

105TH CONGRESS  
1ST SESSION

# S. 11

To reform the Federal election campaign laws applicable to Congress.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

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

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## A BILL

To reform the Federal election campaign laws applicable to Congress.

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

3 **SECTION 1. SHORT TITLE.**

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

## 1 (b) TABLE OF CONTENTS.—

Sec. 1. Short title.

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- Sec. 101. Senate spending limits and benefits.  
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 Sec. 105. Excess campaign funds of senate candidates.  
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- Sec. 311. Preparation and distribution by volunteers of materials in connection with State and local political party voter registration and get-out-the-vote activities so as not to be considered a contribution or expenditure.  
 Sec. 312. Contributions to political party committees.  
 Sec. 313. Provisions relating to national, State, and local party committees.  
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- Sec. 321. Soft money of persons other than political parties.

TITLE IV—CONTRIBUTIONS

- Sec. 401. Prohibition of certain contributions by lobbyists.  
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- Sec. 404. Contributions and expenditures using money secured by physical force or other intimidation.
- Sec. 405. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than \$100.

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

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

#### TITLE VI—MISCELLANEOUS

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

#### TITLE VII—EFFECTIVE DATES; AUTHORIZATIONS

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

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

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

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

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

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

14 **“SEC. 501. DEFINITIONS.**

15 “In this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

3                   “(2) DEADLINE FOR FILING CERTIFICATION.—

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

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

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

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

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

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

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

24                  “(ii) \$2,750,000; and

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

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

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

21          “(4) EXCESS AMOUNT OF CONTRIBUTIONS.—

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

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

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

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

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

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

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

19 “(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

2 “(a) PERSONAL FUNDS EXPENDITURE LIMIT.—

3 “(1) IN GENERAL.—The aggregate amount of  
4 expenditures that may be made during an election  
5 cycle by an eligible Senate candidate or the can-  
6 didate’s authorized committees from the sources de-  
7 scribed in paragraph (2) shall not exceed \$25,000.8 “(2) SOURCES.—A source is described in this  
9 paragraph if it is—10 “(A) personal funds of the candidate or a  
11 member of the candidate’s immediate family; or12 “(B) proceeds of indebtedness incurred by  
13 the candidate or a member of the candidate’s  
14 immediate family.

15 “(b) GENERAL ELECTION EXPENDITURE LIMIT.—

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

21 “(A) \$5,500,000; or

22 “(B) the greater of—

23 “(i) \$1,200,000; or

24 “(ii) \$400,000; plus

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(i) the lesser of—

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

23 “(II) \$300,000; plus

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



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

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

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

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

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

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

24           “(4) INCREASE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

9           “(b) EXCESS EXPENDITURE AMOUNT.—

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

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

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

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

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

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

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

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

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

14 “(iii) the opponent’s excess.

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

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

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

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

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

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

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

24 “(2) ALL BENEFIT RECIPIENTS.—

1           “(A) IN GENERAL.—An eligible Senate  
2 candidate who receives benefits under this sec-  
3 tion may make expenditures for the general  
4 election without regard to the personal funds  
5 expenditure limit or general election expendi-  
6 ture limit if any 1 of the eligible Senate can-  
7 didate’s opponents who is not an eligible Senate  
8 candidate raises an amount of contributions or  
9 makes or becomes obligated to make an amount  
10 of expenditures for the general election that ex-  
11 ceeds 200 percent of the general election ex-  
12 penditure limit.

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

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

19           “(A) A candidate who receives benefits  
20 under this section may accept a contribution for  
21 the general election without regard to section  
22 502(c)(1)(D)(iii) if—

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

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

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

13         “(e) USE OF PAYMENTS.—

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 “(a) EXAMINATIONS AND AUDITS.—

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

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

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

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

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

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

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

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

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

8 “(f) CIVIL PENALTIES.—

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

16 “(2) EXCESS EXPENDITURES.—

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

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

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

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

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

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

9                   “(g) UNEXPENDED FUNDS.—

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

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

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

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

9       **“SEC. 507. JUDICIAL REVIEW.**

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

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

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



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

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

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

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

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

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

7       “(a) REPORTS.—

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

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

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

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

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

23       “(b) REGULATIONS.—

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

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

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

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

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

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

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

3 “(b) INSUFFICIENT FUNDS.—

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

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

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

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

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

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

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

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

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

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

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

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

17          (b) EFFECTIVE DATES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

19 (f) EFFECTIVE DATES.—

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

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

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

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

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

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

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

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

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

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

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

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

16 “(2) REPORTS.—

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

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

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

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

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

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

4 “(3) NOTIFICATION OF OTHER CANDIDATES.—

5 The Commission—

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

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

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

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

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

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

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

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

18 “(c) REPORTS ON PERSONAL FUNDS.—

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

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

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

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

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

20          “(d) CANDIDATES FOR OTHER OFFICES.—

21                 “(1) FILING.—Each individual—

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

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



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

3 “(C) who expended any amount during the  
4 election cycle before becoming a candidate for  
5 the office of United States Senator that would  
6 have been treated as an expenditure if the indi-  
7 vidual had been such a candidate (including  
8 amounts for activities to promote the image or  
9 name recognition of the individual);

10 shall, within 7 days after becoming a candidate for  
11 the office of United States Senator, report to the  
12 Secretary of the Senate the amount and nature of  
13 such expenditures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **Subtitle B—General Provisions**

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

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

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

1 “(b) BROADCAST MEDIA RATES.—

2 “(1) IN GENERAL.—The charges”;

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

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

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

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

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

17 “(2) ELIGIBLE SENATE CANDIDATES.—

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

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

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

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

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

12          “(c) PREEMPTION.—

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

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

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

4 (1) by striking “or repeated”;

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

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

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

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

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

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



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

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

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

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

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

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

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

6           “(B) TRANSMITTAL.—

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

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

19          “(4) OBLIGATION TO MAKE EXPENDITURE.—

20          For purposes of this subsection, an expenditure shall  
 21          be treated as being made when it is made or obli-  
 22          gated to be made.

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

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

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

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

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

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

17           “(ii) TRANSMITTAL.—

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

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

7                   “(6) DETERMINATIONS BY THE COMMISSION.—

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

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

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

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

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

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

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

15                 (1) in subsection (a)—

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

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

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

1 (C) by striking “direct”; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **SEC. 114. DEFINITIONS.**

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

17 “(19) The term ‘general election’—

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

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

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



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

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

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

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

10 “(A) a candidate’s spouse;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(17) INDEPENDENT EXPENDITURE.—

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

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

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

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

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

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

15                  “(III) contains campaign slogans or  
16                  individual words that in context can have  
17                  no reasonable meaning other than to rec-  
18                  ommend the election or defeat of 1 or more  
19                  clearly identified candidates;

20                  “(ii) clearly identifies 1 or more can-  
21                  didates and is broadcast by a radio broad-  
22                  cast station or a television broadcast sta-  
23                  tion (including a cable system) within 60  
24                  calendar days preceding the date of an  
25                  election (or with respect to a candidate for

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

4 or

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

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

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

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

1 than to provide legal and accounting serv-  
 2 ices to ensure compliance with this Act),  
 3 engaged in campaign-related research or  
 4 polling analysis with respect to the elec-  
 5 tion, or communicated with or received in-  
 6 formation from the candidate or the can-  
 7 didate’s representative about the can-  
 8 didate’s plans, resources, expenditures, or  
 9 needs regarding the election; and

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

16 **SEC. 202. INDEPENDENT VERSUS COORDINATED EXPENDI-**  
 17 **TURES BY POLITICAL PARTY COMMITTEES.**

18 (a) DEFINITION OF COORDINATED EXPENDITURE.—  
 19 Section 301 of the Federal Election Campaign Act of  
 20 1971 (2 U.S.C. 431) is amended by adding at the end  
 21 the following:

22 “(19) COORDINATED EXPENDITURE.—The  
 23 term ‘coordinated expenditure’ means an expendi-  
 24 ture that is made by a person other than the can-  
 25 didate and that is not an independent expenditure.”.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

16                 “(ii) a labor organization; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25                  “(i) bona fide newscast;

1                   “(ii) bona fide news interview;

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

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

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

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

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

1           “(A) IN GENERAL.—A licensee that en-  
2           dorses a candidate for Federal office in an edi-  
3           torial shall, within the time stated in subpara-  
4           graph (B), provide to all other candidates for  
5           election to the same office—

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

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

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

13           “(B) TIME FOR RESPONSE.—

14                   “(i) 72 HOURS OR MORE BEFORE  
15                   ELECTION.—In the case of an editorial de-  
16                   scribed in subparagraph (A) that is first  
17                   broadcast 72 hours or more before the  
18                   date of a primary, runoff, or general elec-  
19                   tion, the notice and copy described in sub-  
20                   paragraph (A) (i) and (ii) shall be provided  
21                   not later than 24 hours after the time of  
22                   the first broadcast of the editorial.

23                   “(ii) LESS THAN 72 HOURS BEFORE  
24                   ELECTION.—In the case of an editorial de-  
25                   scribed in subparagraph (A) that is first



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

## 7 **TITLE III—EXPENDITURES**

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

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

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

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

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

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

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

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

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

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

9 (2) by striking the period at the end of clause  
10 (iii) and inserting “; or”; and

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

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

20 “(I) in an amount greater than  
21 \$1,000; and

22 “(II) for a period greater than  
23 the period, not in excess of 60 days,  
24 for which credit is generally extended  
25 in the normal course of business after

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(D) to—

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

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

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

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

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

13           (2) by redesignating subparagraph (C) as sub-  
14           paragraph (D); and

15           (3) by inserting after subparagraph (B) the fol-  
16           lowing:

17           “(C) to—

18           “(i) a State Party Grassroots Fund  
19           established and maintained by a State  
20           committee of a political party in any cal-  
21           endar year that, in the aggregate, exceed  
22           \$15,000; or

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

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

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

14           “(3) OVERALL LIMIT.—

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

19           “(B) CALENDAR YEAR.—

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

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

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

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

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

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

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

22                                 “(i) \$20,000,000; plus

23                                 “(ii) the lesser of—

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



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

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

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

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

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

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

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

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

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

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

8 “(a) LIMITATIONS ON NATIONAL COMMITTEES.—

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

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

18 “(A) that—

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

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

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

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

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

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

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

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

25           “(B) Any generic campaign activity.

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

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

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

9           “(D) Voter registration.

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

13          “(F) Any other activity that—

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

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

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

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

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

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

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

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

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

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

5 “(e) STATE PARTY GRASSROOTS FUNDS.—

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

10 “(A) a generic campaign activity;

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

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

20 “(D) voter registration; and

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

24 “(2) TRANSFERS.—

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

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

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

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

20          “(f) AMOUNTS RECEIVED BY STATE PARTY GRASS-  
21          ROOTS FUND FROM NON-FEDERAL CANDIDATE COMMIT-  
22          TEES.—

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

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

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

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

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

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

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

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



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

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

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

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

14           (b) DEFINITIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(A) IN GENERAL.—The national”;

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

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

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

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

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

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

20                         (A) by striking “general”; and

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

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

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

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

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

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

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



1           “(2) LIMITATION ON SOLICITATIONS.—

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

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

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

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

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

9                   “(A) holds a Federal office; or

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

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

17                   “(k) TAX-EXEMPT ORGANIZATIONS.—

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

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

4                       “(A) holds a Federal office; or

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

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

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

13           “(f) POLITICAL COMMITTEES.—

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

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

1 described in paragraph (1)) to which section 325 ap-  
2 plies shall report all receipts and disbursements, in-  
3 cluding separate schedules for receipts and disburse-  
4 ments for a State Grassroots Fund.

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

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

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

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

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

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

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

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

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

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

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

24 (d) OTHER REPORTING REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5                   “(B) an independent expenditure.

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

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

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

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



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

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

## 12           **TITLE IV—CONTRIBUTIONS**

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

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

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

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

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

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

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

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

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

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

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

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

8 “(i) the member of Congress;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “It shall be unlawful for any person to—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

15 **SEC. 503. AUDITS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 505. PENALTIES.**

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

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

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

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

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

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

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

1 “(13) PENALTY FOR LATE FILING.—

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

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

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

18 “(D) APPEALS.—

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

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

14                  (2) in paragraph (5)(D)—

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

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

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

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

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

8           “(4) INDEPENDENT LITIGATING AUTHORITY.—

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(6) AUTHORIZATION TO ACCEPT GIFTS.—

8 “(A) IN GENERAL.—To carry out the pur-  
9 poses of this Act, the Commission may accept,  
10 hold, administer, and utilize gifts, devises, and  
11 bequests of property, both real and personal, if  
12 the acceptance and use of the gifts, devises, or  
13 bequests does not create a conflict of interest.

14 “(B) DEPOSIT OF GIFTS.—Gifts and be-  
15 quests of money and proceeds from sales of  
16 other property received as gifts, devises, or be-  
17 quests shall be deposited in the Treasury and  
18 shall be disbursed upon the order of the Com-  
19 mission.

20 “(C) USE OF GIFTS.—Property accepted  
21 pursuant to this section, and the proceeds from  
22 the property, shall be used as closely as prac-  
23 ticable in accordance with the terms of the  
24 gifts, devises, or bequests.”.

1       **TITLE VI—MISCELLANEOUS**

2       **SEC. 601. PROHIBITION OF LEADERSHIP COMMITTEES.**

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

5               (1) by striking paragraph (3) and inserting the  
6 following:

7               “(3) LIMITATIONS.—A political committee that  
8 supports or has supported more than 1 candidate  
9 shall not be designated as an authorized committee,  
10 except that—

11               “(A) a candidate for the office of President  
12 nominated by a political party may designate  
13 the national committee of the political party as  
14 the candidate’s principal campaign committee if  
15 the national committee maintains separate  
16 books of account with respect to its functions as  
17 a principal campaign committee; and

18               “(B) a candidate may designate a political  
19 committee established solely for the purpose of  
20 joint fundraising by such candidates as an au-  
21 thorized committee.”; and

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

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

25               “(A) IN GENERAL.—

1           “(i) PROHIBITION.—A candidate or  
2           an individual holding Federal office shall  
3           not establish, finance, maintain, or control  
4           any political committee or non-Federal po-  
5           litical committee other than a principal  
6           campaign committee of the candidate, au-  
7           thorized committee, party committee, or  
8           other political committee designated in ac-  
9           cordance with paragraph (3).

10           “(ii) CANDIDATE FOR MORE THAN 1  
11           OFFICE.—A candidate for more than 1  
12           Federal office may designate a separate  
13           principal campaign committee for the cam-  
14           paign for election to each Federal office.

15           “(iii) CANDIDATES FOR STATE OR  
16           LOCAL OFFICE.—This paragraph does not  
17           preclude a Federal officeholder who is a  
18           candidate for State or local office from es-  
19           tablishing, financing, maintaining, or con-  
20           trolling a political committee for election of  
21           the individual to the State or local office.

22           “(B) TRANSITION.—

23           “(i) CONTINUATION FOR 12  
24           MONTHS.—For a period of 12 months  
25           after the effective date of this paragraph,

1 any political committee established before  
2 that date but that is prohibited under sub-  
3 paragraph (A) may continue to make con-  
4 tributions.

5 “(ii) DISBURSEMENT AT THE END OF  
6 12 MONTHS.—At the end of the 12-month  
7 period, the political committee shall dis-  
8 burse all funds by 1 or more of the follow-  
9 ing means:

10 “(I) Making contributions to a  
11 person described in section 501(c)(3)  
12 of the Internal Revenue Code of 1986  
13 and exempt from taxation under sec-  
14 tion 501(a) of the Code.

15 “(II) Making a contribution to  
16 the Treasury of the United States.

17 “(III) Contributing to the na-  
18 tional, State, or local committee of a  
19 political party.

20 “(IV) Making a contribution of  
21 not to exceed \$1,000 each to 1 or  
22 more candidates or non-Federal can-  
23 didates.”.

1 **SEC. 602. TELEPHONE VOTING BY PERSONS WITH DISABIL-**  
2 **ITIES.**

3 (a) **STUDY OF SYSTEMS TO PERMIT PERSONS WITH**  
4 **DISABILITIES TO VOTE BY TELEPHONE.—**

5 (1) **IN GENERAL.—**The Federal Election Com-  
6 mission shall conduct a study to determine the fea-  
7 sibility of developing a system or systems by which  
8 persons with disabilities may be permitted to vote by  
9 telephone.

10 (2) **CONSULTATION.—**The Federal Election  
11 Commission shall conduct the study described in  
12 paragraph (1) in consultation with State and local  
13 election officials, representatives of the telecommuni-  
14 cations industry, representatives of persons with dis-  
15 abilities, and other concerned members of the public.

16 (3) **CRITERIA.—**The system or systems devel-  
17 oped pursuant to paragraph (1) shall—

18 (A) propose a description of the kinds of  
19 disabilities that impose such difficulty in travel  
20 to polling places that a person with a disability  
21 who may desire to vote is discouraged from un-  
22 dertaking such travel;

23 (B) propose procedures to identify persons  
24 who are so disabled; and

25 (C) describe procedures and equipment  
26 that may be used to ensure that—

1 (i) only persons who are entitled to  
2 use the system are permitted to use it;

3 (ii) the votes of persons who use the  
4 system are recorded accurately and remain  
5 secret;

6 (iii) the system minimizes the possibil-  
7 ity of vote fraud; and

8 (iv) the system minimizes the finan-  
9 cial costs that State and local governments  
10 would incur in establishing and operating  
11 the system.

12 (4) REQUESTS FOR PROPOSALS.—In developing  
13 a system described in paragraph (1), the Federal  
14 Election Commission may request proposals from  
15 private contractors for the design of procedures and  
16 equipment to be used in the system.

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

21 (6) DEADLINE.—The Federal Election Commis-  
22 sion shall submit to Congress the study required by  
23 this section not later than 1 year after the effective  
24 date of this Act.



1 **SEC. 603. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT SUB-**  
2 **JECT TO CORPORATE LIMITS.**

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

6 “(c) PROHIBITIONS NOT TO APPLY TO INDEPEND-  
7 ENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANI-  
8 ZATIONS.—

9 “(1) IN GENERAL.—Nothing in this section  
10 shall preclude a qualified nonprofit corporation from  
11 making an independent expenditure.

12 “(2) DEFINITION OF QUALIFIED NONPROFIT  
13 CORPORATION.—In this subsection, the term ‘quali-  
14 fied nonprofit corporation’ means a corporation de-  
15 scribed in section 501(c)(4) of the Internal Revenue  
16 Code of 1986 that is exempt from taxation under  
17 section 501(a) of the Code and that meets the fol-  
18 lowing requirements:

19 “(A) PURPOSE.—The only express purpose  
20 of the corporation is the promotion of political  
21 ideas.

22 “(B) NO TRADE OR BUSINESS.—The cor-  
23 poration cannot and does not engage in any ac-  
24 tivities that constitute a trade or business.

25 “(C) GROSS RECEIPTS.—The gross re-  
26 ceipts of the corporation for the calendar year

1 have not (and will not) exceed \$100,000, and  
2 the net value of the total assets at any time  
3 during the calendar year do not exceed  
4 \$250,000.

5 “(D) ESTABLISHMENT.—The corpora-  
6 tion—

7 “(i) was not established by—

8 “(I) a person described in section  
9 501(c)(6) of the Internal Revenue  
10 Code of 1986 that is exempt from tax-  
11 ation under section 501(a) of the  
12 Code;

13 “(II) a corporation engaged in  
14 carrying out a trade or business; or

15 “(III) a labor organization; and

16 “(ii) cannot and does not directly or  
17 indirectly accept donations of anything of  
18 value from any such person, corporation,  
19 or labor organization.

20 “(E) ASSETS AND EARNINGS.—The cor-  
21 poration—

22 “(i) has no shareholder or other per-  
23 son affiliated with it that could make a  
24 claim on its assets or earnings; and

1           “(ii) offers no incentives or disincen-  
2           tives for associating or not associating with  
3           it other than on the basis of its position on  
4           any political issue.

5           “(3) QUALIFIED NONPROFIT CORPORATION  
6           TREATED AS POLITICAL COMMITTEE.—If a major  
7           purpose of a qualified nonprofit corporation is the  
8           making of independent expenditures, and the re-  
9           quirements of section 301(4) are met with respect to  
10          the corporation, the corporation shall be treated as  
11          a political committee.

12          “(4) NOTICE REQUIREMENT.—All solicitations  
13          by a qualified nonprofit corporation shall include a  
14          notice informing contributors that donations may be  
15          used by the corporation to make independent ex-  
16          penditures.

17          “(5) REPORTS.—A qualified nonprofit corpora-  
18          tion shall file reports as required by subsections (d)  
19          and (e) of section 304.

20   **SEC. 604. AIDING AND ABETTING VIOLATIONS OF THE FED-**  
21                           **ERAL ELECTION CAMPAIGN ACT OF 1971.**

22          Title III of the Federal Election Campaign Act of  
23   1971 (as amended by section 404) is amended by adding  
24   at the end the following:

1 **“SEC. 327. AIDING AND ABETTING VIOLATIONS.**

2 “With reference to any provision of this Act that  
3 places a requirement or prohibition on any person acting  
4 in a particular capacity, any person who knowingly aids  
5 or abets the person in that capacity in violating that provi-  
6 sion may be proceeded against as a principal in the viola-  
7 tion.”.

8 **SEC. 605. CAMPAIGN ADVERTISING THAT REFERS TO AN**  
9 **OPPONENT.**

10 Title III of the Federal Election Campaign Act of  
11 1971 (2 U.S.C. 431 et seq.) (as amended by section 505)  
12 is amended by adding at the end the following:

13 **“SEC. 328. CAMPAIGN ADVERTISING THAT REFERS TO AN**  
14 **OPPONENT.**

15 “(a) CANDIDATES.—A candidate or candidate’s au-  
16 thorized committee that places in the mail a campaign ad-  
17 vertisement or any other communication to the general  
18 public that directly or indirectly refers to an opponent or  
19 the opponents of the candidate in an election, with or with-  
20 out identifying any opponent in particular, shall file an  
21 exact copy of the communication with the Commission and  
22 with the Secretary of State of the candidate’s State by  
23 not later than 12:00 p.m. on the day on which the commu-  
24 nication is first placed in the mail to the general public.

25 “(b) PERSONS OTHER THAN CANDIDATES.—

1           “(1) IN GENERAL.—A person other than a can-  
 2           didate or candidate’s authorized committee that  
 3           places in the mail a campaign advertisement or any  
 4           other communication described in paragraph (2)  
 5           shall file an exact copy of the communication with  
 6           the Commission and with the Secretary of State of  
 7           the candidate’s State by not later than 12:00 p.m.  
 8           on the day on which the communication is first  
 9           placed in the mail to the general public.

10           “(2) ADVOCACY OR REFERENCE TO OPPO-  
 11           NENT.—A communication is described in this para-  
 12           graph if it is a communication to the general public  
 13           that—

14                   “(A) advocates the election of a particular  
 15                   candidate in an election; and

16                   “(B) directly or indirectly refers to an op-  
 17                   ponent or the opponents of the candidate in the  
 18                   election, with or without identifying any oppo-  
 19                   nent in particular.”.

20 **SEC. 606. LIMIT ON CONGRESSIONAL USE OF THE FRANK-**  
 21 **ING PRIVILEGE.**

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

1           “(A) A Member of Congress may not mail  
 2           any mass mailing as franked mail during a year  
 3           in which there will be an election for the seat  
 4           held by the Member during the period between  
 5           January 1 of that year and the date of the gen-  
 6           eral election for that office, unless the Member  
 7           has made a public announcement that the  
 8           Member will not be a candidate for reelection to  
 9           that seat or for election to any other Federal  
 10          office.”.

11 **SEC. 607. PARTICIPATION BY FOREIGN NATIONALS IN PO-**  
 12 **LITICAL ACTIVITIES.**

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

15           (1) by striking the heading and inserting “PAR-  
 16 TICIPATION BY FOREIGN NATIONALS IN POLITICAL  
 17 ACTIVITIES”;

18           (2) by striking subsection (a) and inserting the  
 19 following:

20          “(a) PROHIBITED CONTRIBUTIONS AND EXPENDI-  
 21 TURES.—

22           “(1) It shall be unlawful for a foreign national  
 23 directly or through any other person to make any  
 24 contribution or expenditure of money or other thing  
 25 of value, or to promise expressly or impliedly to

1 make any contribution or expenditure, in connection  
2 with an election to any political office or in connec-  
3 tion with any primary election, convention, or caucus  
4 held to select candidates for any political office; or  
5 “(2) for any person to solicit, receive, or accept  
6 a contribution from a foreign national.”;

7 (3) by redesignating subsection (b) as sub-  
8 section (c); and

9 (4) by inserting after subsection (a) the follow-  
10 ing:

11 “(b) PROHIBITED ACTIVITIES.—It shall be unlawful  
12 for a foreign national or an individual lawfully admitted  
13 for permanent residence, as defined by section 101(a)(20)  
14 of the Immigration and Nationality Act (8 U.S.C.  
15 1101(a)(20), to direct, dictate, control, or directly or indi-  
16 rectly participate in the decisionmaking process of any  
17 other person, (as defined in 301(11)), with regard to the  
18 person’s Federal or non-Federal election-related activities,  
19 such as a decision concerning the making of a contribution  
20 or expenditure in connection with an election for any Fed-  
21 eral office or a decision concerning the administration of  
22 a political committee.”.

1 (b) AFFIRMATION OF ELIGIBILITY TO MAKE CON-  
 2 TRIBUTION.—Section 319 of the Federal Election Cam-  
 3 paign Act of 1971 (2 U.S.C. 441e) (as amended by sub-  
 4 section (a)) is amended by adding at the end the following:

5 “(d) AFFIRMATION OF ELIGIBILITY TO MAKE CON-  
 6 TRIBUTION.—A candidate or authorized committee of a  
 7 candidate shall not accept a contribution in excess of \$500  
 8 unless the contribution is accompanied by a statement,  
 9 signed by the person making the contribution, affirming  
 10 that the person is not a person prohibited by this section  
 11 from making the contribution.”.

12 **SEC. 608. CERTIFICATION OF COMPLIANCE WITH FOREIGN**  
 13 **CONTRIBUTION AND SOLICITATION LIMITA-**  
 14 **TIONS.**

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

17 (1) by redesignating subsection (c) as sub-  
 18 section (d); and

19 (2) by inserting after subsection (b) the follow-  
 20 ing:

21 “(c) CERTIFICATION OF COMPLIANCE WITH FOREIGN  
 22 CONTRIBUTION AND SOLICITATION LIMITATIONS—Each



1 report required under this section shall include a certifi-  
2 cation under penalty of perjury that the political commit-  
3 tee has not knowingly solicited or accepted contributions  
4 prohibited by section 319.”.

## 5 **TITLE VII—EFFECTIVE DATES;** 6 **AUTHORIZATIONS**

### 7 **SEC. 701. EFFECTIVE DATE.**

8 Except as otherwise provided in this Act, this Act and  
9 the amendments made by this Act shall take effect on the  
10 date of enactment of this Act.

### 11 **SEC. 702. BUDGET NEUTRALITY.**

12 (a) DELAYED EFFECTIVENESS.—This Act (other  
13 than this section) and the amendments made by this Act  
14 shall not be effective until the Director of the Office of  
15 Management and Budget certifies that the estimated costs  
16 under section 252 of the Balanced Budget and Emergency  
17 Deficit Control Act of 1985 (2 U.S.C. 902) have been off-  
18 set by the enactment of legislation effectuating this Act.

19 (b) FUNDING.—Legislation effectuating this Act  
20 shall not provide for general revenue increases, reduce ex-  
21 penditures for any existing Federal program, or increase  
22 the Federal budget deficit.

### 23 **SEC. 703. SEVERABILITY.**

24 Except as provided in section 101(c), if any provision  
25 of this Act (including any amendment made by this Act),

1 or the application of any such provision to any person or  
2 circumstance is held invalid, the validity of any other pro-  
3 vision of this Act, or the application of the provision to  
4 other persons and circumstances shall not be affected  
5 thereby.

6 **SEC. 704. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.**

7 (a) **DIRECT APPEAL TO SUPREME COURT.**—An ap-  
8 peal may be taken directly to the Supreme Court of the  
9 United States from any interlocutory order or final judg-  
10 ment, decree, or order issued by any court ruling on the  
11 constitutionality of any provision of this Act or amend-  
12 ment made by this Act.

13 (b) **ACCEPTANCE AND EXPEDITION.**—The Supreme  
14 Court shall, if the Court has not previously ruled on the  
15 question addressed in the ruling below, accept jurisdiction  
16 over, advance on the docket, and expedite the appeal to  
17 the greatest extent possible.

18 **SEC. 705. REGULATIONS.**

19 The Federal Election Commission shall prescribe any  
20 regulations required to carry out this Act and the amend-  
21 ments made by this Act not later than 270 days after the  
22 effective date of this Act.

○