

105TH CONGRESS
1ST SESSION

S. 25

To reform the financing of Federal elections.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. THOMPSON, Mr. WELLSTONE, Mr. GRAHAM, Mr. KERREY, Mr. DODD, Mr. KERRY, Mr. BINGAMAN, Mr. GLENN, Mrs. MURRAY, Mr. KOHL, Mr. WYDEN, Ms. MOSELEY-BRAUN, Mr. REID, Mr. FORD, Mr. LEAHY, Mr. CLELAND, Mr. JOHNSON, Mr. DURBIN, Mrs. BOXER, Mr. LEVIN, Mr. HARKIN, Mr. BRYAN, Mr. MOYNIHAN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. SARBANES, Mr. BYRD, Mr. ROBB, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

SEPTEMBER 25, 1997

Committee discharged and ordered to be placed on the calendar

SEPTEMBER 29, 1997

Modified pursuant to the order of September 23, 1997

A BILL

To reform the financing of Federal elections.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Bipartisan Campaign Reform Act of 1997”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.

Sec. 102. Increased contribution limits for State committees of political parties
 and aggregate contribution limit for individuals.

Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 201. Definitions.

Sec. 202. Civil penalty.

Sec. 203. Reporting requirements for certain independent expenditures.

Sec. 204. Independent versus coordinated expenditures by party.

Sec. 205. Coordination with candidates.

TITLE III—DISCLOSURE

Sec. 301. Filing of reports using computers and facsimile machines; filing by
 Senate candidates with Commission.

Sec. 302. Prohibition of deposit of contributions with incomplete contributor in-
 formation.

Sec. 303. Audits.

Sec. 304. Reporting requirements for contributions of \$50 or more.

Sec. 305. Use of candidates' names.

Sec. 306. Prohibition of false representation to solicit contributions.

Sec. 307. Soft money of persons other than political parties.

Sec. 308. Campaign advertising.

TITLE IV—PERSONAL WEALTH OPTION

Sec. 401. Voluntary personal funds expenditure limit.

Sec. 402. Political party committee coordinated expenditures.

TITLE V—MISCELLANEOUS

Sec. 501. Codification of Beck decision.

Sec. 502. Use of contributed amounts for certain purposes.

Sec. 503. Limit on congressional use of the franking privilege.

Sec. 504. Prohibition of fundraising on Federal property.

Sec. 505. Penalties for knowing and willful violations.

Sec. 506. Strengthening foreign money ban.

Sec. 507. Prohibition of contributions by minors.

Sec. 508. Expedited procedures.

Sec. 509. Initiation of enforcement proceeding.

TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE
 DATE; REGULATIONS

Sec. 601. Severability.

Sec. 602. Review of constitutional issues.

Sec. 603. Effective date.

Sec. 604. Regulations.

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

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

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

7 **“SEC. 324. SOFT MONEY OF POLITICAL PARTIES.**

8 “(a) NATIONAL COMMITTEES.—

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

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

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

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

11 “(2) FEDERAL ELECTION ACTIVITY.—

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

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

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

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

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

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

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

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

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

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

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

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

1 party, or by an agent or officer of any such commit-
2 tee or entity, to raise funds that are used, in whole
3 or in part, to pay the costs of a Federal election ac-
4 tivity shall be made from funds subject to the limita-
5 tions, prohibitions, and reporting requirements of
6 this Act.

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

22 “(e) CANDIDATES.—

23 “(1) IN GENERAL.—A candidate, individual
24 holding Federal office, or agent of a candidate or in-
25 dividual holding Federal office shall not solicit, re-

1 ceive, direct, transfer, or spend funds for a Federal
 2 election activity on behalf of such candidate, individ-
 3 ual, agent or any other person, unless the funds are
 4 subject to the limitations, prohibitions, and reporting
 5 requirements of this Act.

6 “(A) STATE LAW.—Paragraph (1) does not
 7 apply to the solicitation or receipt of funds by
 8 an individual who is a candidate for a State or
 9 local office if the solicitation or receipt of funds
 10 is permitted under State law for any activity
 11 other than a Federal election activity.

12 “(B) FUNDRAISING EVENTS.—Paragraph
 13 (1) does not apply in the case of a candidate
 14 who attends, speaks, or is a featured guest at
 15 a fundraising event sponsored by a State, dis-
 16 trict, or local committee of a political party.”.

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

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

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

3 (2) in subparagraph (C)—

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

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

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

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

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

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

19 (a) **REPORTING REQUIREMENTS.**—Section 304 of the
20 **Federal Election Campaign Act of 1971 (2 U.S.C. 434)**
21 **(as amended by section 203)** is amended by adding at the
22 **end the following:**

23 “(e) **POLITICAL COMMITTEES.**—

24 “(1) **NATIONAL AND CONGRESSIONAL POLITI-**
25 **CAL COMMITTEES.**—The national committee of a po-

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

5 “(2) OTHER POLITICAL COMMITTEES TO WHICH
6 SECTION 324 APPLIES.—A political committee (not
7 described in paragraph (1)) to which section
8 324(b)(1) applies shall report all receipts and dis-
9 bursements made for activities described in para-
10 graphs (2) and (3)(A)(v) of section 324(b).

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

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

22 (b) BUILDING FUND EXCEPTION TO THE DEFINI-
23 TION OF CONTRIBUTION.—Section 301(8)(B) of the Fed-
24 eral Election Campaign Act of 1971 (2 U.S.C. 431(8)(B))
25 is amended—

- 1 (1) by striking clause (viii); and
 2 (2) by redesignating clauses (ix) through (xiv)
 3 as clauses (viii) through (xiii), respectively.

4 **TITLE II—INDEPENDENT AND**
 5 **COORDINATED EXPENDITURES**

6 **SEC. 201. DEFINITIONS.**

7 (a) DEFINITION OF INDEPENDENT EXPENDITURE.—
 8 Section 301 of the Federal Election Campaign Act (2
 9 U.S.C. 431) is amended by striking paragraph (17) and
 10 inserting the following:

11 “(17) INDEPENDENT EXPENDITURE.—

12 “(A) IN GENERAL.—The term ‘independ-
 13 ent expenditure’ means an expenditure by a
 14 person—

15 “(i) for a communication that is ex-
 16 press advocacy; and

17 “(ii) that is not provided in coordina-
 18 tion with a candidate or a candidate’s
 19 agent or a person who is coordinating with
 20 a candidate or a candidate’s agent.”.

21 (b) DEFINITION OF EXPRESS ADVOCACY.—Section
 22 301 of the Federal Election Campaign Act of 1971 (2
 23 U.S.C. 431) is amended by adding at the end the follow-
 24 ing:

25 “(20) EXPRESS ADVOCACY.—

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

4 “(i) containing a phrase such as ‘vote
5 for’, ‘re-elect’, ‘support’, ‘cast your ballot
6 for’, ‘(name of candidate) for Congress’,
7 ‘(name of candidate) in 1997’, ‘vote
8 against’, ‘defeat’, ‘reject’, or a campaign
9 slogan or words that in context can have
10 no reasonable meaning other than to advo-
11 cate the election or defeat of 1 or more
12 clearly identified candidates;

13 “(ii) referring to 1 or more clearly
14 identified candidates in a paid advertise-
15 ment that is broadcast by a radio broad-
16 cast station or a television broadcast sta-
17 tion within 60 calendar days preceding the
18 date of an election of the candidate and
19 that appears in the State in which the elec-
20 tion is occurring, except that with respect
21 to a candidate for the office of Vice Presi-
22 dent or President, the time period is within
23 60 calendar days preceding the date of a
24 general election; or

1 “(iii) expressing unmistakable and un-
2 ambiguous support for or opposition to 1
3 or more clearly identified candidates when
4 taken as a whole and with limited ref-
5 erence to external events, such as proxim-
6 ity to an election.

7 “(B) VOTING RECORD AND VOTING GUIDE
8 EXCEPTION.—The term ‘express advocacy’ does
9 not include a printed communication that—

10 “(i) presents information in an edu-
11 cational manner solely about the voting
12 record or position on a campaign issue of
13 2 or more candidates;

14 “(ii) that is not made in coordination
15 with a candidate, political party, or agent
16 of the candidate or party; or a candidate’s
17 agent or a person who is coordinating with
18 a candidate or a candidate’s agent;

19 “(iii) does not contain a phrase such
20 as ‘vote for’, ‘re-elect’, ‘support’, ‘cast your
21 ballot for’, ‘(name of candidate) for Con-
22 gress’, ‘(name of candidate) in 1997’, ‘vote
23 against’, ‘defeat’, or ‘reject’, or a campaign
24 slogan or words that in context can have
25 no reasonable meaning other than to urge

1 the election or defeat of 1 or more clearly
2 identified candidates.”.

3 (c) DEFINITION OF EXPENDITURE.—Section
4 301(9)(A) of the Federal Election Campaign Act of 1971
5 (2 U.S.C. 431(9)(A)) is amended—

6 (1) in clause (i), by striking “and” at the end;

7 (2) in clause (ii), by striking the period at the
8 end and inserting “; and”; and

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

10 “(iii) a payment for a communication that is
11 express advocacy; and

12 “(iv) a payment made by a person for a com-
13 munication that—

14 “(I) refers to a clearly identified candidate;

15 “(II) is provided in coordination with the
16 candidate, the candidate’s agent, or the political
17 party of the candidate; and

18 “(III) is for the purpose of influencing a
19 Federal election (regardless of whether the com-
20 munication is express advocacy).”.

21 **SEC. 202. CIVIL PENALTY.**

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

24 (1) in subsection (a)—

25 (A) in paragraph (4)(A)—

1 (i) in clause (i), by striking “clause
2 (ii)” and inserting “clauses (ii) and (iii)”;
3 and

4 (ii) by adding at the end the follow-
5 ing:

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

13 (B) in paragraph (6)(B), by inserting “(ex-
14 cept an action instituted in connection with a
15 knowing and willful violation of section
16 304(c))” after “subparagraph (A)”; and
17 (2) in subsection (d)(1)—

18 (A) in subparagraph (A), by striking “Any
19 person” and inserting “Except as provided in
20 subparagraph (D), any person”; and

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

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

1 **SEC. 203. REPORTING REQUIREMENTS FOR CERTAIN INDE-**
2 **PENDENT EXPENDITURES.**

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

5 (1) in paragraph (2), by striking the undesig-
6 nated matter after subparagraph (C);

7 (2) by redesignating paragraph (3) as para-
8 graph (7); and

9 (3) by inserting after paragraph (2) (as amend-
10 ed by paragraph (1)) the following:

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

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

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

22 “(B) ADDITIONAL REPORTS.—After a per-
23 son files a report under subparagraph (A), the
24 person shall file an additional report within 24
25 hours after each time the person makes or con-
26 tracts to make independent expenditures aggre-

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

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

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

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

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

23 “(A) shall be filed with the Commission;
24 and

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

5 **SEC. 204. INDEPENDENT VERSUS COORDINATED EXPENDI-**
 6 **TURES BY PARTY.**

7 Section 315(d) of the Federal Election Campaign Act
 8 (2 U.S.C. 441a(d)) is amended—

9 (1) in paragraph (1), by striking “and (3)” and
 10 inserting “, (3), and (4)”; and

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

12 “(4) INDEPENDENT VERSUS COORDINATED EX-
 13 PENDITURES BY PARTY.—

14 “(A) IN GENERAL.—On or after the date
 15 on which a political party nominates a can-
 16 didate, a committee of the political party shall
 17 not make both expenditures under this sub-
 18 section and independent expenditures (as de-
 19 fined in section 301(17)) with respect to the
 20 candidate during the election cycle.

21 “(B) CERTIFICATION.—Before making a
 22 coordinated expenditure under this subsection
 23 with respect to a candidate, a committee of a
 24 political party shall file with the Commission a
 25 certification, signed by the treasurer of the

1 committee, that the committee has not and
2 shall not make any independent expenditure
3 with respect to the candidate during the same
4 election cycle.

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

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

1 **SEC. 205. COORDINATION WITH CANDIDATES.**

2 (a) DEFINITION OF COORDINATION WITH CAN-
3 DIDATES.—

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

7 (A) in subparagraph (A)—

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

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

12 (iii) by adding at the end the follow-
13 ing:

14 “(iii) anything of value provided by a
15 person in coordination with a candidate for
16 the purpose of influencing a Federal elec-
17 tion, regardless of whether the value being
18 provided is a communication that is ex-
19 press advocacy, in which such candidate
20 seeks nomination or election to Federal of-
21 fice.”; and

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

23 “(C) The term ‘provided in coordination
24 with a candidate’ includes—

25 “(i) a payment made by a person in
26 cooperation, consultation, or concert with,

1 at the request or suggestion of, or pursu-
2 ant to any general or particular under-
3 standing with a candidate, the candidate's
4 authorized committee, or an agent acting
5 on behalf of a candidate or authorized
6 committee;

7 “(ii) a payment made by a person for
8 the production, dissemination, distribution,
9 or republication, in whole or in part, of any
10 broadcast or any written, graphic, or other
11 form of campaign material prepared by a
12 candidate, a candidate's authorized com-
13 mittee, or an agent of a candidate or au-
14 thorized committee (not including a com-
15 munication described in paragraph
16 (9)(B)(i) or a communication that ex-
17 pressly advocates the candidate's defeat);

18 “(iii) a payment made by a person
19 based on information about a candidate's
20 plans, projects, or needs provided to the
21 person making the payment by the can-
22 didate or the candidate's agent who pro-
23 vides the information with the intent that
24 the payment be made;

1 “(iv) a payment made by a person if,
2 in the same election cycle in which the pay-
3 ment is made, the person making the pay-
4 ment is serving or has served as a member,
5 employee, fundraiser, or agent of the can-
6 didate’s authorized committee in an execu-
7 tive or policymaking position;

8 “(v) a payment made by a person if
9 the person making the payment has served
10 in any formal policy making or advisory
11 position with the candidate’s campaign or
12 has participated in formal strategic or for-
13 mal policymaking discussions with the can-
14 didate’s campaign relating to the can-
15 didate’s pursuit of nomination for election,
16 or election, to Federal office, in the same
17 election cycle as the election cycle in which
18 the payment is made;

19 “(vi) a payment made by a person if,
20 in the same election cycle, the person mak-
21 ing the payment retains the professional
22 services of any person that has provided or
23 is providing campaign-related services in
24 the same election cycle to a candidate in
25 connection with the candidate’s pursuit of

1 nomination for election, or election, to
2 Federal office, including services relating
3 to the candidate's decision to seek Federal
4 office, and the person retained is retained
5 to work on activities relating to that can-
6 didate's campaign;

7 “(vii) a payment made by a person
8 who has engaged in a coordinated activity
9 with a candidate described in clauses (i)
10 through (vi) for a communication that
11 clearly refers to the candidate and is for
12 the purpose of influencing an election (re-
13 gardless of whether the communication is
14 express advocacy);

15 “(viii) direct participation by a person
16 in fundraising activities with the candidate
17 or in the solicitation or receipt of contribu-
18 tions on behalf of the candidate;

19 “(ix) communication by a person with
20 the candidate or an agent of the candidate,
21 occurring after the declaration of can-
22 didacy (including a pollster, media consult-
23 ant, vendor, advisor, or staff member), act-
24 ing on behalf of the candidate, about ad-
25 vertising message, allocation of resources,

1 fundraising, or other campaign matters re-
2 lated to the candidate’s campaign, includ-
3 ing campaign operations, staffing, tactics,
4 or strategy; or

5 “(x) the provision of in-kind profes-
6 sional services or polling data to the can-
7 didate or candidate’s agent.

8 “(D) For purposes of subparagraph (C),
9 the term ‘professional services’ includes services
10 in support of a candidate’s pursuit of nomina-
11 tion for election, or election, to Federal office
12 such as polling, media advice, direct mail, fund-
13 raising, or campaign research.

14 “(E) For purposes of subparagraph (C),
15 all political committees established and main-
16 tained by a national political party (including
17 all congressional campaign committees) and all
18 political committees established and maintained
19 by a State political party (including any subor-
20 dinate committee of a State committee) shall be
21 considered to be a single political committee.”.

22 (2) SECTION 315(a)(7).—Section 315(a)(7) (2
23 U.S.C. 441a(a)(7)) is amended by striking subpara-
24 graph (B) and inserting the following:

1 year in electronic form accessible by computers
2 if the person has, or has reason to expect to
3 have, aggregate contributions or expenditures in
4 excess of a threshold amount determined by the
5 Commission; and

6 “(ii) may maintain and file a designation,
7 statement, or report in electronic form or an al-
8 ternative form, including the use of a facsimile
9 machine, if not required to do so under the reg-
10 ulation promulgated under clause (i).

11 “(B) The Commission shall make a designation,
12 statement, report, or notification that is filed elec-
13 tronically with the Commission accessible to the pub-
14 lic on the Internet not later than 24 hours after the
15 designation, statement, report, or notification is re-
16 ceived by the Commission.

17 “(C) In promulgating a regulation under this
18 paragraph, the Commission shall provide methods
19 (other than requiring a signature on the document
20 being filed) for verifying designations, statements,
21 and reports covered by the regulation. Any document
22 verified under any of the methods shall be treated
23 for all purposes (including penalties for perjury) in
24 the same manner as a document verified by signa-
25 ture.”.

1 (b) SENATE CANDIDATES FILE WITH COMMIS-
 2 SION.—Title III of the Federal Election Campaign Act of
 3 1971 (2 U.S.C. 431 et seq.) is amended—

4 (1) in section 302, by striking subsection (g)
 5 and inserting the following:

6 “(g) FILING WITH THE COMMISSION.—All designa-
 7 tions, statements, and reports required to be filed under
 8 this Act shall be filed with the Commission.”; and

9 (2) in section 304—

10 (A) in subsection (a)(6)(A), by striking
 11 “the Secretary or”; and

12 (B) in the matter following subsection
 13 (c)(2), by striking “the Secretary or”.

14 **SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS**
 15 **WITH INCOMPLETE CONTRIBUTOR INFORMA-**
 16 **TION.**

17 Section 302 of Federal Election Campaign Act of
 18 1971 (2 U.S.C. 432) is amended by adding at the end
 19 the following:

20 “(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of
 21 a candidate’s authorized committee shall not deposit, ex-
 22 cept in an escrow account, or otherwise negotiate a con-
 23 tribution from a person who makes an aggregate amount
 24 of contributions in excess of \$200 during a calendar year
 25 unless the treasurer verifies that the information required

1 by this section with respect to the contributor is com-
 2 plete.”.

3 **SEC. 303. AUDITS.**

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

7 (1) by inserting “(1) IN GENERAL.—” before
 8 “The Commission”; and

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

10 “(2) RANDOM AUDITS.—

11 “(A) IN GENERAL.—Notwithstanding para-
 12 graph (1), the Commission may conduct ran-
 13 dom audits and investigations to ensure vol-
 14 untary compliance with this Act. The selection
 15 of any candidate for a random audit or inves-
 16 tigation shall be based on criteria adopted by a
 17 vote of at least 4 members of the Commission.

18 “(B) LIMITATION.—The Commission shall
 19 not conduct an audit or investigation of a can-
 20 didate’s authorized committee under subpara-
 21 graph (A) until the candidate is no longer a
 22 candidate for the office sought by the candidate
 23 in an election cycle.

24 “(C) APPLICABILITY.—This paragraph
 25 does not apply to an authorized committee of a

1 candidate for President or Vice President sub-
2 ject to audit under section 9007 or 9038 of the
3 Internal Revenue Code of 1986.”.

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

9 **SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBU-**
10 **TIONS OF \$50 OR MORE.**

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

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

15 (2) by striking the semicolon and inserting “,
16 except that in the case of a person who makes con-
17 tributions aggregating at least \$50 but not more
18 than \$200 during the calendar year, the identifica-
19 tion need include only the name and address of the
20 person;”.

21 **SEC. 305. USE OF CANDIDATES’ NAMES.**

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

1 “(4)(A) The name of each authorized commit-
 2 tee shall include the name of the candidate who au-
 3 thorized the committee under paragraph (1).

4 “(B) A political committee that is not an au-
 5 thorized committee shall not—

6 “(i) include the name of any can-
 7 didate in its name; or

8 “(ii) except in the case of a national,
 9 State, or local party committee, use the
 10 name of any candidate in any activity on
 11 behalf of the committee in such a context
 12 as to suggest that the committee is an au-
 13 thorized committee of the candidate or
 14 that the use of the candidate’s name has
 15 been authorized by the candidate.”.

16 **SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO**
 17 **SOLICIT CONTRIBUTIONS.**

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

20 (1) by inserting after “SEC. 322.” the follow-
 21 ing: “(a) IN GENERAL.—”; and

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

23 “(b) SOLICITATION OF CONTRIBUTIONS.—No person
 24 shall solicit contributions by falsely representing himself

1 or herself as a candidate or as a representative of a can-
 2 didate, a political committee, or a political party.”.

3 **SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLITI-**
 4 **CAL PARTIES.**

5 (a) IN GENERAL.—Section 304 of the Federal Elec-
 6 tion Campaign Act of 1971 (2 U.S.C. 434) (as amended
 7 by section 103(c)) is amended by adding at the end the
 8 following:

9 “(g) DISBURSEMENTS OF PERSONS OTHER THAN
 10 POLITICAL PARTIES.—

11 “(1) IN GENERAL.—A person, other than a po-
 12 litical committee or a person described in section
 13 501(d) of the Internal Revenue Code of 1986, that
 14 makes an aggregate amount of disbursements in ex-
 15 cess of \$50,000 during a calendar year for activities
 16 described in paragraph (2) shall file a statement
 17 with the Commission—

18 “(A) on a monthly basis as described in
 19 subsection (a)(4)(B); or

20 “(B) in the case of disbursements that are
 21 made within 20 days of an election, within 24
 22 hours after the disbursements are made.

23 “(2) ACTIVITY.—The activity described in this
 24 paragraph is—

25 “(A) Federal election activity;

1 “(B) an activity described in section
2 316(b)(2)(A) that expresses support for or op-
3 position to a candidate for Federal office or a
4 political party; and

5 “(C) an activity described in subparagraph
6 (C) of section 316(b)(2).

7 “(3) APPLICABILITY.—This subsection does not
8 apply to—

9 “(A) a candidate or a candidate’s author-
10 ized committees; or

11 “(B) an independent expenditure.

12 “(4) CONTENTS.—A statement under this sec-
13 tion shall contain such information about the dis-
14 bursements made during the reporting period as the
15 Commission shall prescribe, including—

16 “(A) the aggregate amount of disburse-
17 ments made;

18 “(B) the name and address of the person
19 or entity to whom a disbursement is made in an
20 aggregate amount in excess of \$200;

21 “(C) the date made, amount, and purpose
22 of the disbursement; and

23 “(D) if applicable, whether the disburse-
24 ment was in support of, or in opposition to, a

1 candidate or a political party, and the name of
 2 the candidate or the political party.”.

3 (b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—

4 Section 301 of the Federal Election Campaign Act of
 5 1971 (2 U.S.C. 431 et seq.) (as amended by section
 6 201(b)) is amended by adding at the end the following:

7 “(21) GENERIC CAMPAIGN ACTIVITY.—The term ‘ge-
 8 neric campaign activity’ means an activity that promotes
 9 a political party and does not promote a candidate or non-
 10 Federal candidate.”.

11 **SEC. 308. CAMPAIGN ADVERTISING.**

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

14 (1) in subsection (a)—

15 (A) in the matter preceding paragraph

16 (1)—

17 (i) by striking “Whenever” and insert-
 18 ing “Whenever a political committee makes
 19 a disbursement for the purpose of financ-
 20 ing any communication through any broad-
 21 casting station, newspaper, magazine, out-
 22 door advertising facility, mailing, or any
 23 other type of general public political adver-
 24 tising, or whenever”;

1 (ii) by striking “an expenditure” and
2 inserting “a disbursement”; and

3 (iii) by striking “direct”; and

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

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

7 “(c) Any printed communication described in sub-
8 section (a) shall—

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

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

13 “(3) be printed with a reasonable degree of
14 color contrast between the background and the
15 printed statement.

16 “(d)(1) Any broadcast or cablecast communication
17 described in paragraphs (1) or (2) of subsection (a) shall
18 include, in addition to the requirements of that paragraph,
19 an audio statement by the candidate that identifies the
20 candidate and states that the candidate has approved the
21 communication.

22 “(2) If a broadcast or cablecast communication de-
23 scribed in paragraph (1) is broadcast or cablecast by
24 means of television, the communication shall include, in

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

3 “(A) appears at the end of the communication
4 in a clearly readable manner with a reasonable de-
5 gree of color contrast between the background and
6 the printed statement, for a period of at least 4 sec-
7 onds; and

8 “(B) is accompanied by a clearly identifiable
9 photographic or similar image of the candidate.

10 “(e) Any broadcast or cablecast communication de-
11 scribed in paragraph (3) of subsection (a) shall include,
12 in addition to the requirements of that paragraph, in a
13 clearly spoken manner, the following statement:
14 ‘ _____ is responsible for the content of this
15 advertisement.’ (with the blank to be filled in with the
16 name of the political committee or other person paying
17 for the communication and the name of any connected or-
18 ganization of the payor). If broadcast or cablecast by
19 means of television, the statement shall also appear in a
20 clearly readable manner with a reasonable degree of color
21 contrast between the background and the printed state-
22 ment, for a period of at least 4 seconds.”.

1 **TITLE IV—PERSONAL WEALTH**
 2 **OPTION**

3 **SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE**
 4 **LIMIT.**

5 Title III of the Federal Election Campaign Act of
 6 1971 (2 U.S.C. 431 et seq.) (as amended by section 101)
 7 is amended by adding at the end the following:

8 **“SEC. 325. VOLUNTARY PERSONAL FUNDS EXPENDITURE**
 9 **LIMIT.**

10 “(a) ELIGIBLE SENATE CANDIDATE.—

11 “(1) PRIMARY ELECTION.—

12 “(A) DECLARATION.—A candidate is an el-
 13 igible primary election Senate candidate if the
 14 candidate files with the Commission a declara-
 15 tion that the candidate and the candidate’s au-
 16 thorized committees will not make expenditures
 17 in excess of the personal funds expenditure
 18 limit.

19 “(B) TIME TO FILE.—The declaration
 20 under subparagraph (A) shall be filed not later
 21 than the date on which the candidate files with
 22 the appropriate State officer as a candidate for
 23 the primary election.

24 “(2) GENERAL ELECTION.—

1 “(A) DECLARATION.—A candidate is an el-
2 igible general election Senate candidate if the
3 candidate files with the Commission—

4 “(i) a declaration under penalty of
5 perjury, with supporting documentation as
6 required by the Commission, that the can-
7 didate and the candidate’s authorized com-
8 mittees did not exceed the personal funds
9 expenditure limit in connection with the
10 primary election; and

11 “(ii) a declaration that the candidate
12 and the candidate’s authorized committees
13 will not make expenditures in excess of the
14 personal funds expenditure limit.

15 “(B) TIME TO FILE.—The declaration
16 under subparagraph (A) shall be filed not later
17 than 7 days after the earlier of—

18 “(i) the date on which the candidate
19 qualifies for the general election ballot
20 under State law; or

21 “(ii) if under State law, a primary or
22 run-off election to qualify for the general
23 election ballot occurs after September 1,
24 the date on which the candidate wins the
25 primary or runoff election.

1 “(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

2 “(1) IN GENERAL.—The aggregate amount of
3 expenditures that may be made in connection with
4 an election by an eligible Senate candidate or the
5 candidate’s authorized committees from the sources
6 described in paragraph (2) shall not exceed \$50,000.

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

9 “(A) personal funds of the candidate and
10 members of the candidate’s immediate family;
11 or

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

15 “(c) CERTIFICATION BY THE COMMISSION.—

16 “(1) IN GENERAL.—The Commission shall de-
17 termine whether a candidate has met the require-
18 ments of this section and, based on the determina-
19 tion, issue a certification stating whether the can-
20 didate is an eligible Senate candidate.

21 “(2) TIME FOR CERTIFICATION.—Not later
22 than 7 business days after a candidate files a dec-
23 laration under paragraph (1) or (2) of subsection
24 (a), the Commission shall certify whether the can-
25 didate is an eligible Senate candidate.

1 “(3) REVOCATION.—The Commission shall re-
2 voke a certification under paragraph (1), based on
3 information submitted in such form and manner as
4 the Commission may require or on information that
5 comes to the Commission by other means, if the
6 Commission determines that a candidate violates the
7 personal funds expenditure limit.

8 “(4) DETERMINATIONS BY COMMISSION.—A
9 determination made by the Commission under this
10 subsection shall be final, except to the extent that
11 the determination is subject to examination and
12 audit by the Commission and to judicial review.

13 “(d) PENALTY.—If the Commission revokes the cer-
14 tification of an eligible Senate candidate—

15 “(1) the Commission shall notify the candidate
16 of the revocation; and

17 “(2) the candidate and a candidate’s authorized
18 committees shall pay to the Commission an amount
19 equal to the amount of expenditures made by a na-
20 tional committee of a political party or a State com-
21 mittee of a political party in connection with the
22 general election campaign of the candidate under
23 section 315(d).”.

1 **SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED**
2 **EXPENDITURES.**

3 Section 315(d) of the Federal Election Campaign Act
4 of 1971 (2 U.S.C. 441a(d)) (as amended by section 204)
5 is amended by adding at the end the following:

6 “(5) This subsection does not apply to expendi-
7 tures made in connection with the general election
8 campaign of a candidate for the Senate who is not
9 an eligible Senate candidate (as defined in section
10 325(a)).”.

11 **TITLE V—MISCELLANEOUS**

12 **SEC. 501. CODIFICATION OF BECK DECISION.**

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

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

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

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

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

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

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

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

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

1 ratio that the organization’s expenditures
 2 supporting political activities unrelated to
 3 collective bargaining bears to such organi-
 4 zation’s total expenditures;

5 “(ii) provide such employee with a
 6 reasonable explanation of the organiza-
 7 tion’s calculation of such reduction, includ-
 8 ing calculating the amount of organization
 9 expenditures supporting political activities
 10 unrelated to collective bargaining.

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

17 **SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN**
 18 **PURPOSES.**

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

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

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

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

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

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

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

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

15 “(b) PROHIBITED USE.—

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

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

1 individual's duties as a holder of Federal office-
2 holder, including—

3 “(A) a home mortgage, rent, or utility pay-
4 ment;

5 “(B) a clothing purchase;

6 “(C) a noncampaign-related automobile ex-
7 pense;

8 “(D) a country club membership;

9 “(E) a vacation or other noncampaign-re-
10 lated trip;

11 “(F) a household food item;

12 “(G) a tuition payment;

13 “(H) admission to a sporting event, con-
14 cert, theater, or other form of entertainment
15 not associated with an election campaign; and

16 “(I) dues, fees, and other payments to a
17 health club or recreational facility.”.

18 **SEC. 503. LIMIT ON CONGRESSIONAL USE OF THE FRANK-**
19 **ING PRIVILEGE.**

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

23 “(A) A Member of Congress shall not mail
24 any mass mailing as franked mail during a year
25 in which there will be an election for the seat

1 held by the Member during the period between
2 January 1 of that year and the date of the gen-
3 eral election for that Office, unless the Member
4 has made a public announcement that the
5 Member will not be a candidate for reelection to
6 that year or for election to any other Federal
7 office.”.

8 **SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL**
9 **PROPERTY.**

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

12 (1) striking subsection (a) and inserting the fol-
13 lowing:

14 “(a) PROHIBITION.—

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

1 tee or candidate for Federal, State or local office,
2 while in any room or building occupied in the dis-
3 charge of official duties by an officer or employee of
4 the United States, from any person.

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

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

10 **SEC. 505. PENALTIES FOR KNOWING AND WILLFUL VIOLA-**
11 **TIONS.**

12 (a) INCREASED PENALTIES.—Section 309(a) of the
13 Federal Election Campaign Act of 1971 (2 U.S.C.
14 437g(a)) is amended—

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

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

21 (b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of
22 the Federal Election Campaign Act of 1971 (2 U.S.C.
23 437g(a)(5)) is amended by striking the period at the end
24 and inserting “, and may include equitable remedies or
25 penalties, including disgorgement of funds to the Treasury

1 or community service requirements (including require-
2 ments to participate in public education programs).”.

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

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

7 “(13) PENALTY FOR LATE FILING.—

8 “(A) IN GENERAL.—

9 “(i) MONETARY PENALTIES.—The
10 Commission shall establish a schedule of
11 mandatory monetary penalties that shall
12 be imposed by the Commission for failure
13 to meet a time requirement for filing under
14 section 304.

15 “(ii) REQUIRED FILING.—In addition
16 to imposing a penalty, the Commission
17 may require a report that has not been
18 filed within the time requirements of sec-
19 tion 304 to be filed by a specific date.

20 “(iii) PROCEDURE.—A penalty or fil-
21 ing requirement imposed under this para-
22 graph shall not be subject to paragraph
23 (1), (2), (3), (4), (5), or (12).

24 “(B) FILING AN EXCEPTION.—

1 “(i) TIME TO FILE.—A political com-
2 mittee shall have 30 days after the imposi-
3 tion of a penalty or filing requirement by
4 the Commission under this paragraph in
5 which to file an exception with the Com-
6 mission.

7 “(ii) TIME FOR COMMISSION TO
8 RULE.—Within 30 days after receiving an
9 exception, the Commission shall make a
10 determination that is a final agency action
11 subject to exclusive review by the United
12 States Court of Appeals for the District of
13 Columbia Circuit under section 706 of title
14 5, United States Code, upon petition filed
15 in that court by the political committee or
16 treasurer that is the subject of the agency
17 action, if the petition is filed within 30
18 days after the date of the Commission ac-
19 tion for which review is sought.”;

20 (2) in paragraph (5)(D)—

21 (A) by inserting after the first sentence the
22 following: “In any case in which a penalty or
23 filing requirement imposed on a political com-
24 mittee or treasurer under paragraph (13) has
25 not been satisfied, the Commission may insti-

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

3 (B) by inserting before the period at the
4 end of the last sentence the following: “or has
5 failed to pay a penalty or meet a filing require-
6 ment imposed under paragraph (13)”; and

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

9 **SEC. 506. STRENGTHENING FOREIGN MONEY BAN.**

10 Section 319 of the Federal Election Campaign Act
11 of 1971 (2 U.S.C. 441e) is amended—

12 (1) by striking the heading and inserting the
13 following: “CONTRIBUTIONS AND DONATIONS BY
14 FOREIGN NATIONALS”; and

15 (2) by striking subsection (a) and inserting the
16 following:

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

18 “(1) a foreign national, directly or indirectly, to
19 make—

20 “(A) a donation of money or other thing of
21 value, or to promise expressly or impliedly to
22 make a donation, in connection with a Federal,
23 State, or local election to a political committee
24 or a candidate for Federal office; or

1 “(ii) a contribution or donation to a
2 committee of a political party; or

3 “(B) for a person to solicit, accept, or re-
4 ceive such contribution or donation from a for-
5 eign national.”.

6 **SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.**

7 Title III of the Federal Election Campaign Act of
8 1971 (2 U.S.C. 431 et seq.) (as amended by section 401)
9 is amended by adding at the end the following:

10 **“SEC. 326. PROHIBITION OF CONTRIBUTIONS BY MINORS.**

11 An individual who is 17 years old or younger shall
12 not make a contribution to a candidate or a contribution
13 or donation to a committee of a political party.”.

14 **SEC. 508. EXPEDITED PROCEDURES.**

15 (a) IN GENERAL.—Section 309(a) of the Federal
16 Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as
17 amended by section 505(c)) is amended by adding at the
18 end the following:

19 “(14)(A) If the complaint in a proceeding was
20 filed within 60 days preceding the date of a general
21 election, the Commission may take action described
22 in this subparagraph.

23 “(B) If the Commission determines, on the
24 basis of facts alleged in the complaint and other
25 facts available to the Commission, that there is clear

1 and convincing evidence that a violation of this Act
2 has occurred, is occurring, or is about to occur, the
3 Commission may order expedited proceedings, short-
4 ening the time periods for proceedings under para-
5 graphs (1), (2), (3), and (4) as necessary to allow
6 the matter to be resolved in sufficient time before
7 the election to avoid harm or prejudice to the inter-
8 ests of the parties.

9 “(C) If the Commission determines, on the
10 basis of facts alleged in the complaint and other
11 facts available to the Commission, that the com-
12 plaint is clearly without merit, the Commission
13 may—

14 “(i) order expedited proceedings, shorten-
15 ing the time periods for proceedings under
16 paragraphs (1), (2), (3), and (4) as necessary
17 to allow the matter to be resolved in sufficient
18 time before the election to avoid harm or preju-
19 dice to the interests of the parties; or

20 “(ii) if the Commission determines that
21 there is insufficient time to conduct proceedings
22 before the election, summarily dismiss the com-
23 plaint.”.

24 (b) REFERRAL TO ATTORNEY GENERAL.—Section
25 309(a)(5) of the Federal Election Campaign Act of 1971

1 (2 U.S.C. 437g(a)(5)) is amended by striking subpara-
 2 graph (C) and inserting the following:

3 “(C) The Commission may at any time, by an affirm-
 4 ative vote of at least 4 of its members, refer a possible
 5 violation of this Act or chapter 95 or 96 of title 26, United
 6 States Code, to the Attorney General of the United States,
 7 without regard to any limitation set forth in this section.”.

8 **SEC. 509. INITIATION OF ENFORCEMENT PROCEEDING.**

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

13 **TITLE VI—SEVERABILITY; CON-**
 14 **STITUTIONALITY; EFFECTIVE**
 15 **DATE; REGULATIONS**

16 **SEC. 601. SEVERABILITY.**

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

1 **SEC. 602. REVIEW OF CONSTITUTIONAL ISSUES.**

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

7 **SEC. 603. EFFECTIVE DATE.**

8 Except as otherwise provided in this Act, this Act and
9 the amendments made by this Act take effect on the date
10 that is 60 days after the date of enactment of this Act
11 or January 1, 1998, whichever occurs first.

12 **SEC. 604. REGULATIONS.**

13 The Federal Election Commission shall prescribe any
14 regulations required to carry out this Act and the amend-
15 ments made by this Act not later than 270 days after the
16 effective date of this Act.

○