

Union Calendar No. 177

106TH CONGRESS
1ST Session

H. R. 417

[Report No. 106-297, Part I]

A BILL

To amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

AUGUST 5, 1999

Reported adversely from the Committee on House Administration

AUGUST 5, 1999

Referred to the Committees on Education and the Workforce, Government Reform, the Judiciary, Ways and Means, and Rules extended for a period ending not later than August 5, 1999

AUGUST 5, 1999

The Committees on Education and the Workforce, Government Reform, the Judiciary, Ways and Means, and Rules discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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106TH CONGRESS
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H. R. 417

[Report No. 106-297, Part I]

To amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

Mr. SHAYS (for himself, Mr. MEEHAN, Mr. WAMP, Mr. LEVIN, Mrs. ROUKEMA, Mr. DINGELL, Mr. FRANKS of New Jersey, Mrs. MALONEY of New York, Mr. LEACH, Mr. FARR of California, Mr. HOUGHTON, Mr. BONIOR, Mr. GREENWOOD, Mr. GEPHARDT, Mrs. MORELLA, Mr. ALLEN, Mr. CASTLE, Mr. HOYER, Mr. BILBRAY, Ms. DELAURO, Mr. BOEHLERT, Mr. LEWIS of Georgia, Mr. RAMSTAD, Mr. FRANK of Massachusetts, Mr. METCALF, Mr. GEORGE MILLER of California, Mr. GILCHREST, Ms. RIVERS, Mr. SANFORD, Mrs. CAPPS, Mr. PORTER, Mr. DOOLEY of California, Mrs. KELLY, Mr. CARDIN, Mr. WALSH, Mr. GEJDENSON, Mr. FORBES, Mr. BARRETT of Wisconsin, Mr. HORN, Mr. TIERNEY, Mr. GALLEGLY, Mr. MINGE, Mr. GILLMOR, Mr. PRICE of North Carolina, Mr. GILMAN, Mr. KIND, Mr. LOBIONDO, Mr. NADLER, Mr. FRELINGHUYSEN, Mr. MASCARA, Mr. SHERMAN, Mr. STARK, Mr. BRADY of Pennsylvania, Mr. BALDACCI, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. LUTHER, Mr. MALONEY of Connecticut, Mr. WAXMAN, Mr. POMEROY, Mr. CLEMENT, Mr. LANTOS, Mr. PALLONE, Mr. HINCHEY, Mr. BLUMENAUER, Mr. VENTO, Mr. WEXLER, Mr. MCGOVERN, Mr. MARKEY, Mr. ROTHMAN, Mr. PASCRELL, Mr. KANJORSKI, Mr. ACKERMAN, Mr. DAVIS of Florida, Mr. HOLT, Mr. GREEN of Texas, Mr. KLECZKA, Ms. KILPATRICK, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Ms. PELOSI, Mr. SPRATT, Mr. HOEFFEL, Mr. MOORE, Mr. BORSKI, Ms. BALDWIN, Mr. SAWYER, Mr. UDALL of New Mexico, Ms. CARSON, Ms. MCCARTHY of Missouri, Mr. HALL of Ohio, Ms. LOFGREN, Mrs. MCCARTHY of New York, Mr. SNYDER, Mr. BAIRD, Mr. GONZALEZ, and Mrs. JOHNSON of Connecticut) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Education and the Workforce, Government Reform, the Judiciary, Ways and Means, and Rules, 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

AUGUST 5, 1999

Reported adversely from the Committee on House Administration

AUGUST 5, 1999

Referral to the Committees on Education and the Workforce, Government Reform, the Judiciary, Ways and Means, and Rules extended for a period ending not later than August 5, 1999

AUGUST 5, 1999

Additional sponsors: Mr. BASS, Mrs. THURMAN, Mr. INSLEE, Mr. HINOJOSA, Mr. STRICKLAND, Mr. SHOWS, Mr. BROWN of California, Mr. CROWLEY, Ms. ESHOO, Mr. DEFAZIO, Ms. WOOLSEY, Ms. SLAUGHTER, Mr. WEINER, Mr. GANSKE, Mr. ABERCROMBIE, Mr. ENGEL, Mr. THOMPSON of California, Mr. FILNER, Mr. LARSON, Ms. LEE, Mr. UDALL of Colorado, Mr. SANDERS, Ms. BERKLEY, Mr. CAMPBELL, Mr. BARRETT of Nebraska, Ms. SCHAKOWSKY, Mr. CAPUANO, Mr. WISE, Mr. COYNE, Mr. GRAHAM, Ms. STABENOW, Mr. WEYGAND, Mr. BECERRA, Mr. BLAGOJEVICH, Mr. EVANS, Mr. SAXTON, Mr. UNDERWOOD, Mr. BOYD, Mr. DELAHUNT, Mr. REYES, Mr. LAFALCE, and Mr. WU

AUGUST 5, 1999

The Committees on Education and the Workforce, Government Reform, the Judiciary, Ways and Means, and Rules discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, 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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Bipartisan Campaign Finance Reform Act of 1999”.

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

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.

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

Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 201. Definitions.

Sec. 202. Express advocacy determined without regard to background music.

Sec. 203. Civil penalty.

Sec. 204. Reporting requirements for certain independent expenditures.

Sec. 205. Independent versus coordinated expenditures by party.

Sec. 206. Coordination with candidates.

TITLE III—DISCLOSURE

Sec. 301. Filing of reports using computers and facsimile machines.

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

Sec. 303. Audits.

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

Sec. 305. Use of candidates' names.

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

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

Sec. 308. Campaign advertising.

TITLE IV—PERSONAL WEALTH OPTION

Sec. 401. Voluntary personal funds expenditure limit.

Sec. 402. Political party committee coordinated expenditures.

TITLE V—MISCELLANEOUS

Sec. 501. Codification of Beck decision.

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

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

Sec. 504. Prohibition of fundraising on Federal property.

Sec. 505. Penalties for violations.

Sec. 506. Strengthening foreign money ban.

Sec. 507. Prohibition of contributions by minors.

Sec. 508. Expedited procedures.

Sec. 509. Initiation of enforcement proceeding.

Sec. 510. Protecting equal participation of eligible voters in campaigns and
 elections.

Sec. 511. Penalty for violation of prohibition against foreign contributions.

Sec. 512. Expedited court review of certain alleged violations of Federal Elec-
 tion Campaign Act of 1971.

Sec. 513. Conspiracy to violate presidential campaign spending limits.

Sec. 514. Deposit of certain contributions and donations in Treasury account.

- Sec. 515. Establishment of a clearinghouse of information on political activities within the Federal Election Commission.
- Sec. 516. Enforcement of spending limit on presidential and vice presidential candidates who receive public financing.

TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

- Sec. 601. Establishment and purpose of Commission.
- Sec. 602. Membership of Commission.
- Sec. 603. Powers of Commission.
- Sec. 604. Administrative provisions.
- Sec. 605. Report and recommended legislation.
- Sec. 606. Expedited congressional consideration of legislation.
- Sec. 607. Termination.
- Sec. 608. Authorization of appropriations.

TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

- Sec. 701. Prohibiting use of White House meals and accommodations for political fundraising.

TITLE VIII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY

- Sec. 801. Sense of the Congress regarding applicability of controlling legal authority to fundraising on Federal government property.

TITLE IX—PROHIBITING SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY

- Sec. 901. Prohibition against acceptance or solicitation to obtain access to certain Federal government property.

TITLE X—REIMBURSEMENT FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING

- Sec. 1001. Requiring national parties to reimburse at cost for use of Air Force One for political fundraising.

TITLE XI—PROHIBITING USE OF WALKING AROUND MONEY

- Sec. 1101. Prohibiting campaigns from providing currency to individuals for purposes of encouraging turnout on date of election.

TITLE XII—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

- Sec. 1201. Enhancing enforcement of campaign finance law.

TITLE XIII—BAN ON COORDINATED SOFT MONEY ACTIVITIES BY PRESIDENTIAL CANDIDATES

- Sec. 1301. Ban on coordination of soft money for issue advocacy by presidential candidates receiving public financing.

TITLE XIV—POSTING NAMES OF CERTAIN AIR FORCE ONE PASSENGERS ON INTERNET

Sec. 1401. Requirement that names of passengers on Air Force One and Air Force Two be made available through the Internet.

TITLE XV—EXPULSION PROCEEDINGS FOR HOUSE MEMBERS
RECEIVING FOREIGN CONTRIBUTIONS

Sec. 1501. Permitting consideration of privileged motion to expel House member accepting illegal foreign contribution.

TITLE XVI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE
DATE; REGULATIONS

Sec. 1601. Severability.

Sec. 1602. Review of constitutional issues.

Sec. 1603. Effective date.

Sec. 1604. 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 new section:

7 “SOFT MONEY OF POLITICAL PARTIES

8 “SEC. 323. (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-

1 lished, financed, maintained, or controlled by a na-
2 tional committee of a political party (including a na-
3 tional congressional campaign committee of a polit-
4 ical party), or an entity acting on behalf of a na-
5 tional committee, and an officer or agent acting on
6 behalf of any such committee or entity.

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

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

18 “(2) FEDERAL ELECTION ACTIVITY.—

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

21 “(i) voter registration activity during
22 the period that begins on the date that is
23 120 days before the date a regularly sched-
24 uled Federal election is held and ends on
25 the date of the election;

1 “(ii) voter identification, get-out-the-
2 vote activity, or generic campaign activity
3 conducted in connection with an election in
4 which a candidate for Federal office ap-
5 pears on the ballot (regardless of whether
6 a candidate for State or local office also
7 appears on the ballot); and

8 “(iii) a communication that refers to a
9 clearly identified candidate for Federal of-
10 fice (regardless of whether a candidate for
11 State or local office is also mentioned or
12 identified) and is made for the purpose of
13 influencing a Federal election (regardless
14 of whether the communication is express
15 advocacy).

16 “(B) EXCLUDED ACTIVITY.—The term
17 ‘Federal election activity’ does not include an
18 amount expended or disbursed by a State, dis-
19 trict, or local committee of a political party
20 for—

21 “(i) campaign activity conducted sole-
22 ly on behalf of a clearly identified can-
23 didate for State or local office, provided
24 the campaign activity is not a Federal elec-

1 tion activity described in subparagraph
2 (A);

3 “(ii) a contribution to a candidate for
4 State or local office, provided the contribu-
5 tion is not designated or used to pay for a
6 Federal election activity described in sub-
7 paragraph (A);

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

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

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

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

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

14 “(d) TAX-EXEMPT ORGANIZATIONS.—A national,
15 State, district, or local committee of a political party (in-
16 cluding a national congressional campaign committee of
17 a political party), an entity that is directly or indirectly
18 established, financed, maintained, or controlled by any
19 such national, State, district, or local committee or its
20 agent, and an officer or agent acting on behalf of any such
21 party committee or entity, shall not solicit any funds for,
22 or make or direct any donations to, an organization that
23 is described in section 501(c) of the Internal Revenue
24 Code of 1986 and exempt from taxation under section
25 501(a) of such Code (or has submitted an application to

1 the Commissioner of the Internal Revenue Service for de-
2 termination of tax-exemption under such section).

3 “(e) CANDIDATES.—

4 “(1) IN GENERAL.—A candidate, individual
5 holding Federal office, agent of a candidate or indi-
6 vidual holding Federal office, or an entity directly or
7 indirectly established, financed, maintained or con-
8 trolled by or acting on behalf of one or more can-
9 didates or individuals holding Federal office, shall
10 not—

11 “(A) solicit, receive, direct, transfer, or
12 spend funds in connection with an election for
13 Federal office, including funds for any Federal
14 election activity, unless the funds are subject to
15 the limitations, prohibitions, and reporting re-
16 quirements of this Act; or

17 “(B) solicit, receive, direct, transfer, or
18 spend funds in connection with any election
19 other than an election for Federal office or dis-
20burse funds in connection with such an election
21 unless the funds—

22 “(i) are not in excess of the amounts
23 permitted with respect to contributions to
24 candidates and political committees under

1 paragraphs (1) and (2) of section 315(a);
2 and

3 “(ii) are not from sources prohibited
4 by this Act from making contributions with
5 respect to an election for Federal office.

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

13 “(3) FUNDRAISING EVENTS.—Notwithstanding
14 paragraph (1), a candidate may attend, speak, or be
15 a featured guest at a fundraising event for a State,
16 district, 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 INDI-
15 VIDUAL.—Section 315(a)(3) of the Federal Election Cam-
16 paign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by
17 striking “\$25,000” and inserting “\$30,000”.

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

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

23 “(e) POLITICAL COMMITTEES.—

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

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

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

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

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

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

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

2 is amended—

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

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

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

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

8 **SEC. 201. DEFINITIONS.**

9 (a) DEFINITION OF INDEPENDENT EXPENDITURE.—

10 Section 301 of the Federal Election Campaign Act (2

11 U.S.C. 431) is amended by striking paragraph (17) and

12 inserting the following:

13 “(17) INDEPENDENT EXPENDITURE.—

14 “(A) IN GENERAL.—The term ‘inde-

15 pendent expenditure’ means an expenditure by

16 a person—

17 “(i) for a communication that is ex-

18 press advocacy; and

19 “(ii) that is not coordinated activity

20 or is not provided in coordination with a

21 candidate or a candidate’s agent or a per-

22 son who is coordinating with a candidate

23 or a candidate’s agent.”.

24 (b) DEFINITION OF EXPRESS ADVOCACY.—Section

25 301 of the Federal Election Campaign Act of 1971 (2

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

3 “(20) EXPRESS ADVOCACY.—

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

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

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

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

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

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

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

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

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

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

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

2 (2) in clause (ii), by striking the period at the

3 end and inserting “; and”; and

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

5 “(iii) a payment made by a political committee

6 for a communication that—

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

8 and

9 “(II) is for the purpose of influencing a

10 Federal election (regardless of whether the com-

11 munication is express advocacy).”.

12 **SEC. 202. EXPRESS ADVOCACY DETERMINED WITHOUT RE-**

13 **GARD TO BACKGROUND MUSIC.**

14 Section 301(20) of the Federal Election Campaign

15 Act of 1971 (2 U.S.C. 431(20)), as added by section

16 201(b), is amended by adding at the end the following new

17 subparagraph:

18 “(C) **BACKGROUND MUSIC.**—In deter-

19 mining whether any communication by tele-

20 vision or radio broadcast constitutes express ad-

21 vocacy for purposes of this Act, there shall not

22 be taken into account any background music

23 not including lyrics used in such broadcast.”.

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

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

4 (1) in subsection (a)—

5 (A) in paragraph (4)(A)—

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

8 and

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

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

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

22 (2) in subsection (d)(1)—

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

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

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

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

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

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

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

13 (3) by inserting after subsection (c)(2) (as
14 amended by paragraph (1)) the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (A) in subparagraph (A)—

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

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

12 (iii) by adding at the end the fol-
13 lowing:

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

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

17 “(C) ‘Coordinated activity’ means anything
18 of value provided by a person in coordination
19 with a candidate, an agent of the candidate, or
20 the political party of the candidate or its agent
21 for the purpose of influencing a Federal election
22 (regardless of whether the value being provided
23 is a communication that is express advocacy) in
24 which such candidate seeks nomination or elec-
25 tion to Federal office, and includes any of the
26 following:

1 “(i) A payment made by a person in
2 cooperation, consultation, or concert with,
3 at the request or suggestion of, or pursu-
4 ant to any general or particular under-
5 standing with a candidate, the candidate’s
6 authorized committee, the political party of
7 the candidate, or an agent acting on behalf
8 of a candidate, authorized committee, or
9 the political party of the candidate.

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

21 “(iii) A payment made by a person
22 based on information about a candidate’s
23 plans, projects, or needs provided to the
24 person making the payment by the can-
25 didate or the candidate’s agent who pro-

1 provides the information with the intent that
2 the payment be made.

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

10 “(v) A payment made by a person if
11 the person making the payment has served
12 in any formal policy making or advisory
13 position with the candidate’s campaign or
14 has participated in formal strategic or for-
15 mal policymaking discussions (other than
16 any discussion treated as a lobbying con-
17 tact under the Lobbying Disclosure Act of
18 1995 in the case of a candidate holding
19 Federal office or as a similar lobbying ac-
20 tivity in the case of a candidate holding
21 State or other elective office) with the can-
22 didate’s campaign relating to the can-
23 didate’s pursuit of nomination for election,
24 or election, to Federal office, in the same

1 election cycle as the election cycle in which
2 the payment is made.

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

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

23 “(viii) A payment made by a person
24 who has communicated with the candidate
25 or an agent of the candidate (including a

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

11 “(ix) The provision of in-kind profes-
12 sional services or polling data (including
13 services or data provided through a polit-
14 ical committee of the candidate’s political
15 party) to the candidate or candidate’s
16 agent.

17 “(x) A payment made by a person
18 who has engaged in a coordinated activity
19 with a candidate described in clauses (i)
20 through (ix) for a communication that
21 clearly refers to the candidate or the can-
22 didate’s opponent and is for the purpose of
23 influencing that candidates’s election (re-
24 gardless of whether the communication is
25 express advocacy).

1 “(D) For purposes of subparagraph (C),
2 the term ‘professional services’ means polling,
3 media advice, fundraising, campaign research or
4 direct mail (except for mailhouse services solely
5 for the distribution of voter guides as defined in
6 section 431(20)(B)) services in support of a
7 candidate’s pursuit of nomination for election,
8 or election, to Federal office.

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

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

20 “(B) a coordinated activity, as described in
21 section 301(8)(C), shall be considered to be a
22 contribution to the candidate, and in the case
23 of a limitation on expenditures, shall be treated
24 as an expenditure by the candidate.

1 (b) MEANING OF CONTRIBUTION OR EXPENDITURE
2 FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2)
3 of the Federal Election Campaign Act of 1971 (2 U.S.C.
4 441b(b)) is amended by striking “shall include” and in-
5 serting “includes a contribution or expenditure, as those
6 terms are defined in section 301, and also includes”.

7 **TITLE III—DISCLOSURE**

8 **SEC. 301. FILING OF REPORTS USING COMPUTERS AND** 9 **FACSIMILE MACHINES.**

10 Section 304(a) of the Federal Election Campaign Act
11 of 1971 (2 U.S.C. 434(a)) is amended by striking para-
12 graph (11) and inserting the following:

13 “(11)(A) The Commission shall promulgate a regula-
14 tion under which a person required to file a designation,
15 statement, or report under this Act—

16 “(i) is required to maintain and file a designa-
17 tion, statement, or report for any calendar year in
18 electronic form accessible by computers if the person
19 has, or has reason to expect to have, aggregate con-
20 tributions or expenditures in excess of a threshold
21 amount determined by the Commission; and

22 “(ii) may maintain and file a designation, state-
23 ment, or report in electronic form or an alternative
24 form, including the use of a facsimile machine, if not

1 required to do so under the regulation promulgated
2 under clause (i).

3 “(B) The Commission shall make a designation,
4 statement, report, or notification that is filed electronically
5 with the Commission accessible to the public on the Inter-
6 net not later than 24 hours after the designation, state-
7 ment, report, or notification is received by the Commis-
8 sion.

9 “(C) In promulgating a regulation under this para-
10 graph, the Commission shall provide methods (other than
11 requiring a signature on the document being filed) for
12 verifying designations, statements, and reports covered by
13 the regulation. Any document verified under any of the
14 methods shall be treated for all purposes (including pen-
15 alties for perjury) in the same manner as a document
16 verified by signature.”.

17 **SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS**

18 **WITH INCOMPLETE CONTRIBUTOR INFORMA-**

19 **TION.**

20 Section 302 of Federal Election Campaign Act of
21 1971 (2 U.S.C. 432) is amended by adding at the end
22 the following:

23 “(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of
24 a candidate’s authorized committee shall not deposit, ex-
25 cept in an escrow account, or otherwise negotiate a con-

1 tribution from a person who makes an aggregate amount
2 of contributions in excess of \$200 during a calendar year
3 unless the treasurer verifies that the information required
4 by this section with respect to the contributor is com-
5 plete.”.

6 **SEC. 303. AUDITS.**

7 (a) RANDOM AUDITS.—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) IN GENERAL.—” before
11 “The Commission”;

12 (2) by moving the text 2 ems to the right; and

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

14 “(2) RANDOM AUDITS.—

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

23 “(B) LIMITATION.—The Commission shall
24 not conduct an audit or investigation of a can-
25 didate’s authorized committee under subpara-

1 graph (A) until the candidate is no longer a
2 candidate for the office sought by the candidate
3 in an election cycle.

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

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

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

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

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

19 and

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

1 **SEC. 305. USE OF CANDIDATES' NAMES.**

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

5 “(4)(A) The name of each authorized committee shall
6 include the name of the candidate who authorized the com-
7 mittee under paragraph (1).

8 “(B) A political committee that is not an authorized
9 committee shall not—

10 “(i) include the name of any candidate in its
11 name; or

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

19 **SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO**
20 **SOLICIT CONTRIBUTIONS.**

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

23 (1) by inserting after “SEC. 322.” the fol-
24 lowing: “(a) IN GENERAL.—”; and

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

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

5 **SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLIT-**
6 **ICAL PARTIES.**

7 (a) IN GENERAL.—Section 304 of the Federal Elec-
8 tion Campaign Act of 1971 (2 U.S.C. 434) (as amended
9 by section 103(c) and section 204) is amended by adding
10 at the end the following:

11 “(g) DISBURSEMENTS OF PERSONS OTHER THAN
12 POLITICAL PARTIES.—

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

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

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

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

3 “(A) Federal election activity;

4 “(B) an activity described in section
5 316(b)(2)(A) that expresses support for or op-
6 position to a candidate for Federal office or a
7 political party; and

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

10 “(3) APPLICABILITY.—This subsection does not
11 apply to—

12 “(A) a candidate or a candidate’s author-
13 ized committees; or

14 “(B) an independent expenditure.

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

19 “(A) the aggregate amount of disburse-
20 ments made;

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

24 “(C) the date made, amount, and purpose
25 of the disbursement; and

1 “(D) if applicable, whether the disburse-
2 ment was in support of, or in opposition to, a
3 candidate or a political party, and the name of
4 the candidate or the political party.”.

5 (b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—
6 Section 301 of the Federal Election Campaign Act of
7 1971 (2 U.S.C. 431 et seq.) (as amended by section
8 201(b)) is further amended by adding at the end the fol-
9 lowing:

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

14 **SEC. 308. CAMPAIGN ADVERTISING.**

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

17 (1) in subsection (a)—

18 (A) in the matter preceding paragraph

19 (1)—

20 (i) by striking “Whenever” and insert-
21 ing “Whenever a political committee makes
22 a disbursement for the purpose of financ-
23 ing any communication through any broad-
24 casting station, newspaper, magazine, out-
25 door advertising facility, mailing, or any

1 other type of general public political adver-
2 tising, or whenever”;

3 (ii) by striking “an expenditure” and
4 inserting “a disbursement”; and

5 (iii) by striking “direct”; and

6 (B) in paragraph (3), by inserting “and
7 permanent street address” after “name”; and
8 (2) by adding at the end the following:

9 “(c) Any printed communication described in sub-
10 section (a) shall—

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

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

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

18 “(d)(1) Any communication described in paragraphs
19 (1) or (2) of subsection (a) which is transmitted through
20 radio or television shall include, in addition to the require-
21 ments of that paragraph, an audio statement by the can-
22 didate that identifies the candidate and states that the
23 candidate has approved the communication.

24 “(2) If a communication described in paragraph (1)
25 is transmitted through television, the communication shall

1 include, in addition to the audio statement under para-
2 graph (1), a written statement that—

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

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

10 “(e) Any communication described in paragraph (3)
11 of subsection (a) which is transmitted through radio or
12 television shall include, in addition to the requirements of
13 that paragraph, in a clearly spoken manner, the following
14 statement: ‘ _____ is responsible for the con-
15 tent of this advertisement.’ (with the blank to be filled in
16 with the name of the political committee or other person
17 paying for the communication and the name of any con-
18 nected organization of the payor). If transmitted through
19 television, the statement shall also appear in a clearly
20 readable manner with a reasonable degree of color con-
21 trast between the background and the printed statement,
22 for a period of at least 4 seconds.”.

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

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

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

9 “VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT

10 “SEC. 324. (a) ELIGIBLE CONGRESSIONAL CAN-
11 DIDATE.—

12 “(1) PRIMARY ELECTION.—

13 “(A) DECLARATION.—A candidate for elec-
14 tion for Senator or Representative in or Dele-
15 gate or Resident Commissioner to the Congress
16 is an eligible primary election Congressional
17 candidate if the candidate files with the Com-
18 mission a declaration that the candidate and
19 the candidate’s authorized committees will not
20 make expenditures in excess of the personal
21 funds expenditure limit.

22 “(B) TIME TO FILE.—The declaration
23 under subparagraph (A) shall be filed not later
24 than the date on which the candidate files with

1 the appropriate State officer as a candidate for
2 the primary election.

3 “(2) GENERAL ELECTION.—

4 “(A) DECLARATION.—A candidate for elec-
5 tion for Senator or Representative in or Dele-
6 gate or Resident Commissioner to the Congress
7 is an eligible general election Congressional can-
8 didate if the candidate files with the
9 Commission—

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

17 “(ii) a declaration that the candidate
18 and the candidate’s authorized committees
19 will not make expenditures in excess of the
20 personal funds expenditure limit.

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

1 “(i) the date on which the candidate
2 qualifies for the general election ballot
3 under State law; or

4 “(ii) if under State law, a primary or
5 run-off election to qualify for the general
6 election ballot occurs after September 1,
7 the date on which the candidate wins the
8 primary or runoff election.

9 “(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

10 “(1) IN GENERAL.—The aggregate amount of
11 expenditures that may be made in connection with
12 an election by an eligible Congressional candidate or
13 the candidate’s authorized committees from the
14 sources described in paragraph (2) shall not exceed
15 \$50,000.

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

18 “(A) personal funds of the candidate and
19 members of the candidate’s immediate family;
20 or

21 “(B) proceeds of indebtedness incurred by
22 the candidate or a member of the candidate’s
23 immediate family.

24 “(c) CERTIFICATION BY THE COMMISSION.—

1 “(1) IN GENERAL.—The Commission shall de-
2 termine whether a candidate has met the require-
3 ments of this section and, based on the determina-
4 tion, issue a certification stating whether the can-
5 didate is an eligible Congressional candidate.

6 “(2) TIME FOR CERTIFICATION.—Not later
7 than 7 business days after a candidate files a dec-
8 laration under paragraph (1) or (2) of subsection
9 (a), the Commission shall certify whether the can-
10 didate is an eligible Congressional candidate.

11 “(3) REVOCATION.—The Commission shall re-
12 voke a certification under paragraph (1), based on
13 information submitted in such form and manner as
14 the Commission may require or on information that
15 comes to the Commission by other means, if the
16 Commission determines that a candidate violates the
17 personal funds expenditure limit.

18 “(4) DETERMINATIONS BY COMMISSION.—A de-
19 termination made by the Commission under this
20 subsection shall be final, except to the extent that
21 the determination is subject to examination and
22 audit by the Commission and to judicial review.

23 “(d) PENALTY.—If the Commission revokes the cer-
24 tification of an eligible Congressional candidate—

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

3 “(2) the candidate and a candidate’s authorized
4 committees shall pay to the Commission an amount
5 equal to the amount of expenditures made by a na-
6 tional committee of a political party or a State com-
7 mittee of a political party in connection with the
8 general election campaign of the candidate under
9 section 315(d).”.

10 **SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED**
11 **EXPENDITURES.**

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

15 “(5) This subsection does not apply to expenditures
16 made in connection with the general election campaign of
17 a candidate for Senator or Representative in or Delegate
18 or Resident Commissioner to the Congress who is not an
19 eligible Congressional candidate (as defined in section
20 324(a)).”.

21 **TITLE V—MISCELLANEOUS**

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

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

1 “(h) NONUNION MEMBER PAYMENTS TO LABOR OR-
2 GANIZATION.—

3 “(1) IN GENERAL.—It shall be an unfair labor
4 practice for any labor organization which receives a
5 payment from an employee pursuant to an agree-
6 ment that requires employees who are not members
7 of the organization to make payments to such orga-
8 nization in lieu of organization dues or fees not to
9 establish and implement the objection procedure de-
10 scribed in paragraph (2).

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

14 “(A) The labor organization shall annually
15 provide to employees who are covered by such
16 agreement but are not members of the
17 organization—

18 “(i) reasonable personal notice of the
19 objection procedure, a list of the employees
20 eligible to invoke the procedure, and the
21 time, place, and manner for filing an objec-
22 tion; and

23 “(ii) reasonable opportunity to file an
24 objection to paying for organization ex-
25 penditures supporting political activities

1 unrelated to collective bargaining, includ-
2 ing but not limited to the opportunity to
3 file such objection by mail.

4 “(B) If an employee who is not a member
5 of the labor organization files an objection
6 under the procedure in subparagraph (A), such
7 organization shall—

8 “(i) reduce the payments in lieu of or-
9 ganization dues or fees by such employee
10 by an amount which reasonably reflects the
11 ratio that the organization’s expenditures
12 supporting political activities unrelated to
13 collective bargaining bears to such organi-
14 zation’s total expenditures; and

15 “(ii) provide such employee with a
16 reasonable explanation of the organiza-
17 tion’s calculation of such reduction, includ-
18 ing calculating the amount of organization
19 expenditures supporting political activities
20 unrelated to collective bargaining.

21 “(3) DEFINITION.—In this subsection, the term
22 ‘expenditures supporting political activities unrelated
23 to collective bargaining’ means expenditures in con-
24 nection with a Federal, State, or local election or in

1 connection with efforts to influence legislation unre-
2 lated to collective bargaining.”.

3 **SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN**
4 **PURPOSES.**

5 Title III of the Federal Election Campaign Act of
6 1971 (2 U.S.C. 431 et seq.) is amended by striking section
7 313 and inserting the following:

8 “USE OF CONTRIBUTED AMOUNTS FOR CERTAIN
9 PURPOSES

10 “SEC. 313. (a) PERMITTED USES.—A contribution
11 accepted by a candidate, and any other amount received
12 by an individual as support for activities of the individual
13 as a holder of Federal office, may be used by the candidate
14 or individual—

15 “(1) for expenditures in connection with the
16 campaign for Federal office of the candidate or indi-
17 vidual;

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

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

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

26 “(b) PROHIBITED USE.—

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

4 “(2) CONVERSION.—For the purposes of para-
5 graph (1), a contribution or amount shall be consid-
6 ered to be converted to personal use if the contribu-
7 tion or amount is used to fulfill any commitment,
8 obligation, or expense of a person that would exist
9 irrespective of the candidate’s election campaign or
10 individual’s duties as a holder of Federal office-
11 holder, including—

12 “(A) a home mortgage, rent, or utility pay-
13 ment;

14 “(B) a clothing purchase;

15 “(C) a noncampaign-related automobile ex-
16 pense;

17 “(D) a country club membership;

18 “(E) a vacation or other noncampaign-re-
19 lated trip;

20 “(F) a household food item;

21 “(G) a tuition payment;

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

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

3 **SEC. 503. LIMIT ON CONGRESSIONAL USE OF THE FRANK-**
4 **ING PRIVILEGE.**

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

8 “(A) A Member of Congress shall not mail
9 any mass mailing as franked mail during the
10 180-day period which ends on the date of the
11 general election for the office held by the Mem-
12 ber or during the 90-day period which ends on
13 the date of any primary election for that office,
14 unless the Member has made a public an-
15 nouncement that the Member will not be a can-
16 didate for reelection during that year or for
17 election to any other Federal office.”.

18 **SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL**
19 **PROPERTY.**

20 Section 607 of title 18, United States Code, is
21 amended—

22 (1) by striking subsection (a) and inserting the
23 following:

24 “(a) PROHIBITION.—

1 “(1) IN GENERAL.—It shall be unlawful for any
2 person to solicit or receive a donation of money or
3 other thing of value in connection with a Federal,
4 State, or local election from a person who is located
5 in a room or building occupied in the discharge of
6 official duties by an officer or employee of the
7 United States. An individual who is an officer or
8 employee of the Federal Government, including the
9 President, Vice President, and Members of Con-
10 gress, shall not solicit a donation of money or other
11 thing of value in connection with a Federal, State,
12 or local election while in any room or building occu-
13 pied in the discharge of official duties by an officer
14 or employee of the United States, from any person.

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

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

20 **SEC. 505. PENALTIES FOR VIOLATIONS.**

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

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

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

5 (b) **EQUITABLE REMEDIES.**—Section 309(a)(5)(A) of
6 the Federal Election Campaign Act of 1971 (2 U.S.C.
7 437g(a)(5)) is amended by striking the period at the end
8 and inserting “, and may include equitable remedies or
9 penalties, including disgorgement of funds to the Treasury
10 or community service requirements (including require-
11 ments to participate in public education programs).”.

12 (c) **AUTOMATIC PENALTY FOR LATE FILING.**—Sec-
13 tion 309(a) of the Federal Election Campaign Act of 1971
14 (2 U.S.C. 437g(a)) is amended—

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

16 “(13) **PENALTY FOR LATE FILING.**—

17 “(A) **IN GENERAL.**—

18 “(i) **MONETARY PENALTIES.**—The Com-
19 mission shall establish a schedule of mandatory
20 monetary penalties that shall be imposed by the
21 Commission for failure to meet a time require-
22 ment for filing under section 304.

23 “(ii) **REQUIRED FILING.**—In addition to
24 imposing a penalty, the Commission may re-
25 quire a report that has not been filed within the

1 time requirements of section 304 to be filed by
2 a specific date.

3 “(iii) PROCEDURE.—A penalty or filing re-
4 quirement imposed under this paragraph shall
5 not be subject to paragraph (1), (2), (3), (4),
6 (5), or (12).

7 “(B) FILING AN EXCEPTION.—

8 “(i) TIME TO FILE.—A political committee
9 shall have 30 days after the imposition of a
10 penalty or filing requirement by the Commis-
11 sion under this paragraph in which to file an
12 exception with the Commission.

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

25 (2) in paragraph (5)(D)—

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

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

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

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

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

17 (1) by striking the heading and inserting the
18 following: “CONTRIBUTIONS AND DONATIONS BY
19 FOREIGN NATIONALS”; and

20 (2) by striking subsection (a) and inserting the
21 following:

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

23 “(1) a foreign national, directly or indirectly, to
24 make—

1 “(A) a donation of money or other thing of
2 value, or to promise expressly or impliedly to
3 make a donation, in connection with a Federal,
4 State, or local election, or

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

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

9 (b) PROHIBITING USE OF WILLFUL BLINDNESS AS
10 DEFENSE AGAINST CHARGE OF VIOLATING FOREIGN
11 CONTRIBUTION BAN.—

12 (1) IN GENERAL.—Section 319 of such Act (2
13 U.S.C. 441e) is amended—

14 (A) by redesignating subsection (b) as sub-
15 section (c); and

16 (B) by inserting after subsection (a) the
17 following new subsection:

18 “(b) PROHIBITING USE OF WILLFUL BLINDNESS
19 DEFENSE.—It shall not be a defense to a violation of sub-
20 section (a) that the defendant did not know that the con-
21 tribution originated from a foreign national if the defend-
22 ant should have known that the contribution originated
23 from a foreign national, except that the trier of fact may
24 not find that the defendant should have known that the

1 contribution originated from a foreign national solely be-
2 cause of the name of the contributor.”.

3 (2) **EFFECTIVE DATE.**—The amendments made
4 by this subsection shall apply with respect to viola-
5 tions occurring on or after the date of the enactment
6 of this Act.

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

8 Title III of the Federal Election Campaign Act of
9 1971 (2 U.S.C. 431 et seq.), as amended by sections 101
10 and 401, is further amended by adding at the end the
11 following new section:

12 “PROHIBITION OF CONTRIBUTIONS BY MINORS

13 “SEC. 325. An individual who is 17 years old or
14 younger shall not make a contribution to a candidate or
15 a contribution or donation to a committee of a political
16 party.”.

17 **SEC. 508. EXPEDITED PROCEDURES.**

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

22 “(14)(A) If the complaint in a proceeding was filed
23 within 60 days preceding the date of a general election,
24 the Commission may take action described in this sub-
25 paragraph.

1 “(B) If the Commission determines, on the basis of
2 facts alleged in the complaint and other facts available to
3 the Commission, that there is clear and convincing evi-
4 dence that a violation of this Act has occurred, is occur-
5 ring, or is about to occur, the Commission may order expe-
6 dited proceedings, shortening the time periods for pro-
7 ceedings under paragraphs (1), (2), (3), and (4) as nec-
8 essary to allow the matter to be resolved in sufficient time
9 before the election to avoid harm or prejudice to the inter-
10 ests of the parties.

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

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

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

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 the Internal
6 Revenue Code of 1986, to the Attorney General of the
7 United States, without regard to any limitation set forth
8 in this section.”.

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

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

14 **SEC. 510. PROTECTING EQUAL PARTICIPATION OF ELIGI-
15 BLE VOTERS IN CAMPAIGNS AND ELECTIONS.**

16 Title III of the Federal Election Campaign Act of
17 1971 (2 U.S.C. 431 et seq.), as amended by sections 101,
18 401, and 507, is further amended by adding at the end
19 the following new section:

20 “PROTECTING EQUAL PARTICIPATION OF ELIGIBLE
21 VOTERS IN CAMPAIGNS AND ELECTIONS

22 “SEC. 326. (a) IN GENERAL.—Nothing in this Act
23 may be construed to prohibit any individual eligible to vote
24 in an election for Federal office from making contributions
25 or expenditures in support of a candidate for such an elec-
26 tion (including voluntary contributions or expenditures

1 made through a separate segregated fund established by
2 the individual's employer or labor organization) or other-
3 wise participating in any campaign for such an election
4 in the same manner and to the same extent as any other
5 individual eligible to vote in an election for such office.

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

11 **SEC. 511. PENALTY FOR VIOLATION OF PROHIBITION**
12 **AGAINST FOREIGN CONTRIBUTIONS.**

13 (a) IN GENERAL.—Section 319 of the Federal Elec-
14 tion Campaign Act of 1971 (2 U.S.C. 441e), as amended
15 by section 506(b), is further amended—

16 (1) by redesignating subsection (c) as sub-
17 section (d); and

18 (2) by inserting after subsection (b) the fol-
19 lowing new subsection:

20 “(c) PENALTY.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), notwithstanding any other provision of
23 this title any person who violates subsection (a) shall
24 be sentenced to a term of imprisonment which may

1 not be more than 10 years, fined in an amount not
2 to exceed \$1,000,000, or both.

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

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

12 **SEC. 512. EXPEDITED COURT REVIEW OF CERTAIN AL-**
13 **LEGED VIOLATIONS OF FEDERAL ELECTION**
14 **CAMPAIGN ACT OF 1971.**

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

17 (1) by redesignating subsection (d) as sub-
18 section (e); and

19 (2) by inserting after subsection (c) the fol-
20 lowing new subsection:

21 “(d) Notwithstanding any other provision of this sec-
22 tion, if a candidate (or the candidate’s authorized com-
23 mittee) believes that a violation described in paragraph (2)
24 has been committed with respect to an election during the
25 90-day period preceding the date of the election, the can-

1 didate or committee may institute a civil action on behalf
2 of the Commission for relief (including injunctive relief)
3 against the alleged violator in the same manner and under
4 the same terms and conditions as an action instituted by
5 the Commission under subsection (a)(6), except that the
6 court involved shall issue a decision regarding the action
7 as soon as practicable after the action is instituted and
8 to the greatest extent possible issue the decision prior to
9 the date of the election involved.

10 “(2) A violation described in this paragraph is a vio-
11 lation of this Act or of chapter 95 or chapter 96 of the
12 Internal Revenue Code of 1986 relating to—

13 “(A) whether a contribution is in excess of an
14 applicable limit or is otherwise prohibited under this
15 Act; or

16 “(B) whether an expenditure is an independent
17 expenditure under section 301(17).”.

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

21 **SEC. 513. CONSPIRACY TO VIOLATE PRESIDENTIAL CAM-**
22 **PAIGN SPENDING LIMITS.**

23 (a) IN GENERAL.—Section 9003 of the Internal Rev-
24 enue Code of 1986 (26 U.S.C. 9003) is amended by add-
25 ing at the end the following new subsection:

1 “(g) PROHIBITING CONSPIRACY TO VIOLATE LIM-
2 ITS.—

3 “(1) VIOLATION OF LIMITS DESCRIBED.—If a
4 candidate for election to the office of President or
5 Vice President who receives amounts from the Presi-
6 dential Election Campaign Fund under chapter 95
7 or 96 of the Internal Revenue Code of 1986, or the
8 agent of such a candidate, seeks to avoid the spend-
9 ing limits applicable to the candidate under such
10 chapter or under the Federal Election Campaign Act
11 of 1971 by soliciting, receiving, transferring, or di-
12 recting funds from any source other than such Fund
13 for the direct or indirect benefit of such candidate’s
14 campaign, such candidate or agent shall be fined not
15 more than \$1,000,000, or imprisoned for a term of
16 not more than 3 years, or both.

17 “(2) CONSPIRACY TO VIOLATE LIMITS DE-
18 FINED.—If two or more persons conspire to violate
19 paragraph (1), and one or more of such persons do
20 any act to effect the object of the conspiracy, each
21 shall be fined not more than \$1,000,000, or impris-
22 oned for a term of not more than 3 years, or both.”.

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

1 **SEC. 514. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DO-**
2 **NATIONS IN TREASURY ACCOUNT.**

3 (a) IN GENERAL.—Title III of the Federal Election
4 Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended
5 by sections 101, 401, 507, and 510, is further amended
6 by adding at the end the following new section:

7 “TREATMENT OF CERTAIN CONTRIBUTIONS AND
8 DONATIONS TO BE RETURNED TO DONORS

9 “SEC. 327. (a) TRANSFER TO COMMISSION.—

10 “(1) IN GENERAL.—Notwithstanding any other
11 provision of this Act, if a political committee intends
12 to return any contribution or donation given to the
13 political committee, the committee shall transfer the
14 contribution or donation to the Commission if—

15 “(A) the contribution or donation is in an
16 amount equal to or greater than \$500 (other
17 than a contribution or donation returned within
18 60 days of receipt by the committee); or

19 “(B) the contribution or donation was
20 made in violation of section 315, 316, 317, 319,
21 320, or 325 (other than a contribution or dona-
22 tion returned within 30 days of receipt by the
23 committee).

24 “(2) INFORMATION INCLUDED WITH TRANS-
25 FERRED CONTRIBUTION OR DONATION.—A political

1 committee shall include with any contribution or do-
2 nation transferred under paragraph (1)—

3 “(A) a request that the Commission return
4 the contribution or donation to the person mak-
5 ing the contribution or donation; and

6 “(B) information regarding the cir-
7 cumstances surrounding the making of the con-
8 tribution or donation and any opinion of the po-
9 litical committee concerning whether the con-
10 tribution or donation may have been made in
11 violation of this Act.

12 “(3) ESTABLISHMENT OF ESCROW ACCOUNT.—

13 “(A) IN GENERAL.—The Commission shall
14 establish a single interest-bearing escrow ac-
15 count for deposit of amounts transferred under
16 paragraph (1).

17 “(B) DISPOSITION OF AMOUNTS RE-
18 CEIVED.—On receiving an amount from a polit-
19 ical committee under paragraph (1), the Com-
20 mission shall—

21 “(i) deposit the amount in the escrow
22 account established under subparagraph
23 (A); and

24 “(ii) notify the Attorney General and
25 the Commissioner of the Internal Revenue

1 Service of the receipt of the amount from
2 the political committee.

3 “(C) USE OF INTEREST.—Interest earned
4 on amounts in the escrow account established
5 under subparagraph (A) shall be applied or
6 used for the same purposes as the donation or
7 contribution on which it is earned.

8 “(4) TREATMENT OF RETURNED CONTRIBU-
9 TION OR DONATION AS A COMPLAINT.—The transfer
10 of any contribution or donation to the Commission
11 under this section shall be treated as the filing of a
12 complaint under section 309(a).

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

20 “(c) RETURN OF CONTRIBUTION OR DONATION
21 AFTER DEPOSIT IN ESCROW.—

22 “(1) IN GENERAL.—The Commission shall re-
23 turn a contribution or donation deposited in the es-
24 crow account under subsection (a)(3) to the person
25 making the contribution or donation if—

1 “(A) within 180 days after the date the
2 contribution or donation is transferred, the
3 Commission has not made a determination
4 under section 309(a)(2) that the Commission
5 has reason to investigate whether that the mak-
6 ing of the contribution or donation was made in
7 violation of this Act; or

8 “(B)(i) the contribution or donation will
9 not be used to cover fines, penalties, or costs
10 pursuant to subsection (b); or

11 “(ii) if the contribution or donation will be
12 used for those purposes, that the amounts re-
13 quired for those purposes have been withdrawn
14 from the escrow account and subtracted from
15 the returnable contribution or donation.

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

1 (b) AMOUNTS USED TO DETERMINE AMOUNT OF
2 PENALTY FOR VIOLATION.—Section 309(a) of such Act
3 (2 U.S.C. 437g(a)) is amended by inserting after para-
4 graph (9) the following new paragraph:

5 “(10) For purposes of determining the amount of a
6 civil penalty imposed under this subsection for violations
7 of section 326, the amount of the donation involved shall
8 be treated as the amount of the contribution involved.”.

9 (c) DISGORGEMENT AUTHORITY.—Section 309 of
10 such Act (2 U.S.C. 437g) is amended by adding at the
11 end the following new subsection:

12 “(e) Any conciliation agreement, civil action, or crimi-
13 nal action entered into or instituted under this section
14 may require a person to forfeit to the Treasury any con-
15 tribution, donation, or expenditure that is the subject of
16 the agreement or action for transfer to the Commission
17 for deposit in accordance with section 326.”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 subsections (a) and (b) shall apply to contributions or do-
20 nations refunded on or after the date of the enactment
21 of this Act, without regard to whether the Federal Elec-
22 tion Commission or Attorney General has issued regula-
23 tions to carry out section 326 of the Federal Election
24 Campaign Act of 1971 (as added by subsection (a)) by
25 such date.

1 **SEC. 515. ESTABLISHMENT OF A CLEARINGHOUSE OF IN-**
2 **FORMATION ON POLITICAL ACTIVITIES WITH-**
3 **IN THE FEDERAL ELECTION COMMISSION.**

4 (a) ESTABLISHMENT.—There shall be established
5 within the Federal Election Commission a clearinghouse
6 of public information regarding the political activities of
7 foreign principals and agents of foreign principals. The in-
8 formation comprising this clearinghouse shall include only
9 the following:

10 (1) All registrations and reports filed pursuant
11 to the Lobbying Disclosure Act of 1995 (2 U.S.C.
12 1601 et seq.) during the preceding 5-year period.

13 (2) All registrations and reports filed pursuant
14 to the Foreign Agents Registration Act, as amended
15 (22 U.S.C. 611 et seq.), during the preceding 5-year
16 period.

17 (3) The listings of public hearings, hearing wit-
18 nesses, and witness affiliations printed in the Con-
19 gressional Record during the preceding 5-year pe-
20 riod.

21 (4) Public information disclosed pursuant to the
22 rules of the Senate or the House of Representatives
23 regarding honoraria, the receipt of gifts, travel, and
24 earned and unearned income.

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

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

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

13 (c) DIRECTOR OF CLEARINGHOUSE.—

14 (1) DUTIES.—The clearinghouse shall have a
15 Director, who shall administer and manage the re-
16 sponsibilities and all activities of the clearinghouse.
17 In carrying out such duties, the Director shall—

18 (A) develop a filing, coding, and cross-in-
19 dexing system to carry out the purposes of this
20 section (which shall include an index of all per-
21 sons identified in the reports, registrations, and
22 other information comprising the clearing-
23 house);

24 (B) notwithstanding any other provision of
25 law, make copies of registrations, reports, and

1 other information comprising the clearinghouse
2 available for public inspection and copying, be-
3 ginning not later than 30 days after the infor-
4 mation is first available to the public, and per-
5 mit copying of any such registration, report, or
6 other information by hand or by copying ma-
7 chine or, at the request of any person, furnish
8 a copy of any such registration, report, or other
9 information upon payment of the cost of mak-
10 ing and furnishing such copy, except that no in-
11 formation contained in such registration or re-
12 port and no such other information shall be
13 sold or used by any person for the purpose of
14 soliciting contributions or for any profit-making
15 purpose; and

16 (C) not later than 150 days after the date
17 of the enactment of this Act and at any time
18 thereafter, to prescribe, in consultation with the
19 Comptroller General, such rules, regulations,
20 and forms, in conformity with the provisions of
21 chapter 5 of title 5, United States Code, as are
22 necessary to carry out the provisions of this
23 section in the most effective and efficient man-
24 ner.

1 (2) APPOINTMENT.—The Director shall be ap-
2 pointed by the Federal Election Commission.

3 (3) TERM OF SERVICE.—The Director shall
4 serve a single term of a period of time determined
5 by the Commission, but not to exceed 5 years.

6 (d) PENALTIES FOR DISCLOSURE OF INFORMA-
7 TION.—Any person who discloses information in violation
8 of subsection (b), and any person who sells or uses infor-
9 mation for the purpose of soliciting contributions or for
10 any profit-making purpose in violation of subsection
11 (c)(1)(B), shall be imprisoned for a period of not more
12 than 1 year, or fined in the amount provided in title 18,
13 United States Code, or both.

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

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

1 **SEC. 516. ENFORCEMENT OF SPENDING LIMIT ON PRESI-**
2 **DENTIAL AND VICE PRESIDENTIAL CAN-**
3 **DIDATES WHO RECEIVE PUBLIC FINANCING.**

4 (a) IN GENERAL.—Section 9003 of the Internal Rev-
5 enue Code of 1986 (26 U.S.C. 9003) is amended by add-
6 ing at the end the following new subsection:

7 “(f) ILLEGAL SOLICITATION OF SOFT MONEY.—No
8 candidate for election to the office of President or Vice
9 President may receive amounts from the Presidential
10 Election Campaign Fund under this chapter or chapter
11 96 unless the candidate certifies that the candidate shall
12 not solicit any funds for the purposes of influencing such
13 election, including any funds used for an independent ex-
14 penditure under the Federal Election Campaign Act of
15 1971, unless the funds are subject to the limitations, pro-
16 hibitions, and reporting requirements of the Federal Elec-
17 tion Campaign Act of 1971.”.

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

21 **TITLE VI—INDEPENDENT COM-**
22 **MISSION ON CAMPAIGN FI-**
23 **NANCE REFORM**

24 **SEC. 601. ESTABLISHMENT AND PURPOSE OF COMMISSION.**

25 There is established a commission to be known as the
26 “Independent Commission on Campaign Finance Reform”

1 (referred to in this title as the “Commission”). The pur-
2 poses of the Commission are to study the laws relating
3 to the financing of political activity and to report and rec-
4 ommend legislation to reform those laws.

5 **SEC. 602. MEMBERSHIP OF COMMISSION.**

6 (a) COMPOSITION.—The Commission shall be com-
7 posed of 12 members appointed within 15 days after the
8 date of the enactment of this Act by the President from
9 among individuals who are not incumbent Members of
10 Congress and who are specially qualified to serve on the
11 Commission by reason of education, training, or experi-
12 ence.

13 (b) APPOINTMENT.—

14 (1) IN GENERAL.—Members shall be appointed
15 as follows:

16 (A) Three members (one of whom shall be
17 a political independent) shall be appointed from
18 among a list of nominees submitted by the
19 Speaker of the House of Representatives.

20 (B) Three members (one of whom shall be
21 a political independent) shall be appointed from
22 among a list of nominees submitted by the ma-
23 jority leader of the Senate.

24 (C) Three members (one of whom shall be
25 a political independent) shall be appointed from

1 among a list of nominees submitted by the mi-
2 nority leader of the House of Representatives.

3 (D) Three members (one of whom shall be
4 a political independent) shall be appointed from
5 among a list of nominees submitted by the mi-
6 nority leader of the Senate.

7 (2) FAILURE TO SUBMIT LIST OF NOMINEES.—
8 If an official described in any of the subparagraphs
9 of paragraph (1) fails to submit a list of nominees
10 to the President during the 15-day period which be-
11 gins on the date of the enactment of this Act—

12 (A) such subparagraph shall no longer
13 apply; and

14 (B) the President shall appoint three mem-
15 bers (one of whom shall be a political inde-
16 pendent) who meet the requirements described
17 in subsection (a) and such other criteria as the
18 President may apply.

19 (3) POLITICAL INDEPENDENT DEFINED.—In
20 this subsection, the term “political independent”
21 means an individual who at no time after January
22 1992—

23 (A) has held elective office as a member of
24 the Democratic or Republican party;

1 (B) has received any wages or salary from
2 the Democratic or Republican party or from a
3 Democratic or Republican party office-holder or
4 candidate; or

5 (C) has provided substantial volunteer
6 services or made any substantial contribution to
7 the Democratic or Republican party or to a
8 Democratic or Republican party office-holder or
9 candidate.

10 (c) CHAIRMAN.—At the time of the appointment, the
11 President shall designate one member of the Commission
12 as Chairman of the Commission.

13 (d) TERMS.—The members of the Commission shall
14 serve for the life of the Commission.

15 (e) VACANCIES.—A vacancy in the Commission shall
16 be filled in the manner in which the original appointment
17 was made.

18 (f) POLITICAL AFFILIATION.—Not more than four
19 members of the Commission may be of the same political
20 party.

21 **SEC. 603. POWERS OF COMMISSION.**

22 (a) HEARINGS.—The Commission may, for the pur-
23 pose of carrying out this title, hold hearings, sit and act
24 at times and places, take testimony, and receive evidence
25 as the Commission considers appropriate. In carrying out

1 the preceding sentence, the Commission shall ensure that
2 a substantial number of its meetings are open meetings,
3 with significant opportunities for testimony from members
4 of the general public.

5 (b) QUORUM.—Seven members of the Commission
6 shall constitute a quorum, but a lesser number may hold
7 hearings. The approval of at least nine members of the
8 Commission is required when approving all or a portion
9 of the recommended legislation. Any member of the Com-
10 mission may, if authorized by the Commission, take any
11 action which the Commission is authorized to take under
12 this section.

13 **SEC. 604. ADMINISTRATIVE PROVISIONS.**

14 (a) PAY AND TRAVEL EXPENSES OF MEMBERS.—(1)
15 Each member of the Commission shall be paid at a rate
16 equal to the daily equivalent of the annual rate of basic
17 pay payable for level IV of the Executive Schedule under
18 section 5315 of title 5, United States Code, for each day
19 (including travel time) during which the member is en-
20 gaged in the actual performance of duties vested in the
21 Commission.

22 (2) Members of the Commission shall receive travel
23 expenses, including per diem in lieu of subsistence, in ac-
24 cordance with sections 5702 and 5703 of title 5, United
25 States Code.

1 (b) STAFF DIRECTOR.—The Commission shall, with-
2 out regard to section 5311(b) of title 5, United States
3 Code, appoint a staff director, who shall be paid at the
4 rate of basic pay payable for level IV of the Executive
5 Schedule under section 5315 of title 5, United States
6 Code.

7 (c) STAFF OF COMMISSION; SERVICES.—

8 (1) IN GENERAL.—With the approval of the
9 Commission, the staff director of the Commission
10 may appoint and fix the pay of additional personnel.
11 The Director may make such appointments without
12 regard to the provisions of title 5, United States
13 Code, governing appointments in the competitive
14 service, and any personnel so appointed may be paid
15 without regard to the provisions of chapter 51 and
16 subchapter III of chapter 53 of that title relating to
17 classification and General Schedule pay rates, except
18 that an individual so appointed may not receive pay
19 in excess of the maximum annual rate of basic pay
20 payable for grade GS–15 of the General Schedule
21 under section 5332 of title 5, United States Code.

22 (2) EXPERTS AND CONSULTANTS.—The Com-
23 mission may procure by contract the temporary or
24 intermittent services of experts or consultants pursu-
25 ant to section 3109 of title 5, United States Code.

1 **SEC. 605. REPORT AND RECOMMENDED LEGISLATION.**

2 (a) REPORT.—Not later than the expiration of the
3 180-day period which begins on the date on which the sec-
4 ond session of the One Hundred Sixth Congress adjourns
5 sine die, the Commission shall submit to the President,
6 the Speaker and minority leader of the House of Rep-
7 resentatives, and the majority and minority leaders of the
8 Senate a report of the activities of the Commission.

9 (b) RECOMMENDATIONS; DRAFT OF LEGISLATION.—
10 The report under subsection (a) shall include any rec-
11 ommendations for changes in the laws (including regula-
12 tions) governing the financing of political activity (taking
13 into account the provisions of this Act and the amend-
14 ments made by this Act), including any changes in the
15 rules of the Senate or the House of Representatives, to
16 which nine or more members of the Commission may
17 agree, together with drafts of—

18 (1) any legislation (including technical and con-
19 forming provisions) recommended by the Commis-
20 sion to implement such recommendations; and

21 (2) any proposed amendment to the Constitu-
22 tion recommended by the Commission as necessary
23 to implement such recommendations, except that if
24 the Commission includes such a proposed amend-
25 ment in its report, it shall also include recommenda-
26 tions (and drafts) for legislation which may be im-

1 plemented prior to the adoption of such proposed
2 amendment.

3 (c) GOALS OF RECOMMENDATIONS AND LEGISLA-
4 TION.—In making recommendations and preparing drafts
5 of legislation under this section, the Commission shall con-
6 sider the following to be its primary goals:

7 (1) Encouraging fair and open Federal elections
8 which provide voters with meaningful information
9 about candidates and issues.

10 (2) Eliminating the disproportionate influence
11 of special interest financing of Federal elections.

12 (3) Creating a more equitable electoral system
13 for challengers and incumbents.

14 **SEC. 606. EXPEDITED CONGRESSIONAL CONSIDERATION**
15 **OF LEGISLATION.**

16 (a) IN GENERAL.—If any legislation is introduced the
17 substance of which implements a recommendation of the
18 Commission submitted under section 605(b) (including a
19 joint resolution proposing an amendment to the Constitu-
20 tion), subject to subsection (b), the provisions of section
21 2908 (other than subsection (a)) of the Defense Base Clo-
22 sure and Realignment Act of 1990 shall apply to the con-
23 sideration of the legislation in the same manner as such
24 provisions apply to a joint resolution described in section
25 2908(a) of such Act.

1 (b) SPECIAL RULES.—For purposes of applying sub-
2 section (a) with respect to such provisions, the following
3 rules shall apply:

4 (1) Any reference to the Committee on Armed
5 Services of the House of Representatives shall be
6 deemed a reference to the Committee on House
7 Oversight of the House of Representatives and any
8 reference to the Committee on Armed Services of the
9 Senate shall be deemed a reference to the Committee
10 on Rules and Administration of the Senate.

11 (2) Any reference to the date on which the
12 President transmits a report shall be deemed a ref-
13 erence to the date on which the recommendation in-
14 volved is submitted under section 605(b).

15 (3) Notwithstanding subsection (d)(2) of sec-
16 tion 2908 of such Act—

17 (A) debate on the legislation in the House
18 of Representatives, and on all debatable mo-
19 tions and appeals in connection with the legisla-
20 tion, shall be limited to not more than 10
21 hours, divided equally between those favoring
22 and those opposing the legislation;

23 (B) debate on the legislation in the Senate,
24 and on all debatable motions and appeals in
25 connection with the legislation, shall be limited

1 to not more than 10 hours, divided equally be-
2 tween those favoring and those opposing the
3 legislation; and

4 (C) debate in the Senate on any single de-
5 batable motion and appeal in connection with
6 the legislation shall be limited to not more than
7 1 hour, divided equally between the mover and
8 the manager of the bill (except that in the event
9 the manager of the bill is in favor of any such
10 motion or appeal, the time in opposition thereto
11 shall be controlled by the minority leader or his
12 designee), and the majority and minority leader
13 may each allot additional time from time under
14 such leader's control to any Senator during the
15 consideration of any debatable motion or ap-
16 peal.

17 **SEC. 607. TERMINATION.**

18 The Commission shall cease to exist 90 days after
19 the date of the submission of its report under section 605.

20 **SEC. 608. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to the Com-
22 mission such sums as are necessary to carry out its duties
23 under this title.

1 **TITLE VII—PROHIBITING USE OF**
2 **WHITE HOUSE MEALS AND**
3 **ACCOMMODATIONS FOR PO-**
4 **LITICAL FUNDRAISING**

5 **SEC. 701. PROHIBITING USE OF WHITE HOUSE MEALS AND**
6 **ACCOMMODATIONS FOR POLITICAL FUND-**
7 **RAISING.**

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

11 **“§ 612. Prohibiting use of meals and accommodations**
12 **at White House for political fundraising**

13 “(a) It shall be unlawful for any person to provide
14 or offer to provide any meals or accommodations at the
15 White House in exchange for any money or other thing
16 of value, or as a reward for the provision of any money
17 or other thing of value, in support of any political party
18 or the campaign for electoral office of any candidate.

19 “(b) Any person who violates this section shall be
20 fined under this title or imprisoned not more than three
21 years, or both.

22 “(c) For purposes of this section, any official resi-
23 dence or retreat of the President (including private resi-
24 dential areas and the grounds of such a residence or re-
25 treat) shall be treated as part of the White House.”.

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

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

4 **TITLE VIII—SENSE OF THE CON-**
5 **GRESS REGARDING FUND-**
6 **RAISING ON FEDERAL GOV-**
7 **ERNMENT PROPERTY**

8 **SEC. 801. SENSE OF THE CONGRESS REGARDING APPLICA-**
9 **BILITY OF CONTROLLING LEGAL AUTHORITY**
10 **TO FUNDRAISING ON FEDERAL GOVERN-**
11 **MENT PROPERTY.**

12 It is the sense of the Congress that Federal law clear-
13 ly demonstrates that “controlling legal authority” under
14 title 18, United States Code, prohibits the use of Federal
15 Government property to raise campaign funds.

1 **TITLE IX—PROHIBITING SOLICI-**
2 **TATION TO OBTAIN ACCESS**
3 **TO CERTAIN FEDERAL GOV-**
4 **ERNMENT PROPERTY**

5 **SEC. 901. PROHIBITION AGAINST ACCEPTANCE OR SOLICI-**
6 **TATION TO OBTAIN ACCESS TO CERTAIN FED-**
7 **ERAL GOVERNMENT PROPERTY.**

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

11 **“§ 226. Acceptance or solicitation to obtain access to**
12 **certain Federal Government property**

13 “Whoever solicits or receives anything of value in con-
14 sideration of providing a person with access to Air Force
15 One, Marine One, Air Force Two, Marine Two, the White
16 House, or the Vice President’s residence, shall be fined
17 under this title, or imprisoned not more than one year,
18 or both.”.

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

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

1 **TITLE X—REIMBURSEMENT FOR**
2 **USE OF AIR FORCE ONE FOR**
3 **POLITICAL FUNDRAISING**

4 **SEC. 1001. REQUIRING NATIONAL PARTIES TO REIMBURSE**
5 **AT COST FOR USE OF AIR FORCE ONE FOR**
6 **POLITICAL FUNDRAISING.**

7 Title III of the Federal Election Campaign Act of
8 1971 (2 U.S.C. 431 et seq.), as amended by sections 101,
9 401, 507, 510, and 515, is further amended by adding
10 at the end the following new section:

11 “REIMBURSEMENT BY POLITICAL PARTIES FOR USE OF
12 AIR FORCE ONE FOR POLITICAL FUNDRAISING

13 “SEC. 328. (a) IN GENERAL.—If the President, Vice
14 President, or the head of any executive department (as
15 defined in section 101 of title 5, United States Code) uses
16 Air Force One for transportation for any travel which in-
17 cludes a fundraising event for the benefit of any political
18 committee of a national political party, such political com-
19 mittee shall reimburse the Federal Government for the
20 fair market value of the transportation of the individual
21 involved, based on the cost of an equivalent commercial
22 chartered flight.

23 “(b) AIR FORCE ONE DEFINED.—In subsection (a),
24 the term ‘Air Force One’ means the airplane operated by

1 the Air Force which has been specially configured to carry
2 out the mission of transporting the President.”.

3 **TITLE XI—PROHIBITING USE OF**
4 **WALKING AROUND MONEY**

5 **SEC. 1101. PROHIBITING CAMPAIGNS FROM PROVIDING**
6 **CURRENCY TO INDIVIDUALS FOR PURPOSES**
7 **OF ENCOURAGING TURNOUT ON DATE OF**
8 **ELECTION.**

9 Title III of the Federal Election Campaign Act of
10 1971 (2 U.S.C. 431 et seq.), as amended by sections 101,
11 401, 507, 510, 515, and 1001, is further amended by add-
12 ing at the end the following new section:

13 “PROHIBITING USE OF CURRENCY TO PROMOTE
14 ELECTION DAY TURNOUT

15 “SEC. 329. It shall be unlawful for any political com-
16 mittee to provide currency to any individual (directly or
17 through an agent of the committee) for purposes of en-
18 couraging the individual to appear at the polling place for
19 the election.”.

20 **TITLE XII—ENHANCING EN-**
21 **FORCEMENT OF CAMPAIGN**
22 **LAW**

23 **SEC. 1201. ENHANCING ENFORCEMENT OF CAMPAIGN FI-**
24 **NANCE LAW.**

25 (a) MANDATORY IMPRISONMENT FOR CRIMINAL
26 CONDUCT.—Section 309(d)(1)(A) of the Federal Election

1 Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is
2 amended—

3 (1) in the first sentence, by striking “shall be
4 fined, or imprisoned for not more than one year, or
5 both” and inserting “shall be imprisoned for not
6 fewer than 1 year and not more than 10 years”; and

7 (2) by striking the second sentence.

8 (b) CONCURRENT AUTHORITY OF ATTORNEY GEN-
9 ERAL TO BRING CRIMINAL ACTIONS.—Section 309(d) of
10 such Act (2 U.S.C. 437g(d)) is amended by adding at the
11 end the following new paragraph:

12 “(4) In addition to the authority to bring cases re-
13 ferred pursuant to subsection (a)(5), the Attorney General
14 may at any time bring a criminal action for a violation
15 of this Act or of chapter 95 or chapter 96 of the Internal
16 Revenue Code of 1986.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply with respect to actions brought
19 with respect to elections occurring after January 1999.

1 **TITLE XIII—BAN ON COORDI-**
2 **NATED SOFT MONEY ACTIVI-**
3 **TIES BY PRESIDENTIAL CAN-**
4 **DIDATES**

5 **SEC. 1301. BAN ON COORDINATION OF SOFT MONEY FOR**
6 **ISSUE ADVOCACY BY PRESIDENTIAL CAN-**
7 **DIDATES RECEIVING PUBLIC FINANCING.**

8 (a) IN GENERAL.—Section 9003 of the Internal Rev-
9 enue Code of 1986 (26 U.S.C. 9003) is amended by add-
10 ing at the end the following new subsection:

11 “(f) BAN ON COORDINATION OF SOFT MONEY FOR
12 ISSUE ADVOCACY.—

13 “(1) IN GENERAL.—No candidate for election
14 to the office of President or Vice President who is
15 certified to receive amounts from the Presidential
16 Election Campaign Fund under this chapter or
17 chapter 96 may coordinate the expenditure of any
18 funds for issue advocacy with any political party un-
19 less the funds are subject to the limitations, prohibi-
20 tions, and reporting requirements of the Federal
21 Election Campaign Act of 1971.

22 “(2) ISSUE ADVOCACY DEFINED.—In this sec-
23 tion, the term ‘issue advocacy’ means any activity
24 carried out for the purpose of influencing the consid-
25 eration or outcome of any Federal legislation or the

1 issuance or outcome of any Federal regulations, or
2 educating individuals about candidates for election
3 for Federal office or any Federal legislation, law, or
4 regulations (without regard to whether the activity is
5 carried out for the purpose of influencing any elec-
6 tion for Federal office).”.

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

10 **TITLE XIV—POSTING NAMES OF**
11 **CERTAIN AIR FORCE ONE**
12 **PASSENGERS ON INTERNET**

13 **SEC. 1401. REQUIREMENT THAT NAMES OF PASSENGERS**
14 **ON AIR FORCE ONE AND AIR FORCE TWO BE**
15 **MADE AVAILABLE THROUGH THE INTERNET.**

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

22 (b) EXCEPTION.—Subsection (a) shall not apply in
23 a case in which the President determines that compliance
24 with such subsection would be contrary to the national se-
25 curity interests of the United States. In any such case,

1 not later than 30 days after the date that the person
2 whose name will not be made available through the Inter-
3 net was a passenger on the aircraft, the President shall
4 submit to the chairman and ranking member of the Per-
5 manent Select Committee on Intelligence of the House of
6 Representatives and of the Select Committee on Intel-
7 ligence of the Senate—

8 (1) the name of the person; and

9 (2) the justification for not making such name
10 available through the Internet.

11 (c) DEFINITION OF PERSON.—As used in this Act,
12 the term “non-Government person” means a person who
13 is not an officer or employee of the United States, a mem-
14 ber of the Armed Forces, or a Member of Congress.

15 **TITLE XV—EXPULSION PRO-**
16 **CEEDINGS FOR HOUSE MEM-**
17 **BERS RECEIVING FOREIGN**
18 **CONTRIBUTIONS**

19 **SEC. 1501. PERMITTING CONSIDERATION OF PRIVILEGED**
20 **MOTION TO EXPEL HOUSE MEMBER ACCEPT-**
21 **ING ILLEGAL FOREIGN CONTRIBUTION.**

22 (a) IN GENERAL.—If a Member of the House of Rep-
23 resentatives is convicted of a violation of section 319 of
24 the Federal Election Campaign Act of 1971 (or any suc-
25 cessor provision prohibiting the solicitation, receipt, or ac-

1 ceptance of a contribution from a foreign national), the
2 Committee on Standards of Official Conduct, shall imme-
3 diately consider the conduct of the Member and shall make
4 a report and recommendations to the House forthwith
5 concerning that Member which may include a rec-
6 ommendation for expulsion.

7 (b) EXERCISE OF RULEMAKING AUTHORITY.—This
8 section is enacted by Congress—

9 (1) as an exercise of the rulemaking power of
10 the House of Representatives, and as such it is
11 deemed a part of the rules of the House of Rep-
12 resentatives, and it supersedes other rules only to
13 the extent that it is inconsistent therewith; and

14 (2) with full recognition of the constitutional
15 right of the House of Representatives to change the
16 rule at any time, in the same manner and to the
17 same extent as in the case of any other rule of the
18 House of Representatives.

19 **TITLE XVI—SEVERABILITY; CON-**
20 **STITUTIONALITY; EFFECTIVE**
21 **DATE; REGULATIONS**

22 **SEC. 1601. SEVERABILITY.**

23 If any provision of this Act or amendment made by
24 this Act, or the application of a provision or amendment
25 to any person or circumstance, is held to be unconstitu-

1 tional, the remainder of this Act and amendments made
2 by this Act, and the application of the provisions and
3 amendment to any person or circumstance, shall not be
4 affected by the holding.

5 **SEC. 1602. REVIEW OF CONSTITUTIONAL ISSUES.**

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

11 **SEC. 1603. EFFECTIVE DATE.**

12 Except as otherwise provided in this Act, this Act and
13 the amendments made by this Act shall take effect upon
14 the expiration of the 90-day period which begins on the
15 date of the enactment of this Act.

16 **SEC. 1604. REGULATIONS.**

17 The Federal Election Commission shall prescribe any
18 regulations required to carry out this Act and the amend-
19 ments made by this Act not later than 45 days after the
20 date of the enactment of this Act.