

105TH CONGRESS  
2D SESSION

# H. R. 3852

To amend the Federal Election Campaign Act of 1971 to provide for public financing for House of Representatives general elections for candidates who voluntarily limit expenditures, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 1998

Mr. OBEY introduced the following bill; which was referred to the Committee on House Oversight, and in addition to the Committees on 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

---

## A BILL

To amend the Federal Election Campaign Act of 1971 to provide for public financing for House of Representatives general elections for candidates who voluntarily limit expenditures, 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; FINDING.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5 “Let the Public Decide Campaign Finance Reform Act”.

6       (b) FINDING.—The Congress finds that the existing  
7 system of private political contributions has become a fun-

1 damental threat to the integrity of the national election  
2 process and that the provisions contained in this Act are  
3 necessary to prevent the corruption of the public's faith  
4 in the Nation's system of governance.

5 **TITLE I—VOLUNTARY EXPENDI-**  
6 **TURE LIMITATIONS AND PUB-**  
7 **LIC FINANCING FOR HOUSE**  
8 **OF REPRESENTATIVES GEN-**  
9 **ERAL ELECTIONS**

10 **SEC. 101. NEW TITLE OF FEDERAL ELECTION CAMPAIGN**  
11 **ACT OF 1971.**

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

15 **“TITLE V—VOLUNTARY EXPEND-**  
16 **ITURE LIMITATIONS AND**  
17 **PUBLIC FINANCING FOR**  
18 **HOUSE OF REPRESENTA-**  
19 **TIVES GENERAL ELECTIONS**  
20 **“Subtitle A—Public Financing for**  
21 **Certified House Candidates**

22 **“SEC. 501. PUBLIC FINANCING FOR CERTIFIED HOUSE CAN-**  
23 **DIDATES.**

24 “A certified House candidate in a House of Rep-  
25 resentatives general election shall be entitled to payments

1 from the Grassroots Good Citizenship Fund under section  
2 521.

3 **“SEC. 502. PROCEDURES FOR CERTIFICATION.**

4 “(a) IN GENERAL.—The Commission shall certify  
5 that a candidate initially meets the requirements for a cer-  
6 tified House candidate if the candidate submits to the  
7 Commission in writing a statement with the following in-  
8 formation and assurances:

9 “(1) An agreement to obtain and furnish to the  
10 Commission such evidence as it may request to en-  
11 sure that the candidate meets the requirements re-  
12 lating to limitations on expenditures under subtitle  
13 B.

14 “(2) An agreement to keep and furnish to the  
15 Commission such records, books, and other informa-  
16 tion as it may request.

17 “(3) An agreement to audit and examination by  
18 the Commission and to the payment of any amounts  
19 found to be paid erroneously to the candidate under  
20 this title.

21 “(4) Such other information and assurances as  
22 the Commission may require.

23 “(b) AUTHORITY OF COMMISSION TO REJECT OR  
24 REVOKE CERTIFICATION.—The Commission may reject a  
25 candidate’s application for treatment as a certified House

1 candidate or revoke a candidate’s status as a certified  
2 House candidate if the candidate knowingly and willfully  
3 violates or has violated any of the applicable requirements  
4 of this title with respect to the election involved or any  
5 previous election.

6 **“Subtitle B—Limitations on Ex-**  
7 **penditures by Certified House**  
8 **Candidates**

9 **“SEC. 511. LIMITATION ON EXPENDITURES.**

10 “A certified House candidate in a House of Rep-  
11 resentatives general election may not make expenditures  
12 other than as provided in this subtitle.

13 **“SEC. 512. SOURCES OF AMOUNTS FOR EXPENDITURES BY**  
14 **CERTIFIED HOUSE CANDIDATES.**

15 “The only sources of amounts for expenditures by  
16 certified House candidates in House of Representatives  
17 general elections shall be—

18 “(1) the Grassroots Good Citizenship Fund,  
19 under section 521; and

20 “(2) additional amounts from State and na-  
21 tional party committees under section 522.

22 **“SEC. 513. DISTRICT LIMITATION ON EXPENDITURES BY**  
23 **MAJOR PARTY CANDIDATES.**

24 “(a) IN GENERAL.—Except as provided in section  
25 515 and section 522, the maximum amounts of expendi-

1 tures by certified House candidates in House of Rep-  
2 resentatives general elections who are major party can-  
3 didates shall be based on the median household income  
4 of the districts involved, as provided for in subsections (b)  
5 and (c).

6 “(b) MAXIMUM FOR WEALTHIEST DISTRICT.—In the  
7 congressional district with the highest median household  
8 income, maximum combined expenditures for all certified  
9 House candidates who are major party candidates with re-  
10 spect to a House of Representatives general election shall  
11 be a total of \$1,000,000.

12 “(c) MAXIMUM FOR OTHER DISTRICTS.—In each  
13 congressional district, other than the district referred to  
14 in subsection (b), the maximum combined expenditures for  
15 all certified House candidates who are major party can-  
16 didates with respect to a House of Representatives general  
17 election shall be an amount equal to—

18 “(1) the maximum amount referred to in sub-  
19 section (b), less

20 “(2) the amount equal to—

21 “(A)  $\frac{2}{3}$  of the percentage difference be-  
22 tween the median household income of the dis-  
23 trict involved and the median household income  
24 of the district referred to in subsection (b),  
25 times

1           “(B) the maximum amount referred to in  
2           subsection (b).

3           “(d) ALLOCATION.—The maximum expenditure for a  
4 certified House candidate who is a major party candidate  
5 in a congressional district shall be 50 percent of the maxi-  
6 mum amount under subsection (b) or (c), as applicable.

7 **“SEC. 514. DISTRICT LIMITATION ON EXPENDITURES BY**  
8           **THIRD PARTY AND INDEPENDENT CAN-**  
9           **DIDATES.**

10          “(a) IN GENERAL.—Except as provided in section  
11 515 and section 522, the maximum amounts of expendi-  
12 tures by certified House candidates who are third party  
13 and independent candidates in House of Representatives  
14 general elections shall be the amount allocated under sub-  
15 section (b).

16          “(b) ALLOCATION.—The maximum expenditure for a  
17 certified House candidate who is a third party or inde-  
18 pendent candidate in a congressional district shall be—

19           “(1) the amount that bears the same ratio to  
20           the maximum amount under subsection (b) or (c) of  
21           section 503, as applicable, as the total popular vote  
22           in the district for candidates of the third party or  
23           for all independent candidates (as the case may be)  
24           bears to the total popular vote for all candidates in  
25           the 5 preceding general elections; or

1           “(2) in the case of a candidate in a district in  
 2           which no third party or independent candidates (as  
 3           the case may be) received votes in the 5 preceding  
 4           general elections, the amount corresponding to the  
 5           number of signatures presented to and verified by  
 6           the Commission according to the following table:

“20,000 signatures .....	\$75,000
30,000 signatures .....	100,000
40,000 signatures .....	150,000
50,000 signatures .....	200,000

7   **“SEC. 515. INCREASE IN AMOUNT FOR CANDIDATES WITH**  
 8                           **NONPARTICIPATING OPPONENT.**

9           “In the case of a certified House candidate in a  
 10 House of Representatives general election with an oppo-  
 11 nent who is a major party candidate who is not a certified  
 12 House candidate, the amount otherwise provided in sec-  
 13 tion 513 or section 514 (as the case may be) shall be in-  
 14 creased by 100 percent.

15   **“Subtitle C—Payments to Certified**  
 16                           **House Candidates**

17   **“SEC. 521. GRASSROOTS GOOD CITIZENSHIP FUND.**

18           “(a) CREATION OF FUND.—There is established in  
 19 the Treasury a trust fund to be known as the ‘Grassroots  
 20 Good Citizenship Fund’, consisting of such amounts as  
 21 may be credited to such fund as provided in this section.

22           “(b) DISTRICT ACCOUNTS.—There shall be estab-  
 23 lished within the Grassroots Good Citizenship Fund an ac-

1 count for each congressional district. The accounts so es-  
2 tablished shall be administered by the Commission for the  
3 purpose of distributing amounts under this title.

4 “(c) PAYMENTS TO CANDIDATES.—Subject to sub-  
5 section (d), the Commission shall pay to each certified  
6 House candidate from the Grassroots Good Citizenship  
7 Fund the maximum amount calculated for such candidate  
8 under section 513 or 514.

9 “(d) INSUFFICIENT AMOUNTS.—If, as determined by  
10 the Commission, there are insufficient amounts in the  
11 Grassroots Good Citizenship Fund for payments under  
12 subsection (c), the Commission may reduce payments to  
13 certified House candidates so that each candidate receives  
14 a pro rata portion of the amounts that are available.

15 “(e) TRANSFERS TO FUND.—There are hereby cred-  
16 ited to the Grassroots Good Citizenship Fund amounts  
17 equivalent to the amounts designated under section 6097  
18 of the Internal Revenue Code of 1986.

19 “(f) EXPENDITURES.—Amounts in the Grassroots  
20 Good Citizenship Fund shall be available for the purpose  
21 of providing amounts for expenditure by certified House  
22 candidates in House of Representatives general elections  
23 in accordance with this title.

1 **“SEC. 522. ADDITIONAL AMOUNTS FROM STATE AND NA-**  
2 **TIONAL PARTY COMMITTEES.**

3 “(a) CONTRIBUTIONS.—In addition to amounts made  
4 available under section 521, in the case of a certified  
5 House candidate in a House of Representatives general  
6 election who is the candidate of a political party, the State  
7 and national committees of that political party may make  
8 contributions to the candidate totaling not more than 5  
9 percent of the maximum expenditure applicable to the can-  
10 didate under section 513 or section 514.

11 “(b) EXPENDITURES.—A certified House candidate  
12 who is the candidate of a political party may make expend-  
13 itures of the amounts received under subsection (a).

14 **“Subtitle D—Miscellaneous**  
15 **Provisions**

16 **“SEC. 531. PUBLIC SERVICE ANNOUNCEMENTS.**

17 “(a) IN GENERAL.—Beginning on January 15, and  
18 continuing through April 15 of each year, the Commission  
19 shall carry out a program, utilizing broadcast announce-  
20 ments and other appropriate means, to inform the public  
21 of the existence and purpose of the Grassroots Good Citi-  
22 zenship Fund and the role that individual citizens can play  
23 in the election process by voluntarily contributing to the  
24 fund. The announcements shall be broadcast during prime  
25 time viewing hours in 30-second advertising segments  
26 equivalent to 200 gross rating points per network per

1 week. The Commission shall ensure that the maximum  
2 number of taxpayers shall be exposed to these announce-  
3 ments. Television networks, as defined by the Federal  
4 Communications Commission, shall provide the broadcast  
5 time under this section as part of their obligations in the  
6 public interest under the Communications Act of 1934.  
7 The Federal Election Commission shall encourage broad-  
8 cast outlets other than the above mentioned television net-  
9 works including radio to provide similar announcements.

10       “(b) GROSS RATING POINT.—The term ‘gross rating  
11 point’ is a measure of the total gross weight delivered. It  
12 is the sum of the ratings for individual programs. Since  
13 a household rating period is 1 percent of the coverage  
14 base, 200 gross rating points means 2 messages a week  
15 per average household.

16 **“SEC. 532. DEFINITIONS.**

17       “As used in this title—

18               “(1) the term ‘certified House candidate’  
19 means, with respect to a House of Representatives  
20 general election, a candidate in such election who is  
21 certified by the Commission under subtitle A as  
22 meeting the requirements for receiving public financ-  
23 ing under this title;

24               “(2) the term ‘median household income’  
25 means, with respect to a congressional district, the

1 median household income of that district, as deter-  
2 mined by the Commission, using the most current  
3 data from the Bureau of the Census;

4 “(3) the term ‘major party’ means, with respect  
5 to a House of Representatives general election, a po-  
6 litical party whose candidate for the office of Rep-  
7 resentative in, or Delegate or Resident Commis-  
8 sioner to, the Congress in the preceding general elec-  
9 tion received, as the candidate of such party, 25 per-  
10 cent or more of the total number of popular votes  
11 received by all candidates for such office;

12 “(4) the term ‘third party’ means with respect  
13 to a House of Representatives general election, a po-  
14 litical party whose candidate for the office of Rep-  
15 resentative in, or Delegate or Resident Commis-  
16 sioner to, the Congress in the preceding general elec-  
17 tion received, as the candidate of such party, less  
18 than 25 percent of the total number of popular votes  
19 received by all candidates for such office;

20 “(5) the term ‘independent candidate’ means,  
21 with respect to a House of Representatives general  
22 election, a candidate for the office of Representative  
23 in, or Delegate or Resident Commissioner to, the  
24 Congress who is not the candidate of a major party  
25 or a third party; and

1           “(6) the term ‘House of Representatives gen-  
2           eral election’ means a general election for the office  
3           of Representative in, or Delegate or Resident Com-  
4           missioner to, the Congress.”.

5 **TITLE II—AMENDMENTS TO IN-**  
6 **TERNAL REVENUE CODE OF**  
7 **1986**

8 **SEC. 201. DESIGNATION OF OVERPAYMENTS AND CON-**  
9 **TRIBUTIONS FOR GRASSROOTS GOOD CITI-**  
10 **ZENSHIP FUND.**

11           (a) IN GENERAL.—Subchapter A of chapter 61 of the  
12 Internal Revenue Code of 1986 (relating to returns and  
13 records) is amended by adding at the end the following:

14 **“PART IX—DESIGNATION OF OVERPAYMENTS**  
15 **AND CONTRIBUTIONS FOR GRASSROOTS**  
16 **GOOD CITIZENSHIP FUND**

                  “Sec. 6097. Designation of overpayments for Grassroots Good  
                  Citizenship Fund.

17 **“SEC. 6097. DESIGNATION OF OVERPAYMENTS FOR GRASS-**  
18 **ROOTS GOOD CITIZENSHIP FUND.**

19           “(a) IN GENERAL.—With respect to each taxpayer’s  
20 return for the taxable year of the tax imposed by chapter  
21 1, such taxpayer may designate that—

22                   “(1) a specified portion (not less than \$1 or  
23                   more than \$10,000, and not less than \$1 or more

1 than \$20,000 in the case of a joint return) of any  
2 overpayment of tax for such taxable year, and

3 “(2) any contribution which the taxpayer in-  
4 cludes with such return,

5 shall be paid over to the Grassroots Good Citizenship  
6 Fund under section 521 of the Federal Election Campaign  
7 Act of 1971.

8 “(b) MANNER AND TIME OF DESIGNATION.—A des-  
9 ignation under subsection (a) may be made with respect  
10 to any taxable year only at the time of filing the return  
11 of tax imposed by chapter 1 for such taxable year. Such  
12 designation shall be made on the 1st page of the return.

13 “(c) OVERPAYMENTS TREATED AS REFUNDED.—For  
14 purposes of this title, any portion of an overpayment of  
15 tax designated under subsection (a) shall be treated as  
16 being refunded to the taxpayer as of the last date pre-  
17 scribed for filing the return of tax imposed by chapter 1  
18 (determined without regard to extensions) or, if later, the  
19 date the return is filed.”.

20 (b) CLERICAL AMENDMENT.—The table of parts for  
21 such subchapter A is amended by adding at the end there-  
22 of the following new item:

“Part IX. Designation of overpayments and contributions for cer-  
tain purposes relating to House of Representatives  
elections.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to taxable years beginning after  
3 December 31, 1998.

4 **SEC. 202. INCREASE IN CORPORATE INCOME TAX ON TAX-**  
5 **ABLE INCOME ABOVE \$10,000,000.**

6 (a) IN GENERAL.—Paragraph (4) of subsection (b)  
7 of section 11 of the Internal Revenue Code of 1986 is  
8 amended by striking “35 percent” and inserting “35.1  
9 percent”.

10 (b) EFFECTIVE DATE.—The amendment made by  
11 subsection (a) shall apply to taxable years beginning after  
12 the date of the enactment of this Act.

13 (c) USE OF AMOUNTS RECEIVED.—Amounts received  
14 by reason of the amendment made by subsection (a) shall  
15 be paid over to the Grassroots Good Citizenship Fund  
16 under section 521 of the Federal Election Campaign Act  
17 of 1971.

18 **TITLE III—BAN ON USE OF SOFT**  
19 **MONEY BY HOUSE CANDIDATES**

20 **SEC. 301. BAN ON USE OF SOFT MONEY BY HOUSE CAN-**  
21 **DIDATES.**

22 Title III of the Federal Election Campaign Act of  
23 1971 (2 U.S.C. 431 et seq.) is amended by adding at the  
24 end the following new section:

1 “BAN ON USE OF NON-REGULATED FUNDS BY HOUSE  
2 CANDIDATES

3 “SEC. 323. (a) IN GENERAL.—No funds may be so-  
4 licited, disbursed, or otherwise used with respect to any  
5 House of Representatives election unless the funds are  
6 subject to the limitations and prohibitions of this Act.

7 “(b) HOUSE OF REPRESENTATIVES ELECTION DE-  
8 FINED.—In this section, the term ‘House of Representa-  
9 tives election’ means any election for the office of Rep-  
10 resentative in, or Delegate or Resident Commissioner to,  
11 the Congress.”.

12 **TITLE IV—INDEPENDENT**  
13 **EXPENDITURES**

14 **SEC. 401. BAN ON INDEPENDENT EXPENDITURES IN HOUSE**  
15 **OF REPRESENTATIVES ELECTIONS.**

16 (a) IN GENERAL.—Section 315 of the Federal Elec-  
17 tion Campaign Act of 1971 (2 U.S.C. 441a) is amended  
18 by adding at the end the following new subsection;

19 “(i) No person may make any independent expendi-  
20 ture with respect to an election for the office of Represent-  
21 ative in, or Delegate or Resident Commissioner to, the  
22 Congress.”.

23 (b) CLARIFICATION OF DEFINITIONS RELATING TO  
24 INDEPENDENT EXPENDITURES.—

1           (1) IN GENERAL.—Section 301 of such Act (2  
2           U.S.C. 431) is amended by striking paragraphs (17)  
3           and (18) and inserting the following new para-  
4           graphs:

5           “(17) The term ‘independent expenditure’ means an  
6           expenditure for a communication (other than a commu-  
7           nication which is described in clause (i) or clause (iii) of  
8           paragraph (9)(B) or which would be described in such  
9           clause if the communication were otherwise treated as an  
10          expenditure under this title)—

11           “(A) which is made during the 90-day period  
12          ending on the date of a general election for Federal  
13          office and which identifies a candidate for election  
14          for such office by name, image, or likeness; or

15           “(B) which contains express advocacy and is  
16          made without the participation or cooperation of, or  
17          consultation with, a candidate or a candidate’s rep-  
18          resentative.

19          “(18) The term ‘express advocacy’ means, when a  
20          communication is taken as a whole and with limited ref-  
21          erence to external events, an expression of support for or  
22          opposition to a specific candidate, to a specific group of  
23          candidates, or to candidates of a particular political party,  
24          or a suggestion to take action with respect to an election,  
25          such as to vote for or against, make contributions to, or

1 participate in campaign activity, or an expression which  
 2 would reasonably be construed as intending to influence  
 3 the outcome of an election.”.

4 (2) CONTRIBUTION DEFINITION AMEND-  
 5 MENT.—Section 301(8)(A) of such Act (2 U.S.C.  
 6 431(8)(A)) is amended—

7 (A) in clause (i), by striking “or” after the  
 8 semicolon at the end;

9 (B) in clause (ii), by striking the period at  
 10 the end and inserting “; or”; and

11 (C) by adding at the end the following new  
 12 clause:

13 “(iii) any payment or other transaction referred  
 14 to in paragraph (17)(A) that does not qualify as an  
 15 independent expenditure under paragraph (17)(B).”.

16 **SEC. 402. BAN ON USE OF SOFT MONEY FOR CERTAIN EX-**  
 17 **PENDITURES.**

18 Title III of the Federal Election Campaign Act of  
 19 1971 (2 U.S.C. 431 et seq.), as amended by section 301,  
 20 is further amended by adding at the end the following new  
 21 section:

22 “BAN ON USE OF NON-FEDERAL FUNDS FOR CERTAIN  
 23 EXPENDITURES

24 “SEC. 324. (a) IN GENERAL.—No person may dis-  
 25 burse any funds for any expenditure described in sub-

1 section (b) unless the funds are subject to the limitations,  
2 prohibitions, and reporting requirements of this Act.

3 “(b) EXPENDITURES DESCRIBED.—The expenditures  
4 described in this subsection are as follows:

5 “(1) An expenditure made by an authorized  
6 committee of a candidate for Federal office or a po-  
7 litical committee of a political party.

8 “(2) An expenditure made by a person who,  
9 during the election cycle, has made a contribution to  
10 a candidate, where the expenditure is in support of  
11 that candidate or in opposition to another candidate  
12 for the same office.

13 “(3) An expenditure made by a person, or a po-  
14 litical committee established, maintained or con-  
15 trolled by such person, who is required to register,  
16 under section 308 of the Federal Regulation of Lob-  
17 bying Act (2 U.S.C. 267) or the Foreign Agents  
18 Registration Act (22 U.S.C. 611) or any successor  
19 Federal law requiring a person who is a lobbyist or  
20 foreign agent to register.

21 “(4) An expenditure made by a person who,  
22 during the election cycle, has communicated with or  
23 received information from a candidate or a rep-  
24 resentative of that candidate regarding activities  
25 that have the purpose of influencing that candidate’s

1 election to Federal office, where the expenditure is  
 2 in support of that candidate or in opposition to an-  
 3 other candidate for that office.

4 “(5) An expenditure if, in the same election  
 5 cycle, the person making the expenditure is or has  
 6 been—

7 “(A) authorized to raise or expend funds  
 8 on behalf of the candidate or the candidate’s  
 9 authorized committees; or

10 “(B) serving as a member, employee, or  
 11 agent of the candidate’s authorized committees  
 12 in an executive or policymaking position.”.

13 **TITLE V—LIMITATIONS ON AC-**  
 14 **CEPTANCE OF LARGE DONOR**  
 15 **PAC CONTRIBUTIONS IN**  
 16 **HOUSE OF REPRESENTA-**  
 17 **TIVES PRIMARY ELECTIONS**

18 **SEC. 501. LIMITATION ON ACCEPTANCE OF LARGE DONOR**  
 19 **MULTICANDIDATE POLITICAL COMMITTEE**  
 20 **CONTRIBUTIONS BY HOUSE OF REPRESENTA-**  
 21 **TIVES CANDIDATES.**

22 Section 315 of the Federal Election Campaign Act  
 23 of 1971 (2 U.S.C. 441a), as amended by section 401, is  
 24 further amended by adding at the end the following new  
 25 subsection:

1 “(j)(1) A candidate for the office of Representative  
2 in, or Delegate or Resident Commissioner to, the Congress  
3 who is not a certified House candidate under title V (and  
4 the authorized political committees of such candidate) may  
5 not, with respect to an election other than a general elec-  
6 tion, accept contributions from large donor multicandidate  
7 political committees in excess of 20 percent of the maxi-  
8 mum amount which a certified House candidate may ex-  
9 pend with respect to the general election under title V.

10 “(2) In paragraph (1), the term ‘large donor multi-  
11 candidate political committee’ means a multicandidate po-  
12 litical committee that accepts contributions totaling more  
13 than \$200 from any single source in a calendar year.”.

14 **TITLE VI—CONSIDERATION OF**  
15 **CONSTITUTIONAL AMENDMENT**

16 **SEC. 601. EXPEDITED CONSIDERATION OF CONSTITU-**  
17 **TIONAL AMENDMENT.**

18 (a) IN GENERAL.—If any provision of this Act or any  
19 amendment made by this Act is found unconstitutional by  
20 the Supreme Court, the provisions of section 2908 (other  
21 than subsection (a)) of the Defense Base Closure and Re-  
22 alignment Act of 1990 shall apply to the consideration of  
23 a joint resolution described in section 602 in the same  
24 manner as such provisions apply to a joint resolution de-  
25 scribed in section 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 the Judici-  
7 ary of the House of Representatives and any ref-  
8 erence to the Committee on Armed Services of the  
9 Senate shall be deemed a reference to the Committee  
10 on the Judiciary 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 Supreme Court finds  
14 a provision of this Act or an amendment made by  
15 this Act unconstitutional.

16 **SEC. 602. CONSTITUTIONAL AMENDMENT DESCRIBED.**

17 For purposes of section 601, a joint resolution de-  
18 scribed in this section is a joint resolution proposing the  
19 following text as an amendment to the Constitution of the  
20 United States:

21 “ARTICLE—

22 “SECTION 1. In campaigns for election for Federal  
23 office, as necessary to protect the integrity of the electoral  
24 process, Congress may provide for reasonable restrictions  
25 on the making of independent expenditures for public com-

1 munications made during the 90-day period ending on the  
2 date of a general election and on the making of expendi-  
3 tures for public communications which contain express ad-  
4 vocacy.

5       “SEC. 2. Nothing in clause 1 may be construed to  
6 affect the validity of any restrictions on expenditures in  
7 campaigns for election for Federal office which are in ef-  
8 fect prior to the adoption of this article.

9       “SEC. 3. Congress shall have power to enforce this  
10 article by appropriate legislation. No legislation enacted  
11 to enforce this article shall apply with respect to any elec-  
12 tion held after the last day of the year of the third Presi-  
13 dential election held after the date of the enactment of  
14 the legislation, unless the period in which such legislation  
15 is in effect is extended by an Act of Congress which is  
16 signed into law by the President.”.

○