

104TH CONGRESS
1ST SESSION

H. R. 2566

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 1995

Mrs. SMITH of Washington (for herself, Mr. MEEHAN, Mr. SHAYS, Mr. MINGE, Mrs. ROUKEMA, Mr. BEREUTER, Mr. POSHARD, Mr. CARDIN, Mr. LEACH, Mr. HORN, Mr. INGLIS of South Carolina, and Mr. FORBES) introduced the following bill; which was referred to the Committee on House Oversight

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bipartisan Clean Con-
5 gress Act of 1995”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—HOUSE OF REPRESENTATIVES ELECTION SPENDING
LIMITS AND BENEFITS

- Sec. 101. House of Representatives election spending limits and benefits.
- Sec. 102. Broadcast rates and preemption.
- Sec. 103. Reduced postage rates.
- Sec. 104. Contribution limit for eligible House of Representatives candidates.
- Sec. 105. Reporting requirements.

TITLE II—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

- Sec. 201. Ban on activities of political action committees in Federal elections.
- Sec. 202. Aggregate limit on large contributions.
- Sec. 203. Contributions by lobbyists.

Subtitle B—Provisions Relating to Soft Money of Political Parties

- Sec. 211. Soft money of political parties.
- Sec. 212. Reporting requirements.
- Sec. 213. Building fund exception to the definition of the term “contribution”.

Subtitle C—Soft Money of Persons Other Than Political Parties

- Sec. 221. Soft money of persons other than political parties.

Subtitle D—Contributions

- Sec. 231. Contributions through intermediaries and conduits.

Subtitle E—Additional Prohibitions on Contributions

- Sec. 241. Allowable contributions for candidates.

Subtitle F—Independent Expenditures

- Sec. 251. Provisions relating to independent expenditures.
- Sec. 252. Reporting requirements for certain independent expenditures.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Restrictions on use of campaign funds for personal purposes.
- Sec. 302. Campaign advertising amendments.
- Sec. 303. Filing of reports using computers and facsimile machines.
- Sec. 304. Audits.
- Sec. 305. Change in certain reporting from a calendar year basis to an election cycle basis.
- Sec. 306. Disclosure of personal and consulting services.
- Sec. 307. Use of candidates’ names.
- Sec. 308. Reporting requirements.
- Sec. 309. Simultaneous registration of candidate and candidate’s principal campaign committee.
- Sec. 310. Independent litigation authority.
- Sec. 311. Insolvent political committees.
- Sec. 312. Regulations relating to use of non-Federal money.
- Sec. 313. Term limits for Federal Election Commission.
- Sec. 314. Authority to seek injunction.
- Sec. 315. Expedited procedures.
- Sec. 316. Official mass mailing allowance.
- Sec. 317. Provisions relating to members’ official mail allowance.

Sec. 318. Intent of Congress.

Sec. 319. Severability.

Sec. 320. Expedited review of constitutional issues.

Sec. 321. Effective date.

Sec. 322. Regulations.

1 **TITLE I—HOUSE OF REPRESENT-**
 2 **ATIVES ELECTION SPENDING**
 3 **LIMITS AND BENEFITS**

4 **SEC. 101. HOUSE OF REPRESENTATIVES ELECTION SPEND-**
 5 **ING LIMITS AND BENEFITS.**

6 The Federal Election Campaign Act of 1971 is
 7 amended by adding at the end the following new title:

8 **“TITLE V—SPENDING LIMITS**
 9 **AND BENEFITS FOR HOUSE**
 10 **OF REPRESENTATIVES ELEC-**
 11 **TION CAMPAIGNS**

12 **“SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.**

13 “(a) IN GENERAL.—For purposes of this title, a can-
 14 didate is an eligible House of Representatives candidate
 15 if the Commission has certified, pursuant to section 504,
 16 that the candidate—

17 “(1) meets the election cycle filing requirements
 18 of subsection (b); and

19 “(2) meets the threshold contribution require-
 20 ments of subsection (c).

21 “(b) FILING REQUIREMENTS.—

22 “(1) IN GENERAL.—The requirements of this
 23 subsection are met if the candidate files with the

1 Commission under penalty of perjury a declaration
2 that—

3 “(A) the candidate and the candidate’s au-
4 thorized committees—

5 “(i) will not exceed the expenditure
6 limits under section 502(a), (b), and (c);

7 “(ii) will not accept contributions in
8 excess of the election cycle expenditure
9 limit, reduced by any amounts transferred
10 to this election cycle from a preceding elec-
11 tion cycle;

12 “(iii) will not, in the event of a runoff
13 election, accept contributions in excess of
14 the runoff expenditure limit, reduced by
15 any amounts transferred to this election
16 cycle from a preceding election cycle; and

17 “(iv) will not accept any contributions
18 in violation of section 315; and

19 “(B) the candidate intends to make use of
20 the benefits provided under section 503.

21 “(2) DEADLINE FOR FILING DECLARATION.—

22 The declaration under paragraph (1) shall be filed
23 the date the candidate files as a candidate for the
24 primary election. In the case of a candidate who is
25 not eligible to participate in a primary election but

1 qualifies for the general election ballot under State
2 law, the declaration under paragraph (1) shall be
3 filed not later than the date the candidate qualifies
4 for the general election ballot under State law.”.

5 “(3) NOTIFICATION.—A candidate who—

6 “(A) files a declaration pursuant to sub-
7 section (b)(1) of this Act; and

8 “(B) subsequently acts in a manner incon-
9 sistent with any of the limitations or require-
10 ments of the declaration filed under subsection
11 (b)(1) shall file a notification regarding such
12 acts with the Commission not later than 24
13 hours after the first such act inconsistent with
14 any of the limitations or requirements and shall
15 at the same time notify all other candidates for
16 the same office by sending a copy of the notifi-
17 cation filed with the Commission by certified
18 mail, return receipt requested.

19 “(c) THRESHOLD CONTRIBUTION REQUIREMENTS.—

20 “(1) IN GENERAL.—The requirements of this
21 subsection are met if the candidate and the can-
22 didate’s authorized committees have received allow-
23 able contributions during the applicable period in an
24 amount equal to 10 percent of the election cycle ex-
25 penditure limit under section 502(b), and file with

1 the Commission under penalty of perjury a state-
2 ment with supporting materials demonstrating that
3 this requirement has been met.

4 “(2) DEFINITIONS.—For purposes of this
5 Act—

6 “(A) the term ‘allowable contributions’
7 means contributions that are made as gifts of
8 money by an individual pursuant to a written
9 instrument identifying such individual as the
10 contributor, except that such term shall not in-
11 clude contributions from individuals residing
12 outside the candidate’s State to the extent such
13 contributions exceed 40 percent of the amount
14 set forth in paragraph (1), provided that—

15 “(i) no more than \$200 of any con-
16 tribution from an individual shall be taken
17 in account;

18 “(ii) at least 50 percent of the
19 amount required to be raised in the can-
20 didate’s State comes from contributions
21 from individuals residing in the congres-
22 sional district of such candidate; and

23 “(iii) such term shall not include any
24 contribution within the meaning of section
25 315(a)(8), as amended by section 231; and

1 “(B) the term ‘applicable period’ means—

2 “(i) the period beginning on January
3 1 of the calendar year preceding the cal-
4 endar year of the general election involved
5 and ending on the date of the general elec-
6 tion; or

7 “(ii) in the case of a special election
8 for the office of Representative in, or Dele-
9 gate or Resident Commissioner to, the
10 Congress, the period beginning on the date
11 the vacancy in such office occurs and end-
12 ing on the date of the general election.

13 **“SEC. 502. LIMITATION ON EXPENDITURES.**

14 “(a) **LIMITATION ON USE OF PERSONAL FUNDS.—**

15 “(1) **IN GENERAL.—**The aggregate amount of
16 expenditures that may be made during an election
17 cycle by an eligible House of Representatives can-
18 didate or such candidate’s authorized committees
19 from the sources described in paragraph (2) shall
20 not exceed 10 percent of the election cycle expendi-
21 ture limit under subsection (b).

22 “(2) **SOURCES.—**A source is described in this
23 subsection if it is—

1 “(A) personal funds of the candidate and
2 members of the candidate’s immediate family;
3 or

4 “(B) personal loans incurred by the can-
5 didate and members of the candidate’s imme-
6 diate family.

7 “(b) ELECTION CYCLE EXPENDITURE LIMIT.—

8 “(1) IN GENERAL.—Except as otherwise pro-
9 vided in this title, the aggregate amount of expendi-
10 tures for an election cycle by an eligible House of
11 Representatives candidate and the candidate’s au-
12 thorized committees shall not exceed \$600,000.

13 “(2) INDEXING.—The amount under paragraph
14 (1) shall be increased as of the beginning of each
15 calendar year based on the increase in the price
16 index determined under section 315(c), except that
17 the base period shall be calendar year 1996.

18 “(c) RUNOFF EXPENDITURE LIMITS.—The aggre-
19 gate amount of expenditures for a runoff election by an
20 eligible House of Representatives candidate and the can-
21 didate’s authorized committees shall not exceed 20 percent
22 of the election cycle expenditure limit under subsection
23 (b).

24 “(d) PAYMENT OF TAXES.—The limitation under
25 subsection (b) shall not apply to any expenditure for Fed-

1 eral, State, or local taxes with respect to earnings on con-
2 tributions raised.

3 “(e) CONTESTED PRIMARY.—If, as determined by the
4 Commission, an eligible House of Representatives can-
5 didate in a contested primary wins that primary election
6 by a margin of 10 percent or less, the limitation contained
7 in subsection (b)(1) shall be increased by 30 percent for
8 such candidate, and such candidate shall be entitled to
9 raise additional contributions not to exceed this amount.

10 “(f) COMPLYING CANDIDATES RUNNING AGAINST
11 NONCOMPLYING CANDIDATES.—

12 “(1) If in the case of an election with more
13 than one candidate where any candidate either—

14 “(A) fails to be certified as an eligible can-
15 didate by the Commission and has expended
16 personal funds in excess of 10 percent of the
17 election cycle limits contained in subsection (b)
18 or has received contributions or expended per-
19 sonal funds which in the aggregate exceed 70
20 percent of the election cycle limits contained in
21 subsection (b), or

22 “(B) violates the limitations on expendi-
23 tures of this Act, any eligible House of Rep-
24 resentatives candidate in that election shall be
25 permitted to raise additional contributions up to

1 an amount equal to 50 percent of the election
2 cycle limit contained in subsection (b).

3 “(2) If the candidate who has failed to be cer-
4 tified as an eligible candidate or who has violated
5 the limitations on expenditures of this Act has re-
6 ceived contributions or expended personal funds
7 which, in the aggregate, exceed 120 percent of the
8 election cycle limits contained in this section, any eli-
9 gible House of Representatives candidate in that
10 election shall be permitted to raise additional con-
11 tributions up to an amount equal to 100 percent of
12 the election cycle limit contained in subsection (b).

13 “(3) In the event a noncomplying candidate as
14 defined in subparagraphs (A) or (B) of paragraph
15 (1) spends an amount equal to 105 percent of the
16 election cycle limit contained in subsection (b), the
17 election cycle limit contained in subsection (b) for an
18 eligible House of Representatives candidate in such
19 election shall be increased by 50 percent. In the
20 event a noncomplying candidate spends an amount
21 equal to 155 percent of the election cycle limit con-
22 tained in subsection (b), the election cycle limit in
23 subsection (b) for an eligible House of Representa-
24 tives candidate in such election shall be increased by
25 100 percent.

1 **“SEC. 504. CERTIFICATION BY COMMISSION.**

2 “(a) IN GENERAL.—The Commission shall determine
3 whether a candidate has met the requirements of this title
4 and, based upon that determination, shall issue a certifi-
5 cation stating whether or not such candidate is eligible to
6 receive benefits under this title.

7 “(b) CERTIFICATION.—Upon receipt of the declara-
8 tion required under section 501(b) and the statement re-
9 quired under section 501(c), and such other information
10 as the Commission may by regulation require, the Com-
11 mission shall determine if such candidate meets the eligi-
12 bility requirements in section 501 and, if so, shall certify
13 the candidate’s eligibility for the benefits referred to in
14 section 503. The Commission shall revoke such certifi-
15 cation if, based on relevant information submitted in such
16 form and manner as the Commission may require or based
17 on relevant information that otherwise comes to its atten-
18 tion, it determines a candidate fails to continue to meet
19 any of the requirements of this title, including the limita-
20 tions on expenditures set forth in section 502(a), (b) and
21 (c).

22 “(c) DETERMINATION BY COMMISSION.—All deter-
23 minations (including certifications under this section)
24 made by the Commission under this title shall be final,
25 except to the extent that they are subject to examination

1 and audit by the Commission under section 505 and sub-
2 ject to judicial review.

3 **“SEC. 505. REPAYMENTS; ADDITIONAL CIVIL PENALTIES.**

4 “(a) MISUSE OF BENEFITS.—If the Commission de-
5 termines that any benefit made available to an eligible
6 House of Representatives candidate under this title was
7 not used as provided for in this title, or that an eligible
8 candidate has violated any of the spending limits con-
9 tained in this Act or otherwise revokes the certification
10 of a candidate as an eligible House of Representatives can-
11 didate, the Commission shall so notify the candidate and
12 the candidate shall pay to the provider of such benefits
13 received an amount equal to the value of the benefits re-
14 ceived under this title.

15 “(b) CIVIL PENALTIES.—

16 “(1) LOW AMOUNT OF EXCESS EXPENDI-
17 TURES.—Any eligible House of Representatives can-
18 didate who makes expenditures that exceed a limita-
19 tion under this title by 2.5 percent or less shall pay
20 to the Commission an amount equal to the amount
21 of the excess expenditures.

22 “(2) MEDIUM AMOUNT OF EXCESS EXPENDI-
23 TURES.—Any eligible House of Representatives can-
24 didate who makes expenditures that exceed a limita-
25 tion under this title by more than 2.5 percent and

1 less than 5 percent shall pay to the Commission an
2 amount equal to 3 times the amount of the excess
3 expenditures.

4 “(3) LARGE AMOUNT OF EXCESS EXPENDI-
5 TURES.—Any eligible House of Representatives can-
6 didate who makes expenditures that exceed a limita-
7 tion under this title by 5 percent or more shall pay
8 to the Commission an amount equal to 3 times the
9 amount of the excess expenditures plus a civil pen-
10 alty to be imposed pursuant to the procedures of
11 section 309 of this Act (2 U.S.C. 437(g)).”.

12 **SEC. 102. BROADCAST RATES AND PREEMPTION.**

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

15 (1) by striking “(b) The charges” and inserting
16 “(b)(1) The charges”;

17 (2) by redesignating paragraphs (1) and (2) as
18 subparagraphs (A) and (B), respectively;

19 (3) in paragraph (1)(A), as redesignated—

20 (A) by striking “forty-five” and inserting
21 “30”; and

22 (B) by striking “lowest unit charge of the
23 station for the same class and amount of time
24 for the same period” and inserting “lowest
25 charge of the station for the same amount of

1 time for the same period on the same date”;
2 and

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

5 “(2) In the case of an eligible House of Representa-
6 tives candidate (as described in section 501(a) of the Fed-
7 eral Election Campaign Act of 1971), the charges for the
8 use of a television or radio broadcasting station during
9 the 30-day period and 60-day period referred to in para-
10 graph (1)(A) shall not exceed 50 percent of the lowest
11 charge described in paragraph (1)(A).”.

12 (b) PREEMPTION; ACCESS.—Section 315 of such Act
13 (47 U.S.C. 315) is amended—

14 (1) by redesignating subsections (c) and (d) as
15 subsections (d) and (e), respectively; and

16 (2) by inserting immediately after subsection
17 (b) the following subsection:

18 “(c)(1) Except as provided in paragraph (2), a li-
19 censee shall not preempt the use, during any period speci-
20 fied in subsection (b)(1)(A), of a broadcasting station by
21 an eligible House of Representatives candidate who has
22 purchased and paid for such use pursuant to subsection
23 (b)(2).

24 “(2) If a program to be broadcast by a broadcasting
25 station is preempted because of circumstances beyond the

1 control of the broadcasting station, any candidate adver-
2 tising spot scheduled to be broadcast during that program
3 may also be preempted.”.

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

7 (1) by striking “or repeated”;

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

10 (3) by striking “his candidacy” and inserting
11 “the candidacy of such person, under the same
12 terms, conditions, and business practices as apply to
13 its most favored advertiser”.

14 (d) JURISDICTION OVER TAKINGS CHALLENGE TO
15 BROADCAST RATES.—The United States Court of Federal
16 Claims shall have exclusive jurisdiction over any action
17 challenging the constitutionality of the broadcast media
18 rates required to be offered to political candidates under
19 section 503(1) of the Federal Election Campaign Act of
20 1971 and section 315(b) of the Communications Act of
21 1934. Money damages shall be the sole and exclusive rem-
22 edy in such cases, and only individuals or entities suffering
23 actual financial injury shall have standing to maintain
24 such an action.

1 (e) **CONDITION OF RENEWAL OR NEW LICENSE.**—
2 Section 307 of the Communications Act of 1934 is amend-
3 ed by adding the following: “The continuation of an exist-
4 ing license, the renewal of an expiring license, and the is-
5 suance of a new license shall be expressly conditioned on
6 the agreement by the licensee to abide by the provisions
7 of section 503(1) of the Federal Election Campaign Act
8 of 1971 and section 315(b) of this Act. The Commission
9 shall take such action as it deems appropriate to assure
10 compliance with this requirement.”.

11 (f) **REGULATIONS.**—The Commission, in consultation
12 with the Federal Communications Commission, shall issue
13 regulations to modify the requirements of this section in
14 any cases where a licensee establishes that such require-
15 ments would impose significant economic hardship.

16 (g) **EFFECTIVE DATE.**—The amendments made by
17 this section shall apply to the general elections occurring
18 after December 31, 1996 (and the election cycles relating
19 thereto).

20 **SEC. 103. REDUCED POSTAGE RATES.**

21 (a) **IN GENERAL.**—Section 3626(e) of title 39, Unit-
22 ed States Code, is amended—

23 (1) in paragraph (2)—

24 (A) in subparagraph (A)—

1 (i) by striking “and the National” and
2 inserting “the National”; and

3 (ii) by inserting before the semicolon
4 the following: “, and, subject to paragraph
5 (3), the principal campaign committee of
6 an eligible House of Representatives can-
7 didate;”;

8 (B) in subparagraph (B), by striking
9 “and” after the semicolon;

10 (C) in subparagraph (C), by striking the
11 period and inserting a semicolon; and

12 (D) by adding after subparagraph (C) the
13 following new subparagraphs:

14 “(D) the term ‘principal campaign committee’
15 has the meaning given such term in section 301 of
16 the Federal Election Campaign Act of 1971; and

17 “(E) the term ‘eligible House of Representa-
18 tives candidate’ has the meaning given such term in
19 section 501(a) of the Federal Election Campaign
20 Act of 1971.”; and

21 (2) by adding after paragraph (2) the following
22 new paragraph:

23 “(3) The rate made available under this subsection
24 with respect to an eligible House of Representatives can-
25 didate shall apply only to that number of pieces of mail

1 equal to 3 times the number of individuals in the voting
2 age population (as certified under section 315(e) of such
3 Act) of the congressional district.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to the general elections occurring
6 after December 31, 1996 (and the election cycles relating
7 thereto).

8 **SEC. 104. CONTRIBUTION LIMIT FOR ELIGIBLE HOUSE OF**
9 **REPRESENTATIVES CANDIDATES.**

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

12 (1) by inserting “except as provided in subpara-
13 graph (B),” before “to” in subparagraph (A);

14 (2) by redesignating subparagraphs (B) and
15 (C) as subparagraphs (C) and (D), respectively; and

16 (3) by inserting immediately after subpara-
17 graph (A) the following new subparagraph:

18 “(B) to any eligible House of Representa-
19 tives candidate and the authorized political
20 committees of such candidate with respect to
21 any election for the office of Representative in,
22 or Delegate or Resident Commissioner to, the
23 Congress, which, in the aggregate, exceed
24 \$2,000, provided that such candidate is in a

1 general election where one or more candidates
2 either:

3 “(i) fail to be certified as an eligible
4 candidate by the Commission and have re-
5 ceived contributions or expended personal
6 funds, which in the aggregate, are in ex-
7 cess of 50 percent, or have expended per-
8 sonal funds in excess of 25 percent, of the
9 election cycle limits contained in section
10 502(b); or

11 “(ii) violate the limitations on expend-
12 itures contained in this Act.”.

13 **SEC. 105. REPORTING REQUIREMENTS.**

14 (a) Any candidate for the House of Representatives
15 who during the election cycle expends more than the limi-
16 tation under section 502(a) during the election cycle from
17 his personal funds, the funds of his immediate family, and
18 personal loans incurred by the candidate and the can-
19 didate’s immediate family shall report such expenditures
20 to the Commission within 48 hours after such expendi-
21 tures have been made or loans incurred. An additional re-
22 port shall be filed within 48 hours of the date such can-
23 didate makes expenditures of such personal funds aggre-
24 gating 25 percent of the election cycle limit under section
25 502(b).

1 (b) Any candidate for the House of Representatives
2 who has failed to be certified as an eligible candidate by
3 the Commission and who during the election cycle has re-
4 ceived contributions or expended personal funds which, in
5 the aggregate, exceed 50 percent of the election cycle lim-
6 its contained in section 502(b), shall file a report with the
7 Commission within 48 hours after such contributions have
8 been received or such expenditures have been made. Addi-
9 tional reports shall be filed within 48 hours after such can-
10 didate has received contributions or expended personal
11 funds which, in the aggregate, exceed 70 percent and 120
12 percent of the election cycle limit. Additional reports shall
13 be filed within 48 hours after the candidate spends an
14 amount equal to 105 percent and 155 percent of the elec-
15 tion cycle limit contained in section 502(b).

16 (c) The Commission within 48 hours after any report
17 has been filed under subsections (a) and (b) shall notify
18 each eligible House of Representatives candidate in the
19 election about each such report.

20 (d) If any act which requires the filing of any report
21 under subsection (a) or (b) occurs after the 20th day, but
22 more than 24 hours before an election, such report shall
23 be filed by the candidate within 24 hours of the occurrence
24 of such act. For any such report filed pursuant to this
25 subsection, the Commission shall notify the appropriate el-

1 eligible House of Representatives candidate within 24 hours
2 after the filing of such report.

3 **TITLE II—REDUCTION OF**
4 **SPECIAL INTEREST INFLUENCE**
5 **Subtitle A—Elimination of Political**
6 **Action Committees From Fed-**
7 **eral Election Activities**

8 **SEC. 201. BAN ON ACTIVITIES OF POLITICAL ACTION COM-**
9 **MITTEES IN FEDERAL ELECTIONS.**

10 (a) IN GENERAL.—Title III of the Federal Election
11 Campaign Act of 1971 (2 U.S.C. 301 et seq.) is amended
12 by adding at the end the following new section:

13 “BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL
14 ACTION COMMITTEES

15 “SEC. 324. Notwithstanding any other provision of
16 this Act, no person other than an individual or a political
17 committee may make contributions, solicit or receive con-
18 tributions, or make expenditures for the purpose of influ-
19 encing an election for Federal office.”.

20 (b) DEFINITION OF POLITICAL COMMITTEE.—(1)
21 Section 301(4) of the Federal Election Campaign Act of
22 1971 (2 U.S.C. 431(4)) is amended to read as follows:

23 “(4) The term ‘political committee’ means—

24 “(A) the principal campaign committee of
25 a candidate;

1 “(B) any national, State, or district com-
2 mittee of a political party, including any subor-
3 dinate committee thereof;

4 “(C) any local committee of a political
5 party that—

6 “(i) receives contributions aggregating
7 in excess of \$5,000 during a calendar year;

8 “(ii) makes payments exempted from
9 the definition of contribution or expendi-
10 ture under paragraph (8) or (9) aggregat-
11 ing in excess of \$5,000 during a calendar
12 year; or

13 “(iii) makes contributions or expendi-
14 tures aggregating in excess of \$1,000 dur-
15 ing a calendar year; and

16 “(D) any committee jointly established by
17 a principal campaign committee and any com-
18 mittee described in subparagraph (B) or (C) for
19 the purpose of conducting joint fundraising ac-
20 tivities.”.

21 (2) Section 316(b)(2) of the Federal Election Cam-
22 paign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended—

23 (A) by inserting “or” after “subject;”;

24 (B) by striking “and their families; and” and
25 inserting “and their families.”; and

1 (C) by striking subparagraph (C).

2 (e) PROHIBITION OF LEADERSHIP COMMITTEES.—

3 Section 302(e) of the Federal Election Campaign Act of
4 1971 (2 U.S.C. 432(e)) is amended—

5 (1) by amending paragraph (3) to read as fol-
6 lows:

7 “(3) No political committee that supports or has sup-
8 ported more than one candidate may be designated as an
9 authorized committee, except that—

10 “(A) a candidate for the office of President
11 nominated by a political party may designate the na-
12 tional committee of such political party as the can-
13 didate’s principal campaign committee, but only if
14 that national committee maintains separate books of
15 account with respect to its functions as a principal
16 campaign committee; and

17 “(B) a candidate may designate a political com-
18 mittee established solely for the purpose of joint
19 fundraising by such candidates as an authorized
20 committee.”; and

21 (2) by adding at the end the following new
22 paragraph:

23 “(6)(A) A candidate for Federal office or any individ-
24 ual holding Federal office may not directly or indirectly
25 establish, finance, maintain, or control any Federal or

1 non-Federal political committee other than a principal
2 campaign committee of the candidate, authorized commit-
3 tee, party committee, or other political committee des-
4 ignated in accordance with paragraph (3). A candidate for
5 more than one Federal office may designate a separate
6 principal campaign committee for each Federal office.
7 This paragraph shall not preclude a Federal officeholder
8 who is a candidate for State or local office from establish-
9 ing, financing, maintaining, or controlling a political com-
10 mittee for election of the individual to such State or local
11 office.

12 “(B) For one year after the effective date of this
13 paragraph, any political committee established before such
14 date but which is prohibited under subparagraph (A) may
15 continue to make contributions. At the end of that period
16 such political committee shall disburse all funds by one
17 or more of the following means: making contributions to
18 an entity qualified under section 501(c)(3) of the Internal
19 Revenue Code of 1986 that is not established, maintained,
20 financed, or controlled directly or indirectly by any can-
21 didate for Federal office or any individual holding Federal
22 office; making a contribution to the treasury of the United
23 States; contributing to the national, State, or local com-
24 mittees of a political party; or making contributions not
25 to exceed \$1,000 to candidates for elective office.”.

1 (d) RULES APPLICABLE WHEN BAN NOT IN EF-
2 FECT.—For purposes of the Federal Election Campaign
3 Act of 1971, during any period beginning after the effec-
4 tive date in which the limitation under section 324 of that
5 Act (as added by subsection (a)) is not in effect—

6 (1) the amendments made by subsections (a)
7 and (b), shall not be in effect;

8 (2) it shall be unlawful for a multicandidate po-
9 litical committee to make a contribution to a can-
10 didate for election, or nomination for election, to
11 Federal office (or to an authorized committee of
12 such candidate) to the extent that the making or ac-
13 cepting of the contribution will cause the amount of
14 contributions in aggregate received by the candidate
15 and the candidate's authorized committees from
16 multicandidate political committees to exceed an
17 amount equal to 25 percent of the election cycle
18 spending limits set forth in section 502(b), as may
19 be modified by section 502(c), (e) and (f), regardless
20 of whether the candidate is an eligible House of
21 Representatives candidate; and

22 (3) notwithstanding any other provision of this
23 Act, it shall be unlawful for a multicandidate politi-
24 cal committee to make any contribution to a can-
25 didate and his authorized political committees with

1 respect to any election for Federal office which, in
2 the aggregate, exceed the amount that an individual
3 is allowed to contribute directly to such candidate or
4 to such candidate's authorized committees.

5 (e) EXCESS CONTRIBUTIONS.—A candidate (or au-
6 thorized committees of such candidate) who receives a con-
7 tribution from a multicandidate political committee in ex-
8 cess of the amount allowed under subsection (d)(1) shall
9 return the amount of such excess contribution to the con-
10 tributor.

11 (f) REPEAL OF MULTICANDIDATE CONTRIBUTION
12 LIMIT.—Section 315(a)(2)(A) (2 U.S.C. 441a(a)(2)(A)) is
13 hereby repealed: *Provided*, That any of the provisions in
14 subsections (a), (b), and (d) are in effect.

15 **SEC. 202. AGGREGATE LIMIT ON LARGE CONTRIBUTIONS.**

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

19 “SEC. 327. (a) For purposes of the Federal Election
20 Campaign Act of 1971, during any period beginning after
21 the effective date of this Act, it shall be unlawful for a
22 candidate for election for the office of Representative in,
23 or Delegate or Resident Commissioner to, the Congress
24 (or the authorized committees of such candidate) to accept
25 any contribution from an individual in excess of \$250 to

1 the extent that the acceptance of such contribution will
2 cause the aggregate amount of contributions from individ-
3 uals in excess of \$250 received by the candidate and the
4 candidate's authorized committees to exceed an amount
5 equal to 25 percent of the election cycle spending limits
6 set forth in section 502(b), as may be modified by section
7 502(c), (e), or (f), regardless of whether the candidate is
8 an eligible House of Representatives candidate.

9 “(b) The restrictions of subsection (a) shall not apply
10 to an eligible House of Representatives candidate if such
11 candidate is entitled to the contribution limit provided in
12 section 104.”.

13 (b) For purposes of the Federal Election Campaign
14 Act of 1971, during any period beginning after the effec-
15 tive date in which the limitations of section 327 (as added
16 by subsection (a)) are not in effect, a new clause (vi) shall
17 be inserted in section 501(b)(1) as follows:

18 “(vi) will not accept any contributions
19 from an individual in excess of \$250 to the
20 extent that the acceptance of such con-
21 tribution will cause the aggregate amount
22 of contributions from individuals in excess
23 of \$250 received by the candidate and the
24 candidate's authorized committees to ex-
25 ceed an amount equal to 25 percent of the

1 election cycle spending limits set forth in
2 section 502(b), as may be modified by sec-
3 tion 502(c), (e), or (f): *Provided, however,*
4 That this clause shall not apply to an eligi-
5 ble House of Representatives candidate if
6 such candidate is entitled to the contribu-
7 tion limit provided in section 104.”.

8 **SEC. 203. CONTRIBUTIONS BY LOBBYISTS.**

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

12 “(9) Notwithstanding 2 U.S.C. 441a(a)(1)(A),
13 any person required to register under section 308 of
14 the Federal Regulation of Lobbying Act (2 U.S.C.
15 267) or the Foreign Agents Registration Act of
16 1938 (22 U.S.C. 611 et seq.) or any person whose
17 activities are required to be reported pursuant to
18 any successor Federal law which requires reporting
19 on the activities of a person who is a lobbyist or for-
20 eign agent, or any political committee controlled by
21 such person, shall not make contributions to, or so-
22 licit contributions for, any candidate and his author-
23 ized political committees with respect to any election
24 for Federal office which, in the aggregate, exceed
25 \$100.”.

1 **Subtitle B—Provisions Relating to**
2 **Soft Money of Political Parties**

3 **SEC. 211. 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. 325. (a) A national committee of a political
9 party, including the national congressional campaign com-
10 mittees of a political party, and any officers or agents of
11 such party committees, shall not solicit or receive any con-
12 tributions, donations, or transfers of funds, or spend any
13 funds, not subject to the limitations, prohibitions, and re-
14 porting requirements of this Act. This subsection shall
15 apply to any entity that is established, financed, main-
16 tained, or controlled by a national committee of a political
17 party, including the national congressional campaign com-
18 mittees of a political party, and any officers or agents of
19 such party committees.

20 “(b)(1) Any amount expended or disbursed by a
21 State, district, or local committee of a political party, dur-
22 ing a calendar year in which a Federal election is held,
23 for any activity which might affect the outcome of a Fed-
24 eral election, including but not limited to any voter reg-
25 istration and get-out-the-vote activity, any generic cam-

1 paign activity, and any communication that identifies a
2 Federal candidate (regardless of whether a State or local
3 candidate is also mentioned or identified) shall be made
4 from funds subject to the limitations, prohibitions and re-
5 porting requirements of this Act.

6 “(2) Paragraph (1) shall not apply to expenditures
7 or disbursements made by a State, district or local com-
8 mittee of a political party for—

9 “(A) a contribution to a candidate other than
10 for Federal office, provided that such contribution is
11 not designated or otherwise earmarked to pay for ac-
12 tivities described in paragraph (1);

13 “(B) the costs of a State or district/local politi-
14 cal convention;

15 “(C) the non-Federal share of a State, district
16 or local party committee’s administrative and over-
17 head expenses (but not including the compensation
18 in any month of any individual who spends more
19 than 20 percent of his or her time on activity during
20 such month which may affect the outcome of a Fed-
21 eral election). For purposes of this provision, the
22 non-Federal share of a party committee’s adminis-
23 trative and overhead expenses shall be determined by
24 applying the ratio of the non-Federal disbursements
25 to the total Federal expenditures and non-Federal

1 disbursements made by the committee during the
2 previous presidential election year to the committee's
3 administrative and overhead expenses in the election
4 year in question;

5 “(D) the costs of grassroots campaign mate-
6 rials, including buttons, bumper stickers, and yard
7 signs, which materials solely name or depict a State
8 or local candidate; or

9 “(E) the cost of any campaign activity con-
10 ducted solely on behalf of a clearly identified State
11 or local candidate, provided that such activity is not
12 a get out the vote activity or any other activity cov-
13 ered by paragraph (1).

14 “(3) Any amount spent by a national, State, district
15 or local committee or entity of a political party to raise
16 funds that are used, in whole or in part, to pay the costs
17 of any activity covered by paragraph (1) shall be made
18 from funds subject to the limitations, prohibitions, and re-
19 porting requirements of this Act. This paragraph shall
20 apply to any entity that is established, financed, main-
21 tained, or controlled by a State, district or local committee
22 of a political party or any agent or officer of such party
23 committee in the same manner as it applies to that com-
24 mittee.

1 “(c) No national, State, district or local committee
2 of a political party shall solicit any funds for or make any
3 donations to any organization that is exempt from Federal
4 taxation under section 501(c) of the Internal Revenue
5 Code of 1986.

6 “(d)(1) No candidate for Federal office, individual
7 holding Federal office, or any agent of such candidate or
8 officeholder, may solicit or receive (A) any funds in con-
9 nection with any Federal election unless such funds are
10 subject to the limitations, prohibitions and reporting re-
11 quirements of this Act; (B) any funds that are to be ex-
12 pended in connection with any election for other than a
13 Federal election unless such funds are not in excess of
14 the amounts permitted with respect to contributions to
15 Federal candidates and political committees under section
16 315(a)(1) and (2), and are not from sources prohibited
17 from making contributions by this Act with respect to elec-
18 tion for Federal office. This paragraph shall not apply to
19 the solicitation or receipt of funds by an individual who
20 is a candidate for a non-Federal office if such activity is
21 permitted under State law for such individual’s non-Fed-
22 eral campaign committee.

23 “(2)(A) No candidate for Federal office or individual
24 holding Federal office may directly or indirectly establish,
25 maintain, finance or control any organization described in

1 section 501(c) of the Internal Revenue Code of 1986 if
2 such organization raises funds from the public.

3 “(B) No candidate for Federal office or individual
4 holding Federal office may raise funds for any organiza-
5 tion described in section 501(c) of the Internal Revenue
6 Code of 1986 if the activities of the organization include
7 voter registration or get-out-the-vote campaigns.

8 “(C) For purposes of this paragraph, an individual
9 shall be treated as holding Federal office if such individ-
10 ual—

11 “(i) holds a Federal office; or

12 “(ii) holds a position described in level I of the
13 Executive Schedule under 5312 of title 5, United
14 States Code.”.

15 **SEC. 212. REPORTING REQUIREMENTS.**

16 (a) REPORTING REQUIREMENTS.—Section 304 of the
17 Federal Election Campaign Act of 1971 (2 U.S.C. 434)
18 is amended by adding at the end the following new sub-
19 section:

20 “(d) POLITICAL COMMITTEES.—(1) A political com-
21 mittee other than a national committee of a political party,
22 any congressional campaign committee of a political party,
23 and any subordinate committee of either, to which section
24 325(b)(1) applies shall report all receipts and disburse-
25 ments.

1 “(2) Any political committee other than the commit-
2 tees of a political party shall report any receipts or dis-
3 bursements that are used in connection with a Federal
4 election.

5 “(3) If a political committee has receipts or disburse-
6 ments to which this subsection applies from any person
7 aggregating in excess of \$200 for any calendar year, the
8 political committee shall separately itemize its reporting
9 for such person in the same manner as required in sub-
10 section (b)(3)(A), (5), or (6).

11 “(4) Reports required to be filed under this sub-
12 section shall be filed for the same time periods required
13 for political committees under subsection (a).”.

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

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

24 (c) OTHER REPORTING REQUIREMENTS.—

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

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

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

8 (C) by adding at the end the following new
9 subparagraph:

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

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

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

18 and

19 (B) by inserting “, and the election to
20 which the operating expenditure relates” after
21 “operating expenditure”.

22 **SEC. 213. BUILDING FUND EXCEPTION TO THE DEFINITION**
23 **OF THE TERM “CONTRIBUTION”.**

24 Section 301(8)(B) of the Federal Election Campaign
25 Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

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

4 **Subtitle C—Soft Money of Persons**
5 **Other Than Political Parties**

6 **SEC. 221. SOFT MONEY OF PERSONS OTHER THAN POLITI-**
7 **CAL PARTIES.**

8 Section 304 of the Federal Election Campaign Act
9 of 1971 (2 U.S.C. 434), as amended by section 212(a)
10 and (c), is further amended by adding at the end the fol-
11 lowing new subsection:

12 “(f) ELECTION ACTIVITY OF PERSONS OTHER THAN
13 POLITICAL PARTIES.—(1)(A)(i) If any person to which
14 section 325 does not apply makes (or obligates to make)
15 disbursements for activities described in section 325(b)(1)
16 in excess of \$2,000, such person shall file a statement—

17 “(I) within 48 hours after the disbursements
18 (or obligations) are made; or

19 “(II) in the case of disbursements (or obliga-
20 tions) that are required to be made within 20 days
21 of the election, within 24 hours after such disburse-
22 ment (or obligations) are made.

23 “(ii) An additional statement shall be filed each time
24 additional disbursements aggregating \$2,000 are made (or
25 obligated to be made) by a person described in clause (i).

1 “(B) This paragraph shall not apply to—

2 “(i) a candidate or a candidate’s authorized
3 committees; or

4 “(ii) an independent expenditure (as defined in
5 section 301(17)).

6 “(2) Any statement under this section shall be filed
7 with the Commission and shall contain such information
8 as the Commission shall prescribe, including whether the
9 disbursement is in support of, or in opposition to, 1 or
10 more candidates or any political party.”.

11 **Subtitle D—Contributions**

12 **SEC. 231. CONTRIBUTIONS THROUGH INTERMEDIARIES** 13 **AND CONDUITS.**

14 Section 315(a)(8) of the Federal Election Campaign
15 Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read
16 as follows:

17 “(8) For the purposes of this subsection:

18 “(A) Contributions made by a person, ei-
19 ther directly or indirectly, to or on behalf of a
20 particular candidate, including contributions
21 that are in any way earmarked or otherwise di-
22 rected through an intermediary or conduit to a
23 candidate, shall be treated as contributions
24 from the person to the candidate. If a contribu-
25 tion is made to a candidate through an

1 intermediary or conduit, the intermediary or
2 conduit shall report the original source and the
3 intended recipient of the contribution to the
4 Commission and the intended recipient.

5 “(B) Contributions made directly or indi-
6 rectly by a person to or on behalf of a particu-
7 lar candidate through an intermediary or con-
8 duit, including contributions arranged to be
9 made by an intermediary or conduit, shall be
10 treated as contributions from the intermediary
11 or conduit to the candidate if—

12 “(i) the contributions made through
13 the intermediary or conduit are in the form
14 of a check or other negotiable instrument
15 made payable to the intermediary or con-
16 duit rather than the intended recipient; or

17 “(ii) the intermediary or conduit is—

18 “(I) a political committee, a po-
19 litical party, or an officer, employee,
20 or agent of either;

21 “(II) a person whose activities
22 are required to be reported under sec-
23 tion 308 of the Federal Regulation of
24 Lobbying Act (2 U.S.C. 267), the
25 Foreign Agents Registration Act of

1 1938 (22 U.S.C. 611 et seq.), or a
2 person whose activities are required to
3 be reported pursuant to any successor
4 Federal law which requires reporting
5 on the activities of person who is a
6 lobbyist or foreign agent;

7 “(III) a person who is prohibited
8 from making contributions under sec-
9 tion 316 or a partnership; or

10 “(IV) an officer, employee, or
11 agent of a person described in
12 subclause (II) or (III) acting on be-
13 half of such person.

14 “(C) The term ‘contributions arranged to
15 be made’ includes—

16 “(i)(I) contributions delivered directly
17 or indirectly to a particular candidate or
18 the candidate’s authorized committee or
19 agent by the person who facilitated the
20 contribution; and

21 “(II) contributions made directly or
22 indirectly to a particular candidate or the
23 candidate’s authorized committee or agent
24 that are provided at an event sponsored by

1 an intermediary or conduit described in
2 subparagraph (B).

3 “(ii) The term ‘acting on behalf of
4 such person’ includes the following activi-
5 ties by an officer, employee, or agent of a
6 person described in subparagraph (B)(ii)
7 (II) or (III):

8 “(I) Soliciting the making of a
9 contribution to a particular candidate
10 in the name of such a person;

11 “(II) Soliciting the making of a
12 contribution to a particular candidate
13 using other than incidental resources
14 of such a person; and

15 “(III) Soliciting contributions for
16 a particular candidate by directing a
17 significant portion of the solicitations
18 to other officers, employees, or agents
19 of such a person.

20 “(D) This subsection shall not prohibit—

21 “(i) fundraising efforts for the benefit
22 of a candidate that are conducted by an-
23 other candidate or Federal officeholder; or

24 “(ii) the solicitation by an individual
25 using the individual’s resources and acting

1 in the individual's own name of contribu-
2 tions from other persons in a manner not
3 described in subparagraphs (B) and (C).”.

4 **Subtitle E—Additional Prohibitions** 5 **on Contributions**

6 **SEC. 241. ALLOWABLE CONTRIBUTIONS FOR CANDIDATES.**

7 (a) IN STATE REQUIREMENT.—Title III of the Fed-
8 eral Election Campaign Act of 1971 (2 U.S.C. 431, et
9 seq.) is amended by adding at the end the following new
10 section:

11 “SEC. 326. With regard to any candidate for election
12 for the office of Representative in, or Delegate or Resident
13 Commissioner to, the Congress, by the end of the election
14 cycle not less than 60 percent of the total dollar amount
15 of all contributions from individuals to a candidate or a
16 candidate's authorized committees, not including any ex-
17 penditures, contributions or loans made by the candidate,
18 shall come from individuals legally residing in the can-
19 didate's State.”.

20 (b) RULES APPLICABLE WHEN IN STATE REQUIRE-
21 MENT NOT IN EFFECT.—For purposes of the Federal
22 Election Campaign Act of 1971, during any period begin-
23 ning after the effective date on which the requirement of
24 section 326 of the Act (as added by subsection (a)) is not

1 in effect, a new clause (v) shall be inserted in section
2 501(b)(1) as follows:

3 “(v) will comply with the requirement
4 that, by the end of the election cycle, not
5 less than 60 percent of the total dollar
6 amount of all contributions from individ-
7 uals to a candidate or a candidate’s au-
8 thorized committees, including any expend-
9 itures, contributions, or loans made by a
10 candidate shall come from individuals le-
11 gally residing in the candidate’s State.”.

12 **Subtitle F—Independent** 13 **Expenditures**

14 **SEC. 251. PROVISIONS RELATING TO INDEPENDENT EX-** 15 **PENDITURES.**

16 (a) INDEPENDENT EXPENDITURE DEFINITION
17 AMENDMENT.—Section 301 of the Federal Election Cam-
18 paign Act of 1971 (2 U.S.C. 431) is amended by striking
19 out paragraphs (17) and (18) and inserting in lieu thereof
20 the following:

21 “(17)(A) The term ‘independent expenditure’ means
22 an expenditure that—

23 “(i) contains express advocacy; and

1 “(ii) is made without the participation or co-
2 operation of, or without the consultation of, a can-
3 didate or a candidate’s representative.

4 “(B) The following shall not be considered an inde-
5 pendent expenditure:

6 “(i) An expenditure made by—

7 “(I) an authorized committee of a can-
8 didate for Federal office, or

9 “(II) a political committee of a political
10 party.

11 “(ii) An expenditure if there is any arrange-
12 ment, coordination, or direction with respect to the
13 expenditure between the candidate or the candidate’s
14 agent and the person making the expenditure.

15 “(iii) An expenditure if, in the same election
16 cycle, the person making the expenditure is or has
17 been—

18 “(I) authorized to raise or expend funds on
19 behalf of the candidate or the candidate’s au-
20 thorized committees; or

21 “(II) serving as a member, employee, or
22 agent of the candidate’s authorized committees
23 in an executive or policymaking position.

24 “(iv) An expenditure if the person making the
25 expenditure has advised or counseled the candidate

1 or the candidate’s agents at any time on the can-
2 didate’s plans, projects, or needs relating to the can-
3 didate’s pursuit of nomination for election, or elec-
4 tion, to Federal office, in the same election cycle, in-
5 cluding any advice relating to the candidate’s deci-
6 sion to seek Federal office.

7 “(v) An expenditure if the person making the
8 expenditure retains the professional services of any
9 individual or other person also providing services in
10 the same election cycle to the candidate in connec-
11 tion with the candidate’s pursuit of nomination for
12 election, or election, to Federal office, including any
13 services relating to the candidate’s decision to seek
14 Federal office. For purposes of this clause, the term
15 ‘professional services’ shall include any services
16 (other than legal and accounting services solely for
17 purposes of ensuring compliance with any Federal
18 law) in support of any candidate’s or candidates’
19 pursuit of nomination for election, or election, to
20 Federal office.

21 For purposes of this subparagraph, the person making the
22 expenditure shall include any officer, director, employee,
23 or agent of such person.

24 “(18)(A) The term ‘express advocacy’ means, when
25 a communication is taken as a whole and with limited ref-

1 erence to external events, an expression of support for or
2 opposition to a specific candidate, to a specific group of
3 candidates, or to candidates of a particular political party.

4 “(B) The term ‘expression of support for or opposi-
5 tion to’ includes a suggestion to take action with respect
6 to an election, such as to vote for or against, make con-
7 tributions to, or participate in campaign activity, or to re-
8 frain from taking action.”.

9 (b) CONTRIBUTION DEFINITION AMENDMENT.—Sec-
10 tion 301(8)(A) of the Federal Election Campaign Act of
11 1971 (2 U.S.C. 431(8)(A)) is amended—

12 (1) in clause (i), by striking out “or” after the
13 semicolon at the end;

14 (2) in clause (ii), by striking out the period at
15 the end and inserting in lieu thereof “; or”; and

16 (3) by adding at the end the following new
17 clause:

18 “(iii) any payment or other transaction referred
19 to in paragraph (17)(A)(i) that is not an independ-
20 ent expenditure under paragraph (17).”.

21 **SEC. 252. REPORTING REQUIREMENTS FOR CERTAIN INDE-**
22 **PENDENT EXPENDITURES.**

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

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

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

5 (3) by inserting after paragraph (2), as amend-
6 ed by paragraph (1), the following new paragraphs:

7 “(3)(A) Any person (including a political com-
8 mittee) making independent expenditures as defined
9 in section 301(17) and (18) with respect to a can-
10 didate in an election aggregating \$1,000 or more
11 made after the 20th day, but more than 24 hours,
12 before the election shall file a report within 24 hours
13 after such independent expenditures are made. An
14 additional report shall be filed each time independ-
15 ent expenditures aggregating \$1,000 are made with
16 respect to the same candidate after the latest report
17 filed under this subparagraph.

18 “(B) Any person (including a political commit-
19 tee) making independent expenditures with respect
20 to a candidate in an election aggregating \$10,000 or
21 more made at any time up to and including the 20th
22 day before the election shall file a report within 48
23 hours after such independent expenditures are made.
24 An additional report shall be filed each time inde-
25 pendent expenditures aggregating \$10,000 are made

1 with respect to the same candidate after the latest
2 report filed under this paragraph.

3 “(C) A report under subparagraph (A) or (B)
4 shall be filed with the Commission and shall identify
5 each candidate whom the expenditure is actually in-
6 tended to support or to oppose. Not later than 2
7 business days after the Commission receives a re-
8 port, the Commission shall transmit a copy of the
9 report to each candidate seeking nomination or elec-
10 tion to that office.

11 “(D) For purposes of this section, an independ-
12 ent expenditure shall be considered to have been
13 made upon the making of any payment or the taking
14 of any action to incur an obligation for payment.

15 “(4) The Commission may, upon a request of a
16 candidate or on its own initiative, make its own de-
17 termination that a person, including a political com-
18 mittee, has made, or has incurred obligations to
19 make, independent expenditures with respect to any
20 candidate in any election which in the aggregate ex-
21 ceed the applicable amounts under paragraph (3).
22 The Commission shall notify each candidate in such
23 election of such determination made within 2 busi-
24 ness days after making it. Any determination made

1 at the request of a candidate shall be made within
2 48 hours of the request.

3 “(5) In the event that independent expenditures
4 totaling in the aggregate \$25,000 have been made in
5 the same election in favor of another candidate or
6 against an eligible House of Representatives can-
7 didate, the Commission shall, within 2 business
8 days, notify the eligible candidate that such can-
9 didate is entitled under section 502(g) to raise addi-
10 tional contributions equaling the amount of such
11 independent expenditures. At such time as the ag-
12 gregate amount the independent expenditures re-
13 ferred to in the preceding sentence, combined with
14 the expenditures of all other candidates in such elec-
15 tion equals 100 percent of the election cycle limit set
16 forth in section 502(b), the Commission shall, within
17 2 business days, notify the eligible candidate that
18 such candidate is entitled under section 502(g) to
19 make the expenditures provided for in section
20 502(g).

21 “(6)(A) A person who reserves broadcast time
22 the payment for which would constitute an inde-
23 pendent expenditure within the meaning of section
24 301(17) of this Act (2 U.S.C. 431(17)), shall at the
25 time of the reservation—

1 “(i) inform the broadcast licensee that pay-
2 ment for the broadcast time will constitute an
3 independent expenditure;

4 “(ii) inform the broadcast licensee of the
5 names of all candidates for the office to which
6 the proposed broadcast relates and state wheth-
7 er the message to be broadcast is intended to
8 be made in support of or in opposition to each
9 such candidate; and

10 “(iii) provide the broadcast licensee a copy
11 of the report described in paragraph (3).

12 “(B) For purposes of this paragraph, the term
13 ‘broadcast’ includes any cablecast.

14 “(C) A licensee who is informed as described in
15 subparagraph (A) shall—

16 “(i) notify each such candidate described
17 in subparagraph (A)(ii) of the proposed making
18 of the independent expenditure; and

19 “(ii) allow any such candidate (other than
20 a candidate for whose benefit the independent
21 expenditure is made) to purchase the same
22 amount of broadcast time immediately after the
23 broadcast time paid for by the independent ex-
24 penditure, at the cost specified in section

1 utility payment, clothing purchase, noncampaign
2 automobile expense, country club membership, vaca-
3 tion, or trip of a noncampaign nature, household
4 food items, tuition payments, admission to a sport-
5 ing event, concert, theater, or other form of enter-
6 tainment not associated with a campaign, dues, fees,
7 or contributions to a health club or recreational fa-
8 cility, and any other inherently personal living ex-
9 pense as determined under the regulations promul-
10 gated pursuant to section 301(b) of the Bipartisan
11 Clean Congress Act of 1995.”.

12 (b) REGULATIONS.—Not later than 90 days after the
13 date of enactment of this Act, the Federal Election Com-
14 mission shall promulgate regulations consistent with this
15 Act to implement subsection (a). Such regulations shall
16 apply to all contributions possessed by an individual on
17 the date of enactment of this Act.

18 **SEC. 302. CAMPAIGN ADVERTISING AMENDMENTS.**

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

21 (1) in subsection (a)—

22 (A) in the matter preceding paragraph

23 (1)—

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

25 ing “Whenever a political committee makes

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

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

9 (iii) by striking “direct”; and

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

12 (2) by adding at the end the following new sub-
13 sections:

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

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

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

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

23 “(d)(1) Any broadcast or cablecast communication
24 described in subsection (a)(1) or subsection (a)(2) shall
25 include, in addition to the requirements of those sub-

1 sections, an audio statement by the candidate that identi-
2 fies the candidate and states that the candidate is respon-
3 sible for the content of the advertisement.

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

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

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

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

1 a reasonable degree of color contrast between the back-
2 ground and the printed statement, for a period of at least
3 4 seconds.”.

4 **SEC. 303. FILING OF REPORTS USING COMPUTERS AND**
5 **FACSIMILE MACHINES.**

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

9 “(6)(A) The Commission, in consultation with
10 the Secretary of the Senate and the Clerk of the
11 House of Representatives, may prescribe regulations
12 under which persons required to file designations,
13 statements, and reports under this Act—

14 “(i) are required to maintain and file them
15 for any calendar year in electronic form acces-
16 sible by computers if the person has, or has
17 reason to expect to have, aggregate contribu-
18 tions or expenditures in excess of a threshold
19 amount determined by the Commission; and

20 “(ii) may maintain and file them in that
21 manner if not required to do so under regula-
22 tions prescribed under clause (i).

23 “(B) The Commission, in consultation with the
24 Secretary of the Senate and the Clerk of the House
25 of Representatives, shall prescribe regulations which

1 allow persons to file designations, statements, and
2 reports required by this Act through the use of fac-
3 simile machines.

4 “(C) In prescribing regulations under this para-
5 graph, the Commission shall provide methods (other
6 than requiring a signature on the document being
7 filed) for verifying designations, statements, and re-
8 ports covered by the regulations. Any document veri-
9 fied under any of the methods shall be treated for
10 all purposes (including penalties for perjury) in the
11 same manner as a document verified by signature.

12 “(D) The Secretary of the Senate and the Clerk
13 of the House of Representatives shall ensure that
14 any computer or other system that they may develop
15 and maintain to receive designations, statements,
16 and reports in the forms required or permitted
17 under this paragraph is compatible with any such
18 system that the Commission may develop and main-
19 tain.”.

20 **SEC. 304. AUDITS.**

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

24 (1) by inserting “(1)” before “The Commis-
25 sion”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(2) Notwithstanding paragraph (1), the Com-
4 mission may conduct random audits and investiga-
5 tions to ensure voluntary compliance with this Act.
6 The subjects of such audits and investigations shall
7 be selected on the basis of criteria established by
8 vote of at least 4 members of the Commission to en-
9 sure impartiality in the selection process. This para-
10 graph does not apply to an authorized committee of
11 a candidate for President or Vice President subject
12 to audit under chapter 95 or 96 of the Internal Rev-
13 enue Code of 1986.”.

14 (b) **EXTENSION OF PERIOD DURING WHICH CAM-**
15 **PAIGN AUDITS MAY BE BEGUN.**—Section 311(b) of the
16 Federal Election Campaign Act of 1971 (2 U.S.C. 438(b))
17 is amended by striking out “6 months” and inserting in
18 lieu thereof “12 months”.

19 **SEC. 305. CHANGE IN CERTAIN REPORTING FROM A CAL-**
20 **ENDAR YEAR BASIS TO AN ELECTION CYCLE**
21 **BASIS.**

22 Paragraphs (2), (3), (4), (6), and (7) of section
23 304(b) of the Federal Election Campaign Act of 1971 (2
24 U.S.C. 434(b)(2)–(7)) are amended by inserting “(election
25 cycle, in the case of an authorized committee of a can-

1 didate for Federal office)” after “calendar year” each
2 place it appears.

3 **SEC. 306. DISCLOSURE OF PERSONAL AND CONSULTING**
4 **SERVICES.**

5 (a) REPORTING BY POLITICAL COMMITTEES.—Sec-
6 tion 304(b)(5)(A) of the Federal Election Campaign Act
7 of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding
8 before the semicolon at the end the following: “, except
9 that if a person to whom an expenditure is made by a
10 candidate or the candidate’s authorized committees is
11 merely providing personal or consulting services and is in
12 turn making expenditures to other persons (not including
13 its owners or employees) who provide goods or services to
14 the candidate or the candidate’s authorized committees,
15 the name and address of such other person, together with
16 the date, amount, and purpose of such expenditure shall
17 also be disclosed”.

18 (b) RECORDKEEPING AND REPORTING BY PERSONS
19 TO WHOM EXPENDITURES ARE PASSED THROUGH.—Sec-
20 tion 302 of the Federal Election Campaign Act of 1971
21 (2 U.S.C. 432) is amended by adding at the end the fol-
22 lowing new subsection:

23 “(j) The person described in section 304(b)(5)(A)
24 who is providing personal or consulting services and who
25 is in turn making expenditures to other persons (not in-

1 cluding employees) for goods or services provided to a can-
2 didate shall maintain records of and shall provide to a po-
3 litical committee the information necessary to enable the
4 political committee to report the information described in
5 section 304(b)(5)(A).”.

6 **SEC. 307. USE OF CANDIDATES' NAMES.**

7 Section 302(e)(4) of the Federal Election Campaign
8 Act of 1971 (2 U.S.C. 432(e)(4)) is amended to read as
9 follows:

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

13 “(B) a political committee that is not an au-
14 thorized committee shall not—

15 “(i) include the name of any candidate in
16 its name, or

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

1 **SEC. 308. REPORTING REQUIREMENTS.**

2 (a) OPTION TO FILE MONTHLY REPORTS.—Section
3 304(a)(2) of the Federal Election Campaign Act of 1971
4 (2 U.S.C. 434(a)(2)) is amended—

5 (1) in subparagraph (A) by striking “and” at
6 the end;

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

9 (3) by inserting the following new subparagraph
10 at the end:

11 “(C) in lieu of the reports required by sub-
12 paragraphs (A) and (B), the treasurer may file
13 monthly reports in all calendar years, which
14 shall be filed no later than the 20th day after
15 the last day of the month and shall be complete
16 as of the last day of the month, except that, in
17 lieu of filing the reports otherwise due in No-
18 vember and December of any year in which a
19 regularly scheduled general election is held, a
20 pre-primary election report and a pre-general
21 election report shall be filed in accordance with
22 subparagraph (A)(i), a post-general election re-
23 port shall be filed in accordance with subpara-
24 graph (A)(ii), and a year end report shall be
25 filed no later than January 31 of the following
26 calendar year.”.

1 (b) POLITICAL COMMITTEES.—Section 304(a)(4) of
2 the Federal Election Campaign Act of 1971 (2 U.S.C.
3 434(a)(4)) is amended in subparagraph (A)(i) by inserting
4 “, and except that if at any time during the election year
5 a committee receives contributions in excess of \$100,000
6 or makes disbursements in excess of \$100,000, monthly
7 reports on the 20th day of each month after the month
8 in which that amount of contributions is first received or
9 that amount of disbursements is first anticipated to be
10 made during that year” before the semicolon.

11 (c) INCOMPLETE OR FALSE CONTRIBUTOR INFORMA-
12 TION.—Section 302(i) of the Federal Election Campaign
13 Act of 1971 (2 U.S.C. 432(i)) is amended—

14 (1) by inserting “(1)” after “(i)”;

15 (2) by striking “submit” and inserting “re-
16 port”; and

17 (3) by adding at the end the following new
18 paragraph:

19 “(2) A treasurer shall be considered to have
20 used best efforts under this section only if—

21 “(A) all written solicitations include a clear
22 and conspicuous request for the contributor’s
23 identification and inform the contributor of the
24 committee’s obligation to report the identifica-

1 tion in a statement prescribed by the Commis-
2 sion;

3 “(B) the treasurer makes at least 1 addi-
4 tional request for the contributor’s identifica-
5 tion for each contribution received that aggre-
6 gates in excess of \$200 per calendar year and
7 which does not contain all of the information
8 required by this Act; and

9 “(C) the treasurer reports all information
10 in the committee’s possession regarding contrib-
11 utor identifications.”.

12 (d) WAIVER.—Section 304 of the Federal Election
13 Campaign Act of 1971 (2 U.S.C. 434), is amended by add-
14 ing at the end the following subsection:

15 “(g) WAIVER.—The Commission may relieve any cat-
16 egory of political committees of the obligation to file 1 or
17 more reports required by this section, or may change the
18 due dates of such reports, if it determines that such action
19 is consistent with the purposes of this Act. The Commis-
20 sion may waive requirements to file reports in accordance
21 with this subsection through a rule of general applicability
22 or, in a specific case, may waive or extend the due date
23 of a report by notifying all political committees affected.”.

1 **SEC. 309. SIMULTANEOUS REGISTRATION OF CANDIDATE**
2 **AND CANDIDATE'S PRINCIPAL CAMPAIGN**
3 **COMMITTEE.**

4 Section 303(a) of the Federal Election Campaign Act
5 of 1971 (2 U.S.C. 433(a)) is amended in the first sentence
6 by striking “no later than 10 days after designation” and
7 inserting “on the date of its designation”.

8 **SEC. 310. INDEPENDENT LITIGATION AUTHORITY.**

9 Section 306(f) of the Federal Election Campaign Act
10 of 1971 (2 U.S.C. 437c(f)) is amended by striking para-
11 graph (4) and inserting the following new paragraph:

12 “(4)(A) Notwithstanding the provisions of para-
13 graph (2), or of any other provision of law, the Com-
14 mission is authorized to appear on its own behalf in
15 any action related to the exercise of its statutory du-
16 ties or powers in any court as either a party or as
17 amicus curiae, either—

18 “(i) by attorneys employed in its office, or

19 “(ii) by counsel whom it may appoint, on
20 a temporary basis as may be necessary for such
21 purpose, without regard to the provisions of
22 title 5, United States Code, governing appoint-
23 ments in the competitive service, and whose
24 compensation it may fix without regard to the
25 provisions of chapter 51 and subchapter III of
26 chapter 53 of such title. The compensation of

1 counsel so appointed on a temporary basis shall
2 be paid out of any funds otherwise available to
3 pay the compensation of employees of the Com-
4 mission.

5 “(B) The authority granted under subpara-
6 graph (A) includes the power to appeal from, and
7 petition the Supreme Court for certiorari to review,
8 judgments or decrees entered with respect to actions
9 in which the Commission appears pursuant to the
10 authority provided in this section.”.

11 **SEC. 311. INSOLVENT POLITICAL COMMITTEES.**

12 Section 303(d) of the Federal Election Campaign Act
13 of 1971 (2 U.S.C. 433(d)) is amended by adding at the
14 end the following paragraph:

15 “(3) Proceedings by the Commission under
16 paragraph (2) constitute the sole means, to the ex-
17 clusion of proceeding under title 11, United States
18 Code, by which a political committee that is deter-
19 mined by the Commission to be insolvent may com-
20 promise its debts, liquidate its assets, and terminate
21 its existence.”.

1 **SEC. 312. REGULATIONS RELATING TO USE OF NON-FED-**
2 **ERAL MONEY.**

3 Section 306 of the Federal Election Campaign Act
4 of 1971 (2 U.S.C. 437c) is amended by adding at the end
5 the following new subsection:

6 “(g) The Commission shall promulgate regulations to
7 prohibit devices or arrangements which have the purpose
8 or effect of undermining or evading the provisions of this
9 Act restricting the use of non-Federal money to affect
10 Federal elections.”.

11 **SEC. 313. TERM LIMITS FOR FEDERAL ELECTION COMMIS-**
12 **SION.**

13 Section 306 of the Federal Election Campaign Act
14 of 1971 (2 U.S.C. 437c(a)(2)(A)) is amended by striking
15 “terms” and inserting in lieu thereof “no more than one
16 term”.

17 **SEC. 314. AUTHORITY TO SEEK INJUNCTION.**

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

20 (1) by adding at the end the following new
21 paragraph:

22 “(13)(A) If, at any time in a proceeding de-
23 scribed in paragraph (1), (2), (3), or (4), the Com-
24 mission believes that—

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

4 “(ii) the failure to act expeditiously will re-
5 sult in irreparable harm to a party affected by
6 the potential violation;

7 “(iii) expeditious action will not cause
8 undue harm or prejudice to the interests of oth-
9 ers; and

10 “(iv) the public interest would be best
11 served by the issuance of an injunction, the
12 Commission may initiate a civil action for a
13 temporary restraining order or a temporary in-
14 junction pending the outcome of the proceed-
15 ings described in paragraphs (1), (2), (3), and
16 (4).

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

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

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

1 **SEC. 315. EXPEDITED PROCEDURES.**

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

5 “(14)(A) If the complaint in a proceeding was
6 filed within 60 days immediately preceding a general
7 election, the Commission may take action described
8 in this subparagraph.

9 “(B) If the Commission determines, on the
10 basis of facts alleged in the complaint and other
11 facts available to it, that there is clear and convinc-
12 ing evidence that a violation of this Act has oc-
13 curred, is occurring, or is about to occur and it ap-
14 pears that the requirements for relief stated in para-
15 graph (13)(A) (ii), (iii), and (iv) are met, the Com-
16 mission may—

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

23 “(ii) if the Commission determines that
24 there is insufficient time to conduct proceedings
25 before the election, immediately seek relief
26 under paragraph (13)(A).

1 “(C) If the Commission determines, on the
2 basis of facts alleged in the complaint and other
3 facts available to it, that the complaint is clearly
4 without merit, the Commission may—

5 “(i) order expedited proceedings, shorten-
6 ing the time periods for proceedings under
7 paragraphs (1), (2), (3), and (4) as necessary
8 to allow the matter to be resolved in sufficient
9 time before the election to avoid harm or preju-
10 dice to the interests of the parties; or

11 “(ii) if the Commission determines that
12 there is insufficient time to conduct proceedings
13 before the election, summarily dismiss the com-
14 plaint.”.

15 **SEC. 316. OFFICIAL MASS MAILING ALLOWANCE.**

16 Section 311(f) of the Legislative Branch Appropria-
17 tions Act, 1991 (2 U.S.C. 59e(f)) is amended to read as
18 follows:

19 “(f)(1) There is established in the House of Rep-
20 resentatives an Official Mass Mailing Allowance for Mem-
21 bers of the House of Representatives.

22 “(2) The Official Mass Mailing Allowance of a Mem-
23 ber of the House of Representatives—

24 “(A) shall be available only for postage for any
25 mass mailing sent by such Member as franked mail;

1 “(B) shall be the sole source of funding for any
2 such postage; and

3 “(C) shall be available, in a session of Congress
4 (subject to paragraph (5)(A)(ii)), in an amount not
5 to exceed the total amount allocated to the Official
6 Mail Allowance of such Member in such session.

7 “(3) No amount may be transferred to or from the
8 Official Mass Mailing Allowance of a Member of the
9 House of Representatives (including as described in the
10 parenthetical matter in subsection (a)(2)(A)), except as
11 provided in subsection (e)(3)(B).

12 “(4) For purposes of subsection (b), the Official Mass
13 Mailing Allowance of (and any mass mailing sent by) a
14 Member of the House of Representatives shall be treated
15 separately from the Official Mail Allowance of (and any
16 other official mail sent by) such Member.

17 “(5)(A) Otherwise applicable provisions of law relat-
18 ing to mass mailings sent by a Member of (or Member-
19 elect to) the House of Representatives shall continue to
20 govern such mass mailings—

21 “(i) except that—

22 “(I) for purposes of carrying out those
23 other provisions of law, the term ‘mass mailing’
24 shall have the meaning given it under para-
25 graph (8); and

1 “(II) a mass mailing may not be sent if it
2 would be postmarked during any session that
3 begins in an even-numbered calendar year, sub-
4 ject to subparagraph (B); and

5 “(ii) except as otherwise provided in this sub-
6 section.

7 “(B) Nothing in subclause (II) of subparagraph
8 (A)(i) shall be considered to preclude the mailing of any
9 mail matter—

10 “(i) sent after the Tuesday next after the 1st
11 Monday in November of such year, and any mass
12 mailing described in section 3210(a)(6)(B) of title
13 39, United States Code; or

14 “(ii) which relates to an emergency or disaster
15 declared by the President, if—

16 “(I) the mailing is sent within 60 days
17 after the emergency or disaster is declared;

18 “(II) the recipients of the mailing are lo-
19 cated in a congressional district any portion of
20 which is within (or adjacent to) an area in-
21 cluded in the President’s declaration;

22 “(III) the mailing complies with clauses
23 (iii) and (iv) of paragraph (8)(C);

1 “(IV) the mailing complies with clauses (i)
2 and (ii)(II) of section 3210(a)(6)(A) of title 39,
3 United States Code; and

4 “(V) the mailing relates solely to the emer-
5 gency or disaster.

6 “(6) A Member of the House of Representatives
7 shall—

8 “(A) before making any mass mailing, submit a
9 sample of the mail matter involved to the House
10 Commission on Congressional Mailing Standards for
11 an advisory opinion as to whether such proposed
12 mailing is in compliance with applicable provisions of
13 law, rule, or regulation;

14 “(B) before making any mailing of substantially
15 identical mail which totals 250 pieces or less (but
16 more than 50) in the same session, and which in
17 every other respect meets the definition of a mass
18 mailing (determined disregarding the exclusion
19 under subclause (II) of paragraph (8)(A)(i)), submit
20 a sample of the mail matter involved to such Com-
21 mission; and

22 “(C) before making any mailing of substantially
23 identical mail, in the nature of a town meeting no-
24 tice, which totals more than 50 pieces in the same
25 session, and which in every other respect (aside from

1 such nature and number) meets the definition of a
2 mass mailing, submit a sample of the mail matter
3 involved to such Commission.

4 “(7)(A) The regulations prescribed in connection with
5 subsection (a)(3) shall be amended to require, in addition
6 to the information otherwise required to be included in the
7 quarterly report referred to therein, a statement of—

8 “(i) costs charged against the Official Mass
9 Mailing Allowance of each Member; and

10 “(ii) the number of pieces of mail in any mass
11 mailing sent by a Member.

12 “(B)(i) The House Commission on Congressional
13 Mailing Standards shall by regulation establish procedures
14 under which there shall be made available to the public
15 for review and copying any matter submitted to the Com-
16 mission under paragraph (6). Any copying under the pre-
17 ceding sentence shall be at the expense of the person who
18 requests the copying.

19 “(ii) Under the regulations, mail matter shall be
20 made available within 2 weeks after the date on which it
21 is requested in accordance with applicable procedures.

22 “(8) For the purpose of this subsection—

23 “(A) the term ‘mass mailing’ means, with re-
24 spect to a session of Congress, any mailing of news-
25 letters or other pieces of mail with substantially

1 identical content (whether such mail is deposited sin-
2 gly or in bulk, or at the same time or different
3 times), totaling more than 250 pieces in that ses-
4 sion, except that such term does not include—

5 “(i)(I) any mailing of matter in direct re-
6 sponse to a communication from a person to
7 whom the matter is mailed; or

8 “(II) a single follow-up to any such direct
9 response, if it is made before the end of the
10 Congress in which the direct response was
11 made, it occurs within 6 weeks after any signifi-
12 cant congressional action (as defined by the
13 House Commission on Congressional Mailing
14 Standards) on the subject matter involved, and
15 it complies with any requirements which would
16 be applicable to it under clause (i) or (ii)(II) of
17 section 3210(a)(6)(A) of title 39, United States
18 Code, if it were a mass mailing;

19 “(ii) any mailing from a Member of Con-
20 gress to other Members of Congress, or to Fed-
21 eral, State, or local government officials;

22 “(iii) any mailing of a news release to the
23 communications media; or

24 “(iv) any mailing described in clause (iv)
25 or (v) of section 6(b)(1)(B) of the Legislative

1 Branch Appropriations Act, 1995 (39 U.S.C.
2 3210 note), subject to the same restriction as
3 specified in such clause (iv) with respect to a
4 Member of the Senate;

5 “(B) the term ‘franked mail’ has the meaning
6 given such term by section 3201(4) of title 39,
7 United States Code; and

8 “(C) the term ‘town meeting notice’ means (in-
9 cluding for purposes of subparagraph (A)(iv)) any
10 mailing which—

11 “(i) relates solely to a notice of the time
12 and place at which a Member of the House of
13 Representatives or 1 or more members of the
14 Member’s staff will be available to meet con-
15 stituents regarding legislative issues or prob-
16 lems with Federal programs;

17 “(ii) appears on a mailing 5½” x 8” or
18 smaller;

19 “(iii) includes not more than 3 references
20 to the Member (excluding any reference appear-
21 ing as the frank, consisting of the signature
22 and name at the end of the mailing, or other-
23 wise specified in regulations of the House Com-
24 mission on Congressional Mailing Standards);
25 and

1 “(iv) does not include any picture, sketch,
2 or other likeness of the Member.”.

3 **SEC. 317. PROVISIONS RELATING TO MEMBERS’ OFFICIAL**
4 **MAIL ALLOWANCE.**

5 (a) REDUCTION IN MAXIMUM ALLOCATION.—Section
6 311(e)(2)(B)(i) of the Legislative Branch Appropriations
7 Act, 1991 (2 U.S.C. 59e(e)(2)(B)(i)) is amended by strik-
8 ing “3” and inserting “0.5”.

9 (b) LIMITATION ON TRANSFERS.—Paragraph (3) of
10 section 311(e) of such Act is amended to read as follows:

11 “(3)(A) Except as provided in subparagraph (B), no
12 amount may be transferred to or from the Official Mail
13 Allowance of a Member of the House of Representatives.

14 “(B) A Member of the House of Representatives may
15 transfer amounts from the Official Mass Mailing Allow-
16 ance of the Member to the Official Mail Allowance of the
17 Member.”.

18 **SEC. 318. INTENT OF CONGRESS.**

19 It is the intent of Congress that any funds realized
20 by section 316 of the Bipartisan Clean Congress Act of
21 1995 shall be designated to pay for the benefits provided
22 in section 103.

23 **SEC. 319. SEVERABILITY.**

24 If any provision of this Act, an amendment made by
25 this Act, or the application of such provision or amend-

1 ment to any other person or circumstance is held to be
2 unconstitutional, the remainder of this Act, the amend-
3 ments made by this Act, and the application of the provi-
4 sions of such to any other person or circumstance shall
5 not be affected thereby.

6 **SEC. 320. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.**

7 (a) **DIRECT APPEAL TO SUPREME COURT.**—An ap-
8 peal may be taken directly to the Supreme Court of the
9 United States from any interlocutory order or final judg-
10 ment, decree, or order issued by any court ruling on the
11 constitutionality of any provision of this Act or amend-
12 ment made by this Act.

13 (b) **ACCEPTANCE AND EXPEDITION.**—The Supreme
14 Court shall, if it has not previously ruled on the question
15 addressed in the ruling below, accept jurisdiction over, ad-
16 vance on the docket, and expedite the appeal to the great-
17 est extent possible.

18 **SEC. 321. EFFECTIVE DATE.**

19 Except as otherwise provided in this Act, the amend-
20 ments made by, and the provisions of, this Act shall take
21 effect on January 1, 1997.

1 **SEC. 322. REGULATIONS.**

2 The Federal Election Commission shall prescribe any
3 regulations required to carry out this Act not later than
4 9 months after the effective date of this Act.

○

HR 2566 IH—2

HR 2566 IH—3

HR 2566 IH—4

HR 2566 IH—5

HR 2566 IH—6