

106TH CONGRESS
1ST SESSION

S. 26

Entitled the “Bipartisan Campaign Reform Act of 1999”.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. THOMPSON, Mr. LEVIN, Ms. COLLINS, Mr. LIEBERMAN, Ms. SNOWE, Mr. WELLSTONE, Mr. JEFFORDS, Mr. DURBIN, Mr. SCHUMER, Mr. REID, Mr. BRYAN, Mr. SARBANES, Mr. ROBB, Mr. DORGAN, Mr. MOYNIHAN, Mr. KERRY, Mr. KERREY, Mr. CLELAND, Mr. LEAHY, Mr. BAYH, Mrs. FEINSTEIN, Mrs. BOXER, Mr. HOLLINGS, Mr. GRAHAM, Mr. JOHNSON, and Mr. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

Entitled the “Bipartisan Campaign Reform Act of 1999”.

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 1999”.

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

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

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

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Subtitle A—Electioneering Communications

- Sec. 201. Disclosure of electioneering communications.
- Sec. 202. Coordinated communications as contributions.
- Sec. 203. Prohibition of corporate and labor disbursements for electioneering communications.

Subtitle B—Independent and Coordinated Expenditures

- Sec. 211. Definition of independent expenditure.
- Sec. 212. Civil penalty.
- Sec. 213. Reporting requirements for certain independent expenditures.
- Sec. 214. Independent versus coordinated expenditures by party.
- Sec. 215. 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 information.
- 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. 323. SOFT MONEY OF POLITICAL PARTIES.**

8 “(a) NATIONAL COMMITTEES.—

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

17 “(2) APPLICABILITY.—This subsection shall
 18 apply to an entity that is directly or indirectly estab-
 19 lished, financed, maintained, or controlled by a na-
 20 tional committee of a political party (including a na-
 21 tional congressional campaign committee of a 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.

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

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

12 “(2) FEDERAL ELECTION ACTIVITY.—

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

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

20 “(ii) voter identification, get-out-the-
21 vote activity, or generic campaign activity
22 conducted in connection with an election in
23 which a candidate appears on the ballot
24 (regardless of whether a candidate for

1 State or local office also appears on the
2 ballot); and

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

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

15 “(i) campaign activity conducted sole-
16 ly on behalf of a clearly identified can-
17 didate for State or local office, if the cam-
18 paign activity is not a Federal election ac-
19 tivity described in subparagraph (A);

20 “(ii) a contribution to a candidate for
21 State or local office, if the contribution is
22 not designated or used to pay for a Fed-
23 eral election activity described in subpara-
24 graph (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 by a
22 national, State, district, or local committee of a political
23 party, by an entity that is established, financed, main-
24 tained, or controlled by a national, State, district, or local
25 committee of a political party, or by an agent or officer

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

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

20 “(e) CANDIDATES.—

21 “(1) IN GENERAL.—A candidate, individual
22 holding Federal office, or agent of a candidate or in-
23 dividual holding Federal office shall not solicit, re-
24 ceive, direct, transfer, or spend funds in connection
25 with an election for Federal office, including funds

1 for any Federal election activity, unless the funds
 2 are subject to the limitations, prohibitions, and re-
 3 porting requirements of this Act.

4 “(2) EXCEPTIONS.—

5 “(A) STATE LAW.—Paragraph (1) does not
 6 apply to the solicitation or receipt of funds by
 7 an individual who is a candidate for a State or
 8 local office in connection with such election for
 9 State or local office if the solicitation or receipt
 10 of funds is permitted under State law for any
 11 activity 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 **pa**ign 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 213)** is amended by adding at the
22 **end the following:**

23 “(f) **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 323 APPLIES.—A political committee (not
7 described in paragraph (1)) to which section
8 323(b)(1) applies shall report all receipts and dis-
9 bursements made for activities described in subpara-
10 graphs (A) and (B)(v) of section 323(b)(2).

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) REPEAL OF BUILDING FUND EXCEPTION TO THE
23 DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of
24 the Federal Election Campaign Act of 1971 (2 U.S.C.
25 431(8)(B)) 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 **Subtitle A—Electioneering**
 7 **Communications**

8 **SEC. 201. DISCLOSURE OF ELECTIONEERING COMMUNICA-**
 9 **TIONS.**

10 Section 304 of the Federal Election Campaign Act
 11 of 1971 (2 U.S.C. 434) is amended by adding at the end
 12 the following new subsection:

13 “(d) **ADDITIONAL STATEMENTS ON ELECTIONEER-**
 14 **ING COMMUNICATIONS.—**

15 “(1) **STATEMENT REQUIRED.—**Every person
 16 who makes a disbursement for electioneering com-
 17 munications in an aggregate amount in excess of
 18 \$10,000 during any calendar year shall, within 24
 19 hours of each disclosure date, file with the Commis-
 20 sion a statement containing the information de-
 21 scribed in paragraph (2).

22 “(2) **CONTENTS OF STATEMENT.—**Each state-
 23 ment required to be filed under this subsection shall
 24 be made under penalty of perjury and shall contain
 25 the following information:

1 “(A) The identification of the person mak-
2 ing the disbursement, of any entity sharing or
3 exercising direction or control over the activities
4 of such person, and of the custodian of the
5 books and accounts of the person making the
6 disbursement.

7 “(B) The State of incorporation and the
8 principal place of business of the person making
9 the disbursement.

10 “(C) The amount of each disbursement
11 during the period covered by the statement and
12 the identification of the person to whom the
13 disbursement was made.

14 “(D) The elections to which the election-
15 eering communications pertain and the names
16 (if known) of the candidates identified or to be
17 identified.

18 “(E) If the disbursements were paid out of
19 a segregated account to which only individuals
20 could contribute, the names and addresses of all
21 contributors who contributed an aggregate
22 amount of \$500 or more to that account during
23 the period beginning on the first day of the pre-
24 ceding calendar year and ending on the disclo-
25 sure date.

1 “(F) If the disbursements were paid out of
2 funds not described in subparagraph (E), the
3 names and addresses of all contributors who
4 contributed an aggregate amount of \$500 or
5 more to the organization or any related entity
6 during the period beginning on the first day of
7 the preceding calendar year and ending on the
8 disclosure date.

9 “(G) Whether or not any electioneering
10 communication is made in coordination, co-
11 operation, consultation, or concert with, or at
12 the request or suggestion of, any candidate or
13 any authorized committee, any political party or
14 committee, or any agent of the candidate, politi-
15 cal party, or committee and if so, the identifica-
16 tion of any candidate, party, committee, or
17 agent involved.

18 “(3) ELECTIONEERING COMMUNICATION.—For
19 purposes of this subsection—

20 “(A) IN GENERAL.—The term ‘electioneer-
21 ing communication’ means any broadcast from
22 a television or radio broadcast station which—

23 “(i) refers to a clearly identified can-
24 didate for Federal office;

1 “(ii) is made (or scheduled to be
2 made) within—

3 “(I) 60 days before a general,
4 special, or runoff election for such
5 Federal office; or

6 “(II) 30 days before a primary or
7 preference election, or a convention or
8 caucus of a political party that has
9 authority to nominate a candidate, for
10 such Federal office; and

11 “(iii) is broadcast from a television or
12 radio broadcast station whose audience in-
13 cludes the electorate for such election, con-
14 vention, or caucus.

15 “(B) EXCEPTIONS.—Such term shall not
16 include—

17 “(i) communications appearing in a
18 news story, commentary, or editorial dis-
19 tributed through the facilities of any
20 broadcasting station, unless such facilities
21 are owned or controlled by any political
22 party, political committee, or candidate; or

23 “(ii) communications which constitute
24 expenditures or independent expenditures
25 under this Act.

1 “(4) DISCLOSURE DATE.—For purposes of this
2 subsection, the term ‘disclosure date’ means—

3 “(A) the first date during any calendar
4 year by which a person has made disbursements
5 for electioneering communications aggregating
6 in excess of \$10,000; and

7 “(B) any other date during such calendar
8 year by which a person has made disbursements
9 for electioneering communications aggregating
10 in excess of \$10,000 since the most recent dis-
11 closure date for such calendar year.

12 “(5) CONTRACTS TO DISBURSE.—For purposes
13 of this subsection, a person shall be treated as hav-
14 ing made a disbursement if the person has con-
15 tracted to make the disbursement.

16 “(6) COORDINATION WITH OTHER REQUIRE-
17 MENTS.—Any requirement to report under this sub-
18 section shall be in addition to any other reporting
19 requirement under this Act.”

20 **SEC. 202. COORDINATED COMMUNICATIONS AS CONTRIBU-**
21 **TIONS.**

22 Section 315(a)(7)(B) of the Federal Election Cam-
23 paign Act of 1971 (2 U.S.C. 441a(a)(7)(B)) is amended
24 by inserting after clause (ii) the following:

25 “(iii) if—

1 “(I) any person makes, or con-
 2 tracts to make, any payment for any
 3 electioneering communication (within
 4 the meaning of section 304(d)(3));
 5 and

6 “(II) such payment is coordi-
 7 nated with a candidate or an author-
 8 ized committee of such candidate, a
 9 Federal, State, or local political party
 10 or committee thereof, or an agent or
 11 official of any such candidate, party,
 12 or committee;

13 such payment or contracting shall be treat-
 14 ed as a contribution to such candidate and
 15 as an expenditure by such candidate; and”.

16 **SEC. 203. PROHIBITION OF CORPORATE AND LABOR DIS-**
 17 **BURSEMENTS FOR ELECTIONEERING COM-**
 18 **MUNICATIONS.**

19 (a) IN GENERAL.—Section 316(b)(2) of the Federal
 20 Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is
 21 amended by inserting “or for any applicable electioneering
 22 communication” before “, but shall not include”.

23 (b) APPLICABLE ELECTIONEERING COMMUNICA-
 24 TION.—Section 316 of such Act is amended by adding at
 25 the end the following:

1 “(c) RULES RELATING TO ELECTIONEERING COM-
2 MUNICATIONS.—

3 “(1) APPLICABLE ELECTIONEERING COMMU-
4 NICATION.—For purposes of this section, the term
5 ‘applicable electioneering communication’ means an
6 electioneering communication (within the meaning of
7 section 304(d)(3)) which is made by—

8 “(A) any entity to which subsection (a) ap-
9 plies other than a section 501(c)(4) organiza-
10 tion; or

11 “(B) a section 501(c)(4) organization from
12 amounts derived from the conduct of a trade or
13 business or from an entity described in sub-
14 paragraph (A).

15 “(2) SPECIAL OPERATING RULES.—For pur-
16 poses of paragraph (1), the following rules shall
17 apply:

18 “(A) An electioneering communication
19 shall be treated as made by an entity described
20 in paragraph (1)(A) if—

21 “(i) the entity described in paragraph
22 (1)(A) directly or indirectly disburses any
23 amount for any of the costs of the commu-
24 nication; or

1 “(ii) any amount is disbursed for the
2 communication by a corporation or organi-
3 zation or a State or local political party or
4 committee thereof that receives anything of
5 value from the entity described in para-
6 graph (1)(A), except that this clause shall
7 not apply to any communication the costs
8 of which are defrayed entirely out of a seg-
9 regated account to which only individuals
10 can contribute.

11 “(B) A section 501(c)(4) organization that
12 derives amounts from business activities or
13 from any entity described in paragraph (1)(A)
14 shall be considered to have paid for any com-
15 munication out of such amounts unless such or-
16 ganization paid for the communication out of a
17 segregated account to which only individuals
18 can contribute.

19 “(3) DEFINITIONS AND RULES.—For purposes
20 of this subsection—

21 “(A) the term ‘section 501(c)(4) organiza-
22 tion’ means—

23 “(i) an organization described in sec-
24 tion 501(c)(4) of the Internal Revenue

1 Code of 1986 and exempt from taxation
2 under section 501(a) of such Code; or

3 “(ii) an organization which has sub-
4 mitted an application to the Internal Reve-
5 nue Service for determination of its status
6 as an organization described in clause (i);
7 and

8 “(B) a person shall be treated as having
9 made a disbursement if the person has con-
10 tracted to make the disbursement.

11 “(4) COORDINATION WITH INTERNAL REVENUE
12 CODE.—Nothing in this subsection shall be con-
13 strued to authorize an organization exempt from
14 taxation under section 501(a) of the Internal Reve-
15 nue Code of 1986 from carrying out any activity
16 which is prohibited under such Code.”

17 **Subtitle B—Independent and**
18 **Coordinated Expenditures**

19 **SEC. 211. DEFINITION OF INDEPENDENT EXPENDITURE.**

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

23 “(17) INDEPENDENT EXPENDITURE.—The
24 term ‘independent expenditure’ means an expendi-
25 ture by a person—

1 “(A) expressly advocating the election or
2 defeat of a clearly identified candidate; and

3 “(B) that is not provided in coordination
4 with a candidate or a candidate’s agent or a
5 person who is coordinating with a candidate or
6 a candidate’s agent.”

7 **SEC. 212. CIVIL PENALTY.**

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

10 (1) in subsection (a)—

11 (A) in paragraph (4)(A)—

12 (i) in clause (i), by striking “clause
13 (ii)” and inserting “clauses (ii) and (iii)”;
14 and

15 (ii) by adding at the end the follow-
16 ing:

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

24 (B) in paragraph (6)(B), by inserting “(ex-
25 cept an action instituted in connection with a

1 knowing and willful violation of section
2 304(c)” after “subparagraph (A)”; and

3 (2) in subsection (d)(1)—

4 (A) in subparagraph (A), by striking “Any
5 person” and inserting “Except as provided in
6 subparagraph (D), any person”; and

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

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

12 **SEC. 213. REPORTING REQUIREMENTS FOR CERTAIN INDE-**
13 **PENDENT EXPENDITURES.**

14 Section 304 of the Federal Election Campaign Act
15 of 1971 (2 U.S.C. 434) (as amended by section 201) is
16 amended—

17 (1) in subsection (c)(2), by striking the undes-
18 igned matter after subparagraph (C); and

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

20 “(e) **TIME FOR REPORTING CERTAIN EXPENDI-**
21 **TURES.—**

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

23 “(A) **INITIAL REPORT.—**A person (includ-
24 ing a political committee) that makes or con-
25 tracts to make independent expenditures aggre-

1 gating \$1,000 or more after the 20th day, but
2 more than 24 hours, before the date of an elec-
3 tion shall file a report describing the expendi-
4 tures within 24 hours after that amount of
5 independent expenditures has been made.

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

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

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

23 “(B) ADDITIONAL REPORTS.—After a per-
24 son files a report under subparagraph (A), the
25 person shall file an additional report within 48

1 hours after each time the person makes or con-
 2 tracts to make independent expenditures aggreg-
 3 gating an additional \$10,000 with respect to
 4 the same election as that to which the initial re-
 5 port relates.

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

8 “(A) shall be filed with the Commission;
 9 and

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

14 **SEC. 214. INDEPENDENT VERSUS COORDINATED EXPENDI-**
 15 **TURES BY PARTY.**

16 Section 315(d) of the Federal Election Campaign Act
 17 (2 U.S.C. 441a(d)) is amended—

18 (1) in paragraph (1), by striking “and (3)” and
 19 inserting “, (3), and (4)”; and

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

21 “(4) INDEPENDENT VERSUS COORDINATED EX-
 22 PENDITURES BY PARTY.—

23 “(A) IN GENERAL.—On or after the date
 24 on which a political party nominates a can-
 25 didate, a committee of the political party shall

1 not make both expenditures under this sub-
2 section and independent expenditures (as de-
3 fined in section 301(17)) with respect to the
4 candidate during the election cycle.

5 “(B) CERTIFICATION.—Before making a
6 coordinated expenditure under this subsection
7 with respect to a candidate, a committee of a
8 political party shall file with the Commission a
9 certification, signed by the treasurer of the
10 committee, that the committee, on or after the
11 date described in subparagraph (A), has not
12 and shall not make any independent expendi-
13 ture with respect to the candidate during the
14 same election cycle.

15 “(C) APPLICATION.—For purposes of this
16 paragraph, all political committees established
17 and maintained by a national political party
18 (including all congressional campaign commit-
19 tees) and all political committees established
20 and maintained by a State political party (in-
21 cluding any subordinate committee of a State
22 committee) shall be considered to be a single
23 political committee.

24 “(D) TRANSFERS.—A committee of a po-
25 litical party that submits a certification under

1 subparagraph (B) with respect to a candidate
2 shall not, during an election cycle, transfer any
3 funds to, assign authority to make coordinated
4 expenditures under this subsection to, or receive
5 a transfer of funds from, a committee of the po-
6 litical party that has made or intends to make
7 an independent expenditure with respect to the
8 candidate.”.

9 **SEC. 215. COORDINATION WITH CANDIDATES.**

10 (a) DEFINITION OF COORDINATION WITH CAN-
11 DIDATES.—

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

15 (A) in subparagraph (A)—

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

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

20 (iii) by adding at the end the follow-
21 ing:

22 “(iii) coordinated activity (as defined
23 in subparagraph (C)).”; and

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

1 “(C) ‘Coordinated activity’ means anything
2 of value provided by a person in coordination
3 with a candidate, an agent of the candidate, or
4 the political party of the candidate or its agent
5 for the purpose of influencing a Federal election
6 (regardless of whether the value being provided
7 is a communication that is express advocacy) in
8 which such candidate seeks nomination or elec-
9 tion to Federal office, and includes any of the
10 following:

11 “(i) A payment made by a person in
12 cooperation, consultation, or concert with,
13 at the request or suggestion of, or pursu-
14 ant to any general or particular under-
15 standing with a candidate, the candidate’s
16 authorized committee, the political party of
17 the candidate, or an agent acting on behalf
18 of a candidate, authorized committee, or
19 the political party of the candidate.

20 “(ii) A payment made by a person for
21 the production, dissemination, distribution,
22 or republication, in whole or in part, of any
23 broadcast or any written, graphic, or other
24 form of campaign material prepared by a
25 candidate, a candidate’s authorized com-

1 mittee, or an agent of a candidate or au-
2 thorized committee (not including a com-
3 munication described in paragraph
4 (9)(B)(i) or a communication that ex-
5 pressly advocates the candidate’s defeat).

6 “(iii) A payment made by a person
7 based on information about a candidate’s
8 plans, projects, or needs provided to the
9 person making the payment by the can-
10 didate or the candidate’s agent who pro-
11 vides the information with the intent that
12 the payment be made.

13 “(iv) A payment made by a person if,
14 in the same election cycle in which the pay-
15 ment is made, the person making the pay-
16 ment is serving or has served as a member,
17 employee, fundraiser, or agent of the can-
18 didate’s authorized committee in an execu-
19 tive or policymaking position.

20 “(v) A payment made by a person if
21 the person making the payment has served
22 in any formal policy making or advisory
23 position with the candidate’s campaign or
24 has participated in formal strategic or for-
25 mal policymaking discussions (other than

1 any discussion treated as a lobbying con-
2 tact under the Lobbying Disclosure Act of
3 1995 in the case of a candidate holding
4 Federal office or as a similar lobbying ac-
5 tivity in the case of a candidate holding
6 State or other elective office) with the can-
7 didate’s campaign relating to the can-
8 didate’s pursuit of nomination for election,
9 or election, to Federal office, in the same
10 election cycle as the election cycle in which
11 the payment is made.

12 “(vi) A payment made by a person if,
13 in the same election cycle, the person mak-
14 ing the payment retains the professional
15 services of any person that has provided or
16 is providing campaign-related services in
17 the same election cycle to a candidate (in-
18 cluding services provided through a politi-
19 cal committee of the candidate’s political
20 party) in connection with the candidate’s
21 pursuit of nomination for election, or elec-
22 tion, to Federal office, including services
23 relating to the candidate’s decision to seek
24 Federal office, and the person retained is

1 retained to work on activities relating to
2 that candidate's campaign.

3 “(vii) A payment made by a person
4 who has directly participated in fundrais-
5 ing activities with the candidate or in the
6 solicitation or receipt of contributions on
7 behalf of the candidate.

8 “(viii) A payment made by a person
9 who has communicated with the candidate
10 or an agent of the candidate (including a
11 communication through a political commit-
12 tee of the candidate's political party) after
13 the declaration of candidacy (including a
14 pollster, media consultant, vendor, advisor,
15 or staff member acting on behalf of the
16 candidate), about advertising message, al-
17 location of resources, fundraising, or other
18 campaign matters related to the can-
19 didate's campaign, including campaign op-
20 erations, staffing, tactics, or strategy.

21 “(ix) The provision of in-kind profes-
22 sional services or polling data (including
23 services or data provided through a politi-
24 cal committee of the candidate's political

1 party) to the candidate or candidate's
2 agent.

3 “(x) A payment made by a person
4 who has engaged in a coordinated activity
5 with a candidate described in clauses (i)
6 through (ix) for a communication that
7 clearly refers to the candidate or the can-
8 didate's opponent and is for the purpose of
9 influencing that candidates's election (re-
10 gardless of whether the communication is
11 express advocacy).

12 “(D) For purposes of subparagraph (C),
13 the term ‘professional services’ means polling,
14 media advice, fundraising, campaign research or
15 direct mail (except for mailhouse services solely
16 for the distribution of voter guides as defined in
17 section 431(20)(B)) services in support of a
18 candidate's pursuit of nomination for election,
19 or election, to Federal office.

20 “(E) For purposes of subparagraph (C),
21 all political committees established and main-
22 tained by a national political party (including
23 all congressional campaign committees) and all
24 political committees established and maintained
25 by a State political party (including any subor-

1 dinate committee of a State committee) shall be
2 considered to be a single political committee.”.

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

6 “(B) a coordinated activity, as described in
7 section 301(8)(C), shall be considered to be a
8 contribution to the candidate, and in the case
9 of a limitation on expenditures, shall be treated
10 as an expenditure by the candidate.

11 (b) MEANING OF CONTRIBUTION OR EXPENDITURE
12 FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2)
13 of the Federal Election Campaign Act of 1971 (2 U.S.C.
14 441b(b)) is amended by striking “shall include” and in-
15 serting “includes a contribution or expenditure, as those
16 terms are defined in section 301, and also includes”.

17 **TITLE III—DISCLOSURE**

18 **SEC. 301. FILING OF REPORTS USING COMPUTERS AND** 19 **FACSIMILE MACHINES; FILING BY SENATE** 20 **CANDIDATES WITH COMMISSION.**

21 (a) USE OF COMPUTER AND FACSIMILE MACHINE.—
22 Section 302(a) of the Federal Election Campaign Act of
23 1971 (2 U.S.C. 434(a)) is amended by striking paragraph
24 (11) and inserting the following:

1 “(11)(A) The Commission shall promulgate a
2 regulation under which a person required to file a
3 designation, statement, or report under this Act—

4 “(i) is required to maintain and file a des-
5 ignation, statement, or report for any calendar
6 year in electronic form accessible by computers
7 if the person has, or has reason to expect to
8 have, aggregate contributions or expenditures in
9 excess of a threshold amount determined by the
10 Commission; and

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

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

22 “(C) In promulgating a regulation under this
23 paragraph, the Commission shall provide methods
24 (other than requiring a signature on the document
25 being filed) for verifying designations, statements,

1 and reports covered by the regulation. Any document
 2 verified under any of the methods shall be treated
 3 for all purposes (including penalties for perjury) in
 4 the same manner as a document verified by signa-
 5 ture.”.

6 (b) SENATE CANDIDATES FILE WITH COMMIS-
 7 SION.—Title III of the Federal Election Campaign Act of
 8 1971 (2 U.S.C. 431 et seq.) is amended—

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

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

14 (2) in section 304—

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

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

19 **SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS**
 20 **WITH INCOMPLETE CONTRIBUTOR INFORMA-**
 21 **TION.**

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

1 “(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of
 2 a candidate’s authorized committee shall not deposit, ex-
 3 cept in an escrow account, or otherwise negotiate a con-
 4 tribution from a person who makes an aggregate amount
 5 of contributions in excess of \$200 during a calendar year
 6 unless the treasurer verifies that the information required
 7 by this section with respect to the contributor is com-
 8 plete.”.

9 **SEC. 303. AUDITS.**

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

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

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

16 “(2) RANDOM AUDITS.—

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

24 “(B) LIMITATION.—The Commission shall
 25 not conduct an audit or investigation of a can-

1 candidate's authorized committee under subpara-
 2 graph (A) until the candidate is no longer a
 3 candidate for the office sought by the candidate
 4 in an election cycle.

5 “(C) APPLICABILITY.—This paragraph
 6 does not apply to an authorized committee of a
 7 candidate for President or Vice President sub-
 8 ject to audit under section 9007 or 9038 of the
 9 Internal Revenue Code of 1986.”.

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

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

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

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

21 (2) by striking the semicolon and inserting “,
 22 except that in the case of a person who makes con-
 23 tributions aggregating at least \$50 but not more
 24 than \$200 during the calendar year, the identifica-

1 tion need include only the name and address of the
2 person;”.

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

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

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

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

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

14 “(ii) except in the case of a national,
15 State, or local party committee, use the
16 name of any candidate in any activity on
17 behalf of the committee in such a context
18 as to suggest that the committee is an au-
19 thorized committee of the candidate or
20 that the use of the candidate’s name has
21 been authorized by the candidate.”.

22 **SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO**
23 **SOLICIT CONTRIBUTIONS.**

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

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

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

4 “(b) SOLICITATION OF CONTRIBUTIONS.—No person
5 shall solicit contributions by falsely representing himself
6 or herself as a candidate or as a representative of a can-
7 didate, a political committee, or a political party.”.

8 **SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLITI-
9 CAL PARTIES.**

10 (a) IN GENERAL.—Section 304 of the Federal Elec-
11 tion Campaign Act of 1971 (2 U.S.C. 434) (as amended
12 by section 103(a)) is amended by adding at the end the
13 following:

14 “(g) DISBURSEMENTS OF PERSONS OTHER THAN
15 POLITICAL PARTIES.—

16 “(1) IN GENERAL.—A person, other than a po-
17 litical committee of a political party or a person de-
18 scribed in section 501(d) of the Internal Revenue
19 Code of 1986, that makes an aggregate amount of
20 disbursements in excess of \$50,000 during a cal-
21 endar year for activities described in paragraph (2)
22 shall file a statement with the Commission—

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

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

4 “(2) ACTIVITY.—An activity is described in this
5 paragraph if it is—

6 “(A) Federal election activity;

7 “(B) an activity described in section
8 316(b)(2)(A) that expresses support for or op-
9 position to a candidate for Federal office or a
10 political party; or

11 “(C) an activity described in subparagraph
12 (B) or (C) of section 316(b)(2).

13 “(3) APPLICABILITY.—This subsection does not
14 apply to—

15 “(A) a candidate or a candidate’s author-
16 ized committees; or

17 “(B) an independent expenditure.

18 “(4) CONTENTS.—A statement under this sec-
19 tion shall contain such information about the dis-
20 bursements made during the reporting period as the
21 Commission shall prescribe, including—

22 “(A) the aggregate amount of disburse-
23 ments made;

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

4 “(C) the date made, amount, and purpose
5 of the disbursement; and

6 “(D) if applicable, whether the disburse-
7 ment was in support of, or in opposition to, a
8 candidate or a political party, and the name of
9 the candidate or the political party.”.

10 (b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—
11 Section 301 of the Federal Election Campaign Act of
12 1971 (2 U.S.C. 431 et seq.) is amended by adding at the
13 end the following:

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

18 **SEC. 308. CAMPAIGN ADVERTISING.**

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

21 (1) in subsection (a)—

22 (A) in the matter preceding paragraph

23 (1)—

24 (i) by striking “Whenever” and insert-
25 ing “Whenever a political committee makes

1 a disbursement for the purpose of financ-
2 ing any communication through any broad-
3 casting station, newspaper, magazine, out-
4 door advertising facility, mailing, or any
5 other type of general public political adver-
6 tising, or whenever”;

7 (ii) by striking “an expenditure” and
8 inserting “a disbursement”; and

9 (iii) by striking “direct”; and

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

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

13 “(c) Any printed communication described in sub-
14 section (a) shall—

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

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

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

22 “(d)(1) Any broadcast or cablecast communication
23 described in paragraphs (1) or (2) of subsection (a) shall
24 include, in addition to the requirements of that paragraph,
25 an audio statement by the candidate that identifies the

1 candidate and states that the candidate has approved the
2 communication.

3 “(2) If a broadcast or cablecast communication de-
4 scribed in paragraph (1) is broadcast or cablecast by
5 means of television, the communication shall include, in
6 addition to the audio statement under paragraph (1), a
7 written statement that—

8 “(A) appears at the end of the communication
9 in a clearly readable manner with a reasonable de-
10 gree of color contrast between the background and
11 the printed statement, for a period of at least 4 sec-
12 onds; and

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

15 “(e) Any broadcast or cablecast communication de-
16 scribed in paragraph (3) of subsection (a) shall include,
17 in addition to the requirements of that paragraph, in a
18 clearly spoken manner, the following statement:

19 ‘ _____ is responsible for the content of this
20 advertisement.’ (with the blank to be filled in with the
21 name of the political committee or other person paying
22 for the communication and the name of any connected or-
23 ganization of the payor). If broadcast or cablecast by
24 means of television, the statement shall also appear in a
25 clearly readable manner with a reasonable degree of color

1 contrast between the background and the printed state-
 2 ment, for a period of at least 4 seconds.”.

3 **TITLE IV—PERSONAL WEALTH**
 4 **OPTION**

5 **SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE**
 6 **LIMIT.**

7 Title III of the Federal Election Campaign Act of
 8 1971 (2 U.S.C. 431 et seq.) (as amended by section 101)
 9 is amended by adding at the end the following:

10 **“SEC. 324. VOLUNTARY PERSONAL FUNDS EXPENDITURE**
 11 **LIMIT.**

12 “(a) ELIGIBLE SENATE CANDIDATE.—

13 “(1) PRIMARY ELECTION.—

14 “(A) DECLARATION.—A candidate for the
 15 office of Senator is an eligible Senate candidate
 16 with respect to a primary election if the can-
 17 didate files with the Commission a declaration
 18 that the candidate and the candidate’s author-
 19 ized committees will not exceed the personal
 20 funds expenditure limit.

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

1 “(2) GENERAL ELECTION.—

2 “(A) DECLARATION.—A candidate for the
3 office of Senator is an eligible Senate candidate
4 with respect to a general election if the can-
5 didate files with the Commission—

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

13 “(ii) a declaration that the candidate
14 and the candidate’s authorized committees
15 will not exceed the personal funds expendi-
16 ture limit in connection with the general
17 election.

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

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

24 “(ii) if under State law, a primary or
25 run-off election to qualify for the general

1 election ballot occurs after September 1,
2 the date on which the candidate wins the
3 primary or runoff election.

4 “(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

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

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

12 “(A) personal funds of the candidate and
13 members of the candidate’s immediate family;
14 or

15 “(B) proceeds of indebtedness incurred by
16 the candidate or a member of the candidate’s
17 immediate family.

18 “(c) CERTIFICATION BY THE COMMISSION.—

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

24 “(2) TIME FOR CERTIFICATION.—Not later
25 than 7 business days after a candidate files a dec-

1 laration under paragraph (1) or (2) of subsection
2 (a), the Commission shall certify whether the can-
3 didate is an eligible Senate candidate.

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

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

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

18 “(1) the Commission shall notify the candidate
19 of the revocation; and

20 “(2) the candidate and a candidate’s authorized
21 committees shall pay to the Commission an amount
22 equal to the amount of expenditures made by a na-
23 tional committee of a political party or a State com-
24 mittee of a political party in connection with the

1 general election campaign of the candidate under
2 section 315(d).”.

3 **SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED**
4 **EXPENDITURES.**

5 Section 315(d) of the Federal Election Campaign Act
6 of 1971 (2 U.S.C. 441a(d)) (as amended by section 214)
7 is amended by adding at the end the following:

8 “(5) This subsection does not apply to expendi-
9 tures made in connection with the general election
10 campaign of a candidate for the Senate who is not
11 an eligible Senate candidate (as described in section
12 324(a)).”.

13 **TITLE V—MISCELLANEOUS**

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

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

18 “(h) NONUNION MEMBER PAYMENTS TO LABOR OR-
19 GANIZATION.—

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

1 establish and implement the objection procedure de-
2 scribed in paragraph (2).

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

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

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

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

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

1 “(i) reduce the payments in lieu of or-
2 ganization dues or fees by such employee
3 by an amount which reasonably reflects the
4 ratio that the organization’s expenditures
5 supporting political activities unrelated to
6 collective bargaining bears to such organi-
7 zation’s total expenditures; and

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

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

20 **SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN**
21 **PURPOSES.**

22 Title III of the Federal Election Campaign Act of
23 1971 (2 U.S.C. 431 et seq.) is amended by striking section
24 313 and inserting the following:

1 **“SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN**
2 **PURPOSES.**

3 “(a) PERMITTED USES.—A contribution accepted by
4 a candidate, and any other amount received by an individ-
5 ual as support for activities of the individual as a holder
6 of Federal office, may be used by the candidate or
7 individual—

8 “(1) for expenditures in connection with the
9 campaign for Federal office of the candidate or indi-
10 vidual;

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

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

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

19 “(b) PROHIBITED USE.—

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

23 “(2) CONVERSION.—For the purposes of para-
24 graph (1), a contribution or amount shall be consid-
25 ered to be converted to personal use if the contribu-
26 tion or amount is used to fulfill any commitment,

1 obligation, or expense of a person that would exist
2 irrespective of the candidate’s election campaign or
3 individual’s duties as a holder of Federal office-
4 holder, including—

5 “(A) a home mortgage, rent, or utility pay-
6 ment;

7 “(B) a clothing purchase;

8 “(C) a noncampaign-related automobile ex-
9 pense;

10 “(D) a country club membership;

11 “(E) a vacation or other noncampaign-re-
12 lated trip;

13 “(F) a household food item;

14 “(G) a tuition payment;

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

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

20 **SEC. 503. 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 shall 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 year or for election to any other Federal
10 office.”.

11 **SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL**
12 **PROPERTY.**

13 Section 607 of title 18, United States Code, is
14 amended—

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

17 “(a) PROHIBITION.—

18 “(1) IN GENERAL.—It shall be unlawful for any
19 person to solicit or receive a donation of money or
20 other thing of value in connection with a Federal,
21 State, or local election from a person who is located
22 in a room or building occupied in the discharge of
23 official duties by an officer or employee of the
24 United States. An individual who is an officer or
25 employee of the Federal Government, including the

1 President, Vice President, and Members of Con-
 2 gress, shall not solicit a donation of money or other
 3 thing of value in connection with a Federal, State,
 4 or local election, while in any room or building occu-
 5 pied in the discharge of official duties by an officer
 6 or employee of the United States, from any person.

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

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

12 **SEC. 505. PENALTIES FOR KNOWING AND WILLFUL VIOLA-**
 13 **TIONS.**

14 (a) INCREASED PENALTIES.—Section 309(a) of the
 15 Federal Election Campaign Act of 1971 (2 U.S.C.
 16 437g(a)) is amended—

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

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

23 (b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of
 24 the Federal Election Campaign Act of 1971 (2 U.S.C.
 25 437g(a)(5)) is amended by striking the period at the end

1 and inserting “, and may include equitable remedies or
 2 penalties, including disgorgement of funds to the Treasury
 3 or community service requirements (including require-
 4 ments to participate in public education programs).”.

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

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

9 “(13) PENALTY FOR LATE FILING.—

10 “(A) IN GENERAL.—

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

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

22 “(iii) PROCEDURE.—A penalty or fil-
 23 ing requirement imposed under this para-
 24 graph shall not be subject to paragraph
 25 (1), (2), (3), (4), (5), or (12).

1 “(B) FILING AN EXCEPTION.—

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

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

21 (2) in paragraph (5)(D)—

22 (A) by inserting after the first sentence the
23 following: “In any case in which a penalty or
24 filing requirement imposed on a political com-
25 mittee or treasurer under paragraph (13) has

1 not been satisfied, the Commission may insti-
2 tute a civil action for enforcement under para-
3 graph (6)(A).”; and

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

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

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

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

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

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

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

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

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

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

3 “(2) for a person to solicit, accept, or receive
4 such contribution or donation from a foreign na-
5 tional.”.

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, 2000, 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.

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