

107TH CONGRESS
1ST SESSION

S. 17

To amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. DASCHLE (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. DORGAN, Mr. DURBIN, Mr. BIDEN, Mrs. BOXER, Mrs. CLINTON, Mr. CORZINE, Mr. HARKIN, Mr. JOHNSON, Mr. KENNEDY, Mr. LEAHY, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. AKAKA, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**
- 4 (a) SHORT TITLE.—This Act may be cited as the
- 5 “Federal Elections Reform Act of 2001”.
- 6 (b) TABLE OF CONTENTS.—The table of contents of
- 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

- Sec. 101. Soft money of political parties.
- Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
- Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

- Sec. 201. Definitions.
- Sec. 202. Express advocacy determined without regard to background music.
- Sec. 203. Civil penalty.
- Sec. 204. Reporting requirements for certain independent expenditures.
- Sec. 205. Independent versus coordinated expenditures by party.
- Sec. 206. Coordination with candidates.

TITLE III—DISCLOSURE

- Sec. 301. Audits.
- Sec. 302. Reporting requirements for contributions of \$50 or more.
- Sec. 303. Use of candidates' names.
- Sec. 304. Prohibition of false representation to solicit contributions.
- Sec. 305. Campaign advertising.

TITLE IV—MISCELLANEOUS

- Sec. 401. Codification of Beck decision.
- Sec. 402. Use of contributed amounts for certain purposes.
- Sec. 403. Limit on congressional use of the franking privilege.
- Sec. 404. Prohibition of fundraising on Federal property.
- Sec. 405. Penalties for violations.
- Sec. 406. Strengthening foreign money ban.
- Sec. 407. Prohibition of contributions by minors.
- Sec. 408. Expedited procedures.
- Sec. 409. Initiation of enforcement proceeding.
- Sec. 410. Protecting equal participation of eligible voters in campaigns and elections.
- Sec. 411. Penalty for violation of prohibition against foreign contributions.
- Sec. 412. Expedited court review of certain alleged violations of Federal Election Campaign Act of 1971.
- Sec. 413. Conspiracy to violate presidential campaign spending limits.
- Sec. 414. Deposit of certain contributions and donations in Treasury account.
- Sec. 415. Establishment of a clearinghouse of information on political activities within the Federal Election Commission.
- Sec. 416. Enforcement of spending limit on presidential and vice presidential candidates who receive public financing.
- Sec. 417. Clarification of right of nationals of the United States to make political contributions.
- Sec. 418. Prohibiting use of White House meals and accommodations for political fundraising.
- Sec. 419. Prohibition against acceptance or solicitation to obtain access to certain Federal government property.
- Sec. 420. Requiring national parties to reimburse at cost for use of Air Force One for political fundraising.
- Sec. 421. Enhancing enforcement of campaign finance law.
- Sec. 422. Ban on coordination of soft money for issue advocacy by presidential candidates receiving public financing.

Sec. 423. Requirement that names of passengers on Air Force One and Air Force Two be made available through the Internet.

TITLE V—ELECTION ADMINISTRATION AND TECHNOLOGY

Sec. 501. Findings.

Subtitle A—Establishment of Commission on Voting Rights and Procedures

Sec. 511. Establishment.

Sec. 512. Membership of the Commission.

Sec. 513. Duties of the Commission.

Sec. 514. Powers of the Commission.

Sec. 515. Personnel matters.

Sec. 516. Termination of the Commission.

Sec. 517. Authorization of appropriations for the Commission.

Subtitle B—Grant Program

Sec. 521. Establishment of grant program.

Sec. 522. Authorized activities.

Sec. 523. General policies and criteria.

Sec. 524. Submission of State plans.

Sec. 525. Approval of State plans.

Sec. 526. Federal matching funds.

Sec. 527. Audits and examinations.

Sec. 528. Reports.

Sec. 529. State defined.

Sec. 530. Authorization of appropriations.

Subtitle C—Miscellaneous

Sec. 541. Relationship to other laws.

TITLE VI—MILITARY VOTING

Sec. 601. Short title.

Sec. 602. Guarantee of residency.

Sec. 603. State responsibility to guarantee military voting rights.

TITLE VII—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 701. Severability.

Sec. 702. Review of constitutional issues.

Sec. 703. Effective date.

Sec. 704. Regulations.

1 **TITLE I—REDUCTION OF**
2 **SPECIAL INTEREST INFLUENCE**

3 **SEC. 101. SOFT MONEY OF POLITICAL PARTIES.**

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

7 **“SEC. 323. SOFT MONEY OF POLITICAL PARTIES.**

8 “(a) NATIONAL COMMITTEES.—

9 “(1) IN GENERAL.—A national committee of a
10 political party (including a national congressional
11 campaign committee of a political party) and any of-
12 ficers or agents of such party committees, shall not
13 solicit, receive, or direct to another person a con-
14 tribution, donation, or transfer of funds, or spend
15 any funds, that are not subject to the limitations,
16 prohibitions, and reporting requirements of this Act.

17 “(2) APPLICABILITY.—This subsection shall
18 apply to an entity that is directly or indirectly estab-
19 lished, financed, maintained, or controlled by a na-
20 tional committee of a political party (including a na-
21 tional congressional campaign committee of a polit-
22 ical party), or an entity acting on behalf of a na-
23 tional committee, and an officer or agent acting on
24 behalf of any such committee or entity.

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

1 “(1) IN GENERAL.—An amount that is ex-
2 pended or disbursed by a State, district, or local
3 committee of a political party (including an entity
4 that is directly or indirectly established, financed,
5 maintained, or controlled by a State, district, or
6 local committee of a political party and an officer or
7 agent acting on behalf of such committee or entity)
8 for Federal election activity shall be made from
9 funds subject to the limitations, prohibitions, and re-
10 porting requirements of this Act.

11 “(2) FEDERAL ELECTION ACTIVITY.—

12 “(A) IN GENERAL.—The term ‘Federal
13 election activity’ means—

14 “(i) voter registration activity during
15 the period that begins on the date that is
16 120 days before the date a regularly sched-
17 uled Federal election is held and ends on
18 the date of the election;

19 “(ii) voter identification, get-out-the-
20 vote activity, or generic campaign activity
21 conducted in connection with an election in
22 which a candidate for Federal office ap-
23 pears on the ballot (regardless of whether
24 a candidate for State or local office also
25 appears on the ballot); and

1 “(iii) a communication that refers to a
2 clearly identified candidate for Federal of-
3 fice (regardless of whether a candidate for
4 State or local office is also mentioned or
5 identified) and is made for the purpose of
6 influencing a Federal election (regardless
7 of whether the communication is express
8 advocacy).

9 “(B) EXCLUDED ACTIVITY.—The term
10 ‘Federal election activity’ does not include an
11 amount expended or disbursed by a State, dis-
12 trict, or local committee of a political party
13 for—

14 “(i) campaign activity conducted sole-
15 ly on behalf of a clearly identified can-
16 didate for State or local office, provided
17 the campaign activity is not a Federal elec-
18 tion activity described in subparagraph
19 (A);

20 “(ii) a contribution to a candidate for
21 State or local office, provided the contribu-
22 tion is not designated or used to pay for a
23 Federal election activity described in sub-
24 paragraph (A);

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

3 “(iv) the costs of grassroots campaign
4 materials, including buttons, bumper stickers,
5 and yard signs, that name or depict
6 only a candidate for State or local office;

7 “(v) the non-Federal share of a State,
8 district, or local party committee’s admin-
9 istrative and overhead expenses (but not
10 including the compensation in any month
11 of an individual who spends more than 20
12 percent of the individual’s time on Federal
13 election activity) as determined by a regu-
14 lation promulgated by the Commission to
15 determine the non-Federal share of a
16 State, district, or local party committee’s
17 administrative and overhead expenses; and

18 “(vi) the cost of constructing or pur-
19 chasing an office facility or equipment for
20 a State, district or local committee.

21 “(c) FUNDRAISING COSTS.—An amount spent by a
22 national, State, district, or local committee of a political
23 party, by an entity that is established, financed, main-
24 tained, or controlled by a national, State, district, or local
25 committee of a political party, or by an agent or officer

1 of any such committee or entity, to raise funds that are
2 used, in whole or in part, to pay the costs of a Federal
3 election activity shall be made from funds subject to the
4 limitations, prohibitions, and reporting requirements of
5 this Act.

6 “(d) TAX-EXEMPT ORGANIZATIONS.—A national,
7 State, district, or local committee of a political party (in-
8 cluding a national congressional campaign committee of
9 a political party), an entity that is directly or indirectly
10 established, financed, maintained, or controlled by any
11 such national, State, district, or local committee or its
12 agent, and an officer or agent acting on behalf of any such
13 party committee or entity, shall not solicit any funds for,
14 or make or direct any donations to, an organization that
15 is described in section 501(c) of the Internal Revenue
16 Code of 1986 and exempt from taxation under section
17 501(a) of such Code (or has submitted an application to
18 the Commissioner of the Internal Revenue Service for de-
19 termination of tax-exemption under such section).

20 “(e) CANDIDATES.—

21 “(1) IN GENERAL.—A candidate, individual
22 holding Federal office, agent of a candidate or indi-
23 vidual holding Federal office, or an entity directly or
24 indirectly established, financed, maintained or con-
25 trolled by or acting on behalf of one or more can-

1 didates or individuals holding Federal office, shall
2 not—

3 “(A) solicit, receive, direct, transfer, or
4 spend funds in connection with an election for
5 Federal office, including funds for any Federal
6 election activity, unless the funds are subject to
7 the limitations, prohibitions, and reporting re-
8 quirements of this Act; or

9 “(B) solicit, receive, direct, transfer, or
10 spend funds in connection with any election
11 other than an election for Federal office or dis-
12 burse funds in connection with such an election
13 unless the funds—

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

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

22 “(2) STATE LAW.—Paragraph (1) does not
23 apply to the solicitation, receipt, or spending of
24 funds by an individual who is a candidate for a
25 State or local office in connection with such election

1 for State or local office if the solicitation, receipt, or
2 spending of funds is permitted under State law for
3 any activity other than a Federal election activity.

4 “(3) FUNDRAISING EVENTS.—Notwithstanding
5 paragraph (1), a candidate may attend, speak, or be
6 a featured guest at a fundraising event for a State,
7 district, or local committee of a political party.”.

8 (b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—
9 Section 301 of the Federal Election Campaign Act of
10 1971 (2 U.S.C. 431 et seq.) (as amended by section
11 201(b)) is further amended by adding at the end the fol-
12 lowing:

13 “(21) GENERIC CAMPAIGN ACTIVITY.—The
14 term ‘generic campaign activity’ means an activity
15 that promotes a political party and does not promote
16 a candidate or non-Federal candidate.”.

17 **SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE**
18 **COMMITTEES OF POLITICAL PARTIES AND**
19 **AGGREGATE CONTRIBUTION LIMIT FOR INDIVI-**
20 **VIDUALS.**

21 (a) CONTRIBUTION LIMIT FOR STATE COMMITTEES
22 OF POLITICAL PARTIES.—Section 315(a)(1) of the Fed-
23 eral Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1))
24 is amended—

1 (1) in subparagraph (B), by striking "or" at
2 the end;

3 (2) in subparagraph (C)—

4 (A) by inserting “(other than a committee
5 described in subparagraph (D))” after “com-
6 mittee”; and

7 (B) by striking the period at the end and
8 inserting “; or”; and

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

10 “(D) to a political committee established and
11 maintained by a State committee of a political party
12 in any calendar year that, in the aggregate, exceed
13 \$10,000.”.

14 (b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by
15 striking “\$25,000” and inserting “\$30,000”.
16
17

18 SEC. 103. REPORTING REQUIREMENTS.

19 (a) REPORTING REQUIREMENTS.—Section 304 of the
20 Federal Election Campaign Act of 1971 (2 U.S.C. 434),
21 as amended by section 204, is amended by inserting after
22 subsection (f) the following:

23 "(g) POLITICAL COMMITTEES.—

24 “(1) NATIONAL AND CONGRESSIONAL POLIT-
25 ICAL COMMITTEES.—The national committee of a

1 political party, any national congressional campaign
2 committee of a political party, and any subordinate
3 committee of either, shall report all receipts and dis-
4bursements during the reporting period.

5 “(2) OTHER POLITICAL COMMITTEES TO WHICH
6 SECTION 323 APPLIES.—In addition to any other re-
7 porting requirements applicable under this Act, a
8 political committee (not described in paragraph (1))
9 to which section 323(b)(1) applies shall report all re-
10 ceipts and disbursements made for activities de-
11 scribed in paragraphs (2)(A) and (2)(B)(v) of sec-
12 tion 323(b).

13 “(3) ITEMIZATION.—If a political committee
14 has receipts or disbursements to which this sub-
15 section applies from any person aggregating in ex-
16 cess of \$200 for any calendar year, the political
17 committee shall separately itemize its reporting for
18 such person in the same manner as required in para-
19 graphs (3)(A), (5), and (6) of subsection (b).

20 “(4) REPORTING PERIODS.—Reports required
21 to be filed under this subsection shall be filed for the
22 same time periods required for political committees
23 under subsection (a).”.

24 (b) BUILDING FUND EXCEPTION TO THE DEFINI-
25 TION OF CONTRIBUTION.—Section 301(8)(B) of the Fed-

1 eral Election Campaign Act of 1971 (2 U.S.C. 431(8)(B))

2 is amended—

3 (1) by striking clause (viii); and

4 (2) by redesignating clauses (ix) through (xv)

5 as clauses (viii) through (xiv), respectively.

6 **TITLE II—INDEPENDENT AND** 7 **COORDINATED EXPENDITURES**

8 **SEC. 201. DEFINITIONS.**

9 (a) **DEFINITION OF INDEPENDENT EXPENDITURE.**—

10 Section 301 of the Federal Election Campaign Act (2
11 U.S.C. 431) is amended by striking paragraph (17) and
12 inserting the following:

13 “(17) **INDEPENDENT EXPENDITURE.**—

14 “(A) **IN GENERAL.**—The term ‘independent expenditure’ means an expenditure by
15 a person—

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

19 “(ii) that is not coordinated activity or is not provided in coordination with a
20 candidate or a candidate’s agent or a person who is coordinating with a candidate
21 or a candidate’s agent.”.

24 (b) **DEFINITION OF EXPRESS ADVOCACY.**—Section
25 301 of the Federal Election Campaign Act of 1971 (2

1 U.S.C. 431) is amended by adding at the end the fol-
2 lowing:

3 “(20) EXPRESS ADVOCACY.—

4 “(A) IN GENERAL.—The term ‘express ad-
5 vocacy’ means a communication that advocates
6 the election or defeat of a candidate by—

7 “(i) containing a phrase such as ‘vote
8 for’, ‘re-elect’, ‘support’, ‘cast your ballot
9 for’, ‘(name of candidate) for Congress’,
10 ‘(name of candidate) in 1997’, ‘vote
11 against’, ‘defeat’, ‘reject’, or a campaign
12 slogan or words that in context can have
13 no reasonable meaning other than to advo-
14 cate the election or defeat of one or more
15 clearly identified candidates;

16 “(ii) referring to one or more clearly
17 identified candidates in a paid advertise-
18 ment that is transmitted through radio or
19 television within 60 calendar days pre-
20 ceding the date of an election of the can-
21 didate and that appears in the State in
22 which the election is occurring, except that
23 with respect to a candidate for the office of
24 Vice President or President, the time pe-

1 riod is within 60 calendar days preceding
2 the date of a general election; or

3 “(iii) expressing unmistakable and un-
4 ambiguous support for or opposition to one
5 or more clearly identified candidates when
6 taken as a whole and with limited ref-
7 erence to external events, such as prox-
8 imity to an election.

9 “(B) VOTING RECORD AND VOTING GUIDE
10 EXCEPTION.—The term ‘express advocacy’ does
11 not include a communication which is in printed
12 form or posted on the Internet that—

13 “(i) presents information solely about
14 the voting record or position on a cam-
15 paign issue of one or more candidates (in-
16 cluding any statement by the sponsor of
17 the voting record or voting guide of its
18 agreement or disagreement with the record
19 or position of a candidate), so long as the
20 voting record or voting guide when taken
21 as a whole does not express unmistakable
22 and unambiguous support for or opposition
23 to one or more clearly identified can-
24 didates;

1 “(ii) is not coordinated activity or is
2 not made in coordination with a candidate,
3 political party, or agent of the candidate or
4 party, or a candidate’s agent or a person
5 who is coordinating with a candidate or a
6 candidate’s agent, except that nothing in
7 this clause may be construed to prevent
8 the sponsor of the voting guide from di-
9 recting questions in writing to a candidate
10 about the candidate’s position on issues for
11 purposes of preparing a voter guide or to
12 prevent the candidate from responding in
13 writing to such questions; and

14 “(iii) does not contain a phrase such
15 as ‘vote for’, ‘re-elect’, ‘support’, ‘cast your
16 ballot for’, ‘(name of candidate) for Con-
17 gress’, ‘(name of candidate) in (year)’,
18 ‘vote against’, ‘defeat’, or ‘reject’, or a
19 campaign slogan or words that in context
20 can have no reasonable meaning other than
21 to urge the election or defeat of one or
22 more clearly identified candidates.”.

23 (c) DEFINITION OF EXPENDITURE.—Section
24 301(9)(A) of the Federal Election Campaign Act of 1971
25 (2 U.S.C. 431(9)(A)) is amended—

12 SEC. 202. EXPRESS ADVOCACY DETERMINED WITHOUT RE-
13 GARD TO BACKGROUND MUSIC.

14 Section 301(20) of the Federal Election Campaign
15 Act of 1971 (2 U.S.C. 431(20)), as added by section
16 201(b), is amended by adding at the end the following new
17 subparagraph:

18 “(C) BACKGROUND MUSIC.—In deter-
19 mining whether any communication by tele-
20 vision or radio broadcast constitutes express ad-
21 vocacy for purposes of this Act, there shall not
22 be taken into account any background music
23 not including lyrics used in such broadcast.”.

1 **SEC. 203. CIVIL PENALTY.**

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

4 (1) in subsection (a)—

5 (A) in paragraph (4)(A)—

6 (i) in clause (i), by striking “clause
7 (ii)” and inserting “clauses (ii) and (iii)”;
8 and

9 (ii) by adding at the end the fol-
10 lowing:

11 “(iii) If the Commission determines by an affirmative
12 vote of 4 of its members that there is probable cause to
13 believe that a person has made a knowing and willful viola-
14 tion of section 304(c), the Commission shall not enter into
15 a conciliation agreement under this paragraph and may
16 institute a civil action for relief under paragraph (6)(A).”;
17 and

18 (B) in paragraph (6)(B), by inserting “(ex-
19 cept an action instituted in connection with a
20 knowing and willful violation of section
21 304(c))” after “subparagraph (A)”; and

22 (2) in subsection (d)(1)—

23 (A) in subparagraph (A), by striking “Any
24 person” and inserting “Except as provided in
25 subparagraph (D), any person”; and

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

1 “(D) In the case of a knowing and willful violation
2 of section 304(c) that involves the reporting of an inde-
3 pendent expenditure, the violation shall not be subject to
4 this subsection.”.

5 **SEC. 204. REPORTING REQUIREMENTS FOR CERTAIN INDE-
6 PENDENT EXPENDITURES.**

7 Section 304 of the Federal Election Campaign Act
8 of 1971 (2 U.S.C. 434) is amended—

9 (1) in subsection (c)(2), by striking the undes-
10 ignated matter after subparagraph (C);

11 (2) by redesignating paragraph (3) of sub-
12 section (c) as subsection (e); and

13 (3) by inserting after subsection (e), as redesi-
14 ginated by paragraph (2), the following:

15 “(f) TIME FOR REPORTING CERTAIN EXPENDI-
16 TURES.—

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

18 “(A) INITIAL REPORT.—A person (includ-
19 ing a political committee) that makes or con-
20 tracts to make independent expenditures aggre-
21 gating \$1,000 or more after the 20th day, but
22 more than 24 hours, before the date of an elec-
23 tion shall file a report describing the expendi-
24 tures within 24 hours after that amount of
25 independent expenditures has been made.

1 “(B) ADDITIONAL REPORTS.—After a per-
2 son files a report under subparagraph (A), the
3 person shall file an additional report within 24
4 hours after each time the person makes or con-
5 tracts to make independent expenditures aggre-
6 gating an additional \$1,000 with respect to the
7 same election as that to which the initial report
8 relates.

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

10 “(A) INITIAL REPORT.—A person (includ-
11 ing a political committee) that makes or con-
12 tracts to make independent expenditures aggre-
13 gating \$10,000 or more at any time up to and
14 including the 20th day before the date of an
15 election shall file a report describing the ex-
16 penditures within 48 hours after that amount
17 of independent expenditures has been made.

18 “(B) ADDITIONAL REPORTS.—After a per-
19 son files a report under subparagraph (A), the
20 person shall file an additional report within 48
21 hours after each time the person makes or con-
22 tracts to make independent expenditures aggre-
23 gating an additional \$10,000 with respect to
24 the same election as that to which the initial re-
25 port relates.

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

3 “(A) shall be filed with the Commission;
4 and

5 “(B) shall contain the information required
6 by subsection (b)(6)(B)(iii), including the name
7 of each candidate whom an expenditure is in-
8 tended to support or oppose.”.

9 **SEC. 205. INDEPENDENT VERSUS COORDINATED EXPENDI-
10 TURES BY PARTY.**

11 Section 315(d) of the Federal Election Campaign Act
12 (2 U.S.C. 441a(d)) is amended—

13 (1) in paragraph (1), by striking “and (3)” and
14 inserting “, (3), and (4)”; and

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

16 **“(4) INDEPENDENT VERSUS COORDINATED EX-
17 PENDITURES BY PARTY.—**

18 “(A) IN GENERAL.—On or after the date on
19 which a political party nominates a candidate, a
20 committee of the political party shall not make both
21 expenditures under this subsection and independent
22 expenditures (as defined in section 301(17)) with re-
23 spect to the candidate during the election cycle.

24 “(B) CERTIFICATION.—Before making a coordi-
25 nated expenditure under this subsection with respect

1 to a candidate, a committee of a political party shall
2 file with the Commission a certification, signed by
3 the treasurer of the committee, that the committee
4 has not and shall not make any independent expend-
5 iture with respect to the candidate during the same
6 election cycle.

7 “(C) APPLICATION.—For the purposes of this
8 paragraph, all political committees established and
9 maintained by a national political party (including
10 all congressional campaign committees) and all polit-
11 ical committees established and maintained by a
12 State political party (including any subordinate com-
13 mittee of a State committee) shall be considered to
14 be a single political committee.

15 “(D) TRANSFERS.—A committee of a political
16 party that submits a certification under subpara-
17 graph (B) with respect to a candidate shall not, dur-
18 ing an election cycle, transfer any funds to, assign
19 authority to make coordinated expenditures under
20 this subsection to, or receive a transfer of funds
21 from, a committee of the political party that has
22 made or intends to make an independent expendi-
23 ture with respect to the candidate.”.

1 **SEC. 206. COORDINATION WITH CANDIDATES.**

2 (a) DEFINITION OF COORDINATION WITH CANDIDATES.—

4 (1) SECTION 301(8).—Section 301(8) of the
5 Federal Election Campaign Act of 1971 (2 U.S.C.
6 431(8)) is amended—

7 (A) in subparagraph (A)—

8 (i) by striking “or” at the end of
9 clause (i);10 (ii) by striking the period at the end
11 of clause (ii) and inserting “; or”; and

12 (iii) by adding at the end the following:

14 “(iii) coordinated activity (as defined
15 in subparagraph (C)).”; and

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

17 “(C) COORDINATED ACTIVITY.—The term
18 ‘coordinated activity’ means anything of value
19 provided by a person in coordination with a
20 candidate, an agent of the candidate, or the po-
21 litical party of the candidate or its agent for the
22 purpose of influencing a Federal election (re-
23 gardless of whether the value being provided is
24 a communication that is express advocacy) in
25 which such candidate seeks nomination or elec-

1 person making the payment by the can-
2 didate or the candidate's agent who pro-
3 vides the information with the intent that
4 the payment be made.

1 or election, to Federal office, in the same
2 election cycle as the election cycle in which
3 the payment is made.

4 “(vi) A payment made by a person if,
5 in the same election cycle, the person mak-
6 ing the payment retains the professional
7 services of any person that has provided or
8 is providing campaign-related services in
9 the same election cycle to a candidate (in-
10 cluding services provided through a politi-
11 cal committee of the candidate’s political
12 party) in connection with the candidate’s
13 pursuit of nomination for election, or elec-
14 tion, to Federal office, including services
15 relating to the candidate’s decision to seek
16 Federal office, and the person retained is
17 retained to work on activities relating to
18 that candidate’s campaign.

19 “(vii) A payment made by a person
20 who has directly participated in fund-
21 raising activities with the candidate or in
22 the solicitation or receipt of contributions
23 on behalf of the candidate.

24 “(viii) A payment made by a person
25 who has communicated with the candidate

1 or an agent of the candidate (including a
2 communication through a political com-
3 mittee of the candidate's political party)
4 after the declaration of candidacy (includ-
5 ing a pollster, media consultant, vendor,
6 advisor, or staff member acting on behalf
7 of the candidate), about advertising mes-
8 sage, allocation of resources, fundraising,
9 or other campaign matters related to the
10 candidate's campaign, including campaign
11 operations, staffing, tactics, or strategy.

3 “(D) PROFESSIONAL SERVICES.—For pur-
4 poses of subparagraph (C), the term ‘profes-
5 sional services’ means polling, media advice,
6 fundraising, campaign research or direct mail
7 (except for mailhouse services solely for the dis-
8 tribution of voter guides as defined in section
9 301(20)(B)) services in support of a candidate’s
10 pursuit of nomination for election, or election,
11 to Federal office.

1 “(B) a coordinated activity, as described in
2 section 301(8)(C), shall be considered to be a
3 contribution to the candidate, and in the case
4 of a limitation on expenditures, shall be treated
5 as an expenditure by the candidate; and”.

6 (b) MEANING OF CONTRIBUTION OR EXPENDITURE
7 FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2)
8 of the Federal Election Campaign Act of 1971 (2 U.S.C.
9 441b(b)) is amended by striking “shall include” and in-
10 serting “includes a contribution or expenditure, as those
11 terms are defined in section 301, and also includes”.

12 **TITLE III—DISCLOSURE**

13 **SEC. 301. AUDITS.**

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

17 (1) by striking “(b) The Commission” and in-
18 serting the following:

19 “(b) AUDITS.—

20 “(1) IN GENERAL.—The Commission”; and

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

22 “(2) RANDOM AUDITS.—

23 “(A) IN GENERAL.—Notwithstanding para-
24 graph (1), the Commission may conduct ran-
25 dom audits and investigations to ensure vol-

1 untary compliance with this Act. The selection
2 of any candidate for a random audit or inves-
3 tigation shall be based on criteria adopted by a
4 vote of at least four members of the Commis-
5 sion.

6 “(B) LIMITATION.—The Commission shall
7 not conduct an audit or investigation of a can-
8 didate’s authorized committee under subpara-
9 graph (A) until the candidate is no longer a
10 candidate for the office sought by the candidate
11 in an election cycle.

12 “(C) APPLICABILITY.—This paragraph
13 does not apply to an authorized committee of a
14 candidate for President or Vice President sub-
15 ject to audit under section 9007 or 9038 of the
16 Internal Revenue Code of 1986.”.

17 (b) EXTENSION OF PERIOD DURING WHICH CAM-
18 PAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the
19 Federal Election Campaign Act of 1971 (2 U.S.C. 438(b))
20 is amended by striking “6 months” and inserting “12
21 months”.

22 SEC. 302. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF \$50 OR MORE.

24 Section 304(b)(3)(A) of the Federal Election Cam-
25 paign Act at 1971 (2 U.S.C. 434(b)(3)(A)) is amended—

1 (1) by striking “\$200” and inserting “\$50”;

2 and

9 SEC. 303. USE OF CANDIDATES' NAMES.

10 Section 302(e) of the Federal Election Campaign Act
11 of 1971 (2 U.S.C. 432(e)) is amended by striking para-
12 graph (4) and inserting the following:

13 "(4) NAME OF COMMITTEE.—

14 “(A) AUTHORIZED COMMITTEE.—The name of
15 each authorized committee shall include the name of
16 the candidate who authorized the committee under
17 paragraph (1).

18 “(B) OTHER POLITICAL COMMITTEES.—A polit-
19 ical committee that is not an authorized committee
20 shall not—

23 “(ii) except in the case of a national,
24 State, or local party committee, use the name
25 of any candidate in any activity on behalf of the

1 committee in such a context as to suggest that
2 the committee is an authorized committee of
3 the candidate or that the use of the candidate's
4 name has been authorized by the candidate.”.

5 **SEC. 304. PROHIBITION OF FALSE REPRESENTATION TO**
6 **SOLICIT CONTRIBUTIONS.**

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

9 (1) by inserting after “SEC. 322.” the fol-
10 lowing: “(a) IN GENERAL.—”; and
11 (2) by adding at the end the following:
12 “(b) SOLICITATION OF CONTRIBUTIONS.—No person
13 shall solicit contributions by falsely representing himself
14 or herself as a candidate or as a representative of a can-
15 didate, a political committee, or a political party.”.

16 **SEC. 305. CAMPAIGN ADVERTISING.**

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

19 (1) in subsection (a)—
20 (A) in the matter preceding paragraph
21 (1)—
22 (i) by striking “Whenever” and insert-
23 ing “Whenever a political committee makes
24 a disbursement for the purpose of financ-
25 ing any communication through any broad-

1 casting station, newspaper, magazine, out-
2 door advertising facility, mailing, or any
3 other type of general public political adver-
4 tising, or whenever”;

5 (ii) by striking “an expenditure” and
6 inserting “a disbursement”; and

7 (iii) by striking “direct”; and

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

11 "(c) SPECIFICATION.—Any printed communication
12 described in subsection (a) shall—

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

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

17 “(3) be printed with a reasonable degree of
18 color contrast between the background and the
19 printed statement.

20 "(d) ADDITIONAL REQUIREMENTS.—

21 “(1) AUDIO STATEMENT.—

22 “(A) CANDIDATE.—Any communication
23 described in paragraphs (1) or (2) of subsection
24 (a) which is transmitted through radio or tele-
25 vision shall include, in addition to the require-

1 ments of that paragraph, an audio statement by
2 the candidate that identifies the candidate and
3 states that the candidate has approved the com-
4 munication.

5 “(B) OTHER PERSONS.—Any communica-
6 tion described in paragraph (3) of subsection
7 (a) which is transmitted through radio or tele-
8 vision shall include, in addition to the require-
9 ments of that paragraph, in a clearly spoken
10 manner, the following statement:
11 ‘_____ is responsible for the con-
12 tent of this advertisement.’ (with the blank to
13 be filled in with the name of the political com-
14 mittee or other person paying for the commu-
15 nication and the name of any connected organi-
16 zation of the payor). If transmitted through tel-
17 evision, the statement shall also appear in a
18 clearly readable manner with a reasonable de-
19 gree of color contrast between the background
20 and the printed statement, for a period of at
21 least 4 seconds.”.

22 “(2) TELEVISION.—If a communication de-
23 scribed in paragraph (1)(A) is transmitted through
24 television, the communication shall include, in addi-

1 tion to the audio statement under paragraph (1), a
2 written statement that—

3 “(A) appears at the end of the communica-
4 tion in a clearly readable manner with a reason-
5 able degree of color contrast between the back-
6 ground and the printed statement, for a period
7 of at least 4 seconds; and

8 “(B) is accompanied by a clearly identifi-
9 able photographic or similar image of the can-
10 didate.”.

11 **TITLE IV—MISCELLANEOUS**

12 **SEC. 401. CODIFICATION OF BECK DECISION.**

13 Section 8 of the National Labor Relations Act (29
14 U.S.C. 158) is amended by adding at the end the fol-
15 lowing:

16 “(h) NONUNION MEMBER PAYMENTS TO LABOR OR-
17 GANIZATION.—

18 “(1) IN GENERAL.—It shall be an unfair labor
19 practice for any labor organization which receives a
20 payment from an employee pursuant to an agree-
21 ment that requires employees who are not members
22 of the organization to make payments to such orga-
23 nization in lieu of organization dues or fees not to
24 establish and implement the objection procedure de-
25 scribed in paragraph (2).

1 “(2) OBJECTION PROCEDURE.—The objection
2 procedure required under paragraph (1) shall meet
3 the following requirements:

4 “(A) The labor organization shall annually
5 provide to employees who are covered by such
6 agreement but are not members of the
7 organization—

8 “(i) reasonable personal notice of the
9 objection procedure, a list of the employees
10 eligible to invoke the procedure, and the
11 time, place, and manner for filing an objec-
12 tion; and

13 “(ii) reasonable opportunity to file an
14 objection to paying for organization ex-
15 penditures supporting political activities
16 unrelated to collective bargaining, includ-
17 ing but not limited to the opportunity to
18 file such objection by mail.

19 “(B) If an employee who is not a member
20 of the labor organization files an objection
21 under the procedure in subparagraph (A), such
22 organization shall—

23 “(i) reduce the payments in lieu of or-
24 ganization dues or fees by such employee
25 by an amount which reasonably reflects the

11 “(3) DEFINITION.—In this subsection, the term
12 ‘expenditures supporting political activities unrelated
13 to collective bargaining’ means expenditures in con-
14 nection with a Federal, State, or local election or in
15 connection with efforts to influence legislation unre-
16 lated to collective bargaining.”.

17 SEC. 402. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN
18 PURPOSES.

19 Title III of the Federal Election Campaign Act of
20 1971 (2 U.S.C. 431 et seq.) is amended by striking section
21 313 and inserting the following:

22 "SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN
23 PURPOSES.

24 "(a) PERMITTED USES.—A contribution accepted by
25 a candidate, and any other amount received by an indi-

1 individual as support for activities of the individual as a holder
2 of Federal office, may be used by the candidate or
3 individual—

4 “(1) for expenditures in connection with the
5 campaign for Federal office of the candidate or indi-
6 vidual;

7 “(2) for ordinary and necessary expenses in-
8 curred in connection with duties of the individual as
9 a holder of Federal office;

10 “(3) for contributions to an organization de-
11 scribed in section 170(c) of the Internal Revenue
12 Code of 1986; or

13 “(4) for transfers to a national, State, or local
14 committee of a political party.

15 “(b) PROHIBITED USE.—

16 “(1) IN GENERAL.—A contribution or amount
17 described in subsection (a) shall not be converted by
18 any person to personal use.

19 “(2) CONVERSION.—For the purposes of para-
20 graph (1), a contribution or amount shall be consid-
21 ered to be converted to personal use if the contribu-
22 tion or amount is used to fulfill any commitment,
23 obligation, or expense of a person that would exist
24 irrespective of the candidate’s election campaign or

1 individual's duties as a holder of Federal office-
2 holder, including—
3 “(A) a home mortgage, rent, or utility pay-
4 ment;
5 “(B) a clothing purchase;
6 “(C) a noncampaign-related automobile ex-
7 pense;
8 “(D) a country club membership;
9 “(E) a vacation or other noncampaign-re-
10 lated trip;
11 “(F) a household food item;
12 “(G) a tuition payment;
13 “(H) admission to a sporting event, con-
14 cert, theater, or other form of entertainment
15 not associated with an election campaign; and
16 “(I) dues, fees, and other payments to a
17 health club or recreational facility.”.

18 **SEC. 403. LIMIT ON CONGRESSIONAL USE OF THE FRANK-
19 ING PRIVILEGE.**

20 Section 3210(a)(6) of title 39, United States Code,
21 is amended by striking subparagraph (A) and inserting
22 the following:

23 “(A) A Member of Congress shall not mail
24 any mass mailing as franked mail during the
25 180-day period which ends on the date of the

1 general election for the office held by the Mem-
2 ber or during the 90-day period which ends on
3 the date of any primary election for that office,
4 unless the Member has made a public an-
5 nouncement that the Member will not be a can-
6 didate for reelection during that year or for
7 election to any other Federal office.”.

8 **SEC. 404. PROHIBITION OF FUNDRAISING ON FEDERAL**
9 **PROPERTY.**

10 Section 607 of title 18, United States Code, is
11 amended—

12 (1) by striking subsection (a) and inserting the
13 following:

14 “(a) PROHIBITION.—

15 “(1) IN GENERAL.—It shall be unlawful for any
16 person to solicit or receive a donation of money or
17 other thing of value in connection with a Federal,
18 State, or local election from a person who is located
19 in a room or building occupied in the discharge of
20 official duties by an officer or employee of the
21 United States. An individual who is an officer or
22 employee of the Federal Government, including the
23 President, Vice President, and Members of Con-
24 gress, shall not solicit a donation of money or other
25 thing of value in connection with a Federal, State,

1 or local election while in any room or building occu-
2 pied in the discharge of official duties by an officer
3 or employee of the United States, from any person.

4 “(2) PENALTY.—A person who violates this sec-
5 tion shall be fined not more than \$5,000, imprisoned
6 more than 3 years, or both.”; and

7 (2) in subsection (b), by inserting “or Executive
8 Office of the President” after “Congress”.

9 **SEC. 405. PENALTIES FOR VIOLATIONS.**

10 (a) INCREASED PENALTIES.—Section 309(a) of the
11 Federal Election Campaign Act of 1971 (2 U.S.C.
12 437g(a)) is amended—

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

15 (2) in paragraphs (5)(B) and (6)(C), by strik-
16 ing “\$10,000 or an amount equal to 200 percent”
17 and inserting “\$20,000 or an amount equal to 300
18 percent”.

19 (b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of
20 the Federal Election Campaign Act of 1971 (2 U.S.C.
21 437g(a)(5)) is amended by striking the period at the end
22 and inserting “, and may include equitable remedies or
23 penalties, including disgorgement of funds to the Treasury
24 or community service requirements (including require-
25 ments to participate in public education programs).”.

1 **SEC. 406. STRENGTHENING FOREIGN MONEY BAN.**

2 (a) IN GENERAL.—Section 319 of the Federal Elec-
3 tion Campaign Act of 1971 (2 U.S.C. 441e) is amended—

4 (1) by striking the heading and inserting the
5 following: “CONTRIBUTIONS AND DONATIONS BY
6 FOREIGN NATIONALS”; and

7 (2) by striking subsection (a) and inserting the
8 following:

9 “(a) PROHIBITION.—It shall be unlawful for—

10 “(1) a foreign national, directly or indirectly, to
11 make—

12 “(A) a donation of money or other thing of
13 value, or to promise expressly or impliedly to
14 make a donation, in connection with a Federal,
15 State, or local election; or

16 “(B) a contribution or donation to a com-
17 mittee of a political party; or

18 “(2) a person to solicit, accept, or receive such
19 a contribution or donation from a foreign national.”.

20 (b) PROHIBITING USE OF WILLFUL BLINDNESS AS
21 DEFENSE AGAINST CHARGE OF VIOLATING FOREIGN
22 CONTRIBUTION BAN.—

23 (1) IN GENERAL.—Section 319 of the Federal
24 Election Campaign Act of 1971 (2 U.S.C. 441e) is
25 amended—

1 (A) by redesignating subsection (b) as sub-
2 section (c); and

3 (B) by inserting after subsection (a) the
4 following new subsection:

5 “(b) PROHIBITING USE OF WILLFUL BLINDNESS
6 DEFENSE.—It shall not be a defense to a violation of sub-
7 section (a) that the defendant did not know that the con-
8 tribution originated from a foreign national if the defend-
9 ant should have known that the contribution originated
10 from a foreign national, except that the trier of fact may
11 not find that the defendant should have known that the
12 contribution originated from a foreign national solely be-
13 cause of the name of the contributor.”

18 SEC. 407. PROHIBITION OF CONTRIBUTIONS BY MINORS.

19 Title III of the Federal Election Campaign Act of
20 1971 (2 U.S.C. 431 et seq.), as amended by section 101,
21 is amended by adding at the end the following:

22 "SEC. 324. PROHIBITION OF CONTRIBUTIONS BY MINORS.

23 “An individual who is 17 years old or younger shall
24 not make a contribution to a candidate or a contribution
25 or donation to a committee of a political party.”.

1 **SEC. 408. EXPEDITED PROCEDURES.**

2 (a) IN GENERAL.—Section 309(a) of the Federal
3 Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is
4 amended by adding at the end the following:

5 “(13) EXPEDITED PROCEDURE.—

6 “(A) IN GENERAL.—If the complaint in a pro-
7 ceeding was filed within 60 days preceding the date
8 of a general election, the Commission may take ac-
9 tion described in this subparagraph.

10 “(B) CLEAR AND CONVINCING EVIDENCE EX-
11 ISTS.—If the Commission determines, on the basis
12 of facts alleged in the complaint and other facts
13 available to the Commission, that there is clear and
14 convincing evidence that a violation of this Act has
15 occurred, is occurring, or is about to occur, the
16 Commission may order expedited proceedings, short-
17 ening the time periods for proceedings under para-
18 graphs (1), (2), (3), and (4) as necessary to allow
19 the matter to be resolved in sufficient time before
20 the election to avoid harm or prejudice to the inter-
21 ests of the parties.

22 “(C) COMPLAINT WITHOUT MERIT.—If the
23 Commission determines, on the basis of facts alleged
24 in the complaint and other facts available to the
25 Commission, that the complaint is clearly without
26 merit, the Commission may—

1 “(i) order expedited proceedings, shortening the
2 time periods for proceedings under paragraphs (1),
3 (2), (3), and (4) as necessary to allow the matter to
4 be resolved in sufficient time before the election to
5 avoid harm or prejudice to the interests of the par-
6 ties; or

7 “(ii) if the Commission determines that there is
8 insufficient time to conduct proceedings before the
9 election, summarily dismiss the complaint.”.

10 (b) REFERRAL TO ATTORNEY GENERAL.—Section
11 309(a)(5) of the Federal Election Campaign Act of 1971
12 (2 U.S.C. 437g(a)(5)) is amended by striking subpara-
13 graph (C) and inserting the following:

14 “(C) REFERRAL TO ATTORNEY GENERAL.—The
15 Commission may at any time, by an affirmative vote of
16 at least 4 of its members, refer a possible violation of this
17 Act or chapter 95 or 96 of the Internal Revenue Code
18 of 1986, to the Attorney General of the United States,
19 without regard to any limitation set forth in this section.”.

20 **SEC. 409. INITIATION OF ENFORCEMENT PROCEEDING.**

21 Section 309(a)(2) of the Federal Election Campaign
22 Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking
23 “reason to believe that” and inserting “reason to inves-
24 tigate whether”.

1 **SEC. 410. PROTECTING EQUAL PARTICIPATION OF ELIGI-**
2 **BLE VOTERS IN CAMPAIGNS AND ELECTIONS.**

3 Title III of the Federal Election Campaign Act of
4 1971 (2 U.S.C. 431 et seq.), as amended by sections 101
5 and 407, is amended by adding at the end the following:

6 **SEC. 325. PROTECTING EQUAL PARTICIPATION OF ELIGI-**
7 **BLE VOTERS IN CAMPAIGNS AND ELECTIONS.**

8 “(a) IN GENERAL.—Nothing in this Act may be con-
9 strued to prohibit any individual eligible to vote in an elec-
10 tion for Federal office from making contributions or ex-
11 penditures in support of a candidate for such an election
12 (including voluntary contributions or expenditures made
13 through a separate segregated fund established by the in-
14 dividual’s employer or labor organization) or otherwise
15 participating in any campaign for such an election in the
16 same manner and to the same extent as any other indi-
17 vidual eligible to vote in an election for such office.

18 “(b) NO EFFECT ON GEOGRAPHIC RESTRICTIONS ON
19 CONTRIBUTIONS.—Subsection (a) may not be construed
20 to affect any restriction under this title regarding the por-
21 tion of contributions accepted by a candidate from persons
22 residing in a particular geographic area.”.

1 **SEC. 411. PENALTY FOR VIOLATION OF PROHIBITION**2 **AGAINST FOREIGN CONTRIBUTIONS.**

3 (a) IN GENERAL.—Section 319 of the Federal Elec-
4 tion Campaign Act of 1971 (2 U.S.C. 441e), as amended
5 by section 406(b), is amended—

6 (1) by redesignating subsection (c) as sub-
7 section (d); and

8 (2) by inserting after subsection (b) the fol-
9 lowing:

10 “(c) PENALTY.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), notwithstanding any other provision of
13 this title, any person who violates subsection (a)
14 shall be sentenced to a term of imprisonment which
15 may not be more than 10 years, fined in an amount
16 not to exceed \$1,000,000, or both.

17 “(2) EXCEPTION.—Paragraph (1) shall not
18 apply with respect to any violation of subsection (a)
19 arising from a contribution or donation made by an
20 individual who is lawfully admitted for permanent
21 residence (as defined in section 101(a)(22) of the
22 Immigration and Nationality Act).”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to violations occurring
25 on or after the date of enactment of this Act.

1 **SEC. 412. EXPEDITED COURT REVIEW OF CERTAIN AL-**
2 **LEGED VIOLATIONS OF FEDERAL ELECTION**
3 **CAMPAIGN ACT OF 1971.**

4 (a) IN GENERAL.—Section 309 of the Federal Elec-
5 tion Campaign Act of 1971 (2 U.S.C. 437g) is amended—

6 (1) by redesignating subsection (d) as sub-
7 section (e); and

8 (2) by inserting after subsection (c) the fol-
9 lowing new subsection:

10 “(d) PRIVATE ACTION.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of this section, if a candidate (or the can-
13 didate’s authorized committee) believes that a viola-
14 tion described in paragraph (2) has been committed
15 with respect to an election during the 90-day period
16 preceding the date of the election, the candidate or
17 committee may institute a civil action on behalf of
18 the Commission for relief (including injunctive relief)
19 against the alleged violator in the same manner and
20 under the same terms and conditions as an action
21 instituted by the Commission under subsection
22 (a)(6), except that the court involved shall issue a
23 decision regarding the action as soon as practicable
24 after the action is instituted and to the greatest ex-
25 tent possible issue the decision prior to the date of
26 the election involved.

1 “(2) VIOLATIONS.—A violation described in this
2 paragraph is a violation of this Act or of chapter 95
3 or chapter 96 of the Internal Revenue Code of 1986
4 relating to—

5 “(A) whether a contribution is in excess of
6 an applicable limit or is otherwise prohibited
7 under this Act; or

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to elections occurring
12 after the date of enactment of this Act.

13 SEC. 413. CONSPIRACY TO VIOLATE PRESIDENTIAL CAM-
14 PAIGN SPENDING LIMITS.

15 (a) IN GENERAL.—Section 9003 of the Internal Rev-
16 enue Code of 1986 (relating to condition for eligibility for
17 payments) is amended by adding at the end the following:

18 "(f) PROHIBITING CONSPIRACY TO VIOLATE LIM-
19 ITS.—

20 “(1) VIOLATION OF LIMITS DESCRIBED.—If a
21 candidate for election to the office of President or
22 Vice President who receives amounts from the Presi-
23 dential Election Campaign Fund under chapter 95
24 or 96 of the Internal Revenue Code of 1986, or the
25 agent of such a candidate, seeks to avoid the spend-

1 ing limits applicable to the candidate under such
2 chapter or under the Federal Election Campaign Act
3 of 1971 by soliciting, receiving, transferring, or di-
4 recting funds from any source other than such Fund
5 for the direct or indirect benefit of such candidate's
6 campaign, such candidate or agent shall be fined not
7 more than \$1,000,000, or imprisoned for a term of
8 not more than 3 years, or both.

9 “(2) CONSPIRACY TO VIOLATE LIMITS DE-
10 FINED.—If two or more persons conspire to commit
11 a violation described in paragraph (1), and one or
12 more of such persons do any act to effect the object
13 of the conspiracy, each shall be fined not more than
14 \$1,000,000, or imprisoned for a term of not more
15 than 3 years, or both.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 this section shall apply with respect to elections occurring
18 on or after the date of enactment of this Act.

19 SEC. 414. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DO-
20 NATIONS IN TREASURY ACCOUNT.

21 (a) IN GENERAL.—Title III of the Federal Election
22 Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended
23 by sections 101, 407, and 410, is amended by adding at
24 the end the following:

1 **“SEC. 326. TREATMENT OF CERTAIN CONTRIBUTIONS AND**
2 **DONATIONS RETURNED TO DONORS.**

3 “(a) TRANSFER TO COMMISSION.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of this Act, if a political committee intends
6 to return any contribution or donation given to the
7 political committee, the committee shall transfer the
8 contribution or donation to the Commission if—

9 “(A) the contribution or donation is in an
10 amount equal to or greater than \$500 (other
11 than a contribution or donation returned within
12 60 days of receipt by the committee); or

13 “(B) the contribution or donation was
14 made in violation of section 315, 316, 317, 319,
15 320, or 325 (other than a contribution or dona-
16 tion returned within 30 days of receipt by the
17 committee).

18 “(2) INFORMATION INCLUDED WITH TRANS-
19 FERRED CONTRIBUTION OR DONATION.—A political
20 committee shall include with any contribution or do-
21 nation transferred under paragraph (1)—

22 “(A) a request that the Commission return
23 the contribution or donation to the person mak-
24 ing the contribution or donation; and

25 “(B) information regarding the cir-
26 cumstances surrounding the making of the con-

1 tribution or donation and any opinion of the po-
2 litical committee concerning whether the con-
3 tribution or donation may have been made in
4 violation of this Act.

5 “(3) ESTABLISHMENT OF ESCROW ACCOUNT.—

6 “(A) IN GENERAL.—The Commission shall
7 establish a single interest-bearing escrow ac-
8 count for deposit of amounts transferred under
9 paragraph (1).

10 “(B) DISPOSITION OF AMOUNTS RE-
11 CEIVED.—On receiving an amount from a polit-
12 ical committee under paragraph (1), the Com-
13 mission shall—

14 “(i) deposit the amount in the escrow
15 account established under subparagraph
16 (A); and

17 “(ii) notify the Attorney General and
18 the Commissioner of the Internal Revenue
19 Service of the receipt of the amount from
20 the political committee.

21 “(C) USE OF INTEREST.—Interest earned
22 on amounts in the escrow account established
23 under subparagraph (A) shall be applied or
24 used for the same purposes as the donation or
25 contribution on which it is earned.

1 “(4) TREATMENT OF RETURNED CONTRIBUTION OR DONATION AS A COMPLAINT.—The transfer
2 of any contribution or donation to the Commission
3 under this section shall be treated as the filing of a
4 complaint under section 309(a).

6 “(b) USE OF AMOUNTS PLACED IN ESCROW TO
7 COVER FINES AND PENALTIES.—The Commission or the
8 Attorney General may require any amount deposited in
9 the escrow account under subsection (a)(3) to be applied
10 toward the payment of any fine or penalty imposed under
11 this Act or title 18, United States Code, against the per-
12 son making the contribution or donation.

13 “(c) RETURN OF CONTRIBUTION OR DONATION
14 AFTER DEPOSIT IN ESCROW.—

15 “(1) IN GENERAL.—The Commission shall re-
16 turn a contribution or donation deposited in the es-
17 crow account under subsection (a)(3) to the person
18 making the contribution or donation if—

19 “(A) within 180 days after the date the
20 contribution or donation is transferred, the
21 Commission has not made a determination
22 under section 309(a)(2) that the Commission
23 has reason to investigate whether that the mak-
24 ing of the contribution or donation was made in
25 violation of this Act; or

1 “(B)(i) the contribution or donation will
2 not be used to cover fines, penalties, or costs
3 pursuant to subsection (b); or

4 “(ii) if the contribution or donation will be
5 used for those purposes, that the amounts re-
6 quired for those purposes have been withdrawn
7 from the escrow account and subtracted from
8 the returnable contribution or donation.

9 “(2) NO EFFECT ON STATUS OF INVESTIGA-
10 TION.—The return of a contribution or donation by
11 the Commission under this subsection shall not be
12 construed as having an effect on the status of an in-
13 vestigation by the Commission or the Attorney Gen-
14 eral of the contribution or donation or the cir-
15 cumstances surrounding the contribution or dona-
16 tion, or on the ability of the Commission or the At-
17 torney General to take future actions with respect to
18 the contribution or donation.”.

19 (b) AMOUNTS USED TO DETERMINE AMOUNT OF
20 PENALTY FOR VIOLATION.—Section 309(a) of the Federal
21 Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is
22 amended by inserting after paragraph (9) the following:

23 “(10) AMOUNT OF DONATION.—For purposes of de-
24 termining the amount of a civil penalty imposed under this
25 subsection for violations of section 326, the amount of the

1 donation involved shall be treated as the amount of the
2 contribution involved.”.

3 (c) DISGORGEMENT AUTHORITY.—Section 309 of the
4 Federal Election Campaign Act of 1971 (2 U.S.C. 437g),
5 as amended by section 412(a), is amended by adding at
6 the end the following:

7 “(f) DEPOSIT IN ESCROW.—Any conciliation agree-
8 ment, civil action, or criminal action entered into or insti-
9 tuted under this section may require a person to forfeit
10 to the Treasury any contribution, donation, or expenditure
11 that is the subject of the agreement or action for transfer
12 to the Commission for deposit in accordance with section
13 326.”.

14 (d) EFFECTIVE DATE.—The amendments made by
15 subsections (a) and (b) shall apply to contributions or do-
16 nations refunded on or after the date of enactment of this
17 Act, without regard to whether the Federal Election Com-
18 mission or Attorney General has issued regulations to
19 carry out section 326 of the Federal Election Campaign
20 Act of 1971 (as added by subsection (a)) by such date.

21 **SEC. 415. ESTABLISHMENT OF A CLEARINGHOUSE OF IN-**
22 **FORMATION ON POLITICAL ACTIVITIES WITH-**
23 **IN THE FEDERAL ELECTION COMMISSION.**

24 (a) ESTABLISHMENT.—There shall be established
25 within the Federal Election Commission a clearinghouse

1 of public information regarding the political activities of
2 foreign principals and agents of foreign principals. The in-
3 formation comprising this clearinghouse shall include only
4 the following:

5 (1) All registrations and reports filed pursuant
6 to the Lobbying Disclosure Act of 1995 (2 U.S.C.
7 1601 et seq.) during the preceding 5-year period.

8 (2) All registrations and reports filed pursuant
9 to the Foreign Agents Registration Act (22 U.S.C.
10 611 et seq.) during the preceding 5-year period.

11 (3) The listings of public hearings, hearing wit-
12 nesses, and witness affiliations printed in the Con-
13 gressional Record during the preceding 5-year pe-
14 riod.

15 (4) Public information disclosed pursuant to the
16 rules of the Senate or the House of Representatives
17 regarding honoraria, the receipt of gifts, travel, and
18 earned and unearned income.

19 (5) All reports filed pursuant to title I of the
20 Ethics in Government Act of 1978 (5 U.S.C. App.)
21 during the preceding 5-year period.

22 (6) All public information filed with the Federal
23 Election Commission pursuant to the Federal Elec-
24 tion Campaign Act of 1971 (2 U.S.C. 431 et seq.)
25 during the preceding 5-year period.

1 (b) DISCLOSURE OF OTHER INFORMATION PROHIB-
2 ITED.—The disclosure by the clearinghouse, or any officer
3 or employee thereof, of any information other than that
4 set forth in subsection (a) is prohibited, except as other-
5 wise provided by law.

6 (c) DIRECTOR OF CLEARINGHOUSE.—

7 (1) DUTIES.—The clearinghouse shall have a
8 Director, who shall administer and manage the re-
9 sponsibilities and all activities of the clearinghouse.
10 In carrying out such duties, the Director shall—

11 (A) develop a filing, coding, and cross-in-
12 dexing system to carry out the purposes of this
13 section (which shall include an index of all per-
14 sons identified in the reports, registrations, and
15 other information comprising the clearing-
16 house);

17 (B) notwithstanding any other provision of
18 law, make copies of registrations, reports, and
19 other information comprising the clearinghouse
20 available for public inspection and copying, be-
21 ginning not later than 30 days after the infor-
22 mation is first available to the public, and per-
23 mit copying of any such registration, report, or
24 other information by hand or by copying ma-
25 chine or, at the request of any person, furnish

1 a copy of any such registration, report, or other
2 information upon payment of the cost of mak-
3 ing and furnishing such copy, except that no in-
4 formation contained in such registration or re-
5 port and no such other information shall be
6 sold or used by any person for the purpose of
7 soliciting contributions or for any profit-making
8 purpose; and

9 (C) not later than 150 days after the date
10 of enactment of this Act and at any time there-
11 after, to prescribe, in consultation with the
12 Comptroller General, such rules, regulations,
13 and forms, in conformity with the provisions of
14 chapter 5 of title 5, United States Code, as are
15 necessary to carry out the provisions of this
16 section in the most effective and efficient man-
17 ner.

23 (d) PENALTIES FOR DISCLOSURE OF INFORMA-
24 TION.—Any person who discloses information in violation
25 of subsection (b), and any person who sells or uses infor-

1 mation for the purpose of soliciting contributions or for
2 any profit-making purpose in violation of subsection
3 (c)(1)(B), shall be imprisoned for a period of not more
4 than 1 year, or fined in the amount provided in title 18,
5 United States Code, or both.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated such sums as may be
8 necessary to conduct the activities of the clearinghouse.

9 (f) FOREIGN PRINCIPAL.—In this section, the term
10 “foreign principal” shall have the same meaning given the
11 term “foreign national” under section 319 of the Federal
12 Election Campaign Act of 1971 (2 U.S.C. 441e), as in
13 effect as of the date of enactment of this Act.

14 **SEC. 416. ENFORCEMENT OF SPENDING LIMIT ON PRESI-**
15 **DENTIAL AND VICE PRESIDENTIAL CAN-**
16 **DIDATES WHO RECEIVE PUBLIC FINANCING.**

17 (a) IN GENERAL.—Section 9003 of the Internal Rev-
18 enue Code of 1986, as amended by section 413, is amend-
19 ed by adding at the end the following:

20 “(g) ILLEGAL SOLICITATION OF SOFT MONEY.—No
21 candidate for election to the office of President or Vice
22 President may receive amounts from the Presidential
23 Election Campaign Fund under this chapter or chapter
24 96 unless the candidate certifies that the candidate shall
25 not solicit any funds for the purposes of influencing such

1 election, including any funds used for an independent ex-
2 penditure under the Federal Election Campaign Act of
3 1971, unless the funds are subject to the limitations, pro-
4 hibitions, and reporting requirements of the Federal Elec-
5 tion Campaign Act of 1971.”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall apply with respect to elections occurring
8 on or after the date of the enactment of this Act.

9 **SEC. 417. CLARIFICATION OF RIGHT OF NATIONALS OF THE**
10 **UNITED STATES TO MAKE POLITICAL CON-**
11 **TRIBUTIONS.**

12 Section 319(d)(2) of the Federal Election Campaign
13 Act of 1971 (2 U.S.C. 441e(d)(2)), as amended by sec-
14 tions 506(b) and 511(a), is further amended by inserting
15 after “United States” the following: “or a national of the
16 United States (as defined in section 101(a)(22) of the Im-
17 migration and Nationality Act)”.

18 **SEC. 418. PROHIBITING USE OF WHITE HOUSE MEALS AND**
19 **ACCOMMODATIONS FOR POLITICAL FUND-**
20 **RAISING.**

21 (a) IN GENERAL.—Chapter 29 of title 18, United
22 States Code, is amended by adding at the end the fol-
23 lowing new section:

1 “§ 612. Prohibiting use of meals and accommodations

2 at White House for political fundraising

3 “(a) It shall be unlawful for any person to provide
4 or offer to provide any meals or accommodations at the
5 White House in exchange for any money or other thing
6 of value, or as a reward for the provision of any money
7 or other thing of value, in support of any political party
8 or the campaign for electoral office of any candidate.

9 "(b) Any person who violates this section shall be
10 fined under this title or imprisoned not more than 3 years,
11 or both.

12 "(c) For purposes of this section, any official resi-
13 dence or retreat of the President (including private resi-
14 dential areas and the grounds of such a residence or re-
15 treat) shall be treated as part of the White House.".

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for chapter 29 of title 18, United States Code, is amended
18 by adding at the end the following new item:

“612. Prohibiting use of meals and accommodations at White House for political fundraising.”.

19 SEC. 419. PROHIBITION AGAINST ACCEPTANCE OR SOLICI-
20 TATION TO OBTAIN ACCESS TO CERTAIN FED-
21 ERAL GOVERNMENT PROPERTY.

22 (a) IN GENERAL.—Chapter 11 of title 18, United
23 States Code, is amended by adding at the end the fol-
24 lowing new section:

1 **“§ 226. Acceptance or solicitation to obtain access to**
2 **certain Federal Government property**

3 “Whoever solicits or receives anything of value in con-
4 sideration of providing a person with access to Air Force
5 One, Marine One, Air Force Two, Marine Two, the White
6 House, or the Vice President’s residence, shall be fined
7 under this title, or imprisoned not more than one year,
8 or both.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 for chapter 11 of title 18, United States Code, is amended
11 by adding at the end the following new item:

“226. Acceptance or solicitation to obtain access to certain Federal Government
property.”.

12 **SEC. 420. REQUIRING NATIONAL PARTIES TO REIMBURSE**
13 **AT COST FOR USE OF AIR FORCE ONE FOR**
14 **POLITICAL FUNDRAISING.**

15 Title III of the Federal Election Campaign Act of
16 1971 (2 U.S.C. 431 et seq.), as amended by sections 101,
17 407, 410, and 415, is amended by adding at the end the
18 following:

19 **“SEC. 327. REIMBURSEMENT BY POLITICAL PARTIES FOR**
20 **USE OF AIR FORCE ONE FOR POLITICAL**
21 **FUNDRAISING.**

22 “(a) IN GENERAL.—If the President, Vice President,
23 or the head of any executive department (as defined in
24 section 101 of title 5, United States Code) uses Air Force

1 One for transportation for any travel which includes a
2 fundraising event for the benefit of any political committee
3 of a national political party, such political committee shall
4 reimburse the Federal Government for the fair market
5 value of the transportation of the individual involved,
6 based on the cost of an equivalent commercial chartered
7 flight.

8 “(b) AIR FORCE ONE DEFINED.—In subsection (a),
9 the term ‘Air Force One’ means the airplane operated by
10 the Air Force which has been specially configured to carry
11 out the mission of transporting the President.”.

12 **SEC. 421. ENHANCING ENFORCEMENT OF CAMPAIGN FI-
13 NANCE LAW.**

14 (a) MANDATORY IMPRISONMENT FOR CRIMINAL
15 CONDUCT.—Section 309(e)(1)(A) of the Federal Election
16 Campaign Act of 1971 (2 U.S.C. 437g(e)(1)(A)), as redes-
17 ignated by section 412, is amended—

18 (1) in the first sentence, by striking “shall be
19 fined, or imprisoned for not more than one year, or
20 both” and inserting “shall be imprisoned for not
21 fewer than 1 year and not more than 10 years”; and
22 (2) by striking the second sentence.

23 (b) CONCURRENT AUTHORITY OF ATTORNEY GEN-
24 ERAL TO BRING CRIMINAL ACTIONS.—Section 309(e) of
25 the Federal Election Campaign Act of 1971 (2 U.S.C.

1 437g(d)), as so redesignated, is amended by adding at the
2 end the following:

3 “(4) ATTORNEY GENERAL ACTION.—In addition to
4 the authority to bring cases referred pursuant to sub-
5 section (a)(5), the Attorney General may at any time bring
6 a criminal action for a violation of this Act or of chapter
7 95 or chapter 96 of the Internal Revenue Code of 1986.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply with respect to actions brought
10 with respect to elections occurring after January 2001.

11 SEC. 422. BAN ON COORDINATION OF SOFT MONEY FOR
12 ISSUE ADVOCACY BY PRESIDENTIAL CAN-
13 DIDATES RECEIVING PUBLIC FINANCING.

14 (a) IN GENERAL.—Section 9003 of the Internal Rev-
15 enue Code of 1986, as amended by section 416, is amend-
16 ed by adding at the end the following:

17 “(h) BAN ON COORDINATION OF SOFT MONEY FOR
18 ISSUE ADVOCACY.—

19 “(1) IN GENERAL.—No candidate for election
20 to the office of President or Vice President who is
21 certified to receive amounts from the Presidential
22 Election Campaign Fund under this chapter or
23 chapter 96 may coordinate the expenditure of any
24 funds for issue advocacy with any political party un-
25 less the funds are subject to the limitations, prohibi-

1 tions, and reporting requirements of the Federal
2 Election Campaign Act of 1971.

3 “(2) ISSUE ADVOCACY DEFINED.—In this sec-
4 tion, the term ‘issue advocacy’ means any activity
5 carried out for the purpose of influencing the consid-
6 eration or outcome of any Federal legislation or the
7 issuance or outcome of any Federal regulations, or
8 educating individuals about candidates for election
9 for Federal office or any Federal legislation, law, or
10 regulations (without regard to whether the activity is
11 carried out for the purpose of influencing any elec-
12 tion for Federal office).”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall apply with respect to elections occurring
15 on or after the date of the enactment of this Act.

16 **SEC. 423. REQUIREMENT THAT NAMES OF PASSENGERS ON**
17 **AIR FORCE ONE AND AIR FORCE TWO BE**
18 **MADE AVAILABLE THROUGH THE INTERNET.**

19 (a) IN GENERAL.—The President shall make avail-
20 able through the Internet the name of any non-Govern-
21 ment person who is a passenger on an aircraft designated
22 as Air Force One or Air Force Two not later than 30 days
23 after the date that the person is a passenger on such air-
24 craft.

1 (b) EXCEPTION.—Subsection (a) shall not apply in
2 a case in which the President determines that compliance
3 with such subsection would be contrary to the national se-
4 curity interests of the United States. In any such case,
5 not later than 30 days after the date that the person
6 whose name will not be made available through the Inter-
7 net was a passenger on the aircraft, the President shall
8 submit to the chairman and ranking member of the Per-
9 manent Select Committee on Intelligence of the House of
10 Representatives and of the Select Committee on Intel-
11 ligence of the Senate—

12 (1) the name of the person; and
13 (2) the justification for not making such name
14 available through the Internet.

15 (c) DEFINITION OF PERSON.—As used in this sec-
16 tion, the term “non-Government person” means a person
17 who is not an officer or employee of the United States,
18 a member of the Armed Forces, or a Member of Congress.

19 **TITLE V—ELECTION ADMINIS-
20 TRATION AND TECHNOLOGY**

21 **SEC. 501. FINDINGS.**

22 Congress makes the following findings:

23 (1) The right to vote is a fundamental and in-
24 controvertible right under the Constitution.

10 (4) There is a need for Congress to encourage
11 and enable every eligible American to vote by elimi-
12 nating procedural and technological obstacles to vot-
13 ing.

14 (5) State governments have already begun to
15 examine ways to improve the administration of elec-
16 tions and to modernize mechanisms and machinery
17 for voting.

23 (7) Congress has an obligation to ensure that
24 the necessary resources are available to States and
25 localities to improve election technology and election

1 administration and to ensure the integrity of the
2 democratic elections process.

3 **Subtitle A—Establishment of Com-**
4 **mission on Voting Rights and**
5 **Procedures**

6 **SEC. 511. ESTABLISHMENT.**

7 There is established the Commission on Voting
8 Rights and Procedures (in this subtitle referred to as the
9 “Commission”).

10 **SEC. 512. MEMBERSHIP OF THE COMMISSION.**

11 (a) **NUMBER AND APPOINTMENT.**—The Commission
12 shall be composed of 12 members of whom—

13 (1) 6 members shall be appointed by the Presi-
14 dent;

15 (2) 3 members shall be appointed by the Minor-
16 ity Leader of the Senate (or, if the Minority Leader
17 is a member of the same political party as the Presi-
18 dent, by the Majority Leader of the Senate); and

19 (3) 3 members shall be appointed by the Minor-
20 ity Leader of the House of Representatives (or, if
21 the Minority Leader is a member of the same polit-
22 ical party as the President, by the Majority Leader
23 of the House of Representatives).

24 (b) **QUALIFICATIONS.**—Each member appointed
25 under subsection (a) shall be chosen on the basis of—

9 (c) PERIOD OF APPOINTMENT; VACANCIES.—

0 (1) PERIOD OF APPOINTMENT.—Each member

1 shall be appointed for the life of the Commission.

12 (2) VACANCIES.—
13 (A) IN GENERAL.—A vacancy in the Com-
14 mission shall not affect its powers.

15 (B) MANNER OF REPLACEMENT.—A va-
16 cancy on the Commission shall be filled in the
17 same manner which the original appointment
18 was made and shall be subject to any conditions
19 which applied with respect to the original ap-
20 pointment not later than 60 days after the date
21 of the vacancy.

22 (d) CHAIRPERSON; VICE CHAIRPERSON.—

23 (1) IN GENERAL.—The Commission shall elect

24 a chairperson and vice chairperson from among its

25 members.

4 (e) DATE OF APPOINTMENT.—The appointments of
5 the members of the Commission shall be made not later
6 than 45 days after the date of enactment of this Act.

7 (f) MEETINGS.—

17 (g) VOTING.—Each action of the Commission shall
18 be approved by a majority vote of members. Each member
19 shall have 1 vote.

20 SEC. 513 DUTIES OF THE COMMISSION

21 (a) STUDY —

22 (1) IN GENERAL.—The Commission shall con-
23 duct a thorough study of—

24 (A) election technology and systems:

(B) designs of ballots and the uniformity of ballots;

3 (C) access to polling places, including mat-
4 ters relating to access for individuals with dis-
5 abilities and other individuals with particular
6 needs;

11 (E) alternative voting methods;

12 (F) accuracy of voting, election procedures,
13 and election technology;

14 (G) voter education;

15 (H) training election personnel and volun-
16 teers:

17 (I)(i) implementation of title I of the Uni-
18 formed and Overseas Absentee Voting Act (42
19 U.S.C. 1973ff et seq.), and the amendments
20 made by title II of that Act, by—

21 (I) the Secretary of Defense;

22 (II) each other Federal Government
23 official having a responsibility under that
24 Act; and

25 (III) each State; and

10 (II) each overseas voter (as defined in
11 paragraph (5) of such section) to register
12 to vote and vote in elections for Federal of-
13 fice);

14 (J) the feasibility and advisability of estab-
15 lishing the date on which elections for Federal
16 office (as so defined) are held as a Federal or
17 State holiday; and

18 (K)(i) how the Federal Government can,
19 on a permanent basis, best provide ongoing as-
20 sistance to State and local authorities to im-
21 prove the administration of Federal elections;
22 and

23 (ii) whether an existing or a new Federal
24 agency should provide such assistance.

5 (b) RECOMMENDATIONS.—

13 (A) be most convenient, accessible, and
14 easy to use for voters in Federal elections, in-
15 cluding voters with disabilities, absent uni-
16 formed services voters, overseas voters, and
17 other voters with special needs;

18 (B) yield the broadest participation and
19 most accurate results in Federal elections;

20 (C) be the most resource-efficient and cost-
21 effective for use in Federal elections; and

22 (D) be the most effective means of ensur-
23 ing security in Federal elections

24 (2) RECOMMENDATIONS FOR PROVIDING AS-
25 SISTANCE IN FEDERAL ELECTIONS.—The Commis-

1 sion shall develop recommendations with respect to
2 the matters studied under subsection (a)(1)(K) on
3 how the Federal Government can, on a permanent
4 basis, best provide ongoing assistance to State and
5 local authorities to improve the administration of
6 Federal elections, and identify whether an existing
7 or a new Federal agency should provide such assist-
8 ance.

9 (3) RECOMMENDATIONS FOR VOTER PARTICIPA-
10 TION IN FEDERAL ELECTIONS.—The Commission
11 shall develop recommendations with respect to the
12 matters studied under subsection (a) on methods—
13 (A) to increase voter registration;
14 (B) to increase the accuracy of voter rolls;
15 (C) to improve voter education; and
16 (D) to improve the training of election per-
17 sonnel and volunteers.

18 (c) REPORTS.—

19 (1) INTERIM REPORTS.—Not later than the
20 date on which the Commission submits the final re-
21 port under paragraph (2), the Commission may sub-
22 mit to the President and Congress such interim re-
23 ports as a majority of the members of the Commis-
24 sion determine appropriate.

25 (2) FINAL REPORT.—

7 (B) CONTENT.—The final report shall
8 contain—

9 (i) a detailed statement of the findings and conclusions of the Commission on
10 the matters studied under subsection (a);
11

12 (ii) a detailed statement of the rec-
13 ommendations developed under subsection
14 (b); and

15 (iii) any dissenting or minority opin-
16 ions of the members of the Commission.

17 SEC. 514. POWERS OF THE COMMISSION.

18 (a) HEARINGS.—The Commission or, at its direction,
19 any subcommittee or member of the Commission, may, for
20 the purpose of carrying out this subtitle—

21 (1) hold such hearings, sit and act at such
22 times and places, take such testimony, receive such
23 evidence administer such oaths; and

1 production of such books, records, correspondence,
2 memoranda, papers, documents, tapes, and materials
3 as the Commission or such subcommittee or member
4 considers advisable.

5 (b) ISSUANCE AND ENFORCEMENT OF SUB-
6 POENAS.—

7 (1) ISSUANCE.—Any subpoena issued under
8 subsection (a) shall be issued by the chairperson and
9 vice chairperson of the Commission acting jointly.
10 Each subpoena shall bear the signature of the chair-
11 person of the Commission and shall be served by any
12 person or class of persons designated by the chair-
13 person for that purpose.

14 (2) ENFORCEMENT.—In the case of contumacy
15 or failure to obey a subpoena issued under sub-
16 section (a), the United States district court for the
17 judicial district in which the subpoenaed person re-
18 sides, is served, or may be found may issue an order
19 requiring such person to appear at any designated
20 place to testify or to produce documentary or other
21 evidence. Any failure to obey the order of the court
22 may be punished by the court as a contempt of that
23 court.

24 (c) WITNESS ALLOWANCES AND FEES.—Section
25 1821 of title 28, United States Code, shall apply to wit-

1 nesses requested or subpoenaed to appear at any hearing
2 of the Commission. The per diem and mileage allowances
3 for witnesses shall be paid from funds available to pay the
4 expenses of the Commission.

5 (d) INFORMATION FROM FEDERAL AGENCIES.—The
6 Commission may secure directly from any Federal depart-
7 ment or agency such information as the Commission con-
8 siders necessary to carry out this subtitle. Upon request
9 of the chairperson and vice chairperson of the Commission
10 acting jointly, the head of such department or agency shall
11 furnish such information to the Commission.

12 (e) POSTAL SERVICES.—The Commission may use
13 the United States mails in the same manner and under
14 the same conditions as other departments and agencies of
15 the Federal Government.

16 (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the
17 request of the chairperson and vice chairperson of the
18 Commission acting jointly, the Administrator of the Gen-
19 eral Services Administration shall provide to the Commis-
20 sion, on a reimbursable basis, the administrative support
21 services that are necessary to enable the Commission to
22 carry out its duties under this subtitle.

23 (g) GIFTS AND DONATIONS.—The Commission may
24 accept, use, and dispose of gifts or donations of services
25 or property to carry out this subtitle.

1 **SEC. 515. PERSONNEL MATTERS.**

2 (a) COMPENSATION OF MEMBERS.—Each member of
3 the Commission who is not an officer or employee of the
4 Federal Government shall be compensated at a rate equal
5 to the daily equivalent of the annual rate of basic pay pre-
6 scribed for level IV of the Executive Schedule under sec-
7 tion 5315 of title 5, United States Code, for each day (in-
8 cluding travel time) during which such member is engaged
9 in the performance of the duties of the Commission. All
10 members of the Commission who are officers or employees
11 of the United States shall serve without compensation in
12 addition to that received for their services as officers or
13 employees of the United States.

14 (b) TRAVEL EXPENSES.—The members of the Com-
15 mission shall be allowed travel expenses, including per-
16 diem in lieu of subsistence, at rates authorized for employ-
17 ees of agencies under subchapter I of chapter 57 of title
18 5, United States Code, while away from their homes or
19 regular places of business in the performance of services
20 for the Commission.

21 (c) STAFF.—

22 (1) IN GENERAL.—The chairperson and vice
23 chairperson of the Commission, acting jointly, may,
24 without regard to the civil service laws and regula-
25 tions, appoint and terminate an executive director
26 and such other additional personnel as may be nec-

1 essary to enable the Commission to perform its du-
2 ties. The employment of an executive director shall
3 be subject to confirmation by the Commission.

4 (2) COMPENSATION.—The chairperson and vice
5 chairperson of the Commission, acting jointly, may
6 fix the compensation of the executive director and
7 other personnel without regard to chapter 51 and
8 subchapter III of chapter 53 of title 5, United
9 States Code, relating to classification of positions
10 and General Schedule pay rates, except that the rate
11 of pay for the executive director and other personnel
12 may not exceed the rate payable for level V of the
13 Executive Schedule under section 5316 of such title.

14 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
15 Federal Government employee may be detailed to the
16 Commission without reimbursement, and such detail shall
17 be without interruption or loss of civil service status or
18 privilege.

19 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
20 TENT SERVICES.—The chairperson and vice chairperson
21 of the Commission, acting jointly, may procure temporary
22 and intermittent services under section 3109(b) of title 5,
23 United States Code, at rates for individuals which do not
24 exceed the daily equivalent of the annual rate of basic pay

1 prescribed for level V of the Executive Schedule under sec-
2 tion 5316 of such title.

3 **SEC. 516. TERMINATION OF THE COMMISSION.**

4 The Commission shall terminate 45 days after the
5 date on which the Commission submits its final report
6 under section 513(c)(2).

7 **SEC. 517. AUTHORIZATION OF APPROPRIATIONS FOR THE**
8 **COMMISSION.**

9 (a) IN GENERAL.—There are authorized to be appro-
10 priated such sums as may be necessary to carry out the
11 purposes of this subtitle.

12 (b) AVAILABILITY.—Any sums appropriated under
13 the authorization contained in this section shall remain
14 available, without fiscal year limitation, until expended.

15 **Subtitle B—Grant Program**

16 **SEC. 521. ESTABLISHMENT OF GRANT PROGRAM.**

17 The Attorney General, subject to the general policies
18 and criteria established under section 523, in consultation
19 with the Federal Election Commission, is authorized to
20 make grants to States to pay the Federal share of the
21 costs of the activities described in section 522.

22 **SEC. 522. AUTHORIZED ACTIVITIES.**

23 A State may use payments received under this sub-
24 title to—

12 SEC. 523. GENERAL POLICIES AND CRITERIA.

13 (a) GENERAL POLICIES.—The Attorney General shall
14 establish general policies with respect to the approval of
15 State plans, awarding of grants, and the use of assistance
16 made available under this subtitle.

17 (b) CRITERIA.—

22 (2) REQUIREMENTS FOR APPROVAL.—The At-
23 torney General shall not approve a State plan unless
24 the plan provides for each of the following:

1 (A) Uniform standards within the State
2 for election administration and technology.

9 (C) Voting accessibility standards that
10 ensure—

11 (i) compliance with the Voting Acces-
12 sibility for the Elderly and Handicapped
13 Act (42 U.S.C. 1973ee et seq.);

14 (ii) compliance with the Voting Rights
15 Act of 1965 (42 U.S.C. 1971 et seq.); and

20 (D) Voter education programs regarding
21 methodology and procedures for participating in
22 elections and training programs for election
23 personnel and volunteers.

1 (c) CONSULTATION.—In establishing the general poli-
2 cies and criteria under this section, the Attorney General
3 shall consult with the Federal Election Commission.

4 **SEC. 524. SUBMISSION OF STATE PLANS.**

5 (a) IN GENERAL.—Subject to subsection (c), the
6 chief executive officer of each State that desires to receive
7 a grant under this subtitle shall submit a State plan to
8 the Attorney General at such time, in such manner, and
9 accompanied by such additional information as the Atto-
10 ney General, in consultation with the Federal Election
11 Commission, may reasonably require.

12 (b) CONTENTS.—Each State plan submitted under
13 subsection (a) shall—

14 (1) describe the activities for which assistance
15 under this subtitle is sought;

16 (2) provide evidence that the State meets the
17 general policies and criteria established by the Atto-
18 ney General under section 523;

19 (3) provide assurances that the State will pay
20 the non-Federal share of the activities for which as-
21 sistance is sought from non-Federal sources; and

22 (4) provide such additional assurances as the
23 Attorney General, in consultation with the Federal
24 Election Commission, determines to be essential to

1 ensure compliance with the requirements of this sub-
2 title.

3 (c) AVAILABLE FOR REVIEW AND COMMENT.—A
4 State submitting a State plan under this section shall
5 make such State plan publicly available for review and
6 comment prior to submission.

7 **SEC. 525. APPROVAL OF STATE PLANS.**

8 The Attorney General, in consultation with the Fed-
9 eral Election Commission, shall approve State plans in ac-
10 cordance with the general policies and criteria established
11 under section 523.

12 **SEC. 526. FEDERAL MATCHING FUNDS.**

13 (a) PAYMENTS.—The Attorney General shall pay to
14 each State having a State plan approved under section
15 525 the Federal share of the cost of the activities de-
16 scribed in the State plan.

17 (b) FEDERAL SHARE.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 for purposes of subsection (a), the Federal share
20 shall be 80 percent.

21 (2) WAIVER.—The Attorney General may speci-
22 fy a Federal share greater than 80 percent if the
23 State agrees to comply with such terms and condi-
24 tions as the Attorney General may prescribe.

1 (c) NON-FEDERAL SHARE.—The non-Federal share
2 of payments under this subtitle may be in cash or in kind
3 fairly evaluated, including planned equipment or services.

4 **SEC. 527. AUDITS AND EXAMINATIONS.**

5 (a) RECORDKEEPING REQUIREMENT.—Each recipi-
6 ent of a grant under this subtitle shall keep such records
7 as the Attorney General, in consultation with the Federal
8 Election Commission, shall prescribe.

9 (b) AUDIT AND EXAMINATION.—

10 (1) AUTHORITY.—Subject to paragraph (2), the
11 Attorney General and the Comptroller General of
12 the United States, or any authorized representative
13 of the Attorney General or the Comptroller General,
14 shall have access to any record of a recipient of a
15 grant under this subtitle that the Attorney General
16 or the Comptroller General determines may be re-
17 lated to a grant received under this subtitle for the
18 purpose of conducting an audit or examination.

19 (2) EXPIRATION OF AUTHORITY.—The author-
20 ity of the Attorney General and the Comptroller
21 General conduct an audit or examination under this
22 subsection with respect to the recipient of a grant
23 under this subtitle shall expire on the date that is
24 3 years after the date on which the activity for

1 which an State plan is approved under section 524
2 concludes.

3 **SEC. 528. REPORTS.**

4 (a) REPORTS TO CONGRESS.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the program under this subtitle for the preceding year.

8 Each report shall set forth the following:

9 (1) A description and analysis of any activities funded by a grant awarded under this subtitle.

11 (2) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

14 (b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require in each grant awarded under this subtitle that the recipient of such grant submit to the Attorney General, under a schedule established by the Attorney General, such information as the Attorney General considers appropriate to submit reports under subsection (a).

21 **SEC. 529. STATE DEFINED.**

22 In this subtitle, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

1 **SEC. 530. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION.—

3 (1) IN GENERAL.—There are authorized to be

4 appropriated to the Department of Justice—

5 (A) \$500,000,000 for fiscal year 2002;

6 (B) such amounts as necessary for each of
7 fiscal years 2003, 2004, 2005, and 2006.8 (2) USE OF AMOUNTS.—Amounts appropriated
9 under paragraph (1) shall be for the purpose of—10 (A) awarding grants under this subtitle;
11 and12 (B) paying for the costs of administering
13 the program to award such grants.14 (3) FEDERAL ELECTION COMMISSION.—There
15 are authorized to be appropriated for each of fiscal
16 years 2002, 2003, 2004, 2005, and 2006 such
17 amounts as necessary to the Federal Election Com-
18 mission for the purpose of consultation with the At-
19 torney General under this subtitle.20 (b) LIMITATION.—Not more than 1 percent of any
21 sums appropriated under paragraph (1) of subsection (a)
22 may be used to pay for the administrative costs described
23 in paragraph (2)(B) of such subsection.24 (c) SUPPLEMENTAL APPROPRIATIONS.—There are
25 authorized to be appropriated as supplemental appropria-
26 tions for fiscal year 2001 such sums as the Department

1 of Justice and the Federal Election Commission consider
2 necessary to carry out the provisions of this subtitle.

3 **Subtitle C—Miscellaneous**

4 **SEC. 541. RELATIONSHIP TO OTHER LAWS.**

5 Nothing in this title may be construed to authorize,
6 require, or supersede conduct prohibited under the fol-
7 lowing laws, or otherwise affect such laws:

8 (1) The National Voter Registration Act of
9 1993 (42 U.S.C. 1973gg et seq.).

10 (2) The Voting Rights Act of 1965 (42 U.S.C.
11 1971 et seq.).

12 (3) The Voting Accessibility for the Elderly and
13 Handicapped Act (42 U.S.C. 1973ee et seq.).

14 (4) The Uniformed and Overseas Citizens Ab-
15 sentee Voting Act (42 U.S.C. 1973ff et seq.).

16 (5) The Federal Election Campaign Act of
17 1971 (2 U.S.C. 431 et seq.).

18 **TITLE VI—MILITARY VOTING**

19 **SEC. 601. SHORT TITLE.**

20 This title may be cited as the “Military Voting Rights
21 Act of 2001”.

22 **SEC. 602. GUARANTEE OF RESIDENCY.**

23 Article VII of the Soldiers’ and Sailors’ Civil Relief
24 Act of 1940 (50 U.S.C. 590 et seq.) is amended by adding
25 at the end the following:

1 “SEC. 704. (a) For purposes of voting for an office
2 of the United States or of a State, a person who is absent
3 from a State in compliance with military or naval orders
4 shall not, solely by reason of that absence—

5 “(1) be deemed to have lost a residence or
6 domicile in that State;

7 “(2) be deemed to have acquired a residence or
8 domicile in any other State; or

9 “(3) be deemed to have become resident in or
10 a resident of any other State.

11 “(b) In this section, the term ‘State’ includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.”.

15 **SEC. 603. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.**

17 (a) REGISTRATION AND BALLOTTING.—Section 102 of
18 the Uniformed and Overseas Citizens Absentee Voting Act
19 (42 U.S.C. 1973ff-1) is amended—

20 (1) by inserting “(a) ELECTIONS FOR FEDERAL
21 OFFICES.—” before “Each State shall—”; and

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

23 “(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—
24 Each State shall—

1 “(1) permit absent uniformed services voters to
2 use absentee registration procedures and to vote by
3 absentee ballot in general, special, primary, and run-
4 off elections for State and local offices; and

5 “(2) accept and process, with respect to any
6 election described in paragraph (1), any otherwise
7 valid voter registration application from an absent
8 uniformed services voter if the application is received
9 by the appropriate State election official not less
10 than 30 days before the election.”.

11 (b) CONFORMING AMENDMENT.—The heading for
12 title I of such Act is amended by striking out “**FOR**
13 **FEDERAL OFFICE**”.

14 **TITLE VII—SEVERABILITY; CON-**
15 **STITUTIONALITY; EFFECTIVE**
16 **DATE; REGULATIONS**

17 **SEC. 701. SEVERABILITY.**

18 If any provision of this Act or amendment made by
19 this Act, or the application of a provision or amendment
20 to any person or circumstance, is held to be unconstitu-
21 tional, the remainder of this Act and amendments made
22 by this Act, and the application of the provisions and
23 amendment to any person or circumstance, shall not be
24 affected by the holding.

1 **SEC. 702. REVIEW OF CONSTITUTIONAL ISSUES.**

2 An appeal may be taken directly to the Supreme
3 Court of the United States from any final judgment, de-
4 cree, or order issued by any court ruling on the constitu-
5 tionality of any provision of this Act or amendment made
6 by this Act.

7 **SEC. 703. EFFECTIVE DATE.**

8 Except as otherwise provided in this Act, this Act and
9 the amendments made by this Act shall take effect upon
10 the expiration of the 90-day period which begins on the
11 date of the enactment of this Act.

12 **SEC. 704. REGULATIONS.**

13 The Federal Election Commission shall prescribe any
14 regulations required to carry out this Act and the amend-
15 ments made by this Act not later than 45 days after the
16 date of the enactment of this Act.

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