

107TH CONGRESS  
1ST SESSION

# H. R. 1637

To reform the financing of Federal elections, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2001

Mr. TIERNEY (for himself, Mr. BLAGOJEVICH, Ms. LOFGREN, Mr. MORAN of Virginia, Mr. STARK, Mr. CLAY, Mr. FARR of California, Mr. CONYERS, Mr. CARSON of Oklahoma, Ms. WOOLSEY, Mr. LANTOS, Mr. DAVIS of Illinois, Ms. KAPTUR, Mr. McDERMOTT, Mr. BARRETT, Mr. HOEFFEL, Mr. PASCRELL, Mr. EVANS, Mr. KIND, Mrs. MALONEY of New York, Mr. FRANK, Mr. MARKEY, Ms. BALDWIN, Mr. BLUMENAUER, Mr. FATTAH, Mr. WAXMAN, Mr. PALLONE, Mr. KUCINICH, Ms. LEE, Ms. MCKINNEY, Mr. CAPUANO, Mr. DEFazio, Mr. DELAHUNT, Ms. DELAURO, Ms. ESHOO, Mr. FORD, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OLVER, Ms. PELOSI, Mr. RODRIGUEZ, Mr. SANDERS, Ms. SCHAKOWSKY, and Mr. WEINER) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To reform the financing of Federal elections, and for other purposes.

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Clean Money, Clean Elections Act”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—CLEAN MONEY FINANCING OF HOUSE ELECTION  
CAMPAIGNS**

Sec. 101. Findings and declarations.

Sec. 102. Eligibility requirements and benefits of clean money financing of  
House election campaigns.

**“TITLE V—CLEAN MONEY FINANCING OF HOUSE ELECTION  
CAMPAIGNS**

“Sec. 501. Definitions.

“Sec. 502. Eligibility for clean money.

“Sec. 503. Requirements applicable to clean money candidates.

“Sec. 504. Seed money.

“Sec. 505. Certification by Commission.

“Sec. 506. Benefits for clean money candidates.

“Sec. 507. Administration of clean money.

“Sec. 508. Expenditures made from funds other than clean money.

“Sec. 509. Authorization of appropriations.

Sec. 103. Reporting requirements for expenditures of private money candidates.

Sec. 104. Transition rule for current election cycle.

**TITLE II—INDEPENDENT EXPENDITURES; COORDINATED  
POLITICAL PARTY EXPENDITURES**

Sec. 201. Reporting requirements for independent expenditures.

Sec. 202. Definition of independent expenditure.

Sec. 203. Limit on expenditures by political party committees.

Sec. 204. Party independent expenditures and other coordinated expenditures.

**TITLE III—VOTER INFORMATION**

Sec. 301. Free broadcast time.

Sec. 302. Broadcast rates and preemption.

Sec. 303. Campaign advertising.

Sec. 304. Limit on Congressional use of the franking privilege.

**TITLE IV—SOFT MONEY OF POLITICAL PARTIES**

Sec. 401. Soft money of political parties.

Sec. 402. Increased contribution limits for State committees of political parties  
and aggregate contribution limit for individuals.

Sec. 403. Reporting requirements.

TITLE V—RESTRUCTURING AND STRENGTHENING OF THE  
FEDERAL ELECTION COMMISSION

- Sec. 501. Appointment and terms of Commissioners.  
 Sec. 502. Audits.  
 Sec. 503. Authority to seek injunction.  
 Sec. 504. Standard for investigation.  
 Sec. 505. Petition for certiorari.  
 Sec. 506. Expedited procedures.  
 Sec. 507. Promoting expedited availability of FEC reports.  
 Sec. 508. Power to issue subpoena without signature of chairperson.

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Severability.  
 Sec. 602. Review of constitutional issues.  
 Sec. 603. Effective date.

1 **TITLE I—CLEAN MONEY FINANC-**  
 2 **ING OF HOUSE ELECTION**  
 3 **CAMPAIGNS**

4 **SEC. 101. FINDINGS AND DECLARATIONS.**

5 (a) UNDERMINING OF DEMOCRACY BY CAMPAIGN  
 6 CONTRIBUTIONS FROM PRIVATE SOURCES.—The Con-  
 7 gress finds and declares that the current system of pri-  
 8 vately financed campaigns for election to the House of  
 9 Representatives has the capacity, and is often perceived  
 10 by the public, to undermine democracy in the United  
 11 States by—

12 (1) violating the democratic principle of “one  
 13 person, one vote” and diminishing the meaning of  
 14 the right to vote by allowing monied interests to  
 15 have a disproportionate and unfair influence within  
 16 the political process;

17 (2) diminishing or giving the appearance of di-  
 18 minishing a Member of the House of

1 Representatives's accountability to constituents by  
2 compelling legislators to be accountable to the major  
3 contributors who finance their election campaigns;

4 (3) creating a conflict of interest, perceived or  
5 real, by encouraging Members to take money from  
6 private interests that are directly affected by Federal  
7 legislation;

8 (4) imposing large, unwarranted costs on tax-  
9 payers through legislative and regulatory outcomes  
10 shaped by unequal access to lawmakers for cam-  
11 paign contributors;

12 (5) driving up the cost of election campaigns,  
13 making it difficult for qualified candidates without  
14 personal fortunes or access to campaign contribu-  
15 tions from monied individuals and interest groups to  
16 mount competitive House of Representatives election  
17 campaigns;

18 (6) disadvantaging challengers, because large  
19 campaign contributors tend to give their money to  
20 incumbent Members, thus causing House of Rep-  
21 resentatives elections to be less competitive; and

22 (7) burdening incumbents with a preoccupation  
23 with fundraising and thus decreasing the time avail-  
24 able to carry out their public responsibilities.

1 (b) ENHANCEMENT OF DEMOCRACY BY PROVIDING  
2 CLEAN MONEY.—Congress finds and declares that pro-  
3 viding the option of the replacement of private campaign  
4 contributions with clean money financing for all primary,  
5 runoff, and general elections to the House of Representa-  
6 tives would enhance American democracy by—

7 (1) helping to eliminate access to wealth as a  
8 determinant of a citizen’s influence within the polit-  
9 ical process and to restore meaning to the principle  
10 of “one person, one vote”;

11 (2) increasing the public’s confidence in the ac-  
12 countability of Members to the constituents who  
13 elect them;

14 (3) eliminating the potentially inherent conflict  
15 of interest caused by the private financing of the  
16 election campaigns of public officials, thus restoring  
17 public confidence in the fairness of the electoral and  
18 legislative processes;

19 (4) reversing the escalating cost of elections  
20 and saving taxpayers billions of dollars that are (or  
21 that are perceived to be) currently misspent due to  
22 legislative and regulatory agendas skewed by the in-  
23 fluence of contributions;

24 (5) creating a more level playing field for in-  
25 cumbents and challengers, creating genuine opportu-

1 nities for all Americans to run for the House of Rep-  
 2 resentatives, and encouraging more competitive elec-  
 3 tions; and

4 (6) freeing Members from the constant pre-  
 5 occupation with raising money, and allowing them  
 6 more time to carry out their public responsibilities.

7 **SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**  
 8 **CLEAN MONEY FINANCING OF HOUSE ELEC-**  
 9 **TION CAMPAIGNS.**

10 The Federal Election Campaign Act of 1971 (2  
 11 U.S.C. 431 et seq.) is amended by adding at the end the  
 12 following:

13 **“TITLE V—CLEAN MONEY FI-**  
 14 **NANCING OF HOUSE ELEC-**  
 15 **TION CAMPAIGNS**

16 **“SEC. 501. DEFINITIONS.**

17 “In this title:

18 “(1) ALLOWABLE CONTRIBUTION.—The term  
 19 ‘allowable contribution’ means a qualifying contribu-  
 20 tion or seed money contribution.

21 “(2) CLEAN MONEY.—The term ‘clean money’  
 22 means funds that are made available by the Com-  
 23 mission to a clean money candidate under this title.

24 “(3) CLEAN MONEY CANDIDATE.—The term  
 25 ‘clean money candidate’ means a candidate for Mem-

1       ber of or Delegate or Resident Commissioner to the  
2       Congress who is certified under section 505 as being  
3       eligible to receive clean money.

4               “(4) CLEAN MONEY QUALIFYING PERIOD.—The  
5       term ‘clean money qualifying period’ means the pe-  
6       riod beginning on the date that is 180 days before  
7       the date of the primary election and ending on the  
8       date that is 30 days before the date of the general  
9       election. In the event of a special election, the clean  
10      money qualifying period shall begin on the earlier  
11      date of either the date that is 180 days before the  
12      date of the special election or on the date of an-  
13      nouncement of such special election date if same as  
14      within 180 days of the date of the special election.  
15      It shall end on the date that is 30 days before the  
16      date of the special election.

17              “(5) GENERAL ELECTION PERIOD.—The term  
18      ‘general election period’ means, with respect to a  
19      candidate, the period beginning on the day after the  
20      date of the primary or primary runoff election for  
21      the specific office that the candidate is seeking,  
22      whichever is later, and ending on the earlier of—

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

1           “(B) the date on which the candidate with-  
2           draws from the campaign or otherwise ceases  
3           actively to seek election.

4           “(6) GENERAL RUNOFF ELECTION PERIOD.—  
5           The term ‘general runoff election period’ means,  
6           with respect to a candidate, the period beginning on  
7           the day following the date of the last general election  
8           for the specific office that the candidate is seeking  
9           and ending on the date of the runoff election for  
10          that office.

11          “(7) HOUSE OF REPRESENTATIVES ELECTION  
12          FUND.—The term ‘House of Representatives Elec-  
13          tion Fund’ means the fund established by section  
14          507(a).

15          “(8) IMMEDIATE FAMILY.—The term ‘imme-  
16          diate family’ means—

17                 “(A) a candidate’s spouse;

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

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

24          “(9) MAJOR PARTY CANDIDATE.—The term  
25          ‘major party candidate’ means a candidate of a po-



1        litical party of which a candidate for Member of or  
2        Delegate or Resident Commissioner to the Congress,  
3        for President, or for Governor in the preceding 5  
4        years received, as a candidate of that party, 25 per-  
5        cent or more of the total number of popular votes  
6        received in the State (or Congressional district, if  
7        applicable) by all candidates for the same office.

8            “(10) PERSONAL FUNDS.—The term ‘personal  
9        funds’ means an amount that is derived from—

10            “(A) the personal funds of the candidate  
11            or a member of the candidate’s immediate fam-  
12            ily; and

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

16            “(11) PERSONAL USE.—

17            “(A) IN GENERAL.—The term ‘personal  
18            use’ means the use of funds to fulfill a commit-  
19            ment, obligation, or expense of a person that  
20            would exist irrespective of the candidate’s elec-  
21            tion campaign or individual’s duties as a holder  
22            of Federal office.

23            “(B) INCLUSIONS.—The term ‘personal  
24            use’ includes, but is not limited to—

1 “(i) a home mortgage, rent, or utility  
2 payment;

3 “(ii) a clothing purchase;

4 “(iii) a noncampaign-related auto-  
5 mobile expense;

6 “(iv) a country club membership;

7 “(v) a vacation or other noncampaign-  
8 related trip;

9 “(vi) a household food item;

10 “(vii) a tuition payment;

11 “(viii) admission to a sporting event,  
12 concert, theater, or other form of enter-  
13 tainment not associated with an election  
14 campaign; and

15 “(ix) dues, fees, and other payments  
16 to a health club or recreational facility.

17 “(12) PRIMARY ELECTION PERIOD.—The term  
18 ‘primary election period’ means the period beginning  
19 on the date that is 90 days before the date of the  
20 primary election and ending on the date of the pri-  
21 mary election. In the event of a special primary elec-  
22 tion, if applicable, the term ‘primary election period’  
23 means the period beginning on the date that is the  
24 longer of 90 days before the date of such special pri-  
25 mary election, or the date of establishment by the

1 appropriate election authority of the special primary  
2 election date and ending on the date of the special  
3 primary election.

4 “(13) PRIMARY RUNOFF ELECTION PERIOD.—  
5 The term ‘primary runoff election period’ means,  
6 with respect to a candidate, the period beginning on  
7 the day following the date of the last primary elec-  
8 tion for the specific office that the candidate is seek-  
9 ing and ending on the date of the runoff election for  
10 that office.

11 “(14) PRIVATE MONEY CANDIDATE.—The term  
12 ‘private money candidate’ means a candidate for  
13 Member of or Delegate or Resident Commissioner to  
14 the Congress other than a clean money candidate.

15 “(15) QUALIFYING CONTRIBUTION.—The term  
16 ‘qualifying contribution’ means a contribution that—

17 “(A) is in the amount of \$5 exactly;

18 “(B) is made by an individual who is reg-  
19 istered to vote in the candidate’s State;

20 “(C) is made during the clean money  
21 qualifying period; and

22 “(D) meets the requirements of section  
23 502(a)(2)(D).

24 “(16) SEED MONEY CONTRIBUTION.—The term  
25 ‘seed money contribution’ means a contribution (or

1 contributions in the aggregate made by any 1 per-  
2 son) of not more than \$100.

3 “(17) STATE.—The term ‘State’ includes the  
4 District of Columbia, Puerto Rico, the Virgin Is-  
5 lands, American Samoa, and Guam.

6 **“SEC. 502. ELIGIBILITY FOR CLEAN MONEY.**

7 “(a) PRIMARY ELECTION PERIOD AND PRIMARY  
8 RUNOFF ELECTION PERIOD.—

9 “(1) IN GENERAL.—A candidate qualifies as a  
10 clean money candidate during the primary election  
11 period and primary runoff election period if the can-  
12 didate files with the Commission a declaration,  
13 signed by the candidate and the treasurer of the  
14 candidate’s principal campaign committee, that the  
15 candidate—

16 “(A) has complied and will comply with all  
17 of the requirements of this title;

18 “(B) will not run in the general election as  
19 a private money candidate; and

20 “(C) meets the qualifying contribution re-  
21 quirement of paragraph (2).

22 “(2) QUALIFYING CONTRIBUTION REQUIRE-  
23 MENT.—

24 “(A) MAJOR PARTY CANDIDATES AND CER-  
25 TAIN INDEPENDENT CANDIDATES.—The re-

1           requirement of this paragraph is met if, during  
2           the clean money qualifying period, a major  
3           party candidate (or an independent candidate  
4           who meets the minimum vote percentage re-  
5           quired for a major party candidate under sec-  
6           tion 501(9)) receives 1,500 qualifying contribu-  
7           tions.

8           “(B) OTHER CANDIDATES.—The require-  
9           ment of this paragraph is met if, during the  
10          clean money qualifying period, a candidate who  
11          is not described in subparagraph (A) receives a  
12          number of qualifying contributions that is at  
13          least 150 percent of the number of qualifying  
14          contributions that a candidate described in sub-  
15          paragraph (A) in the same election is required  
16          to receive under subparagraph (A).

17          “(C) RECEIPT OF QUALIFYING CONTRIBU-  
18          TION.—A qualifying contribution shall—

19                 “(i) be accompanied by the contribu-  
20                 tor’s name and home address;

21                 “(ii) be accompanied by a signed  
22                 statement that the contributor understands  
23                 the purpose of the qualifying contribution;

1           “(iii) be made by a personal check or  
2 money order payable to the House of Rep-  
3 resentatives Election Fund or by cash; and

4           “(iv) be acknowledged by a receipt  
5 that is sent to the contributor with a copy  
6 kept by the candidate for the Commission  
7 and a copy kept by the candidate for the  
8 election authorities in the candidate’s  
9 State.

10           “(D) DEPOSIT OF QUALIFYING CONTRIBU-  
11 TIONS IN HOUSE OF REPRESENTATIVES ELEC-  
12 TION FUND.—

13           “(i) IN GENERAL.—Not later than the  
14 date that is 1 day after the date on which  
15 the candidate is certified under section  
16 505, a candidate shall remit all qualifying  
17 contributions to the Commission for de-  
18 posit in the House of Representatives Elec-  
19 tion Fund.

20           “(ii) CANDIDATES THAT ARE NOT  
21 CERTIFIED.—Not later than the last day of  
22 the clean money qualifying period, a can-  
23 didate who has received qualifying con-  
24 tributions and is not certified under section  
25 505 shall remit all qualifying contributions

1           to the Commission for deposit in the  
2           House of Representatives Election Fund.

3           “(3) TIME TO FILE DECLARATION.—A declara-  
4           tion under paragraph (1) shall be filed by a candi-  
5           diate not later than the date that is 30 days before  
6           the date of the primary election. With respect to any  
7           special primary election, a declaration under para-  
8           graph (1) shall be filed by a candidate not later than  
9           the date that is 30 days before the special primary  
10          election.

11          “(b) GENERAL ELECTION PERIOD.—

12           “(1) IN GENERAL.—A candidate qualifies as a  
13           clean money candidate during the general election  
14           period if—

15           “(A)(i) the candidate qualified as a clean  
16           money candidate during the primary election  
17           period (and primary runoff election period, if  
18           applicable); or

19           “(ii) the candidate files with the Commis-  
20           sion a declaration, signed by the candidate and  
21           the treasurer of the candidate’s principal com-  
22           mittee, that the candidate—

23           “(I) has complied and will comply  
24           with all the requirements of this title; and

1                   “(II) meets the qualifying contribu-  
2                   tion requirement of subsection (a)(2);

3                   “(B) the candidate files with the Commis-  
4                   sion a written agreement between the candidate  
5                   and the candidate’s political party in which the  
6                   political party agrees not to make any expendi-  
7                   tures in connection with the general election of  
8                   the candidate in excess of the limit in section  
9                   315(d)(3)(C); and

10                  “(C) the candidate’s party nominated the  
11                  candidate to be placed on the ballot for the gen-  
12                  eral election or the candidate qualified to be  
13                  placed on the ballot as an independent can-  
14                  didate, and the candidate is qualified under  
15                  State law to be on the ballot.

16                  “(2) TIME TO FILE DECLARATION OR STATE-  
17                  MENT.—A declaration or statement required to be  
18                  filed under paragraph (1) shall be filed by a can-  
19                  didate not later than the date that is 30 days before  
20                  the date of the general election. With respect to any  
21                  special general election, a declaration or statement  
22                  required to be filed under paragraph (1) shall be  
23                  filed by a candidate not later than the date that is  
24                  30 days before the date of the special general elec-  
25                  tion.



1       “(c) GENERAL RUNOFF ELECTION PERIOD.—A can-  
2 didate qualifies as a clean money candidate during the  
3 general runoff election period if the candidate qualified as  
4 a clean money candidate during the general election pe-  
5 riod.

6       **“SEC. 503. REQUIREMENTS APPLICABLE TO CLEAN MONEY**  
7                                   **CANDIDATES.**

8       “(a) CONTRIBUTIONS AND EXPENDITURES.—

9               “(1) PROHIBITION OF PRIVATE CONTRIBU-  
10              TIONS.—Except as otherwise provided in this title,  
11              during the election cycle of a clean money candidate,  
12              the candidate shall not accept contributions other  
13              than clean money from any source.

14             “(2) PROHIBITION OF EXPENDITURES FROM  
15              PRIVATE SOURCES.—Except as otherwise provided in  
16              this title, during the election cycle of a clean money  
17              candidate, the candidate shall not make expenditures  
18              from any amounts other than clean money amounts.

19       “(b) USE OF PERSONAL FUNDS.—

20             “(1) IN GENERAL.—A clean money candidate  
21              shall not use personal funds to make an expenditure  
22              except as provided in paragraph (2).

23             “(2) EXCEPTIONS.—A seed money contribution  
24              or qualifying contribution from the candidate or a

1 member of the candidate's immediate family shall  
2 not be considered to be use of personal funds.

3 **“SEC. 504. SEED MONEY.**

4 “(a) SEED MONEY LIMIT.—A clean money candidate  
5 may accept seed money contributions in an aggregate  
6 amount not exceeding \$35,000.

7 “(b) CONTRIBUTION LIMIT.—Except as provided in  
8 section 502(a)(2), a clean money candidate shall not ac-  
9 cept a contribution from any person except a seed money  
10 contribution (as defined in section 501).

11 “(c) RECORDS.—A clean money candidate shall  
12 maintain a record of the contributor's name, street ad-  
13 dress, and amount of the contribution.

14 “(d) USE OF SEED MONEY.—

15 “(1) IN GENERAL.—A clean money candidate  
16 may expend seed money for any election campaign-  
17 related costs, including costs to open an office, fund  
18 a grassroots campaign, or hold community meetings.

19 “(2) PROHIBITED USES.—A clean money can-  
20 didate shall not expend seed money for—

21 “(A) a television or radio broadcast; or

22 “(B) personal use.

23 “(e) REPORT.—Unless a seed money contribution or  
24 expenditure made with a seed money contribution has  
25 been reported previously under section 304, a clean money

1 candidate shall file with the Commission a report dis-  
2 closing all seed money contributions and expenditures not  
3 later than 48 hours after—

4           “(1) the earliest date on which the Commission  
5           makes funds available to the candidate for an elec-  
6           tion period under paragraph (1) or (2) of section  
7           506(b); or

8           “(2) the end of the clean money qualifying pe-  
9           riod,

10 whichever occurs first.

11           “(f) TIME TO ACCEPT SEED MONEY CONTRIBU-  
12 TIONS.—A clean money candidate may accept seed money  
13 contributions for an election from the day after the date  
14 of the previous general election for the office to which the  
15 candidate is seeking election through the earliest date on  
16 which the Commission makes funds available to the can-  
17 didate for an election period under paragraph (1) or (2)  
18 of section 506(b).

19           “(g) DEPOSIT OF UNSPENT SEED MONEY CON-  
20 TRIBUTIONS.—A clean money candidate shall remit any  
21 unspent seed money to the Commission, for deposit in the  
22 House of Representatives Election Fund, not later than  
23 the earliest date on which the Commission makes funds  
24 available to the candidate for an election period under  
25 paragraph (1) or (2) of section 506(b).

1       “(h) NOT CONSIDERED AN EXPENDITURE.—An ex-  
2       penditure made with seed money shall not be treated as  
3       an expenditure for purposes of section 506(f)(2).

4       **“SEC. 505. CERTIFICATION BY COMMISSION.**

5       “(a) IN GENERAL.—Not later than 5 days after a  
6       candidate files a declaration under section 502, the Com-  
7       mission shall—

8               “(1) determine whether the candidate meets the  
9               eligibility requirements of section 502; and

10              “(2) certify whether or not the candidate is a  
11              clean money candidate.

12       “(b) REVOCATION OF CERTIFICATION.—The Com-  
13       mission may revoke a certification under subsection (a)  
14       if a candidate fails to comply with this title.

15       “(c) REPAYMENT OF BENEFITS.—If certification is  
16       revoked under subsection (b), the candidate shall repay  
17       to the House of Representatives Election Fund an amount  
18       equal to the value of benefits received under this title.

19       **“SEC. 506. BENEFITS FOR CLEAN MONEY CANDIDATES.**

20       “(a) IN GENERAL.—A clean money candidate shall  
21       be entitled to—

22              “(1) a clean money amount for each election  
23              period to make or obligate to make expenditures  
24              during the election period for which the clean money  
25              is provided, as provided in subsection (c);

1           “(2) media benefits under section 315 of the  
2       Communications Act of 1934 (47 U.S.C. 315); and

3           “(3) an aggregate amount of increase in the  
4       clean money amount in response to certain inde-  
5       pendent expenditures and expenditures of a private  
6       money candidate under subsection (d) that, in the  
7       aggregate, are in excess of 125 percent of the clean  
8       money amount of the clean money candidate.

9       “(b) PAYMENT OF CLEAN MONEY AMOUNT.—

10           “(1) PRIMARY ELECTION.—The Commission  
11       shall make funds available to a clean money can-  
12       didate on the later of—

13           “(A) the date on which the candidate is  
14       certified as a clean money candidate under sec-  
15       tion 505; or

16           “(B) the date on which the primary elec-  
17       tion period begins.

18           “(2) GENERAL ELECTION.—The Commission  
19       shall make funds available to a clean money can-  
20       didate not later than 48 hours after—

21           “(A) certification of the primary election  
22       or primary runoff election result; or

23           “(B) the date on which the candidate is  
24       certified as a clean money candidate under sec-  
25       tion 505 for the general election,

1       whichever occurs first.

2               “(3) RUNOFF ELECTION.—The Commission  
3       shall make funds available to a clean money can-  
4       didate not later than 48 hours after the certification  
5       of the primary or general election result (as applica-  
6       ble).

7               “(c) CLEAN MONEY AMOUNTS.—

8               “(1) IN GENERAL.—Except as provided in para-  
9       graph (2), the clean money amount paid to a clean  
10      money candidate with respect to an election shall be  
11      equal to the applicable percentage of 80 percent of  
12      the base amount for the election cycle involved, ex-  
13      cept that in no event may the amount determined  
14      under this subsection for a clean money candidate  
15      for an election cycle be less than the amount deter-  
16      mined under this subsection for the candidate for  
17      the previous election cycle.

18              “(2) REDUCTION FOR UNCONTESTED ELEC-  
19      TIONS.—If a clean money candidate has no opposi-  
20      tion in an election for which a payment is made  
21      under this section, the clean money amount paid  
22      shall be 40 percent of the amount otherwise deter-  
23      mined under paragraph (1).

24              “(3) DEFINITIONS.—

1           “(A) APPLICABLE PERCENTAGE.—In this  
2 subsection, the ‘applicable percentage’ is as fol-  
3 lows:

4                   “(i) 25 percent, in the case of a can-  
5 didate in a primary election who is not a  
6 major party candidate.

7                   “(ii) 40 percent, in the case of a  
8 major party candidate in a primary elec-  
9 tion.

10                   “(iii) 60 percent, in the case of any  
11 candidate in a general election.

12           “(B) BASE AMOUNT.—In this subsection,  
13 the term ‘base amount’ means (with respect to  
14 an election cycle) the national average of all  
15 amounts expended by winning candidates dur-  
16 ing the 3 most recent general elections for  
17 Member of, or Delegate or Resident Commis-  
18 sioner to, the Congress preceding the election  
19 cycle involved.

20           “(d) MATCHING FUNDS IN RESPONSE TO INDE-  
21 PENDENT EXPENDITURES AND EXPENDITURES OF PRI-  
22 VATE MONEY CANDIDATES.—

23                   “(1) IN GENERAL.—If the Commission—

24                           “(A) receives notification under—

1           “(i) subparagraphs (A) or (B) of sec-  
2           tion 304(c)(2) that a person has made or  
3           obligated to make an independent expendi-  
4           ture in an aggregate amount of \$1,000 or  
5           more in an election period or that a person  
6           has made or obligated to make an inde-  
7           pendent expenditure in an aggregate  
8           amount of \$500 or more during the 20  
9           days preceding the date of an election in  
10          support of another candidate or against a  
11          clean money candidate; or

12          “(ii) section 304(e)(1) that a private  
13          money candidate has made or obligated to  
14          make expenditures in an aggregate amount  
15          in excess of 100 percent of the amount of  
16          clean money provided to a clean money  
17          candidate who is an opponent of the pri-  
18          vate money candidate in the same election;  
19          and

20          “(B) determines that the aggregate  
21          amount of expenditures reported under sub-  
22          paragraph (A) in an election period is in excess  
23          of 125 percent of the amount of clean money  
24          provided to a clean money candidate who is an  
25          opponent of the private money candidate in the



1           same election or against whom the independent  
2           expenditure is made,  
3           the Commission shall make available to the clean  
4           money candidate, not later than 24 hours after re-  
5           ceiving a notification under subparagraph (A), an  
6           aggregate amount of increase in clean money in an  
7           amount equal to the aggregate amount of expendi-  
8           tures that is in excess of 125 percent of the amount  
9           of clean money provided to the clean money can-  
10          didate as determined under subparagraph (B).

11           “(2) CLEAN MONEY CANDIDATES OPPOSED BY  
12          MORE THAN 1 PRIVATE MONEY CANDIDATE.—For  
13          purposes of paragraph (1), if a clean money can-  
14          didate is opposed by more than 1 private money can-  
15          didate in the same election, the Commission shall  
16          take into account only the amount of expenditures of  
17          the private money candidate that expends, in the ag-  
18          gregate, the greatest amount (as determined each  
19          time notification is received under section  
20          304(e)(1)).

21           “(3) CLEAN MONEY CANDIDATES OPPOSED BY  
22          CLEAN MONEY CANDIDATES.—If a clean money can-  
23          didate is opposed by a clean money candidate, the  
24          increase in clean money amounts under paragraph  
25          (1) shall be made available to the clean money can-

1 didate if independent expenditures are made against  
2 the clean money candidate or in behalf of the oppos-  
3 ing clean money candidate in the same manner as  
4 the increase would be made available for a clean  
5 money candidate who is opposed by a private money  
6 candidate.

7 “(e) LIMITS ON MATCHING FUNDS.—The aggregate  
8 amount of clean money that a clean money candidate re-  
9 ceives to match independent expenditures and the expendi-  
10 tures of private money candidates under subsection (d)  
11 shall not exceed 200 percent of the clean money amount  
12 that the clean money candidate receives under subsection  
13 (c).

14 “(f) EXPENDITURES MADE WITH CLEAN MONEY  
15 AMOUNTS.—

16 “(1) IN GENERAL.—The clean money amount  
17 received by a clean money candidate shall be used  
18 only for the purpose of making or obligating to make  
19 expenditures during the election period for which the  
20 clean money is provided.

21 “(2) EXPENDITURES IN EXCESS OF CLEAN  
22 MONEY AMOUNT.—A clean money candidate shall  
23 not make expenditures or incur obligations in excess  
24 of the clean money amount.

1           “(3) PROHIBITED USES.—The clean money  
2 amount received by a clean money candidate shall  
3 not be—

4                   “(A) converted to a personal use; or

5                   “(B) used in violation of law.

6           “(4) REPAYMENT; CIVIL PENALTIES.—

7                   “(A) If the Commission determines that  
8 any benefit made available to a clean money  
9 candidate under this title was not used as pro-  
10 vided for in this title, or that a clean money  
11 candidate has violated any of the spending lim-  
12 its or dates for remission of funds contained in  
13 this Act, the Commission shall so notify the  
14 candidate and the candidate shall pay to the  
15 House of Representatives’ Election Fund an  
16 amount equal to the amount of benefits so  
17 used, or the amount spent in excess of the lim-  
18 its or the amount not timely remitted, as appro-  
19 priate.

20                   “(B) Any action by the Commission in ac-  
21 cordance with this section shall not preclude en-  
22 forcement proceedings by the Commission in ac-  
23 cordance with section 309(a), including a refer-  
24 ral by the Commission to the Attorney General

1           in the case of an apparent knowing and willful  
2           violation of this title.

3           “(g) REMITTING OF CLEAN MONEY AMOUNTS.—Not  
4 later than the date that is 14 days after the last day of  
5 the applicable election period, a clean money candidate  
6 shall remit any unspent clean money amount to the Com-  
7 mission for deposit in the House of Representatives Elec-  
8 tion Fund.

9           **“SEC. 507. ADMINISTRATION OF CLEAN MONEY.**

10          “(a) HOUSE OF REPRESENTATIVES ELECTION  
11 FUND.—

12           “(1) ESTABLISHMENT.—There is established in  
13 the Treasury a fund to be known as the ‘House of  
14 Representatives Election Fund’.

15           “(2) DEPOSITS.—The Commission shall deposit  
16 unspent seed money contributions, qualifying con-  
17 tributions, penalty amounts received under this title,  
18 and amounts appropriated for clean money financing  
19 in the House of Representatives Election Fund.

20           “(3) FUNDS.—The Commission shall withdraw  
21 the clean money amount for a clean money can-  
22 didate from the House of Representatives Election  
23 Fund.

24           “(b) REGULATIONS.—The Commission shall promul-  
25 gate regulations to—

1           “(1) effectively and efficiently monitor and en-  
2           force the limits on use of private money by clean  
3           money candidates;

4           “(2) effectively and efficiently monitor use of  
5           publicly financed amounts under this title; and

6           “(3) enable clean money candidates to monitor  
7           expenditures and comply with the requirements of  
8           this title.

9           **“SEC. 508. EXPENDITURES MADE FROM FUNDS OTHER**  
10   **THAN CLEAN MONEY.**

11           “If a clean money candidate makes an expenditure  
12           using funds other than funds provided under this title, the  
13           Commission shall assess a civil penalty against the can-  
14           didate in an amount that is not more than 10 times the  
15           amount of the expenditure.

16           **“SEC. 509. AUTHORIZATION OF APPROPRIATIONS.**

17           “There are authorized to be appropriated to the  
18           House of Representatives Election Fund such sums as are  
19           necessary to carry out this title.”.

20           **SEC. 103. REPORTING REQUIREMENTS FOR EXPENDITURES**  
21   **OF PRIVATE MONEY CANDIDATES.**

22           Section 304 of the Federal Election Campaign Act  
23           of 1971 (2 U.S.C. 434), as amended by section 502(a)  
24           of the Department of Transportation and Related Agen-  
25           cies Act, 2001 (as enacted into law by reference under

1 section 101(a) of Public Law 106–346), is amended by  
2 adding at the end the following:

3 “(e) PRIVATE MONEY CANDIDATES.—

4 “(1) EXPENDITURES IN EXCESS OF CLEAN  
5 MONEY AMOUNTS.—Not later than 48 hours after  
6 making or obligating to make an expenditure, a pri-  
7 vate money candidate (as defined in section 501)  
8 that makes or obligates to make expenditures, in an  
9 aggregate amount in excess of 100 percent of the  
10 amount of clean money provided to a clean money  
11 candidate (as defined in section 501), during an  
12 election period (as defined by section 501) who is an  
13 opponent of the clean money candidate shall file  
14 with the Commission a report stating the amount of  
15 each expenditure (in increments of an aggregate  
16 amount of \$100) made or obligated to be made.

17 “(2) PLACE OF FILING; NOTIFICATION.—

18 “(A) PLACE OF FILING.—A report under  
19 this subsection shall be filed with the Commis-  
20 sion.

21 “(B) NOTIFICATION OF CLEAN MONEY  
22 CANDIDATES.—Not later than 24 hours after  
23 receipt of a report under this subsection, the  
24 Commission shall notify each clean money can-  
25 didate seeking nomination for election to, or

1 election to, the office in question, of the receipt  
2 of the report.

3 “(3) DETERMINATIONS BY THE COMMISSION.—

4 “(A) IN GENERAL.—The Commission may,  
5 on a request of a candidate or on its own initia-  
6 tive, make a determination that a private  
7 money candidate has made, or has obligated to  
8 make, expenditures in excess of the applicable  
9 amount in paragraph (1).

10 “(B) NOTIFICATION.—In the case of such  
11 a determination, the Commission shall notify  
12 each clean money candidate seeking nomination  
13 for election to, or election to, the office in ques-  
14 tion, of the making of the determination not  
15 later than 24 hours after making the deter-  
16 mination.

17 “(C) TIME TO COMPLY WITH REQUEST  
18 FOR DETERMINATION.—A determination made  
19 at the request of a candidate shall be made not  
20 later than 48 hours after the date of the re-  
21 quest.”.

22 **SEC. 104. TRANSITION RULE FOR CURRENT ELECTION**  
23 **CYCLE.**

24 (a) IN GENERAL.—During the election cycle in effect  
25 on the date of enactment of this Act, a candidate may

1 be certified as a clean money candidate (as defined in sec-  
2 tion 501 of the Federal Election Campaign Act of 1971  
3 (2 U.S.C. 431)), notwithstanding the acceptance of con-  
4 tributions or making of expenditures from private funds  
5 before the date of enactment that would, absent this sec-  
6 tion, disqualify the candidate as a clean money candidate.

7 (b) PRIVATE FUNDS.—A candidate may be certified  
8 as a clean money candidate only if any private funds ac-  
9 cepted and not expended before the date of enactment of  
10 this Act are—

11 (1) returned to the contributor; or

12 (2) submitted to the Federal Election Commis-  
13 sion for deposit in the House of Representatives  
14 Election Fund (as defined in section 501 of the Fed-  
15 eral Election Campaign Act of 1971 (2 U.S.C.  
16 431)).

17 **TITLE II—INDEPENDENT EX-**  
18 **PENDITURES; COORDINATED**  
19 **POLITICAL PARTY EXPENDI-**  
20 **TURES**

21 **SEC. 201. REPORTING REQUIREMENTS FOR INDEPENDENT**  
22 **EXPENDITURES.**

23 (a) INDEPENDENT EXPENDITURES.—Section 304(c)  
24 of the Federal Election Campaign Act of 1971 (2 U.S.C.  
25 434(c)) is amended—



1           (1) by striking “(c)(1) Every person” and in-  
2           serting the following:

3           “(c) INDEPENDENT EXPENDITURES.—

4           “(1) IN GENERAL.—

5           “(A) REQUIRED FILING.—Except as pro-  
6           vided in paragraph (2), every person”;

7           (2) in paragraph (2), by redesignating subpara-  
8           graphs (A), (B), and (C) as clauses (i), (ii), and  
9           (iii), respectively, and adjusting the margins accord-  
10          ingly;

11          (3) by redesignating paragraphs (2) and (3) as  
12          subparagraphs (B) and (C), respectively, and adjust-  
13          ing the margins accordingly;

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

15          “(2) HOUSE OF REPRESENTATIVES ELECTIONS  
16          WITH A CLEAN MONEY CANDIDATE.—

17          “(A) INDEPENDENT EXPENDITURES MORE  
18          THAN 20 DAYS BEFORE AN ELECTION.—

19          “(i) IN GENERAL.—Not later than 48  
20          hours after making an independent ex-  
21          penditure, more than 20 days before the  
22          date of an election, in support of an oppo-  
23          nent of or in opposition to a clean money  
24          candidate (as defined in section 501), a  
25          person that makes independent expendi-

1           tures in an aggregate amount in excess of  
2           \$1,000 during an election period (as de-  
3           fined in section 501) shall file with the  
4           Commission a statement containing the in-  
5           formation described in clause (ii).

6           “(ii) CONTENTS OF STATEMENT.—A  
7           statement under subparagraph (A) shall  
8           include a certification, under penalty of  
9           perjury, that contains the information re-  
10          quired by subsection (b)(6)(B)(iii).

11          “(iii) ADDITIONAL STATEMENTS.—An  
12          additional statement shall be filed for each  
13          aggregate of independent expenditures that  
14          exceeds \$1,000.

15          “(B) INDEPENDENT EXPENDITURES DUR-  
16          ING THE 20 DAYS PRECEDING AN ELECTION.—  
17          Not later than 24 hours after making or obli-  
18          gating to make an independent expenditure in  
19          support of an opponent of or in opposition to a  
20          clean money candidate in an aggregate amount  
21          in excess of \$500, during the 20 days preceding  
22          the date of an election, a person that makes or  
23          obligates to make the independent expenditure  
24          shall file with the Commission a statement stat-

1 ing the amount of each independent expenditure  
2 made or obligated to be made.

3 “(C) PLACE OF FILING; NOTIFICATION.—

4 “(i) PLACE OF FILING.—A report or  
5 statement under this paragraph shall be  
6 filed with the Commission.

7 “(ii) NOTIFICATION OF CLEAN MONEY  
8 CANDIDATES.—Not later than 24 hours,  
9 but excluding the time from 5:00 p.m. Fri-  
10 day through and until 9:00 a.m. the fol-  
11 lowing Monday, and legal holidays after re-  
12 ceipt of a statement under this paragraph,  
13 the Commission shall notify each clean  
14 money candidate seeking nomination for  
15 election to, or election to, the office in  
16 question of the receipt of a statement.

17 “(D) DETERMINATION BY THE COMMIS-  
18 SION.—

19 “(i) IN GENERAL.—The Commission  
20 may, on request of a candidate or on its  
21 own initiative, make a determination that a  
22 person has made or obligated to make  
23 independent expenditures with respect to a  
24 candidate that in the aggregate exceed the

1 applicable amount under subparagraph  
2 (A).

3 “(ii) NOTIFICATION.—Not later than  
4 24 hours after making a determination  
5 under clause (i), the Commission shall no-  
6 tify each clean money candidate in the  
7 election of the making of the determina-  
8 tion.

9 “(iii) TIME TO COMPLY WITH RE-  
10 QUEST FOR DETERMINATION.—A deter-  
11 mination made at the request of a can-  
12 didate shall be made not later than 48  
13 hours after the date of the request.”.

14 **SEC. 202. DEFINITION OF INDEPENDENT EXPENDITURE.**

15 (a) IN GENERAL.—Section 301 of the Federal Elec-  
16 tion Campaign Act of 1971 (2 U.S.C. 431) is amended  
17 by striking paragraph (17) and inserting the following:

18 “(17) INDEPENDENT EXPENDITURE.—

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

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

1           “(ii) is made without the participation  
2           or cooperation of and without coordination  
3           with a candidate (within the meaning of  
4           section 301(8)(A)(iii)).

5           “(B) EXPRESS ADVOCACY.—The term ‘ex-  
6           press advocacy’ means a communication that is  
7           made through a broadcast medium, newspaper,  
8           magazine, billboard, direct mail, or similar type  
9           of communication and that—

10           “(i) advocates the election or defeat of  
11           a clearly identified candidate, including  
12           any communication that—

13           “(I) contains a phrase such as  
14           ‘vote for’, ‘re-elect’, ‘support’, ‘cast  
15           your ballot for’, ‘(name of candidate)  
16           for Congress’, ‘(name of candidate) in  
17           (year involved)’, ‘vote against’, ‘de-  
18           feat’, ‘reject’, ‘put a stop to (name of  
19           candidate)’, ‘send (name of candidate)  
20           home’; or

21           “(II) contains campaign slogans  
22           or individual words that in context  
23           can have no reasonable meaning other  
24           than to recommend the election or de-

1 feat of 1 or more clearly identified  
2 candidates; or

3 “(ii)(I) refers to a clearly identified  
4 candidate;

5 “(II) is made not more than 60 days  
6 before the date of a general election; and

7 “(III) is not solely devoted to a pend-  
8 ing legislative issue before an open session  
9 of Congress.”.

10 (b) DEFINITION APPLICABLE WHEN PROVISION NOT  
11 IN EFFECT.—For purposes of the Federal Election Cam-  
12 paign Act of 1971, during any period beginning after the  
13 effective date of this Act in which the definition, or any  
14 part of the definition, under section 301(17)(B) of that  
15 Act (as added by subsection (a)) is not in effect, the defini-  
16 tion of “express advocacy” shall mean, in addition to the  
17 part of the definition that is in effect, a communication  
18 that clearly identifies a candidate and taken as a whole  
19 and with limited reference to external events, such as  
20 proximity to an election, expresses unmistakable support  
21 for or opposition to 1 or more clearly identified candidates.

22 **SEC. 203. LIMIT ON EXPENDITURES BY POLITICAL PARTY**  
23 **COMMITTEES.**

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

1 (1) in subparagraph (A)—

2 (A) in the matter preceding clause (i), by  
3 striking “in the case” and inserting “except as  
4 provided in subparagraph (C), in the case”, and

5 (B) by striking “and” at the end;

6 (2) in subparagraph (B)—

7 (A) by striking “in the case” and inserting  
8 “except as provided in subparagraph (C), in the  
9 case”, and

10 (B) by striking the period at the end and  
11 inserting “; and”; and

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

13 “(C) in the case of an election to the office of  
14 Representative in or Delegate or Resident Commis-  
15 sioner to the Congress in which 1 or more can-  
16 didates is a clean money candidate (as defined in  
17 section 501), 10 percent of the amount of clean  
18 money that a clean money candidate is eligible to re-  
19 ceive for the general election period.”.

20 **SEC. 204. PARTY INDEPENDENT EXPENDITURES AND**  
21 **OTHER COORDINATED EXPENDITURES.**

22 (a) DETERMINATION TO MAKE COORDINATED EX-  
23 PENDITURES.—Section 315(d) of the Federal Election  
24 Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

25 (1) in paragraph (1)—

1 (A) by inserting “coordinated” after  
2 “make”; and

3 (B) by striking “(2) and (3)” and inserting  
4 “(2), (3), and (4)”; and

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

6 “(4)(A) Before a committee of a political party makes  
7 a coordinated expenditure in connection with a general  
8 election campaign for Federal office in excess of \$5,000,  
9 the committee shall file with the Commission a certifi-  
10 cation, signed by the treasurer, that the committee has  
11 not made and will not make any independent expenditures  
12 in connection with that campaign for Federal office. A  
13 party committee that determines to make a coordinated  
14 expenditure shall not make any transfer of funds in the  
15 same election cycle to, or receive any transfer of funds  
16 in the same election cycle from, any other party committee  
17 that determines to make independent expenditures in con-  
18 nection with the same campaign for Federal office.

19 “(B) A committee of a political party shall be consid-  
20 ered to be in coordination with a candidate of the party  
21 if the committee—

22 “(i) makes a payment for a communication or  
23 anything of value in coordination with the candidate,  
24 as described in section 301(8)(A)(iii);



1           “(ii) makes a coordinated expenditure under  
2 this subsection on behalf of the candidate;

3           “(iii) participates in joint fundraising with the  
4 candidate or in any way solicits or receives a con-  
5 tribution on behalf of the candidate;

6           “(iv) communicates with the candidate, or an  
7 agent of the candidate (including a pollster, media  
8 consultant, vendor, advisor, or staff member), acting  
9 on behalf of the candidate, about advertising, mes-  
10 sage, allocation of resources, fundraising, or other  
11 campaign matters related to the candidate’s cam-  
12 paign, including campaign operations, staffing, tac-  
13 tics or strategy; or

14           “(v) provides in-kind services, polling data, or  
15 anything of value to the candidate.

16           “(C) For purposes of this paragraph, all political  
17 committees established and maintained by a national polit-  
18 ical party (including all congressional campaign commit-  
19 tees) and all political committees established by State po-  
20 litical parties shall be considered to be a single political  
21 committee.

22           “(D) For purposes of subparagraph (A), any coordi-  
23 nation between a committee of a political party and a can-  
24 didate of the party after the candidate has filed a state-  
25 ment of candidacy constitutes coordination for the period

1 beginning with the filing of the statement of candidacy  
2 and ending at the end of the election cycle.”.

3 (b) DEFINITIONS.—

4 (1) AMENDMENT OF DEFINITION OF CONTRIBU-  
5 TION.—Section 301(8) of the Federal Election Cam-  
6 paign Act of 1971 (2 U.S.C. 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 fol-  
13 lowing:

14 “(iii) a payment made for a commu-  
15 nication or anything of value that is for  
16 the purpose of influencing an election for  
17 Federal office and that is made in coordi-  
18 nation with a candidate (as defined in sub-  
19 paragraph (C)).”; and

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

21 “(C) For the purposes of subparagraph  
22 (A)(iii), the term ‘payment made in coordina-  
23 tion with a candidate’ includes—

24 “(i) a payment made by a person in  
25 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 dissemination, distribution, or republi-  
9 cation, in whole or in part, of any broad-  
10 cast or any written, graphic, or other form  
11 of campaign material prepared by a can-  
12 didate, a candidate's authorized committee,  
13 or an agent of a candidate or authorized  
14 committee (not including a communication  
15 described in paragraph (9)(B)(i) or a com-  
16 munication that expressly advocates the  
17 candidate's defeat);

18 “(iii) a payment made based on infor-  
19 mation about a candidate's plans, projects,  
20 or needs provided to the person making the  
21 payment by the candidate or the can-  
22 didate's agent who provides the informa-  
23 tion with a view toward having the pay-  
24 ment 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 or advisory position  
11          with the candidate’s campaign or has par-  
12          ticipated in strategic or policymaking dis-  
13          cussions with the candidate’s campaign re-  
14          lating to the candidate’s pursuit of nomi-  
15          nation for election, or election, to Federal  
16          office, in the same election cycle as the  
17          election cycle in which the payment is  
18          made; and

19          “(vi) a payment made by a person if  
20          the person making the payment retains the  
21          professional services of an individual or  
22          person who has provided or is providing  
23          campaign-related services in the same elec-  
24          tion cycle to a candidate in connection with  
25          the candidate’s pursuit of nomination for

1 election, or election, to Federal office, in-  
2 cluding services relating to the candidate's  
3 decision to seek Federal office, and the  
4 payment is for services of which the pur-  
5 pose is to influence that candidate's elec-  
6 tion.

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

13 (2) DEFINITION OF CONTRIBUTION IN SECTION  
14 315(a)(7).—Section 315(a)(7) of the Federal Elec-  
15 tion Campaign Act of 1971 (2 U.S.C. 441a(a)(7)) is  
16 amended by striking paragraph (B) and inserting  
17 the following:

18 “(B)(i) Except as provided in clause (ii), a pay-  
19 ment made in coordination with a candidate (as de-  
20 scribed in section 301(8)(A)(iii)) shall be considered  
21 to be a contribution to the candidate, and, for the  
22 purposes of any provision of this Act that imposes  
23 a limitation on the making of expenditures by a can-  
24 didate, shall be treated as an expenditure by the  
25 candidate for purposes of this paragraph.

1           “(ii) In the case of a clean money candidate (as  
2           defined in section 501), a payment made in coordi-  
3           nation with a candidate by a committee of a political  
4           party shall not be treated as a contribution to the  
5           candidate for purposes of section 503(b)(1) or an ex-  
6           penditure made by the candidate for purposes of sec-  
7           tion 503(b)(2).”.

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

## 14          **TITLE III—VOTER INFORMATION**

### 15          **SEC. 301. FREE BROADCAST TIME.**

16          Section 315 of the Communications Act of 1934 (47  
17          U.S.C. 315) is amended—

18                 (1) in subsection (a), in the third sentence, by  
19                 striking “within the meaning of this subsection” and  
20                 inserting “within the meaning of this subsection or  
21                 subsection (c)”;

22                 (2) by redesignating subsections (c) and (d) as  
23                 subsections (d) and (e), respectively;

24                 (3) by inserting after subsection (b) the fol-  
25                 lowing:

1 “(c) FREE BROADCAST TIME.—

2 “(1) AMOUNT OF TIME.—A clean money can-  
3 didate shall be entitled to receive—

4 “(A) 30 minutes of free broadcast time  
5 during each of the primary election period and  
6 the primary runoff election period; and

7 “(B) 75 minutes of free broadcast time  
8 during the general election period and general  
9 runoff election period.

10 “(2) TIME DURING WHICH THE BROADCAST IS  
11 SHOWN.—The broadcast time under paragraph (1)  
12 shall be—

13 “(A) with respect to a television broadcast,  
14 the time between 6:00 p.m. and 10:00 p.m. on  
15 any day that falls on Monday through Friday;

16 “(B) with respect to a radio broadcast, the  
17 time between 7:00 a.m. and 9:30 a.m. or be-  
18 tween 4:30 p.m. and 7:00 p.m. on any day that  
19 falls on Monday through Friday; or

20 “(C) with respect to any broadcast, such  
21 other time to which the candidate and broad-  
22 caster may agree.

23 “(3) MAXIMUM REQUIRED OF ANY STATION.—  
24 The amount of free broadcast time that any 1 sta-  
25 tion is required to make available to any 1 clean

1 money candidate during each of the primary election  
2 period, primary runoff election period, and general  
3 election period shall not exceed 15 minutes.”; and

4 (4) in subsection (d) (as redesignated by para-  
5 graph (1))—

6 (A) by striking “and” at the end of para-  
7 graph (1);

8 (B) by striking the period at the end of  
9 paragraph (2) and inserting a semicolon, and  
10 by redesignating that paragraph as paragraph  
11 (4);

12 (C) by inserting after paragraph (1) the  
13 following:

14 “(2) the term ‘clean money candidate’ has the  
15 meaning given in section 501 of the Federal Election  
16 Campaign Act of 1971;

17 “(3) the terms ‘general election period’ and  
18 ‘general runoff election period’ have the meaning  
19 given in section 501 of the Federal Election Cam-  
20 paign Act of 1971;”; and

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

22 “(5) the term ‘primary election period’ has the  
23 meaning given in section 501 of the Federal Election  
24 Campaign Act of 1971;



1           “(6) the term ‘private money candidate’ has the  
2 meaning given in section 501 of the Federal Election  
3 Campaign Act of 1971; and

4           “(7) the term ‘primary runoff election period’  
5 has the meaning given in section 501 of the Federal  
6 Election Campaign Act of 1971.”.

7 **SEC. 302. BROADCAST RATES AND PREEMPTION.**

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

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

13           (2) by striking “The charges” and inserting the  
14 following:

15           “(1) IN GENERAL.—Except as provided in para-  
16 graph (2), the charges”; and

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

18           “(2) CLEAN MONEY CANDIDATES.—In the case  
19 of a clean money candidate, the charges for the use  
20 of a television broadcasting station shall not exceed  
21 50 percent of the lowest charge described in para-  
22 graph (1)(A) during—

23           “(A) the 30 days preceding the date of a  
24 primary or primary runoff election in which the  
25 candidate is opposed; and

1           “(B) the 60 days preceding the date of a  
2           general or special election in which the can-  
3           didate is opposed.

4           “(3) OTHER HOUSE CANDIDATES.—In the case  
5           of a candidate for election for Member of, or Dele-  
6           gate or Resident Commissioner to, the Congress who  
7           is not a clean money candidate, paragraph (1)(A)  
8           shall not apply.

9           “(4) RATE CARDS.—A licensee shall provide to  
10          a candidate for Member of or Delegate or Resident  
11          Commissioner to the Congress a rate card that  
12          discloses—

13                 “(A) the rate charged under this sub-  
14                 section; and

15                 “(B) the method that the licensee uses to  
16                 determine the rate charged under this sub-  
17                 section.”.

18          (b) PREEMPTION.—Section 315 of the Communica-  
19          tions Act of 1934 (47 U.S.C. 315) (as amended by section  
20          301) is amended—

21                 (1) by redesignating subsections (d) and (e) as  
22                 subsections (e) and (f), respectively; and

23                 (2) by inserting after subsection (c) the fol-  
24                 lowing:

25                 “(d) PREEMPTION.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), a licensee shall not preempt the use of a  
3           broadcasting station by a legally qualified candidate  
4           for Member of or Delegate or Resident Commis-  
5           sioner to the Congress who has purchased and paid  
6           for such use.

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

14          (c) REVOCATION OF LICENSE FOR FAILURE TO PER-  
15          MIT ACCESS.—Section 312(a)(7) of the Communications  
16          Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

17                 (1) by striking “or repeated”;

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

20                 (3) by striking “his candidacy” and inserting  
21          “the candidacy of the candidate, under the same  
22          terms, conditions, and business practices as apply to  
23          the most favored advertiser of the licensee”.

1 **SEC. 303. CAMPAIGN ADVERTISING.**

2 (a) CONTENTS OF CAMPAIGN ADVERTISEMENTS.—

3 Section 318 of the Federal Election Campaign Act of  
4 1971 (2 U.S.C. 441d) is amended—

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph

7 (1)—

8 (i) by striking “Whenever” and insert-

9 ing “Whenever a political committee makes

10 a disbursement for the purpose of financ-

11 ing any communication through any broad-

12 casting station, newspaper, magazine, out-

13 door advertising facility, mailing, or any

14 other type of general public political adver-

15 tising, or whenever”; and

16 (ii) by striking “direct”; and

17 (B) in paragraph (3), by inserting “and

18 permanent street address” after “name”; and

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

20 “(c) Any printed communication described in sub-

21 section (a) shall be—

22 “(1) of sufficient type size to be clearly read-

23 able by the recipient of the communication;

24 “(2) contained in a printed box set apart from

25 the other contents of the communication; and

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

4           “(d)(1) Any broadcast or cablecast communication  
5           described in subsection (a)(1) or subsection (a)(2) shall  
6           include, in addition to the requirements of those sub-  
7           sections, an audio statement that identifies the candidate  
8           and states that the candidate has approved the commu-  
9           nication.

10          “(2) If a broadcast or cablecast communication de-  
11          scribed in paragraph (1) is broadcast or cablecast by  
12          means of television, the communication shall include, in  
13          addition to the audio statement under paragraph (1), a  
14          written statement which appears at the end of the commu-  
15          nication in a clearly readable manner with a reasonable  
16          degree of color contrast between the background and the  
17          printed statement, for a period of at least 4 seconds.

18          “(e) Any broadcast or cablecast communication de-  
19          scribed in subsection (a)(3) shall include, in addition to  
20          the requirements of those subsections, in a clearly spoken  
21          manner, the following statement: ‘\_\_\_\_\_ is  
22          responsible for the content of this advertisement.’ (with  
23          the blank to be filled in with the name of the political  
24          committee or other person paying for the communication  
25          and the name of any connected organization of the payor).

1 If broadcast or cablecast by means of television, the state-  
2 ment shall also appear in a clearly readable manner with  
3 a reasonable degree of color contrast between the back-  
4 ground and the printed statement, for a period of at least  
5 4 seconds.”.

6 (b) REPORTING REQUIREMENTS FOR ISSUE ADVER-  
7 TISEMENTS.—Section 304 of the Federal Election Cam-  
8 paign Act of 1971 (2 U.S.C. 434) (as amended by section  
9 103) is amended by adding at the end the following:

10 “(f) ISSUE ADVERTISEMENTS.—

11 “(1) IN GENERAL.—A person that makes or ob-  
12 ligates to make a disbursement to purchase an issue  
13 advertisement shall file a report with the Commis-  
14 sion not later than 48 hours after making or obli-  
15 gating to make the disbursement, containing the fol-  
16 lowing information—

17 “(A) the amount of the disbursement;

18 “(B) the information required under sub-  
19 section (b)(3)(A) for each person that makes a  
20 contribution, in an aggregate amount of \$1,000  
21 or greater in a calendar year, to the person who  
22 makes the disbursement;

23 “(C) the name and address of the person  
24 making the disbursement; and

1           “(D) the purpose of the issue advertise-  
2           ment.

3           “(2) DEFINITION OF ISSUE ADVERTISEMENT.—

4           In this subsection, the term ‘issue advertisement’  
5           means a communication through a broadcasting sta-  
6           tion, newspaper, magazine, outdoor advertising facil-  
7           ity, mailing, or any other type of general public po-  
8           litical advertising—

9           “(A) the purchase of which is not an inde-  
10          pendent expenditure or a contribution;

11          “(B) that contains the name or likeness of  
12          a candidate for Member of or Delegate or Resi-  
13          dent Commissioner to the Congress;

14          “(C) that is communicated during an elec-  
15          tion year; and

16          “(D) that recommends a position on a po-  
17          litical issue.”.

18   **SEC. 304. 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)(i) Except as provided in clause (ii), a Member  
24          of Congress shall not mail any mass mailing as franked  
25          mail during the period which begins on the first day of

1 the primary election period (as described in section  
 2 501(12) of the Federal Election Campaign Act of 1971)  
 3 and ends on the date of the general election for that office  
 4 (other than any portion of such period between the date  
 5 of the primary election and the first day of the general  
 6 election period), unless the Member has made a public an-  
 7 nouncement that the Member will not be a candidate for  
 8 reelection in that year or for election to any other Federal  
 9 office.

10 “(ii) A Member of Congress may mail a mass mailing  
 11 as franked mail if—

12 “(I) the purpose of the mailing is to commu-  
 13 nicate information about a public meeting; and

14 “(II) the content of the mailed matter includes  
 15 only the Representative’s name, and the date, time,  
 16 and place of the public meeting.”.

17 **TITLE IV—SOFT MONEY OF**  
 18 **POLITICAL PARTIES**

19 **SEC. 401. SOFT MONEY OF POLITICAL PARTIES.**

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

23 “SOFT MONEY OF POLITICAL PARTIES

24 “SEC. 323. (a) NATIONAL COMMITTEES.—

25 “(1) IN GENERAL.—A national committee of a  
 26 political party (including a national congressional



1 campaign committee of a political party) and any of-  
2 ficers or agents of such party committees, shall not  
3 solicit, receive, or direct to another person a con-  
4 tribution, donation, or transfer of funds, or spend  
5 any funds, that are not subject to the limitations,  
6 prohibitions, and reporting requirements of this Act.

7 “(2) APPLICABILITY.—This subsection shall  
8 apply to an entity that is directly or indirectly estab-  
9 lished, financed, maintained, or controlled by a na-  
10 tional committee of a political party (including a na-  
11 tional congressional campaign committee of a polit-  
12 ical party), or an entity acting on behalf of a na-  
13 tional committee, and an officer or agent acting on  
14 behalf of any such committee or entity.

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

16 “(1) IN GENERAL.—An amount that is ex-  
17 pended or disbursed by a State, district, or local  
18 committee of a political party (including an entity  
19 that is directly or indirectly established, financed,  
20 maintained, or controlled by a State, district, or  
21 local committee of a political party and an officer or  
22 agent acting on behalf of such committee or entity)  
23 for Federal election activity shall be made from  
24 funds subject to the limitations, prohibitions, and re-  
25 porting requirements of this Act.

1 “(2) FEDERAL ELECTION ACTIVITY.—

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

4 “(i) voter registration activity during  
5 the period that begins on the date that is  
6 120 days before the date a regularly sched-  
7 uled Federal election is held and ends on  
8 the date of the election;

9 “(ii) voter identification, get-out-the-  
10 vote activity, or generic campaign activity  
11 conducted in connection with an election in  
12 which a candidate for Federal office ap-  
13 pears on the ballot (regardless of whether  
14 a candidate for State or local office also  
15 appears on the ballot); and

16 “(iii) a communication that refers to a  
17 clearly identified candidate for Federal of-  
18 fice (regardless of whether a candidate for  
19 State or local office is also mentioned or  
20 identified) and is made for the purpose of  
21 influencing a Federal election (regardless  
22 of whether the communication is express  
23 advocacy).

24 “(B) EXCLUDED ACTIVITY.—The term  
25 ‘Federal election activity’ does not include an

1 amount expended or disbursed by a State, dis-  
2 trict, or local committee of a political party  
3 for—

4 “(i) campaign activity conducted sole-  
5 ly on behalf of a clearly identified can-  
6 didate for State or local office, provided  
7 the campaign activity is not a Federal elec-  
8 tion activity described in subparagraph  
9 (A);

10 “(ii) a contribution to a candidate for  
11 State or local office, provided the contribu-  
12 tion is not designated or used to pay for a  
13 Federal election activity described in sub-  
14 paragraph (A);

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

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

21 “(v) the non-Federal share of a State,  
22 district, or local party committee’s admin-  
23 istrative and overhead expenses (but not  
24 including the compensation in any month  
25 of an individual who spends more than 20

1                   percent of the individual’s time on Federal  
2                   election activity) as determined by a regu-  
3                   lation promulgated by the Commission to  
4                   determine the non-Federal share of a  
5                   State, district, or local party committee’s  
6                   administrative and overhead expenses; and

7                   “vi) the cost of constructing or pur-  
8                   chasing an office facility or equipment for  
9                   a State, district or local committee.

10           “(c) FUNDRAISING COSTS.—An amount spent by a  
11 national, State, district, or local committee of a political  
12 party, by an entity that is established, financed, main-  
13 tained, or controlled by a national, State, district, or local  
14 committee of a political party, or by an agent or officer  
15 of any such committee or entity, to raise funds that are  
16 used, in whole or in part, to pay the costs of a Federal  
17 election activity shall be made from funds subject to the  
18 limitations, prohibitions, and reporting requirements of  
19 this Act.

20           “(d) TAX-EXEMPT ORGANIZATIONS.—A national,  
21 State, district, or local committee of a political party (in-  
22 cluding a national congressional campaign committee of  
23 a political party), an entity that is directly or indirectly  
24 established, financed, maintained, or controlled by any  
25 such national, State, district, or local committee or its

1 agent, and an officer or agent acting on behalf of any such  
2 party committee or entity, shall not solicit any funds for,  
3 or make or direct any donations to, an organization that  
4 is described in section 501(c) of the Internal Revenue  
5 Code of 1986 and exempt from taxation under section  
6 501(a) of such Code (or has submitted an application to  
7 the Commissioner of the Internal Revenue Service for de-  
8 termination of tax-exemption under such section).

9 “(e) CANDIDATES.—

10 “(1) IN GENERAL.—A candidate, individual  
11 holding Federal office, agent of a candidate or indi-  
12 vidual holding Federal office, or an entity directly or  
13 indirectly established, financed, maintained or con-  
14 trolled by or acting on behalf of one or more can-  
15 didates or individuals holding Federal office, shall  
16 not—

17 “(A) solicit, receive, direct, transfer, or  
18 spend funds in connection with an election for  
19 Federal office, including funds for any Federal  
20 election activity, unless the funds are subject to  
21 the limitations, prohibitions, and reporting re-  
22 quirements of this Act; or

23 “(B) solicit, receive, direct, transfer, or  
24 spend funds in connection with any election  
25 other than an election for Federal office or dis-

1           burse funds in connection with such an election  
2           unless the funds—

3                   “(i) are not in excess of the amounts  
4                   permitted with respect to contributions to  
5                   candidates and political committees under  
6                   paragraphs (1) and (2) of section 315(a);  
7                   and

8                   “(ii) are not from sources prohibited  
9                   by this Act from making contributions with  
10                  respect to an election for Federal office.

11               “(2) STATE LAW.—Paragraph (1) does not  
12               apply to the solicitation, receipt, or spending of  
13               funds by an individual who is a candidate for a  
14               State or local office in connection with such election  
15               for State or local office if the solicitation, receipt, or  
16               spending of funds is permitted under State law for  
17               any activity other than a Federal election activity.

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

1 **SEC. 402. INCREASED CONTRIBUTION LIMITS FOR STATE**  
2 **COMMITTEES OF POLITICAL PARTIES AND**  
3 **AGGREGATE CONTRIBUTION LIMIT FOR INDI-**  
4 **VIDUALS.**

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

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

11 (2) in subparagraph (C)—

12 (A) by inserting “(other than a committee  
13 described in subparagraph (D))” after “com-  
14 mittee”; and

15 (B) by striking the period at the end and  
16 inserting “; or”; and

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

18 “(D) to a political committee established and  
19 maintained by a State committee of a political party  
20 in any calendar year that, in the aggregate, exceed  
21 \$10,000”.

22 (b) AGGREGATE CONTRIBUTION LIMIT FOR INDI-  
23 VIDUAL.—Section 315(a)(3) of the Federal Election Cam-  
24 paign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by  
25 striking “\$25,000” and inserting “\$30,000”.

1 **SEC. 403. REPORTING REQUIREMENTS.**

2 (a) REPORTING REQUIREMENTS.—Section 304 of the  
3 Federal Election Campaign Act of 1971 (2 U.S.C. 434)  
4 (as amended by sections 103 and 303(b)) is amended by  
5 adding at the end the following:

6 “(g) POLITICAL COMMITTEES.—

7 “(1) NATIONAL AND CONGRESSIONAL POLIT-  
8 ICAL COMMITTEES.—The national committee of a  
9 political party, any national congressional campaign  
10 committee of a political party, and any subordinate  
11 committee of either, shall report all receipts and dis-  
12 bursements during the reporting period.

13 “(2) OTHER POLITICAL COMMITTEES TO WHICH  
14 SECTION 323 APPLIES.—In addition to any other re-  
15 porting requirements applicable under this Act, a  
16 political committee (not described in paragraph (1))  
17 to which section 323(b)(1) applies shall report all re-  
18 ceipts and disbursements made for activities de-  
19 scribed in paragraphs (2)(A) and (2)(B)(v) of sec-  
20 tion 323(b).

21 “(3) ITEMIZATION.—If a political committee  
22 has receipts or disbursements to which this sub-  
23 section applies from any person aggregating in ex-  
24 cess of \$200 for any calendar year (or election cycle,  
25 in the case of an authorized committee of a can-  
26 didate for Federal office), the political committee



1 shall separately itemize its reporting for such person  
2 in the same manner as required in paragraphs  
3 (3)(A), (5), and (6) of subsection (b).

4 “(4) REPORTING PERIODS.—Reports required  
5 to be filed under this subsection shall be filed for the  
6 same time periods required for political committees  
7 under subsection (a).”.

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

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

13 (2) by redesignating clauses (ix) through (xv)  
14 as clauses (viii) through (xiv), respectively.

15 **TITLE V—RESTRUCTURING AND**  
16 **STRENGTHENING OF THE**  
17 **FEDERAL ELECTION COMMIS-**  
18 **SION**

19 **SEC. 501. APPOINTMENT AND TERMS OF COMMISSIONERS.**

20 (a) IN GENERAL.—Section 306(a) of the Federal  
21 Election Campaign Act of 1971 (2 U.S.C. 437e(a)) is  
22 amended—

23 (1) in paragraph (1)—

24 (A) by striking “(1) There is established”

25 and inserting “(1)(A) There is established”;

1 (B) by striking the second sentence and in-  
2 serting the following:

3 “(B) COMPOSITION OF COMMISSION.—The Commis-  
4 sion is composed of 6 members appointed by the Presi-  
5 dent, by and with the advice and consent of the United  
6 States Senate, and 1 member appointed by the President  
7 from among persons recommended by the Commission as  
8 provided in subparagraph (D).”;

9 (C) by striking “No more than” and in-  
10 serting the following:

11 “(C) PARTY AFFILIATION.—Not more than”; and

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

13 “(D) NOMINATION BY COMMISSION OF ADDITIONAL  
14 MEMBER.—

15 “(i) IN GENERAL.—The members of the Com-  
16 mission shall recommend to the President, by a vote  
17 of 4 members, 3 persons for the appointment to the  
18 Commission.

19 “(ii) VACANCY.—On vacancy of the position of  
20 the member appointed under this subparagraph, a  
21 member shall be appointed to fill the vacancy in the  
22 same manner as provided in clause (i).”; and

23 (2) in paragraphs (3) and (4), by striking  
24 “(other than the Secretary of the Senate and the  
25 Clerk of the House of Representatives)”.

1           (b) TRANSITION RULE.—Not later than 90 days after  
2 the date of enactment of this Act, the Commission shall  
3 recommend persons for appointment under section  
4 306(a)(1)(D) of the Federal Election Campaign Act of  
5 1971, as added by section 501(a)(1)(D) of this Act.

6 **SEC. 502. AUDITS.**

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

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

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

13           “(2) RANDOM AUDITS.—

14                   “(A) IN GENERAL.—Notwithstanding para-  
15 graph (1), after every primary, general, and  
16 runoff election, the Commission may conduct  
17 random audits and investigations to ensure vol-  
18 untary compliance with this Act.

19                   “(B) SELECTION OF SUBJECTS.—The sub-  
20 jects of audits and investigations under this  
21 paragraph shall be selected on the basis of im-  
22 partial criteria established by a vote of at least  
23 4 members of the Commission.

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

1           didate for President or Vice President subject  
2           to audit under chapter 95 or 96 of the Internal  
3           Revenue Code of 1986.”.

4 **SEC. 503. AUTHORITY TO SEEK INJUNCTION.**

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

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

8           “(13) AUTHORITY TO SEEK INJUNCTION.—

9           “(A) IN GENERAL.—If, at any time in a pro-  
10          ceeding described in paragraph (1), (2), (3), or (4),  
11          the Commission believes that—

12                 “(i) there is a substantial likelihood that a  
13                 violation of this Act is occurring or is about to  
14                 occur;

15                 “(ii) the failure to act expeditiously will re-  
16                 sult in irreparable harm to a party affected by  
17                 the potential violation;

18                 “(iii) expeditious action will not cause  
19                 undue harm or prejudice to the interests of oth-  
20                 ers; and

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

23          the Commission may initiate a civil action for a tem-  
24          porary restraining order or preliminary injunction

1 pending the outcome of proceedings under para-  
2 graphs (1), (2), (3), and (4).

3 “(B) VENUE.—An action under subparagraph  
4 (A) shall be brought in the United States district  
5 court for the district in which the defendant resides,  
6 transacts business, or may be found, or in which the  
7 violation is occurring, has occurred, or is about to  
8 occur.”;

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

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

13 **SEC. 504. STANDARD FOR INVESTIGATION.**

14 Section 309(a)(2) of the Federal Election Campaign  
15 Act of 1971 (2 U.S.C. 437f(a)(2)) is amended by striking  
16 “reason to believe that” and inserting “reason to open an  
17 investigation on whether”.

18 **SEC. 505. PETITION FOR CERTIORARI.**

19 Section 307(a)(6) of the Federal Election Campaign  
20 Act of 1971 (2 U.S.C. 437d(a)) is amended by inserting  
21 “(including a proceeding before the Supreme Court on cer-  
22 tiorari)” after “appeal”.

1 **SEC. 506. EXPEDITED PROCEDURES.**

2 Section 309(a) of the Federal Election Campaign Act  
3 of 1971 (2 U.S.C. 437g(a)) (as amended by section 503)  
4 is amended by adding at the end the following:

5 “(14) EXPEDITED PROCEDURE.—

6 “(A) 60 DAYS BEFORE A GENERAL ELEC-  
7 TION.—If the complaint in a proceeding was  
8 filed within 60 days before the date of a general  
9 election, the Commission may take action de-  
10 scribed in this subparagraph.

11 “(B) RESOLUTION BEFORE AN ELEC-  
12 TION.—If the Commission determines, on the  
13 basis of facts alleged in the complaint and other  
14 facts available to the Commission, that there is  
15 clear and convincing evidence that a violation of  
16 this Act has occurred, is occurring, or is about  
17 to occur and it appears that the requirements  
18 for relief stated in clauses (ii), (iii), and (iv) of  
19 paragraph (13)(A) are met, the Commission  
20 may—

21 “(i) order expedited proceedings,  
22 shortening the time periods for proceedings  
23 under paragraphs (1), (2), (3), and (4) as  
24 necessary to allow the matter to be re-  
25 solved in sufficient time before the election

1 to avoid harm or prejudice to the interests  
2 of the parties; or

3 “(ii) if the Commission determines  
4 that there is insufficient time to conduct  
5 proceedings before the election, imme-  
6 diately seek relief under paragraph  
7 (13)(A).

8 “(C) MERITLESS COMPLAINTS.—If the  
9 Commission determines, on the basis of facts  
10 alleged in the complaint and other facts avail-  
11 able to the Commission, that the complaint is  
12 clearly without merit, the Commission may—

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

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

1 **SEC. 507. PROMOTING EXPEDITED AVAILABILITY OF FEC**  
2 **REPORTS.**

3 (a) MANDATORY ELECTRONIC FILING.—Section  
4 304(a)(11) of the Federal Election Campaign Act of 1971  
5 (2 U.S.C. 434(a)(11)) is amended—

6 (1) in subparagraph (A), by striking “under  
7 this Act—” and all that follows and inserting  
8 “under this Act shall be required to maintain and  
9 file such designation, statement, or report in elec-  
10 tronic form accessible by computers.”; and

11 (2) by striking subparagraph (D).

12 (b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS  
13 MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS  
14 OF ELECTION; REQUIRING REPORTS TO BE MADE WITH-  
15 IN 24 HOURS.—Section 304(a)(6) of such Act (2 U.S.C.  
16 434(a)(6)) is amended to read as follows:

17 “(6)(A) Each political committee shall notify the Sec-  
18 retary or the Commission, and the Secretary of State, as  
19 appropriate, in writing, of any contribution received by the  
20 committee during the period which begins on the 90th day  
21 before an election and ends at the time the polls close for  
22 such election. This notification shall be made within 24  
23 hours (or, if earlier, by midnight of the day on which the  
24 contribution is deposited) after the receipt of such con-  
25 tribution and shall include the name of the candidate in-  
26 volved (as appropriate) and the office sought by the can-



1 didate, the identification of the contributor, and the date  
2 of receipt and amount of the contribution.

3 “(B) The notification required under this paragraph  
4 shall be in addition to all other reporting requirements  
5 under this Act.”.

6 **SEC. 508. POWER TO ISSUE SUBPOENA WITHOUT SIGNA-**  
7 **TURE OF CHAIRPERSON.**

8 Section 307(a)(3) of the Federal Election Campaign  
9 Act of 1971 (2 U.S.C. 437d(a)(3)) is amended by striking  
10 “, signed by the chairman or the vice chairman,”.

11 **TITLE VI—MISCELLANEOUS**  
12 **PROVISIONS**

13 **SEC. 601. SEVERABILITY.**

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

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

22 An appeal may be taken directly to the Supreme  
23 Court of the United States from any final judgment, de-  
24 cree, or order issued by any court ruling on the constitu-

1 tionality of any provision of this Act or amendment made  
2 by this Act.

3 **SEC. 603. EFFECTIVE DATE.**

4       This Act and the amendments made by this Act shall  
5 take effect on January 1, 2002.

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