIMIT.—The term ‘runoff election expenditure limit’,  
11 with respect to an eligible Senate candidate, means  
12 the limit applicable to the eligible Senate candidate  
13 under section 502(d)(1)(B).

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

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

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

20 “(2) files a general election eligibility certifi-  
21 cation and declaration under subsection (c) and is in  
22 compliance with the representations made in the cer-  
23 tification and declaration; and

24 “(3) meets the threshold contribution require-  
25 ments of subsection (e).

1       “(b) PRIMARY ELECTION ELIGIBILITY DECLARA-  
2   TION.—

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

6               “(A) the candidate and the candidate’s au-  
7       thorized committees—

8               “(i) will meet the primary and runoff  
9       election expenditure limits of subsection  
10      (d); and

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

14              “(B) the candidate and the candidate’s au-  
15      thorized committees will meet the personal  
16      funds expenditure limit;

17              “(C) the candidate and the candidate’s au-  
18      thorized committees will meet the general elec-  
19      tion expenditure limit; and

20              “(D) the candidate and the candidate’s au-  
21      thorized committees will meet the closed cap-  
22      tioning requirements of section 510.

23              “(2) DEADLINE FOR FILING DECLARATION.—  
24      The declaration under paragraph (1) shall be filed

1 not later than the date on which the candidate files  
 2 as a candidate for the primary election.

3 “(c) GENERAL ELECTION ELIGIBILITY CERTIFI-  
 4 CATION AND DECLARATION.—

5 “(1) IN GENERAL.—The requirements of this  
 6 subsection are met if the candidate files with the  
 7 Secretary of the Senate—

8 “(A) a certification, under penalty of per-  
 9 jury, that—

10 “(i) the candidate and the candidate’s  
 11 authorized committees—

12 “(I) met the primary and runoff  
 13 election expenditure limits under sub-  
 14 section (d); and

15 “(II) did not accept contributions  
 16 for the primary or runoff election in  
 17 excess of the primary or runoff ex-  
 18 penditure limit under subsection (d),  
 19 whichever is applicable, reduced by  
 20 any amounts transferred to the cur-  
 21 rent election cycle from a preceding  
 22 election cycle;

23 “(ii) the candidate met the threshold  
 24 contribution requirement under subsection  
 25 (e), and that only allowable contributions

were taken into account in meeting such requirement; and

“(iii) at least 1 other candidate has qualified for the same general election ballot under the law of the candidate’s State; and

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

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

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

“(iii) except as otherwise provided by this title, will not accept any contribution for the general election to the extent that the contribution would cause the aggregate amount of contributions to exceed the sum of the amount of the general election expenditure limit and the amounts described in subsections (c), (d), and (e) of section 503, reduced by any amounts transferred to the current election cycle from a pre-



1           vious election cycle and not taken into ac-  
 2           count under subparagraph (A)(ii)(II);

3           “(iv) will deposit all payments re-  
 4           ceived under this title in an account in-  
 5           sured by the Federal Deposit Insurance  
 6           Corporation from which funds may be  
 7           withdrawn by check or similar means of  
 8           payment to third parties;

9           “(v) will furnish campaign records,  
 10          evidence of contributions, and other appro-  
 11          priate information to the Commission;

12          “(vi) will cooperate in the case of any  
 13          audit and examination by the Commission  
 14          under section 506 and will pay any  
 15          amounts required to be paid under that  
 16          section; and

17          “(vii) will meet the closed captioning  
 18          requirements of section 510.

19          “(2) DEADLINE FOR FILING CERTIFICATION.—

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

22          “(A) the date on which the candidate  
 23          qualifies for the general election ballot under  
 24          State law; or

1           “(B) if, under State law, a primary or run-  
 2           off election to qualify for the general election  
 3           ballot occurs after September 1, the date on  
 4           which the candidate wins the primary or runoff  
 5           election.

6           “(d) PRIMARY AND RUNOFF EXPENDITURE LIM-  
 7           ITS.—

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

10           “(A) the candidate or the candidate’s au-  
 11           thorized committees did not make expenditures  
 12           for the primary election in excess of the lesser  
 13           of—

14           “(i) 67 percent of the general election  
 15           expenditure limit; or

16           “(ii) \$2,750,000; and

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

21           “(2) INDEXING.—The \$2,750,000 amount  
 22           under paragraph (1)(A)(ii) shall be increased as of  
 23           the beginning of each calendar year based on the in-  
 24           crease in the price index determined under section

1       315(c), except that the base period shall be calendar  
2       year 1998.

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

13           “(4) EXCESS AMOUNT OF CONTRIBUTIONS.—

14           “(A) IN GENERAL.—If the contributions  
15       received by a candidate or the candidate’s au-  
16       thorized committees for the primary election or  
17       runoff election exceed the expenditures for ei-  
18       ther election—

19                   “(i) the excess amount of contribu-  
20       tions shall be treated as contributions for  
21       the general election; and

22                   “(ii) expenditures for the general elec-  
23       tion may be made from the excess amount  
24       of contributions.

1           “(B) LIMITATION.—Subparagraph (A)  
 2           shall not apply to the extent that treatment of  
 3           excess contributions in accordance with sub-  
 4           paragraph (A)—

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

7                   “(ii) would cause the aggregate  
 8                   amount of contributions received for the  
 9                   general election to exceed the limits under  
 10                  subsection (c)(1)(D)(iii).

11          “(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—

12               “(1) IN GENERAL.—The requirements of this  
 13               subsection are met if the candidate and the can-  
 14               didate’s authorized committees have received allow-  
 15               able contributions during the applicable period in an  
 16               amount at least equal to 5 percent of the general  
 17               election expenditure limit.

18               “(2) DEFINITIONS.—In this section and sub-  
 19               section (b) of section 504:

20                   “(A) ALLOWABLE CONTRIBUTION.—The  
 21                   term ‘allowable contribution’ means a contribu-  
 22                   tion that is made as a gift of money by an indi-  
 23                   vidual pursuant to a written instrument identi-  
 24                   fying the individual as the contributor.

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

3                   “(i) the period beginning on January  
4                   1 of the calendar year preceding the cal-  
5                   endar year of a general election and ending  
6                   on—

7                   “(I) the date on which the certifi-  
8                   cation under subsection (c) is filed by  
9                   the candidate; or

10                  “(II) for purposes of subsection  
11                  (b) of section 504, the date of the  
12                  general election; or

13                  “(ii) in the case of a special election  
14                  for the office of United States Senator, the  
15                  period beginning on the date on which the  
16                  vacancy in the office occurs and ending on  
17                  the date of the general election.

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

19                  “(a) PERSONAL FUNDS EXPENDITURE LIMIT.—

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

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

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

5                   “(B) proceeds of indebtedness incurred by  
6 the candidate or a member of the candidate’s  
7 immediate family.

8           “(b) GENERAL ELECTION EXPENDITURE LIMIT.—

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

14                           “(A) \$5,500,000; or

15                           “(B) the greater of—

16                                   “(i) \$1,200,000; or

17                                   “(ii) \$400,000; plus

18   “(I) 30 cents multiplied by the  
19 voting age population not in excess of  
20 4,000,000; and

21   “(II) 25 cents multiplied by the  
22 voting age population in excess of  
23 4,000,000.

24           “(2) EXCEPTION.—In the case of an eligible  
25 Senate candidate in a State that has not more than

1 transmitter for a commercial Very High Fre-  
 2 quency (VHF) television station licensed to operate  
 3 in that State, paragraph (1)(B)(ii) shall be applied  
 4 by substituting—

5 “(A) ‘92 cents’ for ‘30 cents’ in subclause  
 6 (I); and

7 “(B) ‘90 cents’ for ‘25 cents’ in subclause  
 8 (II).

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

14 “(c) LEGAL AND ACCOUNTING COMPLIANCE  
 15 FUND.—

16 “(1) IN GENERAL.—The general election ex-  
 17 penditure limit, shall not apply to qualified legal or  
 18 accounting expenditures made by a candidate or the  
 19 candidate’s authorized committees or a Federal of-  
 20 ficeholder from a legal and accounting compliance  
 21 fund meeting the requirements of paragraph (2).

22 “(2) REQUIREMENTS.—A legal and accounting  
 23 compliance fund meets the requirements of this  
 24 paragraph if—

1           “(A) the fund is established with respect to  
2           qualified legal or accounting expenditures in-  
3           curred with respect to a particular election;

4           “(B) the only amounts transferred to the  
5           fund are amounts received in accordance with  
6           the limitations, prohibitions, and reporting re-  
7           quirements of this Act;

8           “(C) the aggregate amounts transferred to,  
9           and expenditures made from, the fund do not  
10          exceed the sum of—

11                 “(i) the lesser of—

12                         “(I) 15 percent of the general  
13                         election expenditure limit for the elec-  
14                         tion for which the fund was estab-  
15                         lished; or

16                         “(II) \$300,000; plus

17                         “(ii) the amount determined under  
18                         paragraph (4); and

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

22           “(3) DEFINITION OF QUALIFIED LEGAL OR AC-  
23           COUNTING EXPENDITURE.—For purposes of this  
24           subsection, the term ‘qualified legal or accounting  
25           expenditure’ means—



1           “(A) an expenditure for costs of legal or  
2           accounting services provided in connection  
3           with—

4                   “(i) an administrative or court pro-  
5                   ceeding initiated under this Act for the  
6                   election for which the legal and accounting  
7                   fund was established; or

8                   “(ii) the preparation of a document or  
9                   report required by this Act or by the Com-  
10                  mission;

11           “(B) an expenditure for legal or account-  
12           ing service provided in connection with the elec-  
13           tion cycle for which the legal and accounting  
14           compliance fund was established to ensure com-  
15           pliance with this Act with respect to the elec-  
16           tion cycle.

17           “(4) INCREASE.—

18                   “(A) PETITION.—If, after a general elec-  
19                   tion, primary election, or runoff election, a can-  
20                   didate determines that qualified legal or ac-  
21                   counting expenditures will exceed the limit  
22                   under paragraph (2)(C)(i), the candidate may  
23                   petition the Commission for an increase in the  
24                   limit by filing the petition with the Secretary of  
25                   the Senate.

1           “(B) DETERMINATION.—The Commission  
2           shall authorize an increase in the limit under  
3           paragraph (2)(C)(i) in the amount (if any) by  
4           which the Commission determines the qualified  
5           legal or accounting expenditures exceed the  
6           limit.

7           “(C) JUDICIAL REVIEW.—A determination  
8           under subparagraph (B) shall be subject to ju-  
9           dicial review under section 507.

10          “(D) CONTRIBUTIONS AND EXPENDITURES  
11          NOT COUNTED.—Except as provided in section  
12          315, a contribution received or expenditure  
13          made under this paragraph shall not be counted  
14          against any contribution or expenditure limit  
15          applicable to the candidate under this title.

16          “(5) TREATMENT.—Funds in a legal and ac-  
17          counting compliance fund shall be treated for pur-  
18          poses of this Act as a separate segregated fund, ex-  
19          cept that any portion of the fund not used to pay  
20          qualified legal or accounting expenditures, and not  
21          transferred to a legal and accounting compliance  
22          fund for the election cycle for the next general elec-  
23          tion, shall be treated in the same manner as other  
24          campaign funds for purposes of section 313(b).

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

5       “(e) CERTAIN EXPENSES.—In the case of an eligible  
 6   Senate candidate who holds a Federal office, the limitation  
 7   under subsection (b) shall not apply to ordinary and nec-  
 8   essary expenses of travel of the candidate and the can-  
 9   didate’s spouse and children between Washington, District  
 10   of Columbia, and the candidate’s State in connection with  
 11   the candidate’s activities as a holder of Federal office.

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

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

15               “(1) the broadcast media rates provided under  
 16       section 315(b) of the Communications Act of 1934;  
 17       and

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

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

21                       “(B) the independent expenditure amount  
 22               determined under subsection (c).

23       “(b) EXCESS EXPENDITURE AMOUNT.—

24               “(1) DETERMINATION.—The excess expenditure  
 25       amount is—

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

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

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

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

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

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

1 “(ii) 50 percent of the general election  
2 expenditure limit; or

3 “(iii) the opponent’s excess.

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

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

20 “(d) WAIVER OF EXPENDITURE AND CONTRIBUTION  
21 LIMITS.—

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

1           “(A) IN GENERAL.—An eligible Senate  
2 candidate who receives payments under sub-  
3 section (a)(2) may make expenditures from the  
4 payments for the general election without re-  
5 gard to the general election expenditure limit.

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

14           “(2) ALL BENEFIT RECIPIENTS.—

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

1           ceeds 200 percent of the general election ex-  
2           penditure limit.

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

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

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

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

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

24           “(B) LIMITATION.—The amount of con-  
25          tributions that may be received by reason of

1           subparagraph (A) shall not exceed 100 percent  
2           of the general election expenditure limit.

3           “(e) USE OF PAYMENTS.—

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

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

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

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

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

22           “(D) subject to section 315(i), to repay  
23           any loan to any person except to the extent that  
24           proceeds of the loan were used to further the  
25           general election of the candidate.



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

2 “(a) CERTIFICATION OF STATUS AS ELIGIBLE SEN-  
3 ATE CANDIDATE.—

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

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

12 “(b) CERTIFICATION OF ELIGIBILITY TO RECEIVE  
13 BENEFITS.—

14 “(1) IN GENERAL.—Not later than 48 hours  
15 after an eligible Senate candidate files a request  
16 with the Secretary of the Senate to receive benefits  
17 under section 504, the Commission shall issue a cer-  
18 tification stating whether the candidate is eligible for  
19 payments under this title and the amount of such  
20 payments to which such candidate is entitled.

21 “(2) CONTENTS OF REQUEST.—A request  
22 under paragraph (1) shall—

23 “(A) contain such information and be  
24 made in accordance with such procedures as the  
25 Commission may provide by regulation; and

1           “(B) contain a verification signed by the  
 2           candidate and the treasurer of the principal  
 3           campaign committee of the candidate stating  
 4           that the information furnished in support of the  
 5           request, to the best of their knowledge, is cor-  
 6           rect and fully satisfies the requirements of this  
 7           title.

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

15   **“SEC. 506. EXAMINATIONS AND AUDITS; REPAYMENTS;**  
 16           **CIVIL PENALTIES.**

17          “(a) EXAMINATIONS AND AUDITS.—

18           “(1) AFTER A GENERAL ELECTION.—After each  
 19          general election, the Commission shall conduct an  
 20          examination and audit of the campaign accounts of  
 21          all candidates in 5 percent of the elections to the  
 22          Senate in which there was an eligible Senate can-  
 23          didate on the ballot, as designated by the Commis-  
 24          sion through the use of an appropriate statistical  
 25          method of random selection, to determine whether

1 the candidates have complied with the conditions of  
2 eligibility and other requirements of this title.

3 “(2) AFTER A SPECIAL ELECTION.—After each  
4 special election in which an eligible Senate candidate  
5 was on the ballot, the Commission shall conduct an  
6 examination and audit of the campaign accounts of  
7 all candidates in the election to determine whether  
8 the candidates have complied with the conditions of  
9 eligibility and other requirements of this title.

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

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

24 “(c) REVOCATION OF STATUS.—If the Commission  
25 revokes the certification of an eligible Senate candidate as

1 an eligible Senate candidate under section 505(a)(1), the  
2 Commission shall notify the eligible Senate candidate, and  
3 the eligible Senate candidate shall pay an amount equal  
4 to the payments received under this title.

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

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

20 “(f) CIVIL PENALTIES.—

21 “(1) MISUSE OF BENEFIT.—If the Commission  
22 determines that an eligible Senate candidate has  
23 committed a violation described in subsection (d),  
24 the Commission may assess a civil penalty against  
25 the eligible Senate candidate in an amount not

1 greater than 200 percent of the amount of the bene-  
2 fit that was misused.

3 “(2) EXCESS EXPENDITURES.—

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

14 “(B) MEDIUM AMOUNT OF EXCESS EX-  
15 PENDITURES.—If the Commission determines  
16 that an eligible Senate candidate made expendi-  
17 tures that exceeded by more than 2.5 percent  
18 and less than 5 percent the primary election ex-  
19 penditure limit, the runoff election expenditure  
20 limit, or the general election expenditure limit,  
21 the Commission shall assess a civil penalty  
22 against the eligible Senate candidate in an  
23 amount equal to 3 times the amount of the ex-  
24 cess expenditures.

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

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

15                   “(ii) if the Commission determines  
 16                   that the exceeding of the expenditure limit  
 17                   was willful, an amount equal to the  
 18                   amount of benefits that the eligible Senate  
 19                   candidate received under this title.

20                  “(g) UNEXPENDED FUNDS.—

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

1           “(2) RETENTION FOR PURPOSES OF LIQUIDA-  
 2           TION OF OBLIGATIONS.—An eligible Senate can-  
 3           didate may retain for a period not exceeding 120  
 4           days after the date of a general election a reasonable  
 5           portion of unexpended funds received under this title  
 6           for the liquidation of all obligations to pay expendi-  
 7           tures for the general election incurred during the  
 8           general election period. At the end of the 120-day  
 9           period, any unexpended funds received under this  
 10          title shall be promptly repaid.

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

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

19          **“SEC. 507. JUDICIAL REVIEW.**

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

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

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

8       **“SEC. 508. PARTICIPATION BY COMMISSION IN JUDICIAL**  
9                               **PROCEEDINGS.**

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

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



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

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

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

12       “(a) REPORTS.—

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

16           “(A) the expenditures (shown in such de-  
 17 tail as the Commission determines to be appro-  
 18 priate) made by each eligible Senate candidate  
 19 and the authorized committees of the candidate;

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

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

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

3           “(b) REGULATIONS.—

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

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

16       **“SEC. 510. CLOSED CAPTIONING IN TELEVISION BROAD-**  
17               **CASTS.**

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

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

2           “(a) PAYMENTS ON CERTIFICATION.—On receipt of  
3 a certification from the Commission under section 505, ex-  
4 cept as provided in subsection (b), the Secretary shall,  
5 subject to the availability of appropriations, promptly pay  
6 the amount certified by the Commission to the candidate.

7           “(b) INSUFFICIENT FUNDS.—

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

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

1           “(3) NOTIFICATION OF ESTIMATED WITHHOLD-  
2       ING.—

3           “(A) ADVANCE ESTIMATE OF AVAILABLE  
4       FUNDS AND PROJECTED COSTS.—Not later  
5       than December 31 of any calendar year preced-  
6       ing a calendar year in which there is a regularly  
7       scheduled general election, the Secretary, after  
8       consultation with the Commission, shall make  
9       an estimate of—

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

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

15           “(B) NOTIFICATION.—If the Secretary de-  
16       termines under subparagraph (A) that there  
17       will be insufficient funds for any calendar year,  
18       the Secretary shall notify by registered mail  
19       each candidate for the Senate on January 1 of  
20       that year (or, if later, the date on which an in-  
21       dividual becomes such a candidate) of the  
22       amount that the Secretary estimates will be the  
23       pro rata withholding from each eligible Senate  
24       candidate’s payments under this subsection.

1           “(C) INCREASE IN CONTRIBUTION  
 2           LIMIT.—The amount of an eligible candidate’s  
 3           contribution limit under section  
 4           502(c)(1)(B)(iii) shall be increased by the  
 5           amount of the estimated pro rata withholding  
 6           under subparagraph (B).

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

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

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

20          (b) EFFECTIVE DATES.—

21          (1) IN GENERAL.—Except as provided in this  
 22          subsection, the amendment made by subsection (a)  
 23          shall apply to elections occurring after December 31,  
 24          1998.

1           (2) APPLICABILITY TO CONTRIBUTIONS AND  
2           EXPENDITURES.—For purposes of any expenditure  
3           or contribution limit imposed by the amendment  
4           made by subsection (a)—

5                   (A) no expenditure made before January 1,  
6                   1999, shall be taken into account, except that  
7                   there shall be taken into account any such ex-  
8                   penditure for goods or services to be provided  
9                   after that date; and

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

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

1 **SEC. 102. REPORTING REQUIREMENTS.**

2 Title III of the Federal Election Campaign Act of  
3 1971 (2 U.S.C. 431 et seq.) is amended by inserting after  
4 section 304 the following:

5 **“SEC. 304A. REPORTING REQUIREMENTS FOR SENATE CAN-**  
6 **DIDATES.**

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

10 “(b) CANDIDATE OTHER THAN ELIGIBLE SENATE  
11 CANDIDATE.—

12 “(1) DECLARATION OF INTENT.—A candidate  
13 for the office of Senator who does not file a certifi-  
14 cation with the Secretary of the Senate under sec-  
15 tion 502(c) shall, at the time provided in section  
16 501(c)(2), file with the Secretary of the Senate a  
17 declaration as to whether the candidate intends to  
18 make expenditures for the general election in excess  
19 of the general election expenditure limit.

20 “(2) REPORTS.—

21 “(A) INITIAL REPORT.—A candidate for  
22 the Senate who qualifies for the ballot for a  
23 general election—

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

1                   “(ii) who receives contributions in an  
2                   aggregate amount or makes or obligates to  
3                   make expenditures in an aggregate amount  
4                   for the general election that exceeds 75  
5                   percent of the general election expenditure  
6                   limit;

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

18                  “(B) ADDITIONAL REPORTS.—After an ini-  
19                  tial report is filed under subparagraph (A), the  
20                  candidate shall file additional reports (until the  
21                  amount of such contributions or expenditures  
22                  exceeds 200 percent of the general election ex-  
23                  penditure limit) with the Secretary of the Sen-  
24                  ate within 2 business days after each time addi-  
25                  tional contributions are received, or expendi-



tures 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 100,  
 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 2 business days 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 of any amount to which an eligible Senate candidate in the general election is entitled under section 504(a).

“(4) ACTION BY THE COMMISSION ABSENT REPORT.—

“(A) IN GENERAL.—Notwithstanding the reporting requirements under this subsection,

1 the Commission may make its own determina-  
 2 tion that a candidate in a general election who  
 3 is not an eligible Senate candidate has raised  
 4 aggregate contributions, or made or has obli-  
 5 gated to make aggregate expenditures, in the  
 6 amounts that would require a report under  
 7 paragraph (2).

8 “(B) NOTIFICATION OF ELIGIBLE SENATE  
 9 CANDIDATES.—The Commission shall—

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

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

21 “(c) REPORTS ON PERSONAL FUNDS.—

22 “(1) FILING.—A candidate for the Senate who,  
 23 during an election cycle, expends more than the per-  
 24 sonal funds expenditure limit during the election  
 25 cycle shall file a report with the Secretary of the

1 Senate within 2 business days after expenditures  
 2 have been made or loans incurred in excess of the  
 3 personal funds expenditure limit.

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

9 “(3) ACTION BY THE COMMISSION ABSENT RE-  
 10 PORT.—

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

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

23 “(d) CANDIDATES FOR OTHER OFFICES.—

24 “(1) FILING.—Each individual—

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

3           “(B) who, during the election cycle for that  
4           office, held any other Federal, State, or local  
5           office or was a candidate for any such office;  
6           and

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

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

23          “(3) DETERMINATION.—The Commission shall,  
24          as soon as practicable, make a determination as to  
25          whether any amounts reported under paragraph (1)

1       were made for purposes of influencing the election of  
2       the individual to the office of Senator.

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

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

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

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

21           “(1) transmit a copy of any report or filing re-  
22      ceived under this section or under title V as soon as  
23      possible (but not later than 4 working hours of the  
24      Commission) after receipt of the report 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. 103. 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 113) is  
 11          amended by adding at the end the following:

12          “(e) 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   **SEC. 104. EXCESS CAMPAIGN FUNDS OF SENATE CAN-**  
 21                           **DIDATES.**

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

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

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

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

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

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

15                  “(B) pay the excess to the general fund of  
 16                  the Treasury of the United States.

17          “(2) APPLICABILITY.—Paragraph (1) shall not  
 18          apply to any amount—

19                  “(A) that is transferred to a legal and ac-  
 20                  counting compliance fund under section 503(c);  
 21                  or

22                  “(B) that is transferred for use in the next  
 23                  election cycle, to the extent that the amount  
 24                  transferred does not exceed 20 percent of the  
 25                  sum of the primary election expenditure limit

1 under section 501(d)(1)(A) and the general  
 2 election expenditure limit for the election cycle  
 3 from which the amounts are transferred.”.

4 **SEC. 105. CONTRIBUTION LIMIT FOR ELIGIBLE SENATE**  
 5 **CANDIDATES.**

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

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

10 (2) by redesignating subparagraphs (B) and  
 11 (C) as subparagraphs (C) and (D), respectively; and

12 (3) by inserting after subparagraph (A) the fol-  
 13 lowing:

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



## 1       **Subtitle B—General Provisions**

### 2       **SEC. 111. BROADCAST RATES AND PREEMPTION.**

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

5               (1) by striking “(b) The charges” and inserting  
6       the following:

7       “(b) BROADCAST MEDIA RATES.—

8               “(1) IN GENERAL.—The charges”;

9               (2) by redesignating paragraphs (1) and (2) as  
10       subparagraphs (A) and (B), respectively, and adjust-  
11       ing the margins accordingly;

12              (3) in paragraph (1)(A) (as redesignated by  
13       paragraph (2))—

14                   (A) by striking “forty-five” and inserting  
15       “30”; and

16                   (B) by striking “lowest unit charge of the  
17       station for the same class and amount of time  
18       for the same period” and inserting “lowest  
19       charge of the station for the same amount of  
20       time for the same period on the same date”;  
21       and

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

23       “(2) ELIGIBLE SENATE CANDIDATES.—

24               “(A) IN GENERAL.—In the case of an eligi-  
25       ble Senate candidate (as described in section

501 of the Federal Election Campaign Act), the charges for the use of a television broadcasting station during the 30-day period and 60-day period referred to in paragraph (1)(A) shall not exceed 50 percent of the lowest charge described in paragraph (1)(A).

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

(b) PREEMPTION; ACCESS.—Section 315 of the Communications Act of 1947 (47 U.S.C. 315) is amended—

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

(2) by inserting after subsection (b) the following:

“(c) PREEMPTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to subsection (b)(1).

1           “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-  
 2           CENSEE.—If a program to be broadcast by a broad-  
 3           casting station is preempted because of cir-  
 4           cumstances beyond the control of the broadcasting  
 5           station, any candidate advertising spot scheduled to  
 6           be broadcast during that program may also be pre-  
 7           empted.”.

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

11                 (1) by striking “or repeated”;

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

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

18   **SEC. 112. REPORTING REQUIREMENTS FOR CERTAIN INDE-**  
 19                   **PENDENT EXPENDITURES.**

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

24                 “(e) TIME FOR REPORTING CERTAIN EXPENDI-  
 25          TURES.—

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

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

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

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

23          “(3) PLACE OF FILING; CONTENTS; TRANSMIT-  
24          TAL.—

“(A) PLACE OF FILING; CONTENTS.—A report under this subsection—

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

“(ii) shall contain the information required by subsection (b)(6)(B)(iii), including whether each independent expenditure was made in support of, or in opposition to, a candidate.

“(B) TRANSMITTAL.—

“(i) TO THE COMMISSION.—As soon as possible (but not later than 4 working hours of the Commission) after receipt of a report under this subsection, the Secretary of the Senate shall transmit the report to the Commission.

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

1 “(4) OBLIGATION TO MAKE EXPENDITURE.—

2 For purposes of this subsection, an expenditure shall  
3 be treated as being made when it is made or obli-  
4 gated to be made.

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

7 “(A) IN GENERAL.—A person that intends  
8 to make independent expenditures totaling  
9 \$5,000 or more during the 20 days before an  
10 election shall file a notice of that intention not  
11 later than the 20th day before the election.

12 “(B) PLACE OF FILING; CONTENTS;  
13 TRANSMITTAL.—

14 “(i) PLACE OF FILING; CONTENTS.—

15 A statement under subparagraph (A)—

16 “(I) shall be filed with the Sec-  
17 retary of the Senate or the Commis-  
18 sion, and the Secretary of State of the  
19 candidate’s State; and

20 “(II) shall identify each can-  
21 didate whom the expenditure will sup-  
22 port or oppose.

23 “(ii) TRANSMITTAL.—

24 “(I) TO THE COMMISSION.—As  
25 soon as possible (but not later than 4

1 working hours of the Commission)  
 2 after receipt of a notice of intention  
 3 under this paragraph, the Commission  
 4 shall transmit the notice to the Com-  
 5 mission.

6 “(II) TO CANDIDATES.—Not  
 7 later than 48 hours after the receipt  
 8 of a notice of intention under this  
 9 paragraph, the Commission shall  
 10 transmit a copy of the notice to each  
 11 candidate identified in the notice.

12 “(6) DETERMINATIONS BY THE COMMISSION.—

13 “(A) IN GENERAL.—The Commission may  
 14 make its own determination that a person has  
 15 made independent expenditures with respect to  
 16 any Federal election that in the aggregate ex-  
 17 ceed the applicable amounts under paragraph  
 18 (1) or (2).

19 “(B) NOTIFICATION.—The Commission  
 20 shall notify each candidate in the election of the  
 21 making of the determination within 24 hours  
 22 after making the determination.

23 “(7) CERTIFICATION OF ELIGIBILITY TO RE-  
 24 CEIVE BENEFITS.—At the same time as a candidate  
 25 is notified under paragraph (3), (5), or (6) with re-

1       spect to expenditures during a general election pe-  
 2       riod, the Commission shall certify eligibility to re-  
 3       ceive benefits under section 504(a).

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

11      (b) CONFORMING AMENDMENT.—Section 304(c)(2)  
 12      of the Federal Election Campaign Act of 1971 (2 U.S.C.  
 13      434(c)(2)) is amended by striking the undesignated mat-  
 14      ter after subparagraph (C).

15   **SEC. 113. CAMPAIGN ADVERTISING AMENDMENTS.**

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

18              (1) in subsection (a)—

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

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



1 any other type of general public political advertising, or  
 2 when”;

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

5 (C) by striking “direct”; and

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

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

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

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

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

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

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

22 “(d) REQUIREMENTS FOR BROADCAST AND CABLE-  
 23 CAST COMMUNICATIONS.—

24 “(1) PAID FOR OR AUTHORIZED BY THE CAN-  
 25 DIDATE.—

1           “(A) IN GENERAL.—A broadcast or cable-  
 2           cast communication described in paragraph (1)  
 3           or (2) of subsection (a) shall include, in addi-  
 4           tion to the requirements of those paragraphs,  
 5           an audio statement by the candidate that iden-  
 6           tifies the candidate and states that the can-  
 7           didate has approved the communication.

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

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

18               “(ii) that appears at the end of the  
 19               communication in a clearly readable man-  
 20               ner with a reasonable degree of color con-  
 21               trast between the background and the  
 22               printed statement, for a period of at least  
 23               4 seconds; and

1 “(iii) that is accompanied by a clearly  
 2 identifiable photographic or similar image  
 3 of the candidate.

4 “(2) NOT PAID FOR OR AUTHORIZED BY THE  
 5 CANDIDATE.—A broadcast or cablecast communica-  
 6 tion described in subsection (a)(3) shall include, in  
 7 addition to the requirements of that paragraph, in a  
 8 clearly spoken manner, the statement—

9 ‘\_\_\_\_\_ is responsible for the  
 10 content of this advertisement.’;

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

19 **SEC. 114. DEFINITIONS.**

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

23 “(19) The term ‘general election’—

1           “(A) means an election that will directly  
2           result in the election of a person to a Federal  
3           office; and

4           “(B) includes a primary election that may  
5           result in the election of a person to a Federal  
6           office.

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

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

14                 “(B) the date on which the candidate with-  
15          draws from the campaign or otherwise ceases  
16          actively to seek election.

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

18                 “(A) a candidate’s spouse;

19                 “(B) a child, stepchild, parent, grand-  
20          parent, brother, half-brother, sister, or half-sis-  
21          ter of the candidate or the candidate’s spouse;  
22          and

23                 “(C) the spouse of any person described in  
24          subparagraph (B).

1           “(22) The term ‘major party’ has the meaning  
2           given the term in section 9002(6) of the Internal  
3           Revenue Code of 1986, except that if a candidate  
4           qualified for the ballot in a general election in an  
5           open primary in which all the candidates for the of-  
6           fice participated and which resulted in the candidate  
7           and at least 1 other candidate’s qualifying for the  
8           ballot in the general election, the candidate shall be  
9           treated as a candidate of a major party for purposes  
10          of title V.

11          “(23) The term ‘primary election’ means an  
12          election that may result in the selection of a can-  
13          didate for the ballot in a general election for a Fed-  
14          eral office.

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

20                 “(A) the date of the first primary election  
21                 for that office following the last general election  
22                 for that office; or

23                 “(B) the date on which the candidate with-  
24                 draws from the election or otherwise ceases ac-  
25                 tively to seek election.

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

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

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

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

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

23               “(B) in the case of all other persons, the  
24               period beginning on the first day following the

1 date of the last general election and ending on  
 2 the date of the next general election.”.

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

7 **SEC. 115. PROVISIONS RELATING TO FRANKED MASS MAIL-**  
 8 **INGS.**

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

11 (1) by striking “if the mass mailing is post-  
 12 marked fewer than 60 days immediately before the  
 13 date” and inserting “if the mass mailing is post-  
 14 marked during the calendar year”; and

15 (2) by inserting “or reelection” before the pe-  
 16 riod.

17 **TITLE II—INDEPENDENT**  
 18 **EXPENDITURES**

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

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

23 “(17) INDEPENDENT EXPENDITURE.—

24 “(A) IN GENERAL.—The term “independ-  
 25 ent expenditure” means an expenditure by a

person other than a candidate or candidate's  
authorized committee—

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

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

“(B) EXPRESS ADVOCACY.—The term ‘ex-  
press advocacy’ means a communication advo-  
cating the election or defeat of a clearly identi-  
fied candidate and includes any communication  
that—

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

“(II) recommends a position on an  
issue and clearly identifies 1 or more can-  
didates as supporting or opposing that po-  
sition; or

“(III) contains campaign slogans or  
individual words that in context can have  
no reasonable meaning other than to rec-



commend the election or defeat of 1 or more  
clearly identified candidates;

“(ii) clearly identifies 1 or more can-  
didates and is broadcast by a radio broad-  
cast station or a television broadcast sta-  
tion (including a cable system) within 60  
calendar days preceding the date of an  
election (or with respect to a candidate for  
the office of Vice President or President in  
a general election, within 90 calendar days  
preceding the date of the general election);

or

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

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

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

4 “(ii) without the involvement of any  
5 person who, during the election cycle in  
6 which the expenditure is made, has raised  
7 funds on behalf of the candidate, counseled  
8 or advised the candidate or the candidate’s  
9 representative regarding the election (other  
10 than to provide legal and accounting serv-  
11 ices to ensure compliance with this Act),  
12 engaged in campaign-related research or  
13 polling analysis with respect to the elec-  
14 tion, or communicated with or received in-  
15 formation from the candidate or the can-  
16 didate’s representative about the can-  
17 didate’s plans, resources, expenditures, or  
18 needs regarding the election; and

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

1 **SEC. 202. INDEPENDENT VERSUS COORDINATED EXPENDI-**  
 2 **TURES BY POLITICAL PARTY COMMITTEES.**

3 (a) DEFINITION OF COORDINATED EXPENDITURE.—  
 4 Section 301 of the Federal Election Campaign Act of  
 5 1971 (2 U.S.C. 431) (as amended by section 114) is  
 6 amended by adding at the end the following:

7 “(29) COORDINATED EXPENDITURE.—The  
 8 term ‘coordinated expenditure’ means an expendi-  
 9 ture that is made by a person other than the can-  
 10 didate and that is not an independent expenditure.”.

11 (b) INDEPENDENT VERSUS COORDINATED EXPENDI-  
 12 TURES BY POLITICAL PARTY COMMITTEES.—Section  
 13 315(d) of the Federal Election Campaign Act of 1971 (2  
 14 U.S.C. 441a(d)) is amended—

15 (1) in paragraph (1) by striking “and (3)” and  
 16 inserting “, (3) and (4)”; and

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

18 “(4) PROHIBITION AGAINST MAKING BOTH  
 19 COORDINATED EXPENDITURES AND INDEPEND-  
 20 ENT EXPENDITURES.—

21 “(A) IN GENERAL.—A committee of a  
 22 political party shall not make both a co-  
 23 ordinated expenditure and an independent  
 24 expenditure with respect to the same can-  
 25 didate during a single election cycle.

1                   “(B) CERTIFICATION.—Before mak-  
 2                   ing a coordinated expenditure or an inde-  
 3                   pendent expenditure with respect to a can-  
 4                   didate, a committee of a political party  
 5                   that is subject to this subsection shall file  
 6                   with the Commission a certification, signed  
 7                   by the treasurer, stating whether the com-  
 8                   mittee will make coordinated expenditures  
 9                   or independent expenditures with respect  
 10                  to the candidate.

11                  “(C) TRANSFERS.—A party commit-  
 12                  tee that certifies under this paragraph that  
 13                  the committee will make coordinated ex-  
 14                  penditures with respect to a candidate  
 15                  shall not, in the same election cycle, make  
 16                  a transfer of funds to, or receive a transfer  
 17                  of funds from, any other party committee  
 18                  that has certified under this paragraph  
 19                  that it will make independent expenditures  
 20                  with respect to the candidate.”.

21 **SEC. 203. TREATMENT OF QUALIFIED NONPROFIT COR-**  
 22 **PORATIONS.**

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

1       “(c) EXCEPTION FOR CERTAIN TAX-EXEMPT COR-  
2   PORATIONS.—

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

6               “(2) DEFINITION OF QUALIFIED NONPROFIT  
7       CORPORATION.—In this Act, the term ‘qualified non-  
8       profit corporation’ means a corporation that meets  
9       the following requirements:

10               “(A) TAX-EXEMPT STATUS.—The corpora-  
11       tion is exempt from taxation under section  
12       501(a) of the Internal Revenue Code of 1986  
13       and is described in section 501(c)(4) of such  
14       Code.

15               “(B) PURPOSES.—The corporation is orga-  
16       nized exclusively to promote specific political  
17       ideas.

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

21               “(D) ESTABLISHMENT.—The corporation  
22       was not established by—

23                       “(i) a corporation that is carrying on  
24                       a trade or business;

25                       “(ii) a labor organization; or

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

4           “(E) CONTRIBUTIONS.—The corporation  
5           does not accept, directly or indirectly, donations  
6           of anything of value from any corporation, labor  
7           organization or organization described in sub-  
8           paragraph (D)(iii), and does not serve, directly  
9           or indirectly, as a conduit for expenditures by  
10          such entities.

11          “(F) CLAIMS AND INCENTIVES.—The  
12          corporation—

13               “(i) has no shareholder or other per-  
14               son, other than an employee or creditor  
15               without an ownership interest, whose affili-  
16               ation could allow a claim on the assets or  
17               earnings of such corporation; and

18               “(ii) offers no incentives or disincen-  
19               tives for persons to associate or not to as-  
20               sociate with the corporation other than the  
21               positions of the corporation on political  
22               issues.

23          “(3) STATUS AS POLITICAL COMMITTEE.—If a  
24          qualified nonprofit corporation meets the qualifica-

1        tions of section 301(4), the corporation shall be  
 2        treated as a political committee.

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

9        **SEC. 204. EQUAL BROADCAST TIME.**

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

13       “(a) EQUAL OPPORTUNITY TO USE BROADCASTING  
 14       STATION.—

15            “(1) IN GENERAL.—A licensee that permits any  
 16        person who is a legally qualified candidate for public  
 17        office to use a broadcasting station (other than any  
 18        use required to be provided under paragraph (2))  
 19        shall afford equal opportunities to all other such  
 20        candidates for that office in the use of the broad-  
 21        casting station.

22            “(2) INDEPENDENT EXPENDITURES.—

23            “(A) INFORMATION TO BE PROVIDED TO  
 24        LICENSEE BY PERSON RESERVING BROADCAST  
 25        TIME.—A person that reserves broadcast time

1 the payment for which would constitute an  
2 independent expenditure (as defined in section  
3 301 of the Federal Election Campaign Act of  
4 1971 (2 U.S.C. 431)) shall—

5 “(i) inform the licensee that payment  
6 for the broadcast time will constitute an  
7 independent expenditure;

8 “(ii) inform the licensee of the names  
9 of all candidates for the office to which the  
10 proposed broadcast relates and state  
11 whether the message to be broadcast is in-  
12 tended to be made in support of or in op-  
13 position to each such candidate; and

14 “(iii) provide the licensee a copy of  
15 the statement described in section 304(d)  
16 of the Federal Election Campaign Act of  
17 1971 (2 U.S.C. 434(d)).

18 “(B) RESPONSE BY LICENSEE.—A licensee  
19 that is informed as described in subparagraph  
20 (A) shall—

21 “(i) if any of the candidates described  
22 in subparagraph (A)(ii) has provided the  
23 licensee the name and address of a person  
24 to whom notification under this subpara-  
25 graph is to be given—



1 “(I) notify the person of the pro-  
2 posed making of the independent ex-  
3 penditure; and

4 “(II) allow any such candidate  
5 (other than a candidate for whose  
6 benefit the independent expenditure is  
7 made) to purchase the same amount  
8 of broadcast time immediately after  
9 the broadcast time paid for by the  
10 independent expenditure; and

11 “(ii) in the case of an opponent of a  
12 candidate for whose benefit the independ-  
13 ent expenditure is made who certifies to  
14 the licensee that the opponent is eligible to  
15 have the cost of response broadcast time  
16 paid using funds derived from a payment  
17 made under section 504(a)(2)(B) of the  
18 Federal Election Campaign Act of 1971,  
19 afford the opponent such broadcast time  
20 without requiring payment in advance and  
21 at the cost specified in subsection (b).

22 “(3) NO CENSORSHIP.—A licensee shall have no  
23 power of censorship over the material broadcast  
24 under this section.

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

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

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

9                       “(i) bona fide newscast;

10                      “(ii) bona fide news interview;

11                      “(iii) bona fide news documentary (if  
 12       the appearance of the candidate is inciden-  
 13       tal to the presentation of the subject or  
 14       subjects covered by the news documen-  
 15       tary); or

16                      “(iv) on-the-spot coverage of bona fide  
 17       news events (including political conventions  
 18       and activities incidental thereto);

19       shall not be considered to be use of a broadcast-  
 20       ing station within the meaning of this sub-  
 21       section.

22           “(B) NO RELIEF FROM OTHER OBLIGA-  
 23       TIONS.—Nothing in subparagraph (A) shall re-  
 24       lieve a licensee, in connection with the presen-  
 25       tation of newscasts, news interviews, news docu-

mentaries, and on-the-spot coverage of news events, from the obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

“(6) ENDORSEMENT OF CANDIDATE BY LICENSEE.—

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

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

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

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

“(B) TIME FOR RESPONSE.—

“(i) 72 HOURS OR MORE BEFORE ELECTION.—In the case of an editorial described in subparagraph (A) that is first broadcast 72 hours or more before the date of a primary, runoff, or general elec-

tion, the notice and copy described in clauses (i) and (ii) of subparagraph (A) shall be provided not later than 24 hours after the time of the first broadcast of the editorial.

“(ii) LESS THAN 72 HOURS BEFORE ELECTION.—In the case of an editorial described in subparagraph (A) that is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response.”.

### **TITLE III—EXPENDITURES**

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

##### **SEC. 301. CONTRIBUTIONS AND LOANS FROM PERSONAL FUNDS.**

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

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

“(1) REPAYMENT OF LOANS.—If a candidate or a member of the candidate’s immediate family made

1 a loan to the candidate or to the candidate's author-  
 2 ized committees during an election cycle, no con-  
 3 tribution received after the date of the general elec-  
 4 tion for the election cycle may be used to repay the  
 5 loan.

6 “(2) RETURN OF CONTRIBUTIONS.—No con-  
 7 tribution by a candidate or member of the can-  
 8 didate's immediate family may be returned to the  
 9 candidate or member other than as part of a pro  
 10 rata distribution of excess contributions to all con-  
 11 tributors.”.

12 **SEC. 302. EXTENSIONS OF CREDIT.**

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

- 15 (1) by striking “or” at the end of clause (i);
- 16 (2) by striking the period at the end of clause
- 17 (ii) and inserting “; or”; and
- 18 (3) by inserting at the end the following:
  - 19 “(iii) with respect to a candidate and
  - 20 the candidate's authorized committees, any
  - 21 extension of credit for goods or services re-
  - 22 lating to advertising on a broadcasting sta-
  - 23 tion, in a newspaper or magazine, or by a
  - 24 mailing, or relating to other similar types

of general public political advertising, if  
the extension of credit is—

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

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

## **Subtitle B—Soft Money of Political Parties**

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

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

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

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

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

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

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

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

11                               “(IV) the activities are conducted  
12                               solely by, and any materials are dis-  
13                               tributed solely by, volunteers;”.

14       (b) EXPENDITURE.—Section 301(9)(B)(ix) of the  
15       Federal Election Campaign Act of 1971 (2 U.S.C.  
16       431(9)(B)(ix)) is amended—

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

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

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

- 1           (4) by striking “and” at the end of subclause  
 2           (II) (as redesignated);  
 3           (5) by inserting “and” at the end of subclause  
 4           (III) (as redesignated); and  
 5           (6) by adding at the end the following:  
 6                               “(IV) any materials in connection  
 7                               with the activities are prepared for  
 8                               distribution (and are distributed) sole-  
 9                               ly by volunteers; and”.

10 **SEC. 312. CONTRIBUTIONS TO POLITICAL PARTY COMMIT-**  
 11 **TEES.**

12           (a) INDIVIDUAL CONTRIBUTIONS TO STATE  
 13 PARTY.—Section 315(a)(1) of the Federal Election Cam-  
 14 paign Act of 1971 (2 U.S.C. 441a(a)(1)) (as amended by  
 15 section 105) is amended—

- 16           (1) by striking “or” at the end of subparagraph  
 17           (C);  
 18           (2) by redesignating subparagraph (D) as sub-  
 19           paragraph (E); and  
 20           (3) by inserting after subparagraph (C) the fol-  
 21           lowing:  
 22                               “(D) to—  
 23                               “(i) a State Party Grassroots Fund  
 24                               established and maintained by a State  
 25                               committee of a political party in any cal-



1                   endar year that, in the aggregate, exceed  
2                   \$20,000; or

3                   “(ii) any other political committee es-  
4                   tablished and maintained by a State com-  
5                   mittee of a political party in any calendar  
6                   year that, in the aggregate, exceed \$5,000;  
7                   except that the aggregate contributions de-  
8                   scribed in this subparagraph that may be made  
9                   by a person to the State Party Grassroots Fund  
10                  and all committees of a State Committee of a  
11                  political party in any State in any calendar year  
12                  shall not exceed \$20,000; or”.

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

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

19               (2) by redesignating subparagraph (C) as sub-  
20               paragraph (D); and

21               (3) by inserting after subparagraph (B) the fol-  
22               lowing:

23                       “(C) to—

24                       “(i) a State Party Grassroots Fund  
25                       established and maintained by a State

committee of a political party in any calendar year that, in the aggregate, exceed \$15,000; or

“(ii) to any other political committee established and maintained by a State committee of a political party that, in the aggregate, exceed \$5,000;

except that the aggregate contributions described in this subparagraph that may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed \$15,000; or”.

(c) OVERALL LIMIT.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by striking paragraph (3) and inserting the following:

“(3) OVERALL LIMIT.—

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

“(B) CALENDAR YEAR.—

1 “(i) IN GENERAL.—No individual  
 2 shall make contributions during any cal-  
 3 endar year—

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

7 “(II) to all political committees  
 8 established and maintained by State  
 9 committees of a political party that, in  
 10 the aggregate, exceed \$20,000.

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

20 (d) PRESIDENTIAL CANDIDATE COMMITTEE TRANS-  
 21 FERS.—

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

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

3 “(i) \$20,000,000; plus

4 “(ii) the lesser of—

5 “(I) 2 cents multiplied by the  
6 voting age population of the United  
7 States (as certified under subsection  
8 (e); or

9 “(II) the amounts transferred by  
10 the candidate and the authorized com-  
11 mittees of the candidate to the na-  
12 tional committee of the candidate’s  
13 political party for distribution to State  
14 Party Grassroots Funds.”.

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

19 (A) by striking “or” at the end of clause  
20 (ii);

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

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

24 “(iv) any transfers to the national  
25 committee of the candidate’s political party

1                   for distribution to State Party Grassroots  
 2                   Funds (as defined in section 301(31) of  
 3                   the Federal Election Campaign Act of  
 4                   1971) to the extent that such transfers do  
 5                   not exceed the amount determined under  
 6                   section 315(b)(1)(B)(ii) of that Act;”.

7   **SEC. 313. PROVISIONS RELATING TO NATIONAL, STATE,**  
 8                   **AND LOCAL PARTY COMMITTEES.**

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

13   **“SEC. 324. POLITICAL PARTY COMMITTEES.**

14           “(a) LIMITATIONS ON NATIONAL COMMITTEES.—

15                   “(1) IN GENERAL.—A national committee of a  
 16                   political party and the congressional campaign com-  
 17                   mittees of a political party shall not solicit or accept  
 18                   any amount, or solicit or accept a transfer from an-  
 19                   other political committee, that is not subject to the  
 20                   limitations, prohibitions, and reporting requirements  
 21                   of this Act.

22                   “(2) EXCLUSIONS.—Paragraph (1) shall not  
 23                   apply to any amount received—

24                   “(A) that—

1 “(i) is to be transferred to a State  
 2 committee of a political party and is used  
 3 solely for an activity described in clause  
 4 (xi), (xii), (xiii), (xiv), (xv), (xvi), or (xvii)  
 5 of section 301(9)(B); or

6 “(ii) is described in section  
 7 301(8)(B)(viii); and

8 “(B) with respect to which a contributor  
 9 has been notified that the amount will be used  
 10 solely for the purposes described in subpara-  
 11 graph (A).

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

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

19 “(1) IN GENERAL.—Any amount solicited, re-  
 20 ceived, expended, or disbursed directly or indirectly  
 21 by a national, State, district, or local committee of  
 22 a political party (including any subordinate commit-  
 23 tee) with respect to any of the following activities  
 24 shall be treated as a contribution subject to the limi-

tations, prohibitions, and reporting requirements of  
this Act:

“(A)(i) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

“(ii) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

“(B) Any generic campaign activity.

“(C) Any activity that identifies or promotes a Federal candidate, regardless of whether—

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

“(ii) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

“(D) Voter registration.

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

“(F) Any other activity that—

“(i) significantly affects a Federal election; or

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

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

7           “(d) GET-OUT-THE-VOTE ACTIVITIES BY STATE,  
 8           DISTRICT, AND LOCAL COMMITTEES OF A POLITICAL  
 9           PARTY.—

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

18           “(2) EXCLUSIONS.—Paragraph (1) shall not  
 19           apply to any activity that the State committee of a  
 20           political party certifies to the Commission is an ac-  
 21           tivity that—

22           “(A) is conducted during a calendar year  
 23           other than a calendar year in which an election  
 24           for the office of President is held;



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

4 “(C) does not include any effort or means  
 5 used to identify or turn out those identified to  
 6 be supporters of any Federal candidate (includ-  
 7 ing any activity that is undertaken in coordina-  
 8 tion with, or on behalf of, a candidate for Fed-  
 9 eral office).

10 “(e) STATE PARTY GRASSROOTS FUNDS.—

11 “(1) IN GENERAL.—A State committee of a po-  
 12 litical party may make disbursements and expendi-  
 13 tures from its State Party Grassroots Fund only  
 14 for—

15 “(A) a generic campaign activity;

16 “(B) the making of a payment described in  
 17 clause (v), (x), or (xii) of paragraph (8)(B) or  
 18 clause (iv), (viii), or (ix) of paragraph (9)(B) of  
 19 section 301;

20 “(C) subject to the limitations of section  
 21 315(d), the making of a payment described in  
 22 paragraph (8)(B)(xii) or (9)(B)(ix) of section  
 23 301 on behalf of a candidate other than a can-  
 24 didate for President or Vice President;

25 “(D) voter registration; and

1           “(E) development and maintenance of  
2 voter files during an even-numbered calendar  
3 year.

4           “(2) TRANSFERS.—

5           “(A) IN GENERAL.—Notwithstanding sec-  
6 tion 315(a)(4) and except as provided in sub-  
7 paragraph (B), no funds may be transferred by  
8 a State committee of a political party from its  
9 State Party Grassroots Fund to any other State  
10 Party Grassroots Fund or to any other political  
11 committee.

12           “(B) TRANSFER TO SEPARATE SEG-  
13 REGATED FUND OF DISTRICT OR LOCAL COM-  
14 MITTEE.—A transfer may be made from a  
15 State Party Grassroots Fund to a district or  
16 local committee of the same political party in  
17 the same State if the district or local  
18 committee—

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

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

1       “(f) AMOUNTS RECEIVED BY STATE PARTY GRASS-  
 2       ROOTS FUND FROM NON-FEDERAL CANDIDATE COMMIT-  
 3       TEES.—

4               “(1) IN GENERAL.—Any amount received by a  
 5       State Party Grassroots Fund from a non-Federal  
 6       candidate committee for expenditures described in  
 7       subsection (b) that are for the benefit of that can-  
 8       didate shall be treated as meeting the requirements  
 9       of subsection (b) and section 304(f) if—

10               “(A) the amount is derived from funds  
 11       that meet the requirements of this Act with re-  
 12       spect to any limitation or prohibition as to  
 13       source or dollar amount specified in paragraphs  
 14       (1)(A) and (2)(A) of section 315(a); and

15               “(B) the non-Federal candidate  
 16       committee—

17               “(i) maintains, in the account from  
 18       which payment is made, records of the  
 19       sources and amounts of funds for purposes  
 20       of determining whether those requirements  
 21       are met; and

22               “(ii) certifies that the requirements  
 23       were met.

24               “(2) DETERMINATION OF COMPLIANCE.—For  
 25       purposes of paragraph (1)(A), in determining wheth-

er the funds transferred meet the requirements of  
this Act referred to in paragraph (1)(A)—

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

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

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

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

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

(b) DEFINITIONS.—

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

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

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

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

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

6 “(xvi) any amount received or ex-  
7 pended to pay the costs of a State or local  
8 political convention;

9 “(xvii) any payment for campaign ac-  
10 tivities that are exclusively on behalf of  
11 (and specifically identify only) State or  
12 local candidates and do not identify any  
13 Federal candidate, and that are not activi-  
14 ties described in section 324(c) (without  
15 regard to paragraph (1)(F)(ii) of such sec-  
16 tion) or section 324(d)(1);

17 “(xviii) any payment for administra-  
18 tive expenses of a State or local committee  
19 of a political party, including expenses  
20 for—

21 “(I) overhead, including party  
22 meetings;

23 “(II) staff (other than individuals  
24 devoting a significant amount of their  
25 time to elections for Federal office

1 and individuals engaged in conducting  
 2 get-out-the-vote activities for a Fed-  
 3 eral election); and

4 “(III) party elections or cau-  
 5 cuses;

6 “(xix) any payment for research per-  
 7 taining solely to State and local candidates  
 8 and issues;

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

15 “(xxi) any payment for any other ac-  
 16 tivity that is solely for the purpose of influ-  
 17 encing, and that solely affects, an election  
 18 for non-Federal office and that is not an  
 19 activity described in section 324(c) (with-  
 20 out regard to paragraph (1)(F)(ii) of such  
 21 section) or section 324(d)(1).”.

22 (2) EXPENDITURE.—Section 301(9)(B) of the  
 23 Federal Election Campaign Act of 1971 (2 U.S.C.  
 24 431(9)(B)) is amended—

1 (A) by striking “and” at the end of clause  
 2 (ix);

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

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

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

8 “(xii) any amount received or ex-  
 9 pended to pay the costs of a State or local  
 10 political convention;

11 “(xiii) any payment for campaign ac-  
 12 tivities that are exclusively on behalf of  
 13 (and specifically identify only) State or  
 14 local candidates and do not identify any  
 15 Federal candidate, and that are not activi-  
 16 ties described in section 324(c) (without  
 17 regard to paragraph (1)(F)(ii) of such sec-  
 18 tion) or section 324(d)(1);

19 “(xiv) any payment for administrative  
 20 expenses of a State or local committee of  
 21 a political party, including expenses for—

22 “(I) overhead, including party  
 23 meetings;

24 “(II) staff (other than individuals  
 25 devoting a significant amount of their

1           time to elections for Federal office  
 2           and individuals engaged in conducting  
 3           get-out-the-vote activities for a Fed-  
 4           eral election); and

5                   “(III) conducting party elections  
 6                   or caucuses;

7                   “(xv) any payment for research per-  
 8           taining solely to State and local candidates  
 9           and issues;

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

16                   “(xvii) any payment for any other ac-  
 17           tivity that is solely for the purpose of influ-  
 18           encing, and that solely affects, an election  
 19           for non-Federal office and that is not an  
 20           activity described in section 324(c) (with-  
 21           out regard to paragraph (1)(F)(ii) of such  
 22           section) or section 324(d)(1).”.

23                   (3) OTHER TERMS.—Section 301 of the Federal  
 24           Election Campaign Act of 1971 (2 U.S.C. 431) (as



1 amended by section 202) is amended by adding at  
 2 the end the following:

3 “(30) GENERIC CAMPAIGN ACTIVITY.—The  
 4 term ‘generic campaign activity’ means a campaign  
 5 activity that promotes a political party rather than  
 6 a particular candidate or non-Federal candidate.

7 “(31) STATE PARTY GRASSROOTS FUND.—The  
 8 term ‘State Party Grassroots Fund’ means a sepa-  
 9 rate fund established and maintained by a State  
 10 committee of a political party solely for purposes of  
 11 making expenditures and other disbursements de-  
 12 scribed in section 324(d).

13 “(32) NON-FEDERAL CANDIDATE.—The term  
 14 ‘non-Federal candidate’ means a candidate for State  
 15 or local office.

16 “(33) NON-FEDERAL CANDIDATE COMMIT-  
 17 TEE.—For purposes of this subsection, the term  
 18 ‘non-Federal candidate committee’ means a commit-  
 19 tee established, financed, maintained, or controlled  
 20 by a non-Federal candidate.”.

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

24 (1) by striking “(3) The national” and inserting  
 25 the following:

1 “(3) CANDIDATES FOR THE SENATE AND THE  
2 HOUSE OF REPRESENTATIVES.—

3 “(A) IN GENERAL.—The national”;  
4 (2) by redesignating subparagraphs (A), (B),  
5 and (C) as clauses (i), (ii), and (iii), respectively,  
6 and adjusting the margins as appropriate; and  
7 (3) by adding at the end the following:

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

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

20 (1) in paragraph (1) by striking “general”; and  
21 (2) in the first sentence of paragraph (2) and  
22 in paragraph (3)—

23 (A) by striking “general”; and

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

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

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

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

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

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

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

1 “(2) LIMITATION ON SOLICITATIONS.—

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

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

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

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

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

9                 “(A) holds a Federal office; or

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

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

17       “(k) TAX-EXEMPT ORGANIZATIONS.—

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

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

4                       “(A) holds a Federal office; or

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

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

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

13           “(f) POLITICAL COMMITTEES.—

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

23                       “(2) OTHER POLITICAL COMMITTEES TO WHICH  
 24           SECTION 324 APPLIES.—A political committee (not  
 25           described in paragraph (1)) to which section 324 ap-

plies shall report all receipts and disbursements, including separate schedules for receipts and disbursements for a State Grassroots Fund.

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

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

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

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

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

“(6) REPORTING PERIODS.—Reports required to be filed by this subsection shall be filed for the same time periods as reports are required for political committees under subsection (a).”.

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

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

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

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

22 (d) OTHER REPORTING REQUIREMENTS.—

23 (1) AUTHORIZED COMMITTEES.—Section  
 24 304(b)(4) of the Federal Election Campaign Act of  
 25 1971 (2 U.S.C. 434(b)(4)) is amended—



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

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

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

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

10 (2) NAMES AND ADDRESSES.—Section  
 11 304(b)(5)(A) of the Federal Election Campaign Act  
 12 of 1971 (2 U.S.C. 434(b)(5)(A)) is amended—

13 (A) by striking “within the calendar year”;  
 14 and

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

## 19 **Subtitle C—Soft Money of Persons** 20 **Other Than Political Parties**

### 21 **SEC. 321. SOFT MONEY OF PERSONS OTHER THAN POLITI-** 22 **CAL PARTIES.**

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

1       “(h) ELECTION ACTIVITY OF PERSONS OTHER THAN  
2 POLITICAL PARTIES.—

3               “(1) INITIAL STATEMENT.—A person to which  
4 section 324 does not apply that makes (or obligates  
5 to make) aggregate disbursements totaling in excess  
6 of \$2,000 for activities described in section 324(c)  
7 shall file a statement with the Commission—

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

11              “(B) in the case of disbursements or obli-  
12 gations that are made within 14 days of an  
13 election, on or before the 14th day before the  
14 election.

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

19              “(3) APPLICABILITY.—This subsection does not  
20 apply to—

21              “(A) a candidate or a candidate’s author-  
22 ized committees; or

23              “(B) an independent expenditure.

24              “(4) CONTENTS.—A statement under this sec-  
25 tion shall contain such information about the dis-

1       bursements as the Commission shall prescribe, in-  
 2       cluding if applicable, whether the disbursement was  
 3       in support of, or in opposition to, a candidate or a  
 4       political party.

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

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

17           “(A) to the candidates or political parties  
 18      involved in the election in question; or

19           “(B) if the disbursement is not in support  
 20      of, or in opposition to, a candidate or political  
 21      party, to the State committees of each political  
 22      party in the State in question.

23          “(7) DETERMINATIONS BY THE COMMISSION.—  
 24      The Commission may make its own determination  
 25      that disbursements described in paragraph (1) have

6 SEC. 401. PROHIBITION OF CERTAIN CONTRIBUTIONS BY  
7 LOBBYISTS.

11           “(m) PROHIBITION OF CERTAIN CONTRIBUTIONS BY  
12 LOBBYISTS.—

“(A) a Federal officeholder or candidate for Federal office if, during the preceding 12 months, the lobbyist has made a lobbying contact with the officeholder or candidate; or

•S 16 IS

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

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

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

21                 “(B) for purposes of this subsection, a lob-  
 22                 byist shall be considered to make a lobbying  
 23                 contact or communication with a member of  
 24                 Congress if the lobbyist makes a lobbying con-  
 25                 tact or communication with—

1 “(i) the member of Congress;

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

4 “(iii) any person employed by a com-  
5 mittee, joint committee, or leadership of-  
6 fice who, to the knowledge of the lobbyist,  
7 was employed at the request of or is em-  
8 ployed at the pleasure of, reports primarily  
9 to, represents, or acts as the agent of the  
10 member of Congress.”.

11 **SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOT-**  
12 **ING AGE.**

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

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

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

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

21 “(B) has not, as of the time of the making  
22 of the contribution, attained the legal age for  
23 voting in an election to Federal office in the  
24 State in which the individual resides;

1 shall be treated as having been made by the other  
2 individual.

3 “(2) ALLOCATION BETWEEN SPOUSES.—If an  
4 individual described in paragraph (1) is the depend-  
5 ent of another individual and the other individual’s  
6 spouse, a contribution described in paragraph (1)  
7 shall be allocated among those individuals in a man-  
8 ner determined by the individuals.”.

9 **SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE**  
10 **AND LOCAL COMMITTEES OF POLITICAL PAR-**  
11 **TIES TO BE AGGREGATED.**

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

15 “(9) AGGREGATION OF CONTRIBUTIONS FROM  
16 STATE AND LOCAL COMMITTEES OF POLITICAL PAR-  
17 TIES.—Notwithstanding paragraph (5)(B), a can-  
18 didate may not accept, with respect to an election,  
19 any contribution from a State or local committee of  
20 a political party (including any subordinate commit-  
21 tee of such a committee), if the contribution, when  
22 added to the total of contributions previously accept-  
23 ed from all such committees of that political party,  
24 would cause the total amount of contributions to ex-

1       ceed a limitation on contributions to a candidate  
2       under this section.”.

3   **SEC. 404. CONTRIBUTIONS AND EXPENDITURES USING**  
4                   **MONEY SECURED BY PHYSICAL FORCE OR**  
5                   **OTHER INTIMIDATION.**

6       Title III of the Federal Election Campaign Act of  
7   1971 (2 U.S.C. 431) (as amended by section 313) is  
8   amended by adding at the end the following:

9   **“SEC. 325. USE OF PHYSICAL FORCE OR INTIMIDATION TO**  
10                   **OBTAIN A CONTRIBUTION OR EXPENDITURE**  
11                   **OR DETER THE FILING OF A COMPLAINT.**

12       “‘It shall be unlawful for any person to—

13               “(1) cause another person to make a contribu-  
14       tion or expenditure by using physical force, job dis-  
15       crimination, a financial reprisal, a threat of physical  
16       force, job discrimination, or financial reprisal, or  
17       taking or threatening to take other adverse action;

18               “(2) make a contribution or expenditure utiliz-  
19       ing money or anything of value secured in the man-  
20       ner described in paragraph (1); or

21               “(3) use physical force, job discrimination, or  
22       financial reprisal, a threat of physical force, job dis-  
23       crimination, or financial reprisal, or take or threaten  
24       to take other adverse action, against an employee,  
25       union member, or other person—



1           “(A) to deter or prevent any person from  
 2           filing a complaint, providing testimony, or oth-  
 3           erwise cooperating with enforcement efforts  
 4           under this Act; or

5           “(B) to retaliate against any person who  
 6           has filed a complaint, provided testimony, or  
 7           otherwise cooperated with enforcement efforts  
 8           under this Act.”.

9   **SEC. 405. PROHIBITION OF ACCEPTANCE BY A CANDIDATE**  
 10                   **OF CASH CONTRIBUTIONS FROM ANY ONE**  
 11                   **PERSON AGGREGATING MORE THAN \$100.**

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

16   **TITLE V—AUTHORITIES AND DU-**  
 17       **TIES OF THE FEDERAL ELEC-**  
 18       **TION COMMISSION**

19   **SEC. 501. FILING OF REPORTS USING COMPUTERS AND**  
 20                   **FACSIMILE MACHINES.**

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

24           “(6) FILING OF REPORTS USING COMPUTERS  
 25           AND FACSIMILE MACHINES.—

1           “(A) COMPUTERS.—The Commission, in  
2           consultation with the Secretary of the Senate  
3           and the Clerk of the House of Representatives,  
4           may issue a regulation under a person required  
5           to file a designation, statement, or report under  
6           this Act—

7                   “(i) are required to maintain and file  
8                   the designation, statement, or report for  
9                   any calendar year in electronic form acces-  
10                  sible by computers if the person has, or  
11                  has reason to expect to have, aggregate  
12                  contributions or expenditures in excess of a  
13                  threshold amount determined by the Com-  
14                  mission; and

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

19           “(B) FACSIMILE MACHINES.—The Com-  
20           mission, in consultation with the Secretary of  
21           the Senate and the Clerk of the House of Rep-  
22           resentatives, shall prescribe a regulation that  
23           allows a person to file a designation, statement,  
24           or report required by this Act through the use  
25           of a facsimile machine.

1           “(C) VERIFICATION.—In a regulation  
2           under this paragraph, the Commission shall  
3           provide methods (other than requiring a signa-  
4           ture on the document being filed) for verifying  
5           a designation, statement, or report. Any docu-  
6           ment verified under any of the methods shall  
7           be treated for all purposes (including penalties  
8           for perjury) in the same manner as a document  
9           verified by signature.

10           “(D) COMPATIBILITY OF SYSTEMS.—The  
11           Secretary of the Senate and the Clerk of the  
12           House of Representatives shall ensure that any  
13           computer or other system that the Secretary or  
14           the Clerk may develop and maintain to receive  
15           designations, statements, and reports in the  
16           forms required or permitted under this para-  
17           graph is compatible with any system that the  
18           Commission may develop and maintain.”.

19 **SEC. 502. INCREASE IN THRESHOLD FOR REPORTING RE-**  
20 **QUIREMENTS.**

21           (a) IDENTIFICATION OF CONTRIBUTORS.—Section  
22 302(c)(3) of the Federal Election Campaign Act of 1971  
23 (2 U.S.C. 432(c)(3)) is amended by striking “\$200” and  
24 inserting “\$50”.

1 (b) IDENTIFICATION OF DISBURSEMENTS.—Section  
 2 302(c)(5) of the Federal Election Campaign Act of 1971  
 3 (2 U.S.C. 432(c)(5)) is amended by striking “\$200” and  
 4 inserting “\$50”.

5 **SEC. 503. AUDITS.**

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

9 (1) by inserting “(1)” before “The Commis-  
 10 sion”; and

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

12 “(2) RANDOM AUDITS.—Notwithstanding paragraph  
 13 (1), the Commission may from time to time conduct ran-  
 14 dom audits and investigations to ensure voluntary compli-  
 15 ance with this Act. The subjects of such audits and inves-  
 16 tigations shall be selected on the basis of criteria estab-  
 17 lished by vote of at least 4 members of the Commission  
 18 to ensure impartiality in the selection process. This para-  
 19 graph does not apply to an authorized committee of a can-  
 20 didate for President or Vice President subject to audit  
 21 under title VI or to an authorized committee of an eligible  
 22 Senate candidate subject to audit under section 506.”.

23 (b) EXTENSION OF PERIOD DURING WHICH CAM-  
 24 PAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the  
 25 Federal Election Campaign Act of 1971 (2 U.S.C.

1 438(b)), as redesignated by subsection (a), is amended by  
 2 striking “6 months” and inserting “12 months”.

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

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

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

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

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

12 “(ii) the failure to act expeditiously will result  
 13 in irreparable harm to a party affected by the poten-  
 14 tial violation;

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

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

19 the Commission may initiate a civil action for a temporary  
 20 restraining order or a temporary injunction pending the  
 21 outcome of the proceedings described in paragraphs (1),  
 22 (2), (3), and (4).

23 “(B) An action under subparagraph (A) shall be  
 24 brought in the United States district court for the district  
 25 in which the defendant resides, transacts business, or may

1 be found or in which the violation is occurring, has oc-  
 2 curred, or is about to occur.”;

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

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

7 **SEC. 505. PENALTIES.**

8 (a) INCREASED PENALTIES.—Section 309(a) of the  
 9 Federal Election Campaign Act of 1971 (2 U.S.C.  
 10 437g(a)) is amended—

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

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

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

21 (b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of  
 22 the Federal Election Campaign Act of 1971 (2 U.S.C.  
 23 437g(a)(5)) is amended by striking the period and insert-  
 24 ing “, and, if authorized by the agreement, may include  
 25 equitable remedies or penalties including disgorgement of

1 funds to the United States Treasury, community service  
 2 requirements, suspension or disbarment of treasurers, or  
 3 public education requirements.”.

4 (c) AUTOMATIC PENALTY FOR LATE FILING.—Sec-  
 5 tion 309(a) of the Federal Election Campaign Act of 1971  
 6 (2 U.S.C. 437g(a)) (as amended by section 504) is  
 7 amended—

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

9 “(14) PENALTY FOR LATE FILING.—

10 “(A) IN GENERAL.—The Commission shall  
 11 establish a schedule of mandatory monetary  
 12 penalties that shall be imposed by the staff di-  
 13 rector of the Commission for any failure to  
 14 meet the time requirements for filing under sec-  
 15 tion 304.

16 “(B) REQUIRED FILING OF LATE RE-  
 17 PORT.—The Commission may require a report  
 18 that has not been filed within the time require-  
 19 ments of section 304 to be filed by a specific  
 20 date.

21 “(C) PROCEDURE FOR ASSESSING PEN-  
 22 ALTIES AND FILING DEADLINES.—Penalties  
 23 and filing requirements imposed under this  
 24 paragraph shall not be subject to paragraph  
 25 (1), (2), (3), (4), (5) or (12).

“(D) APPEALS.—

“(i) IN GENERAL.—A political committee shall have 30 days after the imposition of penalty or filing requirement under this paragraph to file an exception with the Commission.

“(ii) COMMISSION DETERMINATION.—Within 30 days after receiving the exception, the Commission shall make a determination that is a final agency action subject to exclusive review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in the court by the political committee that is the subject of the agency action, if the petition is filed within 30 days of the Commission action for which review is sought.”;

(2) in paragraph (5)(D)—

(A) by inserting after the first sentence the following: “In any case in which a penalty or filing requirement imposed on a political committee or treasurer under paragraph (14) has not been satisfied, the Commission may insti-



1           tute a civil action for enforcement under para-  
2           graph 6(A).”; and

3                   (B) by inserting before the period in the  
4           last sentence “or has failed to pay a penalty or  
5           meet a filing requirement imposed under para-  
6           graph (14).”; and

7           (3) in paragraph (6)(A), by striking “paragraph  
8           (4)(A)” and inserting “paragraph (4)(A) or (14)”.

9   **SEC. 506. INDEPENDENT LITIGATING AUTHORITY.**

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

14           “(4) INDEPENDENT LITIGATING AUTHORITY.—

15                   “(A) IN GENERAL.—Notwithstanding para-  
16           graph (2) or any other provision of law, the  
17           Commission is authorized to appear on its own  
18           behalf in any action related to the exercise of  
19           its statutory duties or powers in any court as  
20           a party or amicus curiae, either—

21                           “(i) by attorneys employed in the of-  
22                           fice of the Commission, or

23                           “(ii) by counsel whom the Commission  
24                           may appoint, on a temporary basis, as may  
25                           be necessary for such purpose, without re-

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

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

1                   “(C) REFERRAL TO THE ATTORNEY GEN-  
 2                   ERAL.—The Commission may at any time, by  
 3                   an affirmative vote of 4 of its members, refer  
 4                   a possible violation of this Act or chapter 95 or  
 5                   chapter 96 of the Internal Revenue Code of  
 6                   1986 to the Attorney General of the United  
 7                   States, without regard to any limitations set  
 8                   forth in this section.”.

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

10       (a) INITIATION OF ENFORCEMENT PROCEEDING.—  
 11       Section 309(a)(2) of Federal Election Campaign Act of  
 12       1971 (2 U.S.C. 437g(a)(2)) is amended by striking “rea-  
 13       son to believe that” and inserting “reason to investigate  
 14       whether”.

15       (b) SERVICE OF PROCESS.—Section 306(f) of the  
 16       Federal Election Campaign Act of 1971 (2 U.S.C.  
 17       437c(f)) is amended by inserting at the end the following:

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

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

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

11           (1) SECTION 302.—Section 302(g) of the Fed-  
 12 eral Election Campaign Act of 1971 (2 U.S.C.  
 13 432(g)) is amended—

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

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

18           (C) by striking “, except designations,  
 19 statements, and reports filed in accordance with  
 20 paragraph (1),”.

21           (2) SECTION 304.—Section 304 of Federal Elec-  
 22 tion Campaign Act of 1971 (2 U.S.C. 434) is  
 23 amended—

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

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

6 (3) SECTION 311.—Section 311(a)(4) of Federal  
 7 Election Campaign Act of 1971 (2 U.S.C.  
 8 438(a)(4)) is amended by striking “Secretary, or  
 9 the”.

10 (e) AUTHORIZATION TO ACCEPT GIFTS.—Section  
 11 306(f) of the Federal Election Campaign Act of 1971  
 12 (2 U.S.C. 437c(f)) is amended by adding at the end the  
 13 following:

14 “(6) AUTHORIZATION TO ACCEPT GIFTS.—

15 “(A) IN GENERAL.—To carry out the pur-  
 16 poses of this Act, the Commission may accept,  
 17 hold, administer, and utilize gifts, devises, and  
 18 bequests of property, both real and personal, if  
 19 the acceptance and use of the gifts, devises, or  
 20 bequests does not create a conflict of interest.

21 “(B) DEPOSIT OF GIFTS.—Gifts and be-  
 22 quests of money and proceeds from sales of  
 23 other property received as gifts, devises, or be-  
 24 quests shall be deposited in the Treasury and

1           shall be disbursed upon the order of the Com-  
2           mission.

3                   “(C) USE OF GIFTS.—Property accepted  
4           pursuant to this section, and the proceeds from  
5           the property, shall be used as closely as prac-  
6           ticable in accordance with the terms of the  
7           gifts, devises, or bequests.”.

## 8           **TITLE VI—MISCELLANEOUS**

### 9   **SEC. 601. PROHIBITION OF LEADERSHIP COMMITTEES.**

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

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

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

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

1 “(B) a candidate may designate a political  
 2 committee established solely for the purpose of  
 3 joint fundraising by such candidates as an au-  
 4 thorized committee.”; and

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

6 “(6) PROHIBITION OF LEADERSHIP COMMIT-  
 7 TEES.—

8 “(A) IN GENERAL.—

9 “(i) PROHIBITION.—A candidate or  
 10 an individual holding Federal office shall  
 11 not establish, finance, maintain, or control  
 12 any political committee or non-Federal po-  
 13 litical committee other than a principal  
 14 campaign committee of the candidate, au-  
 15 thorized committee, party committee, or  
 16 other political committee designated in ac-  
 17 cordance with paragraph (3).

18 “(ii) CANDIDATE FOR MORE THAN 1  
 19 OFFICE.—A candidate for more than 1  
 20 Federal office may designate a separate  
 21 principal campaign committee for the cam-  
 22 paign for election to each Federal office.

23 “(iii) CANDIDATES FOR STATE OR  
 24 LOCAL OFFICE.—This paragraph does not  
 25 preclude a Federal officeholder who is a

1 candidate for State or local office from es-  
 2 tablishing, financing, maintaining, or con-  
 3 trolling a political committee for election of  
 4 the individual to the State or local office.

5 “(B) TRANSITION.—

6 “(i) CONTINUATION FOR 12  
 7 MONTHS.—For a period of 12 months  
 8 after the effective date of this paragraph,  
 9 any political committee established before  
 10 that date but that is prohibited under sub-  
 11 paragraph (A) may continue to make con-  
 12 tributions.

13 “(ii) DISBURSEMENT AT THE END OF  
 14 12 MONTHS.—At the end of the 12-month  
 15 period, the political committee shall dis-  
 16 burse all funds by 1 or more of the follow-  
 17 ing means:

18 “(I) Making contributions to a  
 19 person described in section 501(c)(3)  
 20 of the Internal Revenue Code of 1986  
 21 and exempt from taxation under sec-  
 22 tion 501(a) of the Code.

23 “(II) Making a contribution to  
 24 the Treasury of the United States.



1                   “(III) Contributing to the na-  
 2                   tional, State, or local committee of a  
 3                   political party.

4                   “(IV) Making a contribution of  
 5                   not to exceed \$1,000 each to 1 or  
 6                   more candidates or non-Federal can-  
 7                   didates.”.

8   **SEC. 602. TELEPHONE VOTING BY PERSONS WITH DISABIL-**  
 9                   **ITIES.**

10       (a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH  
 11   DISABILITIES TO VOTE BY TELEPHONE.—

12           (1) IN GENERAL.—The Federal Election Com-  
 13       mission shall conduct a study to determine the fea-  
 14       sibility of developing a system or systems by which  
 15       persons with disabilities may be permitted to vote by  
 16       telephone.

17           (2) CONSULTATION.—The Federal Election  
 18       Commission shall conduct the study described in  
 19       paragraph (1) in consultation with State and local  
 20       election officials, representatives of the telecommuni-  
 21       cations industry, representatives of persons with dis-  
 22       abilities, and other concerned members of the public.

23           (3) CRITERIA.—The system or systems devel-  
 24       oped pursuant to paragraph (1) shall—

1           (A) propose a description of the kinds of  
 2           disabilities that impose such difficulty in travel  
 3           to polling places that a person with a disability  
 4           who may desire to vote is discouraged from un-  
 5           dertaking such travel;

6           (B) propose procedures to identify persons  
 7           who are so disabled; and

8           (C) describe procedures and equipment  
 9           that may be used to ensure that—

10           (i) only persons who are entitled to  
 11           use the system are permitted to use it;

12           (ii) the votes of persons who use the  
 13           system are recorded accurately and remain  
 14           secret;

15           (iii) the system minimizes the possibil-  
 16           ity of vote fraud; and

17           (iv) the system minimizes the finan-  
 18           cial costs that State and local governments  
 19           would incur in establishing and operating  
 20           the system.

21           (4) REQUESTS FOR PROPOSALS.—In developing  
 22           a system described in paragraph (1), the Federal  
 23           Election Commission may request proposals from  
 24           private contractors for the design of procedures and  
 25           equipment to be used in the system.

1           (5) PHYSICAL ACCESS.—Nothing in this section  
 2           is intended to supersede or supplant efforts by State  
 3           and local governments to make polling places phys-  
 4           ically accessible to persons with disabilities.

5           (6) DEADLINE.—The Federal Election Commis-  
 6           sion shall submit to Congress the study required by  
 7           this section not later than 1 year after the effective  
 8           date of this Act.

9   **SEC. 603. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT SUB-**  
 10                           **JECT TO CORPORATE LIMITS.**

11          Section 316 of the Federal Election Campaign Act  
 12          of 1971 (2 U.S.C. 441b) (as amended by section 203) is  
 13          amended by adding at the end the following:

14          “(d) PROHIBITIONS NOT TO APPLY TO INDEPEND-  
 15          ENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANI-  
 16          ZATIONS.—

17               “(1) IN GENERAL.—Nothing in this section  
 18               shall preclude a qualified nonprofit corporation from  
 19               making an independent expenditure.

20               “(2) DEFINITION OF QUALIFIED NONPROFIT  
 21               CORPORATION.—In this subsection, the term ‘quali-  
 22               fied nonprofit corporation’ means a corporation de-  
 23               scribed in section 501(c)(4) of the Internal Revenue  
 24               Code of 1986 that is exempt from taxation under

1 section 501(a) of the Code and that meets the fol-  
2 lowing requirements:

3 “(A) PURPOSE.—The only express purpose  
4 of the corporation is the promotion of political  
5 ideas.

6 “(B) NO TRADE OR BUSINESS.—The cor-  
7 poration cannot and does not engage in any ac-  
8 tivities that constitute a trade or business.

9 “(C) GROSS RECEIPTS.—The gross re-  
10 cepts of the corporation for the calendar year  
11 have not (and will not) exceed \$100,000, and  
12 the net value of the total assets at any time  
13 during the calendar year do not exceed  
14 \$250,000.

15 “(D) ESTABLISHMENT.—The  
16 corporation—

17 “(i) was not established by—

18 “(I) a person described in section  
19 501(c)(6) of the Internal Revenue  
20 Code of 1986 that is exempt from  
21 taxation under section 501(a) of the  
22 Code;

23 “(II) a corporation engaged in  
24 carrying out a trade or business; or

25 “(III) a labor organization; and

1 “(ii) cannot and does not directly or  
 2 indirectly accept donations of anything of  
 3 value from any such person, corporation,  
 4 or labor organization.

5 “(E) ASSETS AND EARNINGS.—The  
 6 corporation—

7 “(i) has no shareholder or other per-  
 8 son affiliated with it that could make a  
 9 claim on its assets or earnings; and

10 “(ii) offers no incentives or disincentives for associating or not associating with  
 11 it other than on the basis of its position on  
 12 any political issue.

14 “(3) QUALIFIED NONPROFIT CORPORATION  
 15 TREATED AS POLITICAL COMMITTEE.—If a major  
 16 purpose of a qualified nonprofit corporation is the  
 17 making of independent expenditures, and the re-  
 18 quirements of section 301(4) are met with respect to  
 19 the corporation, the corporation shall be treated as  
 20 a political committee.

21 “(4) NOTICE REQUIREMENT.—All solicitations  
 22 by a qualified nonprofit corporation shall include a  
 23 notice informing contributors that donations may be  
 24 used by the corporation to make independent ex-  
 25 penditures.

1           “(5) REPORTS.—A qualified nonprofit corpora-  
 2           tion shall file reports as required by subsections (d)  
 3           and (e) of section 304.

4   **SEC. 604. AIDING AND ABETTING VIOLATIONS OF THE FED-**  
 5                   **ERAL ELECTION CAMPAIGN ACT OF 1971.**

6           Title III of the Federal Election Campaign Act of  
 7   1971 (as amended by section 404) is amended by adding  
 8   at the end the following:

9   **“SEC. 326. AIDING AND ABETTING VIOLATIONS.**

10          “With reference to any provision of this Act that  
 11   places a requirement or prohibition on any person acting  
 12   in a particular capacity, any person who knowingly aids  
 13   or abets the person in that capacity in violating that provi-  
 14   sion may be proceeded against as a principal in the viola-  
 15   tion.”.

16   **SEC. 605. CAMPAIGN ADVERTISING THAT REFERS TO AN**  
 17                   **OPPONENT.**

18          Title III of the Federal Election Campaign Act of  
 19   1971 (2 U.S.C. 431 et seq.) (as amended by section 604)  
 20   is amended by adding at the end the following:

21   **“SEC. 327. CAMPAIGN ADVERTISING THAT REFERS TO AN**  
 22                   **OPPONENT.**

23          “(a) CANDIDATES.—A candidate or candidate’s au-  
 24   thorized committee that places in the mail a campaign ad-  
 25   vertisement or any other communication to the general

1 public that directly or indirectly refers to an opponent or  
 2 the opponents of the candidate in an election, with or with-  
 3 out identifying any opponent in particular, shall file an  
 4 exact copy of the communication with the Commission and  
 5 with the Secretary of State of the candidate's State by  
 6 not later than 12:00 p.m. on the day on which the commu-  
 7 nication is first placed in the mail to the general public.

8 “(b) PERSONS OTHER THAN CANDIDATES.—

9 “(1) IN GENERAL.—A person other than a can-  
 10 didate or candidate's authorized committee that  
 11 places in the mail a campaign advertisement or any  
 12 other communication described in paragraph (2)  
 13 shall file an exact copy of the communication with  
 14 the Commission and with the Secretary of State of  
 15 the candidate's State by not later than 12:00 p.m.  
 16 on the day on which the communication is first  
 17 placed in the mail to the general public.

18 “(2) ADVOCACY OR REFERENCE TO OPPO-  
 19 NENT.—A communication is described in this para-  
 20 graph if it is a communication to the general public  
 21 that—

22 “(A) advocates the election of a particular  
 23 candidate in an election; and

24 “(B) directly or indirectly refers to an op-  
 25 ponent or the opponents of the candidate in the

1 election, with or without identifying any oppo-  
 2 nent in particular.”.

3 **SEC. 606. LIMIT ON CONGRESSIONAL USE OF THE FRANK-**  
 4 **ING PRIVILEGE.**

5 Section 3210(a)(6) of title 39, United States Code,  
 6 is amended by striking subparagraph (A) and inserting  
 7 the following:

8 “(A) A Member of Congress may not mail  
 9 any mass mailing as franked mail during a year  
 10 in which there will be an election for the seat  
 11 held by the Member during the period between  
 12 January 1 of that year and the date of the gen-  
 13 eral election for that office, unless the Member  
 14 has made a public announcement that the  
 15 Member will not be a candidate for reelection to  
 16 that seat or for election to any other Federal  
 17 office.”.

18 **SEC. 607. STRENGTHENING FOREIGN MONEY BAN.**

19 Section 319 of the Federal Election Campaign Act  
 20 of 1971 (2 U.S.C. 441e) is amended—

21 (1) by striking the heading and inserting the  
 22 following: “CONTRIBUTIONS AND DONATIONS BY  
 23 FOREIGN NATIONALS”; and

24 (2) by striking subsection (a) and inserting the  
 25 following:



1 “(a) PROHIBITION.—It shall be unlawful for—

2 “(1) a foreign national, directly or indirectly, to  
3 make—

4 “(A) a donation of money or other thing of  
5 value, or to promise expressly or impliedly to  
6 make a donation, in connection with a Federal,  
7 State, or local election; or

8 “(B) a contribution or donation to a com-  
9 mittee of a political party; or

10 “(2) for a person to solicit, accept, or receive  
11 such contribution or donation from a foreign na-  
12 tional.”.

13 **SEC. 608. CERTIFICATION OF COMPLIANCE WITH FOREIGN**  
14 **CONTRIBUTION AND SOLICITATION LIMITA-**  
15 **TIONS.**

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

18 (1) by redesignating subsection (c) as sub-  
19 section (d); and

20 (2) by inserting after subsection (b) the follow-  
21 ing:

22 “(c) CERTIFICATION OF COMPLIANCE WITH FOR-  
23 EIGN CONTRIBUTION AND SOLICITATION LIMITATIONS—  
24 Each report required under this section shall include a cer-  
25 tification under penalty of perjury that the political com-

1 mittee has not knowingly solicited or accepted contribu-  
2 tions prohibited by section 319.”.

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

5 **SEC. 701. EFFECTIVE DATE.**

6 Except as otherwise provided in this Act, this Act and  
7 the amendments made by this Act shall take effect on the  
8 date of enactment of this Act.

9 **SEC. 702. BUDGET NEUTRALITY.**

10 (a) DELAYED EFFECTIVENESS.—This Act (other  
11 than this section) and the amendments made by this Act  
12 shall not be effective until the Director of the Office of  
13 Management and Budget certifies that the estimated costs  
14 under section 252 of the Balanced Budget and Emergency  
15 Deficit Control Act of 1985 (2 U.S.C. 902) have been off-  
16 set by the enactment of legislation effectuating this Act.

17 (b) FUNDING.—Legislation effectuating this Act  
18 shall not provide for general revenue increases, reduce ex-  
19 penditures for any existing Federal program, or increase  
20 the Federal budget deficit.

21 **SEC. 703. SEVERABILITY.**

22 Except as provided in section 101(c), if any provision  
23 of this Act (including any amendment made by this Act),  
24 or the application of any such provision to any person or  
25 circumstance is held invalid, the validity of any other pro-

1 vision of this Act, or the application of the provision to  
2 other persons and circumstances shall not be affected  
3 thereby.

4 **SEC. 704. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.**

5 (a) DIRECT APPEAL TO SUPREME COURT.—An ap-  
6 peal may be taken directly to the Supreme Court of the  
7 United States from any interlocutory order or final judg-  
8 ment, decree, or order issued by any court ruling on the  
9 constitutionality of any provision of this Act or amend-  
10 ment made by this Act.

11 (b) ACCEPTANCE AND EXPEDITION.—The Supreme  
12 Court shall, if the Court has not previously ruled on the  
13 question addressed in the ruling below, accept jurisdiction  
14 over, advance on the docket, and expedite the appeal to  
15 the greatest extent possible.

16 **SEC. 705. REGULATIONS.**

17 The Federal Election Commission shall prescribe any  
18 regulations required to carry out this Act and the amend-  
19 ments made by this Act not later than 270 days after the  
20 effective date of this Act.

