

111TH CONGRESS  
2D SESSION

# S. 3295

To amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 30, 2010

Mr. SCHUMER (for himself, Mr. FEINGOLD, Mr. WYDEN, Mr. BAYH, Mr. FRANKEN, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, Mr. BENNET, Mr. BROWN of Ohio, Mr. REED, Mr. WHITEHOUSE, Mr. SPECTER, Mr. MERKLEY, Ms. KLOBUCHAR, Mr. KAUFMAN, Mr. UDALL of Colorado, Mr. BINGAMAN, Mrs. GILLIBRAND, Mr. CASEY, Mr. BEGICH, Ms. MIKULSKI, Mr. SANDERS, Mr. HARKIN, Mr. ROCKEFELLER, Mrs. McCASKILL, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. TESTER, Mr. BAUCUS, Mr. CONRAD, Mrs. BOXER, Mr. AKAKA, Mr. NELSON of Florida, Mr. LEVIN, and Mr. BURRIS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such 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; TABLE OF CONTENTS.**

4        (a) **SHORT TITLE.**—This Act may be cited as the  
 5 “Democracy Is Strengthened by Casting Light On Spend-  
 6 ing in Elections Act” or the “DISCLOSE Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

**TITLE I—REGULATION OF CERTAIN POLITICAL SPENDING**

Sec. 101. Prohibiting independent expenditures and electioneering commu-  
 nications by government contractors.

Sec. 102. Application of ban on contributions and expenditures by foreign na-  
 tionals to foreign-controlled domestic corporations.

Sec. 103. Treatment of payments for coordinated communications as contribu-  
 tions.

Sec. 104. Treatment of political party communications made on behalf of can-  
 didates.

**TITLE II—PROMOTING EFFECTIVE DISCLOSURE OF CAMPAIGN-  
 RELATED ACTIVITY**

**Subtitle A—Treatment of Independent Expenditures and Electioneering  
 Communications Made by All Persons**

Sec. 201. Independent expenditures.

Sec. 202. Electioneering communications.

**Subtitle B—Expanded Requirements for Corporations and Other  
 Organizations**

Sec. 211. Additional information required to be included in reports on disburse-  
 ments by covered organizations.

Sec. 212. Rules regarding use of general treasury funds by covered organiza-  
 tions for campaign-related activity.

Sec. 213. Optional use of separate account by covered organizations for cam-  
 paign-related activity.

Sec. 214. Modification of rules relating to disclaimer statements required for  
 certain communications.

**Subtitle C—Reporting Requirements for Registered Lobbyists**

Sec. 221. Requiring registered lobbyists to report information on independent  
 expenditures and electioneering communications.

Subtitle D—Filing by Senate Candidates With Commission

Sec. 231. Filing by Senate candidates with Commission.

TITLE III—DISCLOSURE BY COVERED ORGANIZATIONS OF  
INFORMATION ON CAMPAIGN-RELATED ACTIVITY

Sec. 301. Requiring disclosure by covered organizations of information on campaign-related activity.

TITLE IV—TELEVISION MEDIA RATES

Sec. 401. Television media rates.

TITLE V—OTHER PROVISIONS

Sec. 501. Judicial review.

Sec. 502. Severability.

Sec. 503. Effective date.

1 **SEC. 2. FINDINGS.**

2 (a) **GENERAL FINDINGS.**—Congress finds and de-  
3 clares as follows:

4 (1) Throughout the history of the United  
5 States, the American people have been rightly con-  
6 cerned about the power of special interests to control  
7 our democratic processes. That was true over 100  
8 years ago when Congress first enacted legislation in-  
9 tended to restrict corporate funds from being used  
10 in Federal elections, legislation that Congress in  
11 1947 reaffirmed was intended to include inde-  
12 pendent expenditures. The Supreme Court held such  
13 legislation to be constitutional in 1990 in *Austin v.*  
14 *Michigan Chamber of Commerce* (494 U.S. 652)  
15 and again in 2003 in *McConnell v. F.E.C.* (540 U.S.  
16 93).

1           (2) The Supreme Court’s decision in Citizens  
2 United v. Federal Election Commission on January  
3 21, 2010, reverses established jurisprudence and  
4 sound policy to greatly increase the dangers of  
5 undue special interest influence over the democratic  
6 process. That decision has opened the floodgates for  
7 corporations and labor unions to spend unlimited  
8 sums from their general treasury accounts to influ-  
9 ence the outcome of elections.

10           (3) Congress must take action to ensure that  
11 the American public has all the information nec-  
12 essary to exercise its free speech and voting rights,  
13 and must otherwise take narrowly tailored steps to  
14 regulate independent expenditures and electioneering  
15 communications in elections.

16           (b) FINDINGS RELATING TO GOVERNMENT CON-  
17 TRACTORS.—Congress finds and declares as follows:

18           (1) Government contracting is an activity that  
19 is particularly susceptible to improper influence, and  
20 to the appearance of improper influence. Govern-  
21 ment contracts must be awarded based on an objec-  
22 tive evaluation of how well bidders or potential con-  
23 tractors meet relevant statutory criteria.

24           (2) Independent expenditures and electioneering  
25 communications that benefit particular candidates or

1       elected officials or disfavor their opponents can lead  
2       to apparent and actual ingratiation, access, influ-  
3       ence, and quid pro quo arrangements. Government  
4       contracts should be awarded based on an objective  
5       application of statutory criteria, not based on other  
6       forms of inappropriate or corrupting influence.

7               (3) Prohibiting independent expenditures and  
8       electioneering communications by persons negoti-  
9       ating for or performing government contracts will  
10      prevent government officials involved in or with in-  
11      fluence over the contracting process from influencing  
12      the contracting process based, consciously or other-  
13      wise, on this kind of inappropriate or corrupting in-  
14      fluence.

15              (4) Prohibiting independent expenditures and  
16      electioneering communications by persons negoti-  
17      ating for or performing government contracts will  
18      likewise prevent such persons from feeling pressure,  
19      whether actually exerted by government officials or  
20      not, to make expenditures and to fund communica-  
21      tions in order to maximize their chances of receiving  
22      contracts, or to match similar expenditures and com-  
23      munications made by their competitors.

24              (5) Furthermore, because government contracts  
25      often involve large amounts of public money, it is

1 critical that the public perceive that the government  
2 contracts are awarded strictly in accordance with  
3 prescribed statutory standards, and not based on  
4 other forms of inappropriate or corrupting influence.  
5 The public's confidence in government is under-  
6 mined when corporations that make significant ex-  
7 penditures during Federal election campaigns later  
8 receive government funds.

9 (6) Prohibiting independent expenditures and  
10 electioneering communications by persons negoti-  
11 ating for or performing government contracts will  
12 prevent any appearance that government contracts  
13 were awarded based in whole or in part on such ex-  
14 penditures or communications, or based on the inap-  
15 propriate or corrupting influence such expenditures  
16 and communications can create and appear to cre-  
17 ate.

18 (7) In these ways, prohibiting independent ex-  
19 penditures and electioneering communications by  
20 persons negotiating for or performing government  
21 contracts will protect the actual and perceived integ-  
22 rity of the government contracting process.

23 (8) Moreover, the risks of waste, fraud and  
24 abuse, all resulting in economic losses to taxpayers,  
25 are significant when would-be public contractors or

1 applicants for public funds make expenditures in  
2 Federal election campaigns in order to affect elec-  
3 toral outcomes.

4 (c) FINDINGS RELATING TO FOREIGN CORPORA-  
5 TIONS.—Congress finds and declares as follows:

6 (1) The Supreme Court’s decision in the Citi-  
7 zens United case has provided the means by which  
8 United States corporations controlled by foreign en-  
9 tities can freely spend money to influence United  
10 States elections.

11 (2) Foreign corporations commonly own U.S.  
12 corporations in whole or in part, and U.S. corporate  
13 equity and debt are also held by foreign individuals,  
14 sovereign wealth funds, and even foreign nations at  
15 levels which permit effective control over those U.S.  
16 entities.

17 (3) As recognized in many areas of the law, for-  
18 eign ownership interests and influences are exerted  
19 in a perceptible way even when the entity is not ma-  
20 jority-foreign-owned.

21 (4) The Federal Government has broad con-  
22 stitutional power to protect American interests and  
23 sovereignty from foreign interference and intrusion.

1           (5) Congress has a clear interest in minimizing  
2 foreign intervention, and the perception of foreign  
3 intervention, in United States elections.

4           (d) FINDINGS RELATING TO COORDINATED EXPEND-  
5 ITURES.—Congress finds and declares as follows:

6           (1) It has been the consistent view of Congress  
7 and the courts that coordinated expenditures in  
8 campaigns for election are no different in nature  
9 from contributions.

10          (2) Existing rules still allow donors to evade  
11 contribution limits by making campaign expendi-  
12 tures which, while technically qualifying as inde-  
13 pendent expenditures under law, are for all relevant  
14 purposes coordinated with candidates and political  
15 parties and thus raise the potential for corruption or  
16 the appearance of corruption.

17          (3) Such arrangements have the potential to  
18 give rise to the reality or appearance of corruption  
19 to the same degree that direct contributions to a  
20 candidate may give rise to the reality or appearance  
21 of corruption. Moreover, expenditures which are in  
22 fact made in coordination with a candidate or polit-  
23 ical party have the potential to lessen the public's  
24 trust and faith in the rules and the integrity of the  
25 electoral process.

1           (4) The government therefore has a compelling  
2 interest in making sure that expenditures that are  
3 de facto coordinated with a candidate are treated as  
4 such to prevent corruption, the appearance of cor-  
5 ruption, or the perception that some participants are  
6 circumventing the laws and regulations which govern  
7 the financing of election campaigns.

8           (e) FINDINGS RELATING TO DISCLOSURES AND DIS-  
9 CLAIMERS.—Congress finds and declares as follows:

10           (1) The American people have a compelling in-  
11 terest in knowing who is funding independent ex-  
12 penditures and electioneering communications to in-  
13 fluence Federal elections, and the government has a  
14 compelling interest in providing the public with that  
15 information. Effective disclaimers and prompt disclo-  
16 sure of expenditures, and the disclosure of the fund-  
17 ing sources for these expenditures, can provide  
18 shareholders, voters, and citizens with the informa-  
19 tion needed to evaluate the actions by special inter-  
20 ests seeking influence over the democratic process.  
21 Transparency promotes accountability, increases the  
22 fund of information available to the public con-  
23 cerning the support given to candidates by special  
24 interests, sheds the light of publicity on political  
25 spending, and encourages the leaders of organiza-

1 tions to act only upon legitimate organizational pur-  
2 poses.

3 (2) Protecting this compelling interest has be-  
4 come particularly important to address the antici-  
5 pated increase in special interest spending on elec-  
6 tion-related communications which will result from  
7 the Supreme Court's decision in the Citizens United  
8 case. The current disclosure and disclaimer require-  
9 ments were designed for a campaign finance system  
10 in which such expenditures were subject to prohibi-  
11 tions that no longer apply.

12 (3) More rigorous disclosure and disclaimer re-  
13 quirements are necessary to protect against the eva-  
14 sion of current rules. Organizations that engage in  
15 election-related communications have used a variety  
16 of methods to attempt to obscure their sponsorship  
17 of communications from the general public. Robust  
18 disclosure and disclaimer requirements are necessary  
19 to ensure that the electorate is informed about who  
20 is paying for particular election-related communica-  
21 tions, and so that the shareholders and members of  
22 these organizations are aware of their organizations'  
23 election-related spending.

24 (4) The current lack of accountability and  
25 transparency allow special interest political spending

1 to serve as a private benefit for the officials of spe-  
2 cial interest organizations, to the detriment of the  
3 organizations and their shareholders and members.

4 (f) FINDINGS RELATING TO CAMPAIGN SPENDING BY  
5 LOBBYISTS.—Congress finds and declares as follows:

6 (1) Lobbyists and lobbying organizations, and  
7 through them, their clients, influence the public deci-  
8 sion-making process in a variety of ways.

9 (2) In recent years, scandals involving undue  
10 lobbyist influence have lowered public trust in gov-  
11 ernment and jeopardized the willingness of voters to  
12 take part in democratic governance.

13 (3) One way in which lobbyists may unduly in-  
14 fluence Federal officials is through their or their cli-  
15 ents making independent expenditures or election-  
16 eering communications targeting elected officials.

17 (4) Disclosure of such independent expenditures  
18 and electioneering communications will allow the  
19 public to examine connections between such spend-  
20 ing and official actions, and will therefore limit the  
21 ability of lobbyists to exert an undue influence on  
22 elected officials.

23 (g) FINDINGS RELATING TO LOWEST UNIT  
24 CHARGE.—Congress finds and declares as follows:

1           (1) The purpose of the First Amendment is to  
2           ensure a robust marketplace of ideas. The govern-  
3           ment has a compelling interest in ensuring that  
4           Americans have access to this robust marketplace of  
5           ideas through the variety of media supported by the  
6           government.

7           (2) In recent years, the cost of political commu-  
8           nication has been artificially inflated as candidates,  
9           parties, interest groups, and commercial advertisers  
10          compete for a dwindling supply of airtime in the pe-  
11          riods before elections. Candidates for Federal elec-  
12          tion are currently forced to pay higher premiums for  
13          “nonpreemptible” advertisement time so as not to be  
14          replaced by commercial advertisements in such peri-  
15          ods.

16          (3) The high cost of advertising for Federal  
17          candidates and their political parties makes it less  
18          likely that Americans will receive information nec-  
19          essary to engage fully in the electoral process and  
20          hear directly from all participants. The high cost of  
21          advertising for Federal candidates and political par-  
22          ties also drives the demand for large, potentially cor-  
23          rupting contributions to Federal election campaigns  
24          and forces elected officials to spend more time rais-

1 ing money and less time performing their official re-  
 2 sponsibilities.

3 (4) Lower advertising costs enhance the ability  
 4 of candidates to present and the public to receive in-  
 5 formation necessary for the effective operation of the  
 6 democratic process. Lower advertising costs reduce  
 7 the potential for corrupting contributions to Federal  
 8 election campaigns. Lower advertising costs allow  
 9 elected officials to spend more time serving the pub-  
 10 lic interest instead of raising funds to pay for cam-  
 11 paign advertisements.

12 **TITLE I—REGULATION OF**  
 13 **CERTAIN POLITICAL SPENDING**

14 **SEC. 101. PROHIBITING INDEPENDENT EXPENDITURES AND**  
 15 **ELECTIONEERING COMMUNICATIONS BY**  
 16 **GOVERNMENT CONTRACTORS.**

17 (a) PROHIBITION APPLICABLE TO GOVERNMENT  
 18 CONTRACTORS.—

19 (1) PROHIBITION.—

20 (A) IN GENERAL.—Section 317(a)(1) of  
 21 the Federal Election Campaign Act (2 U.S.C.  
 22 441c(a)(1)) is amended by striking “purpose or  
 23 use; or” and inserting the following: “purpose  
 24 or use, to make any independent expenditure,

1 or to disburse any funds for an electioneering  
2 communication; or”.

3 (B) CONFORMING AMENDMENT.—The  
4 heading of section 317 of such Act (2 U.S.C.  
5 441c) is amended by striking “CONTRIBU-  
6 TIONS” and inserting “CONTRIBUTIONS, INDE-  
7 PENDENT EXPENDITURES, AND ELECTION-  
8 EERING COMMUNICATIONS”.

9 (2) THRESHOLD FOR APPLICATION OF BAN.—  
10 Section 317 of such Act (2 U.S.C. 441c) is amend-  
11 ed—

12 (A) by redesignating subsections (b) and  
13 (c) as subsections (c) and (d); and

14 (B) by inserting after subsection (a) the  
15 following new subsection:

16 “(b) To the extent that subsection (a)(1) prohibits  
17 a person who enters into a contract described in such sub-  
18 section from making any independent expenditure or dis-  
19 bursing funds for an electioneering communication, such  
20 subsection shall apply only if the value of the contract is  
21 equal to or greater than \$50,000.”.

22 (b) APPLICATION TO RECIPIENTS OF ASSISTANCE  
23 UNDER TROUBLED ASSET PROGRAM.—Section 317(a) of  
24 such Act (2 U.S.C. 441c(a)) is amended—

1           (1) by striking “or” at the end of paragraph  
2           (1);

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

5           (3) by inserting after paragraph (1) the fol-  
6           lowing new paragraph:

7           “(2) who enters into negotiations for financial  
8           assistance under title I of the Emergency Economic  
9           Stabilization Act of 2008 (12 U.S.C. 5211 et seq.)  
10          (relating to the purchase of troubled assets by the  
11          Secretary of the Treasury), during the period—

12           “(A) beginning on the later of the com-  
13           mencement of the negotiations or the date of  
14           the enactment of the Democracy Is Strength-  
15           ened by Casting Light On Spending in Elec-  
16           tions Act; and

17           “(B) ending with the later of the termi-  
18           nation of such negotiations or the repayment of  
19           such financial assistance;

20          directly or indirectly to make any contribution of  
21          money or other things of value, or to promise ex-  
22          pressly or impliedly to make any such contribution  
23          to any political party, committee, or candidate for  
24          public office or to any person for any political pur-  
25          pose or use, to make any independent expenditure,

1 or to disburse any funds for an electioneering com-  
 2 munication; or”.

3 (c) TECHNICAL AMENDMENT.—Section 317 of such  
 4 Act (2 U.S.C. 441c) is amended by striking “section 321”  
 5 each place it appears and inserting “section 316”.

6 **SEC. 102. APPLICATION OF BAN ON CONTRIBUTIONS AND**  
 7 **EXPENDITURES BY FOREIGN NATIONALS TO**  
 8 **FOREIGN-CONTROLLED DOMESTIC COR-**  
 9 **PORATIONS.**

10 (a) APPLICATION OF BAN.—Section 319(b) of the  
 11 Federal Election Campaign Act of 1971 (2 U.S.C.  
 12 441e(b)) is amended—

13 (1) by striking “or” at the end of paragraph  
 14 (1);

15 (2) by striking the period at the end of para-  
 16 graph (2) and inserting “; or”; and

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

19 “(3) any corporation which is not a foreign na-  
 20 tional described in paragraph (1) and—

21 “(A) in which a foreign national described  
 22 in paragraph (1) or (2) directly or indirectly  
 23 owns 20 percent or more of the voting shares;

24 “(B) with respect to which the majority of  
 25 the members of the board of directors are for-

1           eign nationals described in paragraph (1) or  
2           (2);

3           “(C) over which one or more foreign na-  
4           tionals described in paragraph (1) or (2) has  
5           the power to direct, dictate, or control the deci-  
6           sion-making process of the corporation with re-  
7           spect to its interests in the United States; or

8           “(D) over which one or more foreign na-  
9           tionals described in paragraph (1) or (2) has  
10          the power to direct, dictate, or control the deci-  
11          sionmaking process of the corporation with re-  
12          spect to activities in connection with a Federal,  
13          State, or local election, including—

14                 “(i) the making of a contribution, do-  
15                 nation, expenditure, independent expendi-  
16                 ture, or disbursement for an electioneering  
17                 communication (within the meaning of sec-  
18                 tion 304(f)(3)); or

19                 “(ii) the administration of a political  
20                 committee established or maintained by the  
21                 corporation.”.

22          (b) CERTIFICATION OF COMPLIANCE.—Section 319  
23          of such Act (2 U.S.C. 441e) is amended by adding at the  
24          end the following new subsection:

1       “(c) CERTIFICATION OF COMPLIANCE REQUIRED  
 2 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-  
 3 ing of any contribution, donation, expenditure, inde-  
 4 pendent expenditure, or disbursement for an election-  
 5 eering communication by a corporation during a year, the  
 6 chief executive officer of the corporation (or, if the cor-  
 7 poration does not have a chief executive officer, the high-  
 8 est ranking official of the corporation), shall file a certifi-  
 9 cation with the Commission, under penalty of perjury, that  
 10 the corporation is not prohibited from carrying out such  
 11 activity under subsection (b)(3), unless the chief executive  
 12 officer has previously filed such a certification during the  
 13 year.”.

14 **SEC. 103. TREATMENT OF PAYMENTS FOR COORDINATED**  
 15 **COMMUNICATIONS AS CONTRIBUTIONS.**

16       (a) IN GENERAL.—Section 301(8)(A) of the Federal  
 17 Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is  
 18 amended—

19           (1) by striking “or” at the end of clause (i);

20           (2) by striking the period at the end of clause  
 21 (ii) and inserting “; or”; and

22           (3) by adding at the end the following new  
 23 clause:

24                   “(iii) any payment made by any person  
 25           (other than a candidate, an authorized com-

1           mittee of a candidate, or a political committee  
2           of a political party) for a coordinated commu-  
3           nication (as determined under section 324).”.

4           (b) COORDINATED COMMUNICATIONS DESCRIBED.—  
5 Section 324 of such Act (2 U.S.C. 431 et seq.) is amended  
6 to read as follows:

7 **“SEC. 324. COORDINATED COMMUNICATIONS.**

8           “(a) COORDINATED COMMUNICATIONS DEFINED.—  
9 For purposes of this Act, the term ‘coordinated commu-  
10 nication’ means—

11           “(1) a covered communication which is made in  
12 cooperation, consultation, or concert with, or at the  
13 request or suggestion of, a candidate, an authorized  
14 committee of a candidate, or a political committee of  
15 a political party; or

16           “(2) any communication that republishes, dis-  
17 seminate, or distributes, in whole or in part, any  
18 broadcast or any written, graphic, or other form of  
19 campaign material prepared by a candidate, an au-  
20 thorized committee of a candidate, or their agents.

21           “(b) COVERED COMMUNICATION DEFINED.—

22           “(1) IN GENERAL.—Except as provided in para-  
23 graph (4), for purposes of this subsection, the term  
24 ‘covered communication’ means, for purposes of the  
25 applicable election period described in paragraph (2),

1 a publicly distributed or disseminated communica-  
2 tion that refers to a clearly identified candidate for  
3 Federal office and is publicly distributed or publicly  
4 disseminated during such period.

5 “(2) APPLICABLE ELECTION PERIOD.—For  
6 purposes of paragraph (1), the ‘applicable election  
7 period’ with respect to a communication means—

8 “(A) in the case of a communication which  
9 refers to a candidate for the office of President  
10 or Vice President, the period—

11 “(i) beginning with the date that is  
12 120 days before the date of the first pri-  
13 mary election, preference election, or nomi-  
14 nating convention for nomination for the  
15 office of President which is held in any  
16 State; and

17 “(ii) ending with the date of the gen-  
18 eral election for such office; or

19 “(B) in the case of a communication which  
20 refers to a candidate for any other Federal of-  
21 fice, the period—

22 “(i) beginning with the date that is 90  
23 days before the earliest of the primary  
24 election, preference election, or nominating  
25 convention with respect to the nomination

1 for the office that the candidate is seeking;

2 and

3 “(ii) ending with the date of the gen-  
4 eral election for such office.

5 “(3) SPECIAL RULE FOR PUBLIC DISTRIBUTION  
6 OF COMMUNICATIONS INVOLVING CONGRESSIONAL  
7 CANDIDATES.—For purposes of paragraph (1), in  
8 the case of a communication involving a candidate  
9 for an office other than President or Vice President,  
10 the communication shall be considered to be publicly  
11 distributed or publicly disseminated only if the dis-  
12 semination or distribution occurs in the jurisdiction  
13 of the office that the candidate is seeking.

14 “(4) EXCEPTION.—The term ‘covered commu-  
15 nication’ does not include—

16 “(A) a communication appearing in a news  
17 story, commentary, or editorial distributed  
18 through the facilities of any broadcasting sta-  
19 tion, newspaper, magazine, or other periodical  
20 publication, unless such facilities are owned or  
21 controlled by any political party, political com-  
22 mittee, or candidate; or

23 “(B) a communication which constitutes a  
24 candidate debate or forum conducted pursuant  
25 to the regulations adopted by the Commission

1 to carry out section 304(f)(3)(B)(iii), or which  
2 solely promotes such a debate or forum and is  
3 made by or on behalf of the person sponsoring  
4 the debate or forum.

5 “(c) TREATMENT OF COORDINATION WITH POLIT-  
6 ICAL PARTIES FOR COMMUNICATIONS REFERRING TO  
7 CANDIDATES.—For purposes of this section, if a commu-  
8 nication which refers to any clearly identified candidate  
9 or candidates of a political party or any opponent of such  
10 a candidate or candidates is determined to have been made  
11 in cooperation, consultation, or concert with or at the re-  
12 quest or suggestion of a political committee of the political  
13 party but not in cooperation, consultation, or concert with  
14 or at the request or suggestion of such clearly identified  
15 candidate or candidates, the communication shall be treat-  
16 ed as having been made in cooperation, consultation, or  
17 concert with or at the request or suggestion of the political  
18 committee of the political party but not with or at the  
19 request or suggestion of such clearly identified candidate  
20 or candidates.”.

21 (c) EFFECTIVE DATE.—

22 (1) IN GENERAL.—This section and the amend-  
23 ments made by this section shall apply with respect  
24 to payments made on or after the expiration of the  
25 30-day period which begins on the date of the enact-

1 ment of this Act, without regard to whether or not  
2 the Federal Election Commission has promulgated  
3 regulations to carry out such amendments.

4 (2) **TRANSITION RULE FOR ACTIONS TAKEN**  
5 **PRIOR TO ENACTMENT.**—No person shall be consid-  
6 ered to have made a payment for a coordinated com-  
7 munication under section 324 of the Federal Elec-  
8 tion Campaign Act of 1971 (as amended by sub-  
9 section (b)) by reason of any action taken by the  
10 person prior to the date of the enactment of this  
11 Act. Nothing in the previous sentence shall be con-  
12 strued to affect any determination under any other  
13 provision of such Act which is in effect on the date  
14 of the enactment of this Act regarding whether a  
15 communication is made in cooperation, consultation,  
16 or concert with, or at the request or suggestion of,  
17 a candidate, an authorized committee of a candidate,  
18 or a political committee of a political party.

19 **SEC. 104. TREATMENT OF POLITICAL PARTY COMMUNICA-**  
20 **TIONS MADE ON BEHALF OF CANDIDATES.**

21 (a) **TREATMENT OF PAYMENT FOR COMMUNICATION**  
22 **AS CONTRIBUTION IF MADE UNDER CONTROL OR DIREC-**  
23 **TION OF CANDIDATE.**—Section 301(8)(A) of the Federal  
24 Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)), as  
25 amended by section 103(a), is amended—

1 (1) by striking “or” at the end of clause (ii);

2 (2) by striking the period at the end of clause

3 (iii) and inserting “; or”; and

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

6 “(iv) any payment by a political committee  
7 of a political party for the direct costs of a com-  
8 munication made on behalf of a candidate for  
9 Federal office who is affiliated with such party,  
10 but only if the communication is controlled by,  
11 or made at the direction of, the candidate or an  
12 authorized committee of the candidate.”.

13 (b) REQUIRING CONTROL OR DIRECTION BY CAN-  
14 DIDATE FOR TREATMENT AS COORDINATED PARTY EX-  
15 PENDITURE.—

16 (1) IN GENERAL.—Paragraph (4) of section  
17 315(d) of such Act (2 U.S.C. 441a(d)) is amended  
18 to read as follows:

19 “(4) SPECIAL RULE FOR DIRECT COSTS OF COMMU-  
20 NICATIONS.—The direct costs incurred by a political com-  
21 mittee of a political party for a communication made in  
22 connection with the campaign of a candidate for Federal  
23 office shall not be subject to the limitations contained in  
24 paragraphs (2) and (3) unless the communication is con-

1 trolled by, or made at the direction of, the candidate or  
2 an authorized committee of the candidate.”.

3 (2) CONFORMING AMENDMENT.—Paragraph (1)  
4 of section 315(d) of such Act (2 U.S.C. 441a(d)) is  
5 amended by striking “paragraphs (2), (3), and (4)”  
6 and inserting “paragraphs (2) and (3)”.

7 (c) EFFECTIVE DATE.—This section and the amend-  
8 ments made by this section shall apply with respect to pay-  
9 ments made on or after the expiration of the 30-day period  
10 which begins on the date of the enactment of this Act,  
11 without regard to whether or not the Federal Election  
12 Commission has promulgated regulations to carry out  
13 such amendments.

14 **TITLE II—PROMOTING EFFEC-**  
15 **TIVE DISCLOSURE OF CAM-**  
16 **PAIGN-RELATED ACTIVITY**

17 **Subtitle A—Treatment of Inde-**  
18 **pendent Expenditures and Elec-**  
19 **tioneering Communications**  
20 **Made by All Persons**

21 **SEC. 201. INDEPENDENT EXPENDITURES.**

22 (a) REVISION OF DEFINITION.—Subparagraph (A) of  
23 section 301(17) of the Federal Election Campaign Act of  
24 1971 (2 U.S.C. 431(17)) is amended to read as follows:

1           “(A) that, when taken as a whole, ex-  
2           pressly advocates the election or defeat of a  
3           clearly identified candidate, or is the functional  
4           equivalent of express advocacy because it can be  
5           interpreted by a reasonable person only as ad-  
6           vocating the election or defeat of a candidate,  
7           taking into account whether the communication  
8           involved mentions a candidacy, a political party,  
9           or a challenger to a candidate, or takes a posi-  
10          tion on a candidate’s character, qualifications,  
11          or fitness for office; and”.

12          (b) UNIFORM 24-HOUR REPORTING FOR PERSONS  
13          MAKING INDEPENDENT EXPENDITURES EXCEEDING  
14          \$10,000 AT ANY TIME.—Section 304(g) of such Act (2  
15          U.S.C. 434(g)) is amended by striking paragraphs (1) and  
16          (2) and inserting the following:

17                 “(1) INDEPENDENT EXPENDITURES EXCEED-  
18                 ING THRESHOLD AMOUNT.—

19                 “(A) INITIAL REPORT.—A person (includ-  
20                 ing a political committee) that makes or con-  
21                 tracts to make independent expenditures in an  
22                 aggregate amount equal to or greater than the  
23                 threshold amount described in paragraph (2)  
24                 shall file a report describing the expenditures  
25                 within 24 hours.

1           “(B) ADDITIONAL REPORTS.—After a per-  
2           son files a report under subparagraph (A), the  
3           person shall file an additional report within 24  
4           hours after each time the person makes or con-  
5           tracts to make independent expenditures in an  
6           aggregate amount equal to or greater than the  
7           threshold amount with respect to the same elec-  
8           tion as that to which the initial report relates.

9           “(2) THRESHOLD AMOUNT DESCRIBED.—In  
10          paragraph (1), the ‘threshold amount’ means—

11           “(A) during the period up to and including  
12          the 20th day before the date of an election,  
13          \$10,000; or

14           “(B) during the period after the 20th day,  
15          but more than 24 hours, before the date of an  
16          election, \$1,000.”.

17          (c) EFFECTIVE DATE.—

18           (1) IN GENERAL.—The amendment made by  
19          subsection (a) shall apply with respect to contribu-  
20          tions and expenditures made on or after the expira-  
21          tion of the 30-day period which begins on the date  
22          of the enactment of this Act, without regard to  
23          whether or not the Federal Election Commission has  
24          promulgated regulations to carry out such amend-  
25          ments.



1 whether or not the Federal Election Commission has  
2 promulgated regulations to carry out such amend-  
3 ments, except that no communication which is made  
4 prior to the date of the enactment of this Act shall  
5 be treated as an electioneering communication under  
6 section 304(f)(3)(A)(i)(II) of the Federal Election  
7 Campaign Act of 1971 (as amended by paragraph  
8 (1)) unless the communication would be treated as  
9 an electioneering communication under such section  
10 if the amendment made by paragraph (1) did not  
11 apply.

12 (b) REQUIRING REPORTS TO INCLUDE INFORMATION  
13 ON INTENDED TARGET OF COMMUNICATIONS.—Section  
14 304(f)(2)(D) of such Act (2 U.S.C. 434(f)(2)(D)) is  
15 amended—

16 (1) by striking “and the names” and inserting  
17 “, the names”; and

18 (2) by inserting “, and (if applicable) a state-  
19 ment regarding whether the communications are in-  
20 tended to support or oppose such candidates” before  
21 the period at the end.

1 **Subtitle B—Expanded Require-**  
2 **ments for Corporations and**  
3 **Other Organizations**

4 **SEC. 211. ADDITIONAL INFORMATION REQUIRED TO BE IN-**  
5 **CLUDED IN REPORTS ON DISBURSEMENTS BY**  
6 **COVERED ORGANIZATIONS.**

7 (a) INDEPENDENT EXPENDITURE REPORTS.—Sec-  
8 tion 304(g) of the Federal Election Campaign Act of 1971  
9 (2 U.S.C. 434(g)) is amended by adding at the end the  
10 following new paragraph:

11 “(5) DISCLOSURE OF ADDITIONAL INFORMA-  
12 TION BY COVERED ORGANIZATIONS MAKING PAY-  
13 MENTS FOR PUBLIC INDEPENDENT EXPENDI-  
14 TURES.—

15 “(A) ADDITIONAL INFORMATION.—If a  
16 covered organization makes or contracts to  
17 make public independent expenditures in an ag-  
18 gregate amount equal to or exceeding \$10,000  
19 in a calendar year, the report filed by the orga-  
20 nization under this subsection shall include, in  
21 addition to the information required under  
22 paragraph (3), the following information:

23 “(i) If any person made a donation or  
24 payment to the covered organization dur-  
25 ing the covered organization reporting pe-

1           riod which was provided for the purpose of  
2           being used for campaign-related activity or  
3           in response to a solicitation for funds to be  
4           used for campaign-related activity—

5                   “(I) subject to subparagraph (C),  
6                   the identification of each person who  
7                   made such donations or payments in  
8                   an aggregate amount equal to or ex-  
9                   ceeding \$1,000 during such period,  
10                  presented in the order of the aggre-  
11                  gate amount of donations or payments  
12                  made by such persons during such pe-  
13                  riod (with the identification of the  
14                  person making the largest donation or  
15                  payment appearing first); and

16                   “(II) if any person identified  
17                   under subclause (I) designated that  
18                   the donation or payment be used for  
19                   campaign-related activity with respect  
20                   to a specific election or in support of  
21                   a specific candidate, the name of the  
22                   election or candidate involved, and if  
23                   any such person designated that the  
24                   donation or payment be used for a

1 specific public independent expendi-  
2 ture, a description of the expenditure.

3 “(ii) The identification of each person  
4 who made unrestricted donor payments to  
5 the organization during the covered organi-  
6 zation reporting period—

7 “(I) in an aggregate amount  
8 equal to or exceeding \$1,000 during  
9 such period, if any of the disburse-  
10 ments made by the organization for  
11 any of the public independent expendi-  
12 tures which are covered by the report  
13 were not made from the organization’s  
14 Campaign-Related Activity Account  
15 under section 326; or

16 “(II) in an aggregate amount  
17 equal to or exceeding \$10,000 during  
18 such period, if the disbursements  
19 made by the organization for all of  
20 the public independent expenditures  
21 which are covered by the report were  
22 made exclusively from the organiza-  
23 tion’s Campaign-Related Activity Ac-  
24 count under section 326 (but only if  
25 the organization has made deposits

1           described in subparagraph (D) of sec-  
2           tion 326(a)(2) into that Account dur-  
3           ing such period in an aggregate  
4           amount equal to or greater than  
5           \$10,000),  
6           presented in the order of the aggregate  
7           amount of payments made by such persons  
8           during such period (with the identification  
9           of the person making the largest payment  
10          appearing first).

11          “(B) TREATMENT OF TRANSFERS MADE  
12          TO OTHER PERSONS.—

13                 “(i) IN GENERAL.—For purposes of  
14                 the requirement to file reports under this  
15                 subsection (including the requirement  
16                 under subparagraph (A) to include addi-  
17                 tional information in such reports), a cov-  
18                 ered organization which transfers amounts  
19                 to another person for the purpose of mak-  
20                 ing a public independent expenditure by  
21                 that person or by any other person, or (in  
22                 accordance with clause (ii)) which is  
23                 deemed to have transferred amounts to an-  
24                 other person for the purpose of making a  
25                 public independent expenditure by that

1 person or by any other person, shall be  
2 considered to have made a public inde-  
3 pendent expenditure.

4 “(ii) RULES FOR DEEMING TRANS-  
5 FERS MADE FOR PURPOSE OF MAKING EX-  
6 PENDITURES.—For purposes of clause (i),  
7 in determining whether a covered organiza-  
8 tion or any other person who transfers  
9 amounts to another person shall be deemed  
10 to have transferred the amounts for the  
11 purpose of making a public independent  
12 expenditure, the following rules apply:

13 “(I) The person shall be deemed  
14 to have transferred the amounts for  
15 the purpose of making a public inde-  
16 pendent expenditure if—

17 “(aa) the person making the  
18 public independent expenditure  
19 or another person acting on that  
20 person’s behalf solicited funding  
21 from the person or from the per-  
22 son to whom the amounts were  
23 transferred for making any pub-  
24 lic independent expenditures,

1           “(bb) the person and the  
2           person to whom the amounts  
3           were transferred engaged in sub-  
4           stantial discussion (whether writ-  
5           ten or verbal) regarding the mak-  
6           ing of public independent expend-  
7           itures,

8           “(cc) the person or the per-  
9           son to whom the amounts were  
10          transferred knew or should have  
11          known of the covered organiza-  
12          tion’s intent to make public inde-  
13          pendent expenditures, or

14          “(dd) the person or the per-  
15          son to whom the amounts were  
16          transferred made a public inde-  
17          pendent expenditure during the  
18          election cycle involved or the pre-  
19          vious election cycle (as defined in  
20          section 301(25)).

21          “(II) The person shall not be  
22          deemed to have transferred the  
23          amounts for the purpose of making a  
24          public independent expenditure if the  
25          transfer was a commercial transaction

1 occurring in the ordinary course of  
2 business between the person and the  
3 person to whom the amounts were  
4 transferred.

5 “(C) EXCLUSION OF AMOUNTS DES-  
6 IGNATED FOR OTHER CAMPAIGN-RELATED AC-  
7 TIVITY.—For purposes of subparagraph (A)(i),  
8 in determining the amount of a donation or  
9 payment made by a person which was provided  
10 for the purpose of being used for campaign-re-  
11 lated activity or in response to a solicitation for  
12 funds to be used for campaign-related activity,  
13 there shall be excluded any amount which was  
14 designated by the person to be used—

15 “(i) for campaign-related activity de-  
16 scribed in clause (i) of section  
17 325(d)(2)(A) (relating to independent ex-  
18 penditures) with respect to a different elec-  
19 tion, or with respect to a candidate in a  
20 different election, than an election which is  
21 the subject of any of the public inde-  
22 pendent expenditures covered by the report  
23 involved; or

24 “(ii) for any campaign-related activity  
25 described in clause (ii) of section

1                   325(d)(2)(A) (relating to electioneering  
2                   communications).

3                   “(D) EXCLUSION OF AMOUNTS PAID FROM  
4                   SEPARATE SEGREGATED FUND.—In deter-  
5                   mining the amount of public independent ex-  
6                   penditures made by a covered organization for  
7                   purposes of this paragraph, there shall be ex-  
8                   cluded any amounts paid from a separate seg-  
9                   regated fund established and administered by  
10                  the organization under section 316(b)(2)(C).

11                  “(E) COVERED ORGANIZATION REPORTING  
12                  PERIOD DESCRIBED.—In this paragraph, the  
13                  ‘covered organization reporting period’ is, with  
14                  respect to a report filed by a covered organiza-  
15                  tion under this subsection—

16                         “(i) in the case of the first report filed  
17                         by a covered organization under this sub-  
18                         section which includes information required  
19                         under this paragraph, the shorter of—

20                                 “(I) the period which begins on  
21                                 the effective date of the Democracy Is  
22                                 Strengthened by Casting Light On  
23                                 Spending in Elections Act and ends  
24                                 on the last day covered by the report,  
25                                 or

1                   “(II) the 12-month period ending  
2                   on the last day covered by the report;  
3                   and

4                   “(ii) in the case of any subsequent re-  
5                   port filed by a covered organization under  
6                   this subsection which includes information  
7                   required under this paragraph, the period  
8                   occurring since the most recent report filed  
9                   by the organization which includes such in-  
10                  formation.

11                 “(F) DEFINITIONS.—In this paragraph—

12                   “(i) the terms ‘covered organization’,  
13                   ‘campaign-related activity’, and ‘unre-  
14                   stricted donor payment’ have the meaning  
15                   given such terms in section 325; and

16                   “(ii) the term ‘public independent ex-  
17                   penditure’ means an independent expendi-  
18                   ture for a public communication (as de-  
19                   fined in section 301(22)).”.

20                 (b) ELECTIONEERING COMMUNICATION REPORTS.—

21                 Section 304(f) of such Act (2 U.S.C. 434(f)) is amended—

22                   (1) by redesignating paragraphs (6) and (7) as  
23                   paragraphs (7) and (8); and

24                   (2) by inserting after paragraph (5) the end the  
25                   following new paragraph:

1           “(6) DISCLOSURE OF ADDITIONAL INFORMA-  
2           TION BY COVERED ORGANIZATIONS.—

3           “(A) ADDITIONAL INFORMATION.—If a  
4           covered organization files a statement under  
5           this subsection, the statement shall include, in  
6           addition to the information required under  
7           paragraph (2), the following information:

8           “(i) If any person made a donation or  
9           payment to the covered organization dur-  
10          ing the covered organization reporting pe-  
11          riod which was provided for the purpose of  
12          being used for campaign-related activity or  
13          in response to a solicitation for funds to be  
14          used for campaign-related activity—

15          “(I) subject to subparagraph (C),  
16          the identification of each person who  
17          made such donations or payments in  
18          an aggregate amount equal to or ex-  
19          ceeding \$1,000 during such period,  
20          presented in the order of the aggre-  
21          gate amount of donations or payments  
22          made by such persons during such pe-  
23          riod (with the identification of the  
24          person making the largest donation or  
25          payment appearing first); and

1           “(II) if any person identified  
2           under subclause (I) designated that  
3           the donation or payment be used for  
4           campaign-related activity with respect  
5           to a specific election or in support of  
6           a specific candidate, the name of the  
7           election or candidate involved, and if  
8           any such person designated that the  
9           donation or payment be used for a  
10          specific electioneering communication,  
11          a description of the communication.

12          “(ii) The identification of each person  
13          who made unrestricted donor payments to  
14          the organization during the covered organi-  
15          zation reporting period—

16                 “(I) in an aggregate amount  
17                 equal to or exceeding \$1,000 during  
18                 such period, if any of the disburse-  
19                 ments made by the organization for  
20                 any of the electioneering communica-  
21                 tions which are covered by the state-  
22                 ment were not made from the organi-  
23                 zation’s Campaign-Related Activity  
24                 Account under section 326; or

1                   “(II) in an aggregate amount  
2                   equal to or exceeding \$10,000 during  
3                   such period, if the disbursements  
4                   made by the organization for all of  
5                   the electioneering communications  
6                   which are covered by the statement  
7                   were made exclusively from the orga-  
8                   nization’s Campaign-Related Activity  
9                   Account under section 326 (but only  
10                  if the organization has made deposits  
11                  described in subparagraph (D) of sec-  
12                  tion 326(a)(2) into that Account dur-  
13                  ing such period in an aggregate  
14                  amount equal to or greater than  
15                  \$10,000),

16                  presented in the order of the aggregate  
17                  amount of payments made by such persons  
18                  during such period (with the identification  
19                  of the person making the largest payment  
20                  appearing first).

21                  “(B) TREATMENT OF TRANSFERS MADE  
22                  TO OTHER PERSONS.—

23                  “(i) IN GENERAL.—For purposes of  
24                  the requirement to file statements under  
25                  this subsection (including the requirement

1 under subparagraph (A) to include addi-  
2 tional information in such statements), a  
3 covered organization which transfers  
4 amounts to another person for the purpose  
5 of making an electioneering communication  
6 by that person or by any other person, or  
7 (in accordance with clause (ii)) which is  
8 deemed to have transferred amounts to an-  
9 other person for the purpose of making an  
10 electioneering communication by that per-  
11 son or by any other person, shall be con-  
12 sidered to have made a disbursement for  
13 an electioneering communication.

14 “(ii) RULES FOR DEEMING TRANS-  
15 FERS MADE FOR PURPOSE OF MAKING  
16 COMMUNICATIONS.—For purposes of  
17 clause (i), in determining whether a cov-  
18 ered organization or any other person who  
19 transfers amounts to another person shall  
20 be deemed to have transferred the amounts  
21 for the purpose of making an election-  
22 eering communication, the following rules  
23 apply:

24 “(I) The person shall be deemed  
25 to have transferred the amounts for

1 the purpose of making an election-  
2 eering communication if—

3 “(aa) the person making the  
4 public independent expenditure  
5 or another person acting on that  
6 person’s behalf solicited funding  
7 from the person or from the per-  
8 son to whom the amounts were  
9 transferred for making any elec-  
10 tioneering communications,

11 “(bb) the person and the  
12 person to whom the amounts  
13 were transferred engaged in sub-  
14 stantial discussion (whether writ-  
15 ten or verbal) regarding the mak-  
16 ing of electioneering communica-  
17 tions,

18 “(cc) the person or the per-  
19 son to whom the amounts were  
20 transferred knew or should have  
21 known of the covered organiza-  
22 tion’s intent to make election-  
23 eering communications, or

24 “(dd) the person or the per-  
25 son to whom the amounts were

1 transferred made an election-  
2 eering communication during the  
3 election cycle involved or the pre-  
4 vious election cycle (as defined in  
5 section 301(25)).

6 “(II) The person shall not be  
7 considered to have transferred the  
8 amounts for the purpose of making an  
9 electioneering communication if the  
10 transfer was a commercial transaction  
11 occurring in the ordinary course of  
12 business between the person and the  
13 person to whom the amounts were  
14 transferred.

15 “(C) EXCLUSION OF AMOUNTS DES-  
16 IGNATED FOR OTHER CAMPAIGN-RELATED AC-  
17 TIVITY.—For purposes of subparagraph (A)(i),  
18 in determining the amount of a donation or  
19 payment made by a person which was provided  
20 for the purpose of being used for campaign-re-  
21 lated activity or in response to a solicitation for  
22 funds to be used for campaign-related activity,  
23 there shall be excluded any amount which was  
24 designated by the person to be used—

1           “(i) for campaign-related activity de-  
2           scribed in clause (ii) of section  
3           325(d)(2)(A) (relating to electioneering  
4           communications) with respect to a dif-  
5           ferent election, or with respect to a can-  
6           didate in a different election, than an elec-  
7           tion which is the subject of any of the elec-  
8           tioning communications covered by the  
9           statement involved; or

10           “(ii) for any campaign-related activity  
11           described in clause (i) of section  
12           325(d)(2)(A) (relating to independent ex-  
13           penditures consisting of a public commu-  
14           nication).

15           “(D) COVERED ORGANIZATION REPORTING  
16           PERIOD DESCRIBED.—In this paragraph, the  
17           ‘covered organization reporting period’ is, with  
18           respect to a statement filed by a covered orga-  
19           nization under this subsection—

20           “(i) in the case of the first statement  
21           filed by a covered organization under this  
22           subsection which includes information re-  
23           quired under this paragraph, the shorter  
24           of—

1                   “(I) the period which begins on  
2                   the effective date of the Democracy Is  
3                   Strengthened by Casting Light On  
4                   Spending in Elections Act and ends  
5                   on the disclosure date for the state-  
6                   ment, or

7                   “(II) the 12-month period ending  
8                   on the disclosure date for the state-  
9                   ment; and

10                   “(ii) in the case of any subsequent  
11                   statement filed by a covered organization  
12                   under this subsection which includes infor-  
13                   mation required under this paragraph, the  
14                   period occurring since the most recent  
15                   statement filed by the organization which  
16                   includes such information.

17                   “(E) DEFINITIONS.—In this paragraph,  
18                   the terms ‘covered organization’, ‘campaign-re-  
19                   lated activity’, and ‘unrestricted donor payment’  
20                   have the meaning given such terms in section  
21                   325.”.

1 **SEC. 212. RULES REGARDING USE OF GENERAL TREASURY**  
2 **FUNDS BY COVERED ORGANIZATIONS FOR**  
3 **CAMPAIGN-RELATED ACTIVITY.**

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 **“SEC. 325. SPECIAL RULES FOR USE OF GENERAL TREAS-**  
8 **URY FUNDS BY COVERED ORGANIZATIONS**  
9 **FOR CAMPAIGN-RELATED ACTIVITY.**

10 **“(a) USE OF FUNDS FOR CAMPAIGN-RELATED AC-**  
11 **TIVITY.—**

12 **“(1) IN GENERAL.—**Subject to any applicable  
13 restrictions and prohibitions under this Act, a cov-  
14 ered organization may make disbursements for cam-  
15 paign-related activity using—

16 **“(A)** amounts paid or donated to the orga-  
17 nization which are designated by the person  
18 providing the amounts to be used for campaign-  
19 related activity;

20 **“(B)** unrestricted donor payments made to  
21 the organization; and

22 **“(C)** other funds of the organization, in-  
23 cluding amounts received pursuant to commer-  
24 cial activities in the regular course of a covered  
25 organization’s business.

1           “(2) NO EFFECT ON USE OF SEPARATE SEG-  
2 REGATED FUND.—Nothing in this section shall be  
3 construed to affect the authority of a covered organi-  
4 zation to make disbursements from a separate seg-  
5 regated fund established and administered by the or-  
6 ganization under section 316(b)(2)(C).

7           “(b) RESTRICTIONS ON USE OF FUNDS FOR CAM-  
8 PAIGN-RELATED ACTIVITY.—

9           “(1) CERTIFICATION AFTER RECEIVING NOTIFI-  
10 CATION BY DONOR TO NOT USE FUNDS FOR ACTIV-  
11 ITY.—If any person who makes a donation, pay-  
12 ment, or transfer to a covered organization (other  
13 than the covered organization) notifies the organiza-  
14 tion in writing (at the time of making the donation,  
15 payment, or transfer) that the organization may not  
16 use the donation, payment, or transfer for cam-  
17 paign-related activity, not later than 7 days after the  
18 organization receives the donation, payment, or  
19 transfer the organization shall transmit to the per-  
20 son a written certification by the chief financial offi-  
21 cer of the covered organization (or, if the organiza-  
22 tion does not have a chief financial officer, the high-  
23 est ranking financial official of the organization),  
24 under penalty of perjury, that—

1           “(A) the organization will not use the do-  
2 nation, payment, or transfer for campaign-re-  
3 lated activity; and

4           “(B) the organization will not include any  
5 information on the person in any report filed by  
6 the organization under section 304 with respect  
7 to independent expenditures or electioneering  
8 communications, so that the person will not be  
9 required to appear in a significant funder state-  
10 ment or a Top 5 Funders list under section  
11 318(e).

12           “(2) EXCEPTION FOR PAYMENTS MADE PURSU-  
13 ANT TO COMMERCIAL ACTIVITIES.—Paragraph (1)  
14 does not apply with respect to any payment or trans-  
15 fer made pursuant to commercial activities in the  
16 regular course of a covered organization’s business.

17           “(c) CERTIFICATIONS REGARDING DISBURSEMENTS  
18 FOR CAMPAIGN-RELATED ACTIVITY.—

19           “(1) CERTIFICATION BY CHIEF EXECUTIVE OF-  
20 FICER.—If, at any time during a calendar quarter,  
21 a covered organization makes a disbursement of  
22 funds for campaign-related activity using funds de-  
23 scribed in subsection (a)(1), the chief executive offi-  
24 cer of the covered organization (or, if the organiza-  
25 tion does not have a chief executive officer, the high-

1 est ranking official of the organization), under pen-  
2 alty of perjury, shall file a statement with the Com-  
3 mission which contains the following certifications:

4 “(A) None of the campaign-related activity  
5 for which the organization disbursed the funds  
6 during the quarter was made in cooperation,  
7 consultation, or concert with, or at the request  
8 or suggestion of, any candidate or any author-  
9 ized committee or agent of such candidate, or  
10 political committee of a political party or agent  
11 of any political party.

12 “(B) The chief executive officer or highest  
13 ranking official of the covered organization (as  
14 the case may be) has reviewed and approved  
15 each statement and report filed by the organi-  
16 zation under section 304 with respect to any  
17 such disbursement made during the quarter.

18 “(C) Each statement and report filed by  
19 the organization under section 304 with respect  
20 to any such disbursement made during the  
21 quarter is complete and accurate and does not  
22 contain an untrue statement of a material fact.

23 “(D) All such disbursements made during  
24 the quarter are in compliance with this Act and  
25 all other applicable Federal laws.

1           “(E) No portion of the amounts used to  
2           make any such disbursements during the quar-  
3           ter is attributable to funds received by the orga-  
4           nization that were restricted by the person who  
5           provided the funds from being used for cam-  
6           paign-related activity pursuant to subsection  
7           (b).

8           “(2) APPLICATION OF ELECTRONIC FILING  
9           RULES.—Section 304(d)(1) shall apply with respect  
10          to a statement required under this subsection in the  
11          same manner as such section applies with respect to  
12          a statement under subsection (c) or (g) of section  
13          304.

14          “(3) DEADLINE.—The chief executive officer or  
15          highest ranking official of a covered organization (as  
16          the case may be) shall file the statement required  
17          under this subsection with respect to a calendar  
18          quarter not later than 15 days after the end of the  
19          quarter.

20          “(d) DEFINITIONS.—For purposes of this section, the  
21          following definitions apply:

22                 “(1) COVERED ORGANIZATION.—The term ‘cov-  
23                 ered organization’ means any of the following:

24                         “(A) Any corporation which is subject to  
25                         section 316(a).

1           “(B) Any labor organization (as defined in  
2 section 316).

3           “(C) Any organization described in para-  
4 graph (4), (5), or (6) of section 501(c) of the  
5 Internal Revenue Code of 1986 and exempt  
6 from tax under section 501(a) of such Code.

7           “(D) Any political organization under sec-  
8 tion 527 of the Internal Revenue Code of 1986,  
9 other than a political committee under this Act.

10           “(2) CAMPAIGN-RELATED ACTIVITY.—

11           “(A) IN GENERAL.—The term ‘campaign-  
12 related activity’ means—

13           “(i) an independent expenditure con-  
14 sisting of a public communication (as de-  
15 fined in section 301(22)), a transfer of  
16 funds to another person for the purpose of  
17 making such an independent expenditure  
18 by that person or by any other person, or  
19 (in accordance with subparagraph (B)) a  
20 transfer of funds to another person which  
21 is deemed to have been made for the pur-  
22 pose of making such an independent ex-  
23 penditure by that person or by any other  
24 person; or

1           “(ii) an electioneering communication,  
2           a transfer of funds to another person for  
3           the purpose of making an electioneering  
4           communication by that person or by any  
5           other person, or (in accordance with sub-  
6           paragraph (B)) a transfer of funds to an-  
7           other person which is deemed to have been  
8           made for the purpose of making an elec-  
9           tioneering communication by that person  
10          or by any other person.

11          “(B) RULE FOR DEEMING TRANSFERS  
12          MADE FOR PURPOSE OF CAMPAIGN-RELATED  
13          ACTIVITY.—For purposes of subparagraph (A),  
14          in determining whether a transfer of funds by  
15          one person to another person shall be deemed  
16          to have been made for the purpose of making  
17          an independent expenditure consisting of a pub-  
18          lic communication or an electioneering commu-  
19          nication, the following rules apply:

20                 “(i) The transfer shall be deemed to  
21                 have been made for the purpose of making  
22                 such an independent expenditure or an  
23                 electioneering communication if—

24                         “(I) the person making the inde-  
25                         pendent expenditure or electioneering

1 communication or another person act-  
2 ing on that person's behalf solicited  
3 funding from the person or from the  
4 person to whom the amounts were  
5 transferred for the purpose of making  
6 any such independent expenditures or  
7 electioneering communications,

8 “(II) the person and the person  
9 to whom the amounts were trans-  
10 ferred engaged in substantial discus-  
11 sion (whether written or verbal) re-  
12 garding the making of such inde-  
13 pendent expenditures or electioneering  
14 communications,

15 “(III) the person or the person to  
16 whom the amounts were transferred  
17 knew or should have known of the  
18 covered organization's intent to dis-  
19 burse funds for campaign-related ac-  
20 tivity, or

21 “(IV) the person or the person to  
22 whom the amounts were transferred  
23 made such an independent expendi-  
24 ture or electioneering communication  
25 during the election cycle involved or

1 the previous election cycle (as defined  
2 in section 301(25)).

3 “(ii) The transfer shall not be deemed  
4 to have been made for the purpose of mak-  
5 ing such an independent expenditure or an  
6 electioneering communication if the trans-  
7 fer was a commercial transaction occurring  
8 in the ordinary course of business between  
9 the person and the person to whom the  
10 amounts were transferred.

11 “(3) UNRESTRICTED DONOR PAYMENT.—The  
12 term ‘unrestricted donor payment’ means a payment  
13 to a covered organization which consists of a dona-  
14 tion or payment from a person other than the cov-  
15 ered organization, except that such term does not in-  
16 clude—

17 “(A) any payment made pursuant to com-  
18 mercial activities in the regular course of a cov-  
19 ered organization’s business;

20 “(B) any donation or payment which is  
21 designated by the person making the donation  
22 or payment to be used for campaign-related ac-  
23 tivity or made in response to a solicitation for  
24 funds to be used for campaign-related activity;  
25 or

1           “(C) any donation or payment made by a  
 2           person who notifies the organization in writing  
 3           (at the time of making the payment) that the  
 4           organization may not use the donation or pay-  
 5           ment for campaign-related activity.”.

6 **SEC. 213. OPTIONAL USE OF SEPARATE ACCOUNT BY COV-**  
 7           **ERED ORGANIZATIONS FOR CAMPAIGN-RE-**  
 8           **LATED ACTIVITY.**

9           Title III of the Federal Election Campaign Act of  
 10          1971 (2 U.S.C. 431 et seq.), as amended by section 212,  
 11          is further amended by adding at the end the following new  
 12          section:

13 **“SEC. 326. OPTIONAL USE OF SEPARATE ACCOUNT BY COV-**  
 14           **ERED ORGANIZATIONS FOR CAMPAIGN-RE-**  
 15           **LATED ACTIVITY.**

16           “(a) OPTIONAL USE OF SEPARATE ACCOUNT.—

17           “(1) ESTABLISHMENT OF ACCOUNT.—

18           “(A) IN GENERAL.—At its option, a cov-  
 19           ered organization described in section 325 may  
 20           make disbursements for campaign-related activ-  
 21           ity using amounts from a bank account estab-  
 22           lished and controlled by the organization to be  
 23           known as the Campaign-Related Activity Ac-  
 24           count (hereafter in this section referred to as  
 25           the ‘Account’), which shall be maintained sepa-

1 rately from all other accounts of the organiza-  
2 tion and which shall consist exclusively of the  
3 deposits described in paragraph (2).

4 “(B) MANDATORY USE OF ACCOUNT  
5 AFTER ESTABLISHMENT.—If a covered organi-  
6 zation establishes an Account under this sec-  
7 tion, it may not make disbursements for cam-  
8 paign-related activity from any source other  
9 than amounts from the Account.

10 “(C) EXCLUSIVE USE OF ACCOUNT FOR  
11 CAMPAIGN-RELATED ACTIVITY.—Amounts in  
12 the Account shall be used exclusively for dis-  
13 bursements by the covered organization for  
14 campaign-related activity. After such disburse-  
15 ments are made, information with respect to de-  
16 posits made to the Account shall be disclosed in  
17 accordance with section 304(g)(5) or section  
18 304(f)(6).

19 “(2) DEPOSITS DESCRIBED.—The deposits de-  
20 scribed in this paragraph are deposits of the fol-  
21 lowing amounts:

22 “(A) Amounts donated or paid to the cov-  
23 ered organization by a person other than the  
24 organization for the purpose of being used for  
25 campaign-related activity, and for which the

1 person providing the amounts has designated  
2 that the amounts be used for campaign-related  
3 activity with respect to a specific election or  
4 specific candidate.

5 “(B) Amounts donated or paid to the cov-  
6 ered organization by a person other than the  
7 organization for the purpose of being used for  
8 campaign-related activity, and for which the  
9 person providing the amounts has not des-  
10 ignated that the amounts be used for campaign-  
11 related activity with respect to a specific elec-  
12 tion or specific candidate.

13 “(C) Amounts donated or paid to the cov-  
14 ered organization by a person other than the  
15 organization in response to a solicitation for  
16 funds to be used for campaign-related activity.

17 “(D) Amounts transferred to the Account  
18 by the covered organization from other accounts  
19 of the organization, including from the organi-  
20 zation’s general treasury funds.

21 “(3) NO TREATMENT AS POLITICAL COM-  
22 MITTEE.—The establishment and administration of  
23 an Account in accordance with this subsection shall  
24 not by itself be treated as the establishment or ad-

1       ministration of a political committee for any purpose  
2       of this Act.

3       “(b) REDUCTION IN AMOUNTS OTHERWISE AVAIL-  
4       ABLE FOR ACCOUNT IN RESPONSE TO DEMAND OF GEN-  
5       ERAL DONORS.—

6               “(1) IN GENERAL.—If a covered organization  
7       which has established an Account obtains any reve-  
8       nues during a year which are attributable to a dona-  
9       tion or payment from a person other than the cov-  
10      ered organization, and if any person who makes  
11      such a donation or payment to the organization noti-  
12      fies the organization in writing (at the time of mak-  
13      ing the donation or payment) that the organization  
14      may not use the donation or payment for campaign-  
15      related activity, the organization shall reduce the  
16      amount of its revenues available for deposits to the  
17      Account which are described in subsection (a)(3)(D)  
18      during the year by the amount of the donation or  
19      payment.

20              “(2) EXCEPTION.—Paragraph (1) does not  
21      apply with respect to any payment made pursuant to  
22      commercial activities in the regular course of a cov-  
23      ered organization’s business.

1       “(c) DEFINITIONS.—In this section, the terms ‘cam-  
 2   paign-related activity’ and ‘covered organization’ have the  
 3   meaning given such terms in section 325.”.

4   **SEC. 214. MODIFICATION OF RULES RELATING TO DIS-**  
 5                   **CLAIMER STATEMENTS REQUIRED FOR CER-**  
 6                   **TAIN COMMUNICATIONS.**

7       (a) APPLYING REQUIREMENTS TO ALL INDE-  
 8   PENDENT EXPENDITURE COMMUNICATIONS.—Section  
 9   318(a) of the Federal Election Campaign Act of 1971 (2  
 10   U.S.C. 441d(a)) is amended by striking “for the purpose  
 11   of financing communications expressly advocating the  
 12   election or defeat of a clearly identified candidate” and  
 13   inserting “for an independent expenditure consisting of a  
 14   public communication”.

15       (b) STAND BY YOUR AD REQUIREMENTS.—

16               (1) MAINTENANCE OF EXISTING REQUIRE-  
 17   MENTS FOR COMMUNICATIONS BY POLITICAL PAR-  
 18   TIES AND OTHER POLITICAL COMMITTEES.—Section  
 19   318(d)(2) of such Act (2 U.S.C. 441d(d)(2)) is  
 20   amended—

21                   (A) in the heading, by striking “OTHERS”  
 22                   and inserting “POLITICAL COMMITTEES”;

23                   (B) by striking “subsection (a)” and in-  
 24                   serting “subsection (a) which is paid for by a

1 political committee (including a political com-  
2 mittee of a political party)”; and

3 (C) by striking “or other person” each  
4 place it appears.

5 (2) SPECIAL DISCLAIMER REQUIREMENTS FOR  
6 CERTAIN COMMUNICATIONS.—Section 318 of such  
7 Act (2 U.S.C. 441d) is amended by adding at the  
8 end the following new subsection:

9 “(e) COMMUNICATIONS BY OTHERS.—

10 “(1) IN GENERAL.—Any communication de-  
11 scribed in paragraph (3) of subsection (a) which is  
12 transmitted through radio or television (other than  
13 a communication to which subsection (d)(2) applies  
14 because the communication is paid for by a political  
15 committee, including a political committee of a polit-  
16 ical party) shall include, in addition to the require-  
17 ments of that paragraph, the following:

18 “(A) The individual disclosure statement  
19 described in paragraph (2) (if the person pay-  
20 ing for the communication is an individual) or  
21 the organizational disclosure statement de-  
22 scribed in paragraph (3) (if the person paying  
23 for the communication is not an individual).

24 “(B) If the communication is an election-  
25 eering communication or an independent ex-

1           penditure consisting of a public communication  
2           and is paid for in whole or in part with a pay-  
3           ment which is treated as a disbursement by a  
4           covered organization for campaign-related activ-  
5           ity under section 325, the significant funder  
6           disclosure statement described in paragraph (4)  
7           (if applicable).

8           “(C) If the communication is transmitted  
9           through television and is an electioneering com-  
10          munication or an independent expenditure con-  
11          sisting of a public communication and is paid  
12          for in whole or in part with a payment which  
13          is treated as a disbursement by a covered orga-  
14          nization for campaign-related activity under  
15          section 325, the Top Five Funders list de-  
16          scribed in paragraph (5) (if applicable), unless,  
17          on the basis of criteria established in regula-  
18          tions promulgated by the Commission, the com-  
19          munication is of such short duration that in-  
20          cluding the Top Five Funders list in the com-  
21          munication would constitute a hardship to the  
22          person paying for the communication by requir-  
23          ing a disproportionate amount of the commu-  
24          nication’s content to consist of the Top Five  
25          Funders list.

1           “(2) INDIVIDUAL DISCLOSURE STATEMENT DE-  
 2           SCRIBED.—The individual disclosure statement de-  
 3           scribed in this paragraph is the following: ‘I am  
 4           \_\_\_\_\_, and I approve this message.’, with  
 5           the blank filled in with the name of the applicable  
 6           individual.

7           “(3) ORGANIZATIONAL DISCLOSURE STATE-  
 8           MENT DESCRIBED.—The organizational disclosure  
 9           statement described in this paragraph is the fol-  
 10          lowing: ‘I am \_\_\_\_\_, the \_\_\_\_\_  
 11          of \_\_\_\_\_, and \_\_\_\_\_ approves  
 12          this message.’, with—

13                 “(A) the first blank to be filled in with the  
 14                 name of the applicable individual;

15                 “(B) the second blank to be filled in with  
 16                 the title of the applicable individual; and

17                 “(C) the third and fourth blank each to be  
 18                 filled in with the name of the organization or  
 19                 other person paying for the communication.

20           “(4) SIGNIFICANT FUNDER DISCLOSURE STATE-  
 21           MENT DESCRIBED.—

22                 “(A) STATEMENT IF SIGNIFICANT FUNDER  
 23                 IS AN INDIVIDUAL.—If the significant funder of  
 24                 a communication paid for in whole or in part  
 25                 with a payment which is treated as a disburse-

1           ment by a covered organization for campaign-  
 2           related activity under section 325 is an indi-  
 3           vidual, the significant funder disclosure state-  
 4           ment described in this paragraph is the fol-  
 5           lowing: ‘I am \_\_\_\_\_. I helped to pay  
 6           for this message, and I approve it.’, with the  
 7           blank filled in with the name of the applicable  
 8           individual.

9           “(B) STATEMENT IF SIGNIFICANT FUNDER  
 10          IS NOT AN INDIVIDUAL.—If the significant  
 11          funder of a communication paid for in whole or  
 12          in part with a payment which is treated as a  
 13          disbursement by a covered organization for  
 14          campaign-related activity under section 325 is  
 15          not an individual, the significant funder diselo-  
 16          sure statement described in this paragraph is  
 17          the following: ‘I am \_\_\_\_\_, the  
 18          \_\_\_\_\_ of \_\_\_\_\_.  
 19          \_\_\_\_\_ helped to pay for this mes-  
 20          sage, and \_\_\_\_\_ approves it.’, with—

21                 “(i) the first blank to be filled in with  
 22                 the name of the applicable individual;

23                 “(ii) the second blank to be filled in  
 24                 with the title of the applicable individual;  
 25                 and

1           “(iii) the third, fourth, and fifth blank  
2 each to be filled in with the name of the  
3 significant funder of the communication.

4           “(C) SIGNIFICANT FUNDER DEFINED.—

5           “(i) INDEPENDENT EXPENDITURES.—

6 For purposes of this paragraph, the ‘sig-  
7 nificant funder’ with respect to an inde-  
8 pendent expenditure consisting of a public  
9 communication paid for in whole or in part  
10 with a payment which is treated as a dis-  
11 bursement by a covered organization for  
12 campaign-related activity under section  
13 325 shall be determined as follows:

14           “(I) If any report filed by any or-  
15 ganization with respect to the inde-  
16 pendent expenditure under section  
17 304 includes information on any per-  
18 son who made a payment to the orga-  
19 nization in an amount equal to or ex-  
20 ceeding \$100,000 which was des-  
21 ignated by the person to be used for  
22 campaign-related activity consisting of  
23 that specific independent expenditure  
24 (as required to be included in the re-  
25 port under section 304(g)(5)(A)(i)),

1 the person who is identified among all  
2 such reports as making the largest  
3 such payment.

4 “(II) If any report filed by any  
5 organization with respect to the inde-  
6 pendent expenditure under section  
7 304 includes information on any per-  
8 son who made a payment to the orga-  
9 nization in an amount equal to or ex-  
10 ceeding \$100,000 which was des-  
11 ignated by the person to be used for  
12 campaign-related activity with respect  
13 to the same election or in support of  
14 the same candidate (as required to be  
15 included in the report under section  
16 304(g)(5)(A)(i)) but subclause (I)  
17 does not apply, the person who is  
18 identified among all such reports as  
19 making the largest such payment.

20 “(III) If any report filed by any  
21 organization with respect to the inde-  
22 pendent expenditure under section  
23 304 includes information on any per-  
24 son who made a payment to the orga-  
25 nization which was provided for the

1 purpose of being used for campaign-  
2 related activity or in response to a so-  
3 licitation for funds to be used for  
4 campaign-related activity (as required  
5 to be included in the report under sec-  
6 tion 304(g)(5)(A)(i)) but subclause (I)  
7 or subclause (II) does not apply, the  
8 person who is identified among all  
9 such reports as making the largest  
10 such payment.

11 “(IV) If none of the reports filed  
12 by any organization with respect to  
13 the independent expenditure under  
14 section 304 includes information on  
15 any person (other than the organiza-  
16 tion) who made a payment to the or-  
17 ganization which was provided for the  
18 purpose of being used for campaign-  
19 related activity or in response to a so-  
20 licitation for funds to be used for  
21 campaign-related activity, but any of  
22 such reports includes information on  
23 any person who made an unrestricted  
24 donor payment to the organization (as  
25 required to be included in the report

1 under section 304(g)(5)(A)(ii), the  
2 person who is identified among all  
3 such reports as making the largest  
4 such unrestricted donor payment.

5 “(ii) ELECTIONEERING COMMUNICA-  
6 TIONS.—For purposes of this paragraph,  
7 the ‘significant funder’ with respect to an  
8 electioneering communication paid for in  
9 whole or in part with a payment which is  
10 treated as a disbursement by a covered or-  
11 ganization for campaign-related activity  
12 under section 325, shall be determined as  
13 follows:

14 “(I) If any report filed by any or-  
15 ganization with respect to the elec-  
16 tioneering communication under sec-  
17 tion 304 includes information on any  
18 person who made a payment to the  
19 organization in an amount equal to or  
20 exceeding \$100,000 which was des-  
21 ignated by the person to be used for  
22 campaign-related activity consisting of  
23 that specific electioneering commu-  
24 nication (as required to be included in  
25 the report under section

1 304(f)(6)(A)(i)), the person who is  
2 identified among all such reports as  
3 making the largest such payment.

4 “(II) If any report filed by any  
5 organization with respect to the elec-  
6 tioneering communication under sec-  
7 tion 304 includes information on any  
8 person who made a payment to the  
9 organization in an amount equal to or  
10 exceeding \$100,000 which was des-  
11 ignated by the person to be used for  
12 campaign-related activity with respect  
13 to the same election or in support of  
14 the same candidate (as required to be  
15 included in the report under section  
16 304(f)(6)(A)(i)) but subclause (I)  
17 does not apply, the person who is  
18 identified among all such reports as  
19 making the largest such payment.

20 “(III) If any report filed by any  
21 organization with respect to the elec-  
22 tioneering communication under sec-  
23 tion 304 includes information on any  
24 person who made a payment to the  
25 organization which was provided for

1 the purpose of being used for cam-  
2 paign-related activity or in response to  
3 a solicitation for funds to be used for  
4 campaign-related activity (as required  
5 to be included in the report under sec-  
6 tion 304(f)(6)(A)(i)) but subclause (I)  
7 or subclause (II) does not apply, the  
8 person who is identified among all  
9 such reports as making the largest  
10 such payment.

11 “(IV) If none of the reports filed  
12 by any organization with respect to  
13 the electioneering communication  
14 under section 304 includes informa-  
15 tion on any person who made a pay-  
16 ment to the organization which was  
17 provided for the purpose of being used  
18 for campaign-related activity or in re-  
19 sponse to a solicitation for funds to be  
20 used for campaign-related activity, but  
21 any of such reports includes informa-  
22 tion on any person who made an unre-  
23 stricted donor payment to the organi-  
24 zation (as required to be included in  
25 the report under section

1                   304(f)(6)(A)(ii)), the person who is  
2                   identified among all such reports as  
3                   making the largest such unrestricted  
4                   donor payment.

5                   “(5) TOP 5 FUNDERS LIST DESCRIBED.—With  
6                   respect to a communication paid for in whole or in  
7                   part with a payment which is treated as a disburse-  
8                   ment by a covered organization for campaign-related  
9                   activity under section 325, the Top 5 Funders list  
10                  described in this paragraph is—

11                  “(A) in the case of a disbursement for an  
12                  independent expenditure consisting of a public  
13                  communication, a list of the 5 persons who pro-  
14                  vided the largest payments of any type which  
15                  are required under section 304(g)(5)(A) to be  
16                  included in the reports filed by any organization  
17                  with respect to that independent expenditure  
18                  under section 304, together with the amount of  
19                  the payments each such person provided; or

20                  “(B) in the case of a disbursement for an  
21                  electioneering communication, a list of the 5  
22                  persons who provided the largest payments of  
23                  any type which are required under section  
24                  304(f)(6)(A) to be included in the reports filed  
25                  by any organization with respect to that elec-

1           tioneering communication under section 304,  
2           together with the amount of the payments each  
3           such person provided.

4           “(6) METHOD OF CONVEYANCE OF STATE-  
5           MENT.—

6                   “(A) COMMUNICATIONS TRANSMITTED  
7           THROUGH RADIO.—In the case of a communica-  
8           tion to which this subsection applies which is  
9           transmitted through radio, the disclosure state-  
10          ments required under paragraph (1) shall be  
11          made by audio by the applicable individual in a  
12          clearly spoken manner.

13                   “(B) COMMUNICATIONS TRANSMITTED  
14          THROUGH TELEVISION.—In the case of a com-  
15          munication to which this subsection applies  
16          which is transmitted through television, the in-  
17          formation required under paragraph (1)—

18                   “(i) shall appear in writing at the end  
19                  of the communication in a clearly readable  
20                  manner, with a reasonable degree of color  
21                  contrast between the background and the  
22                  printed statement, for a period of at least  
23                  6 seconds; and

24                   “(ii) except in the case of a Top 5  
25                  Funders list described in paragraph (5),

1 shall also be conveyed by an unobscured,  
2 full-screen view of the applicable indi-  
3 vidual, or by the applicable individual mak-  
4 ing the statement in voice-over accom-  
5 panied by a clearly identifiable photograph  
6 or similar image of the individual.

7 “(7) APPLICABLE INDIVIDUAL DEFINED.—In  
8 this subsection, the term ‘applicable individual’  
9 means, with respect to a communication to which  
10 this paragraph applies—

11 “(A) if the communication is paid for by  
12 an individual or if the significant funder of the  
13 communication under paragraph (4) is an indi-  
14 vidual, the individual involved;

15 “(B) if the communication is paid for by a  
16 corporation or if the significant funder of the  
17 communication under paragraph (4) is a cor-  
18 poration, the chief executive officer of the cor-  
19 poration (or, if the corporation does not have a  
20 chief executive officer, the highest ranking offi-  
21 cial of the corporation);

22 “(C) if the communication is paid for by a  
23 labor organization or if the significant funder of  
24 the communication under paragraph (4) is a

1 labor organization, the highest ranking officer  
2 of the labor organization; or

3 “(D) if the communication is paid for by  
4 any other person or if the significant funder of  
5 the communication under paragraph (4) is any  
6 other person, the highest ranking official of  
7 such person.

8 “(8) OTHER DEFINITIONS.—In this subsection,  
9 the terms ‘campaign-related activity’, ‘covered orga-  
10 nization’, and ‘unrestricted donor payment’ have the  
11 meaning given such terms in section 325.”.

## 12 **Subtitle C—Reporting Require-** 13 **ments for Registered Lobbyists**

### 14 **SEC. 221. REQUIRING REGISTERED LOBBYISTS TO REPORT** 15 **INFORMATION ON INDEPENDENT EXPENDI-** 16 **TURES AND ELECTIONEERING COMMUNICA-** 17 **TIONS.**

18 (a) IN GENERAL.—Section 5(d)(1) of the Lobbying  
19 Disclosure Act of 1995 (2 U.S.C. 1604(d)(1)) is amend-  
20 ed—

21 (1) by striking “and” at the end of subpara-  
22 graph (F);

23 (2) by redesignating subparagraph (G) as sub-  
24 paragraph (I); and

1           (3) by inserting after subparagraph (F) the fol-  
2           lowing new subparagraphs:

3                   “(G) the amount of any independent ex-  
4                   penditure (as defined in section 301(17) of the  
5                   Federal Election Campaign Act of 1971 (2  
6                   U.S.C. 431(17)) equal to or greater than  
7                   \$1,000 made by such person or organization,  
8                   and for each such expenditure the name of each  
9                   candidate being supported or opposed and the  
10                  amount spent supporting or opposing each such  
11                  candidate;

12                  “(H) the amount of any electioneering  
13                  communication (as defined in section 304(f)(3)  
14                  of such Act (2 U.S.C. 434(f)(3)) equal to or  
15                  greater than \$1,000 made by such person or or-  
16                  ganization, and for each such communication  
17                  the name of the candidate referred to in the  
18                  communication and whether the communication  
19                  involved was in support of or in opposition to  
20                  the candidate; and”.

21           (b) EFFECTIVE DATE.—The amendments made by  
22 this section shall apply with respect to reports for semi-  
23 annual periods described in section 5(d)(1) of the Lob-  
24 bying Disclosure Act of 1995 that begin after the date  
25 of the enactment of this Act.

1           **Subtitle D—Filing by Senate**  
 2           **Candidates With Commission**

3   **SEC. 231. FILING BY SENATE CANDIDATES WITH COMMIS-**  
 4                           **SION.**

5           Section 302(g) of the Federal Election Campaign Act  
 6 of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

7                   “(g) FILING WITH THE COMMISSION.—All des-  
 8           ignations, statements, and reports required to be  
 9           filed under this Act shall be filed with the Commis-  
 10          sion.”.

11   **TITLE III—DISCLOSURE BY COV-**  
 12           **ERED ORGANIZATIONS OF IN-**  
 13           **FORMATION ON CAMPAIGN-**  
 14           **RELATED ACTIVITY**

15   **SEC. 301. REQUIRING DISCLOSURE BY COVERED ORGANI-**  
 16                           **ZATIONS OF INFORMATION ON CAMPAIGN-**  
 17                           **RELATED ACTIVITY.**

18           Section 325 of the Federal Election Campaign Act  
 19 of 1971, as added by section 212, is amended—

20                   (1) by redesignating subsections (c) and (d) as  
 21           subsections (e) and (f); and

22                   (2) by inserting after subsection (b) the fol-  
 23           lowing new subsections:

1       “(c) DISCLOSURES TO SHAREHOLDERS, MEMBERS,  
2 AND DONORS OF INFORMATION ON DISBURSEMENTS FOR  
3 CAMPAIGN-RELATED ACTIVITY.—

4           “(1) INCLUDING INFORMATION IN REGULAR  
5 PERIODIC REPORTS.—A covered organization which  
6 submits regular, periodic reports to its shareholders,  
7 members, or donors on its finances or activities shall  
8 include in each such report the information de-  
9 scribed in paragraph (2) with respect to the dis-  
10 bursements made by the organization for campaign-  
11 related activity during the period covered by the re-  
12 port.

13           “(2) INFORMATION DESCRIBED.—The informa-  
14 tion described in this paragraph is, for each dis-  
15 bursement for campaign-related activity—

16           “(A) the date of the independent expendi-  
17 ture or electioneering communication involved;

18           “(B) the amount of the independent ex-  
19 penditure or electioneering communication in-  
20 volved;

21           “(C) the name of the candidate identified  
22 in the independent expenditure or electioneering  
23 communication involved, the office sought by  
24 the candidate, and (if applicable) whether the  
25 independent expenditure or electioneering com-

1           communication involved was in support of or in op-  
2           position to the candidate;

3           “(D) in the case of a transfer of funds to  
4           another person, the information required by  
5           subparagraphs (A) through (C), as well as the  
6           name of the recipient of the funds and the date  
7           and amount of the funds transferred;

8           “(E) the source of such funds; and

9           “(F) such other information as the Com-  
10          mission determines is appropriate to further the  
11          purposes of this subsection.

12          “(d) PUBLIC DISSEMINATION OF CERTAIN INFORMA-  
13          TION.—

14           “(1) INFORMATION INCLUDED IN REPORTS.—

15           “(A) REQUIRING DISSEMINATION.—If a  
16           covered organization maintains an Internet site,  
17           the organization shall post on such Internet  
18           site, in a machine-readable, searchable, sortable,  
19           and downloadable manner and through a direct  
20           link from the homepage of the organization, the  
21           following information:

22           “(i) The information the organization  
23           is required to report under section  
24           304(g)(5)(A) with respect to public inde-  
25           pendent expenditures.

1           “(ii) The information the organization  
2           is required to include in a statement of dis-  
3           bursements for electioneering communica-  
4           tions under section 304(f)(6).

5           “(B) DEADLINE; DURATION OF POST-  
6           ING.—The covered organization shall post the  
7           information described in subparagraph (A) not  
8           later than 24 hours after the organization files  
9           the information with the Commission under the  
10          applicable provision of this Act, and shall en-  
11          sure that the information remains on the  
12          website until the expiration of the 1-year period  
13          which begins on the date of the election with re-  
14          spect to which the public independent expendi-  
15          tures or electioneering communications are  
16          made.

17          “(2) INFORMATION ON BREAKDOWN OF DIS-  
18          BURSEMENTS AMONG TYPES OF RECIPIENTS.—

19                 “(A) REQUIRING DISSEMINATION.—If a  
20                 covered organization maintains an Internet site,  
21                 the organization shall post on such Internet  
22                 site, in a machine-readable, searchable, sortable,  
23                 and downloadable manner and through a direct  
24                 link from the homepage of the organization, the  
25                 following information with respect to the aggre-

1           gate amount of disbursements made by the or-  
2           ganization for campaign-related activity during  
3           a calendar year:

4                   “(i) A breakdown by political party of  
5                   the total amount disbursed in support of  
6                   and in opposition to candidates of each po-  
7                   litical party.

8                   “(ii) The total amount disbursed in  
9                   support of or opposition to—

10                           “(I) incumbent candidates;

11                           “(II) candidates challenging in-  
12                           cumbent candidates; and

13                           “(III) candidates for election to  
14                           an office for which no incumbent is  
15                           seeking re-election.

16                   “(B) DEADLINE; DURATION OF POST-  
17                   ING.—A covered organization shall post the in-  
18                   formation described in subparagraph (A) with  
19                   respect to a calendar year not later than the  
20                   first January 31 which follows that calendar  
21                   year, and shall ensure that the information re-  
22                   mains on the website until the end of the cal-  
23                   endar year in which the information is posted.”.

1     **TITLE IV—TELEVISION MEDIA**  
2                     **RATES**

3     **SEC. 401. TELEVISION MEDIA RATES.**

4             (a) APPLICATION OF EQUAL OPPORTUNITIES RE-  
5     QUIREMENT AND PROHIBITION OF CENSORSHIP TO CAN-  
6     DIDATE AND NATIONAL COMMITTEES OF POLITICAL PAR-  
7     TIES.—

8             (1) IN GENERAL.—The matter preceding para-  
9     graph (1) of section 315(a) of the Communications  
10     Act of 1934 (47 U.S.C. 315(a)) is amended to read  
11     as follows:

12            “(a) IN GENERAL.—If any licensee shall permit any  
13     person who is a legally qualified candidate for any public  
14     office or any national committee of a political party in con-  
15     nection with a campaign of a legally qualified candidate  
16     for Federal office to use a broadcasting station, the li-  
17     censee shall afford equal opportunities in the use of such  
18     broadcasting station to all other such candidates for that  
19     office or national committees of political parties in connec-  
20     tion with such campaign for such office: Provided, That  
21     such licensee shall have no power of censorship over the  
22     material broadcast under the provisions of this section. No  
23     obligation is imposed under this subsection upon any li-  
24     censee to allow the use of its station by any such candidate  
25     or national committee. Appearance by a legally qualified

1 candidate or a representative of a national committee of  
2 a political party on behalf of any legally qualified can-  
3 didate for Federal office on any—”.

4 (2) CONFORMING AMENDMENT.—Section  
5 315(a)(3) of such Act (47 U.S.C. 315(a)(3)) is  
6 amended by striking “candidate” and inserting  
7 “candidate or representative”.

8 (b) REASONABLE ACCESS TO PURCHASE BROAD-  
9 CASTING TIME.—

10 (1) REASONABLE ACCESS BY POLITICAL PAR-  
11 TIES.—Section 312(a)(7) of such Act (47 U.S.C.  
12 312(a)(7)) is amended—

13 (A) by striking “reasonable amounts of  
14 time” and inserting “reasonable amounts of  
15 time, including reasonable amounts of time pur-  
16 chased at the lowest unit charge under section  
17 315(b),”;

18 (B) by striking “elective”; and

19 (C) by striking the period at the end and  
20 inserting the following: “or by a national com-  
21 mittee of a political party (including a national  
22 congressional campaign committee of a political  
23 party) in connection with the campaign of such  
24 candidate.”.

1           (2) DETERMINATION.—Section 312(c) of such  
2 Act (47 U.S.C. 312(c)) is amended by inserting  
3 after the second sentence the following: “In deter-  
4 mining whether reasonable amounts of time, includ-  
5 ing reasonable amounts of time purchased at the  
6 lowest unit charge under section 315(b), have been  
7 provided under subsection (a)(7), the Commission  
8 shall examine and consider the time provided by the  
9 licensee, permittee, or person to purchase time, in-  
10 cluding nonpreemptible time, by purchasers other  
11 than a legally qualified candidate for Federal office  
12 on behalf of his candidacy or by a national com-  
13 mittee of a political party (including a national con-  
14 gressional campaign committee of a political party)  
15 in connection with such campaign.”

16 (c) LOWEST UNIT CHARGE.—

17           (1) CHARGES FOR CANDIDATES FOR FEDERAL  
18 OFFICE.—Section 315(b) of such Act (47 U.S.C.  
19 315(b)) is amended—

20           (A) in paragraph (1)(A), by striking  
21 “paragraph (2)” and inserting “paragraphs (2)  
22 and (3)”;

23           (B) by redesignating paragraph (2) as  
24 paragraph (3); and

1           (C) by inserting after paragraph (1) the  
2 following:

3           “(2) CHARGES FOR CANDIDATES FOR FEDERAL  
4 OFFICE.—

5           “(A) LIMITATION ON CHARGES.—Subject  
6 to subparagraphs (B) and (C), the charges  
7 made for the use of any broadcasting station by  
8 any person who is a legally qualified candidate  
9 for any Federal office in connection with the  
10 campaign of such candidate for election to such  
11 office, or by a national committee of a political  
12 party in connection with such campaign, shall  
13 not exceed—

14           “(i) subject to paragraph (3), during  
15 the 45 days preceding the date of a pri-  
16 mary or primary runoff election and dur-  
17 ing the 60 days preceding the date of a  
18 general or special election in which such  
19 person is a candidate, the lowest unit  
20 charge of the station for the same amount  
21 of time that was offered at any time dur-  
22 ing the 180 days preceding the date of use;  
23 and

1           “(ii) at any other time, the charges  
2           made for comparable use of such station  
3           by other users thereof.

4           “(B) GEOGRAPHIC LIMITATION.—The limi-  
5           tation on charges under subparagraph (A) shall  
6           only apply for the use of a broadcasting station  
7           in the media markets that cover the State (or  
8           States) in which the candidate is seeking elec-  
9           tion to Federal office.

10          “(C) ELIGIBILITY.—

11           “(i) IN GENERAL.—The limitation on  
12           charges under subparagraph (A) shall only  
13           apply if, in an election for a Federal office,  
14           a covered organization under section 325  
15           of the Federal Election Campaign Act of  
16           1971 makes disbursements for election-  
17           eering communications in connection with  
18           any legally qualified candidate for Federal  
19           office or for independent expenditures in  
20           an aggregate amount of \$50,000 or more  
21           during a calendar year.

22           “(ii) APPLICATION.—In such cir-  
23           cumstances, the limitation on charges  
24           under subparagraph (A) shall apply to all  
25           legally qualified candidates for Federal of-

1            fice in such election and national commit-  
2            tees of political parties in connection with  
3            such election.

4            “(iii) REQUIREMENT.—In an election  
5            for Federal office in which no covered or-  
6            ganization has made the disbursements de-  
7            scribed in clause (i), all legally qualified  
8            candidates in such election shall be entitled  
9            to receive the lowest unit charge described  
10           in paragraph (1) for as long as no such  
11           disbursements are made in such election.

12           “(D) SEVERABILITY.—If the operation of  
13           subparagraph (C) is enjoined by any court of  
14           competent jurisdiction, or if subparagraph (C)  
15           is held to be constitutionally insufficient by  
16           final judicial decision, then subparagraph (A)  
17           shall take effect immediately without any limi-  
18           tation imposed by subparagraph (C).”.

19           (2) NATIONAL COMMITTEE CHARGES.—Section  
20           315(b)(1) of such Act (47 U.S.C. 315(b)(1)) is  
21           amended in the matter preceding subparagraph (A)  
22           by striking “office shall” and inserting “office or by  
23           a national committee of a political party in connec-  
24           tion with the campaign of a legally qualified can-  
25           didate for Federal office shall”.

1           (3) ADEQUATE ACCESS AT LOWEST UNIT  
2 CHARGE.—Section 315(b) of such Act (47 U.S.C.  
3 315(b)) is amended by adding at the end the fol-  
4 lowing:

5           “(4) ADEQUATE ACCESS AT LOWEST UNIT  
6 CHARGE.—A licensee shall take all actions necessary  
7 to ensure access to the use of a broadcasting station,  
8 in accordance with the requirements under para-  
9 graph (2), to meet the obligations under section  
10 312(a)(7) for the use of such station by a legally  
11 qualified candidate for Federal office on behalf of  
12 his candidacy and by a national committee of a po-  
13 litical party in connection with the campaign of such  
14 candidate.”.

15           (4) CONFORMING AMENDMENT.—Section  
16 315(b)(3) of such Act (as redesignated by paragraph  
17 (1)(A)) is amended by striking “under paragraph  
18 (1)(A)” each place it appears and inserting “under  
19 paragraph (1)(A) or (2)(A)(i)”.

20           (5) REQUIRING ORGANIZATIONS TO NOTIFY  
21 COMMISSION IF DISBURSEMENTS EQUAL OR EXCEED  
22 THRESHOLD.—Title III of the Federal Election  
23 Campaign Act of 1971 (2 U.S.C. 431 et seq.), as  
24 amended by section 213(a), is further amended by  
25 adding at the end the following new section:

1 **“SEC. 327. REQUIRING COVERED ORGANIZATIONS TO NO-**  
2 **TIFY COMMISSION AND FCC IF DISBURSE-**  
3 **MENTS EQUAL OR EXCEED THRESHOLD.**

4 “(a) NOTIFICATION REQUIRED IF ELECTION- OR  
5 CANDIDATE-SPECIFIC DISBURSEMENTS EQUAL OR EX-  
6 CEED THRESHOLD.—Not later than 24 hours after the  
7 date by which the aggregate amount of disbursements  
8 made by a covered organization for campaign-related ac-  
9 tivity with respect to a specific election or a specific can-  
10 didate (together with the amount of any disbursements  
11 contracted to be made by the organization for such activ-  
12 ity) first equals or exceeds \$50,000, the organization shall  
13 file a report with the Commission and with the Federal  
14 Communications Commission which states the amount of  
15 the disbursements and identifies the election or candidate  
16 involved.

17 “(b) DEFINITIONS.—For purposes of subsection (a),  
18 the terms ‘campaign-related activity’ and ‘covered organi-  
19 zation’ have the meaning given such terms in section  
20 325.”.

21 (d) PREEMPTION; RANDOM AUDITS.—Section 315 of  
22 the Communications Act of 1934 (47 U.S.C. 315) is  
23 amended—

24 (1) by redesignating subsection (c) as sub-  
25 section (g);

1           (2) by redesignating subsection (d) as sub-  
2           section (f); and

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

5           “(c) PREEMPTION.—

6           “(1) IN GENERAL.—Except as provided in para-  
7           graph (2), a licensee shall not preempt the use of a  
8           broadcasting station by a legally qualified candidate  
9           for Federal office or a national committee of a polit-  
10          ical party in connection with the campaign of such  
11          candidate.

12          “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-  
13          CENSEE.—If a program to be broadcast by a broad-  
14          casting station is preempted because of cir-  
15          cumstances beyond the control of the station, any  
16          scheduled use of a broadcasting station by such can-  
17          didate or committee scheduled during that program  
18          may also be preempted.

19          “(d) RANDOM AUDITS.—

20          “(1) IN GENERAL.—During the 45 days pre-  
21          ceding a primary election and the 60 days preceding  
22          a general election, the Commission shall conduct  
23          random audits of designated market areas to ensure  
24          that each broadcasting station to which this section  
25          applies is allocating broadcast time for legally quali-

1       fied candidates for Federal office in accordance with  
2       this section and section 312.

3               “(2) **MARKETS.**—Each audit conducted under  
4       paragraph (1) shall cover the following markets:

5                       “(A) At least 6 of the top 50 largest des-  
6       ignated market areas.

7                       “(B) At least 3 of the 51–100 largest des-  
8       ignated market areas.

9                       “(C) At least 3 of the 101–150 largest  
10       designated market areas.

11                      “(D) At least 3 of the 151–210 largest  
12       designated market areas.

13               “(3) **BROADCAST STATIONS.**—Each random  
14       audit shall include each of the 3 largest television  
15       broadcast networks, 1 independent television net-  
16       work, 1 cable network, 1 provider of satellite serv-  
17       ices, and 1 radio network.”.

18       (e) **POLITICAL FILE.**—Section 315(e) of such Act (47  
19       U.S.C. 315(e)) is amended by adding at the end the fol-  
20       lowing:

21                      “(4) **PUBLIC ACCESS TO POLITICAL FILE.**—In  
22       making a record available for public inspection  
23       under paragraph (1), a licensee shall make available  
24       on a timely basis on the station’s Web site the  
25       record of a request to purchase broadcast time that

1 is made by or on behalf of a legally qualified can-  
2 didate for Federal office, a national committee of a  
3 political party in connection with a campaign for  
4 such office, or by a covered organization under sec-  
5 tion 325(c) of the Federal Election Campaign Act of  
6 1971 for electioneering communications in connec-  
7 tion with any legally qualified candidate for Federal  
8 office or for independent expenditures.”.

9 (f) DEFINITIONS.—Section 315(g) of such Act (as re-  
10 designated by subsection (d)(1)) is amended—

11 (1) by striking “For purposes” and inserting  
12 “DEFINITIONS.—For purposes”;

13 (2) in paragraph (1), by striking “; and” and  
14 inserting the following: “and a provider of cable or  
15 satellite television service, except that such term  
16 does not include a noncommercial educational broad-  
17 cast station as defined under section 397;”

18 (3) in paragraph (2), by striking the period at  
19 the end and inserting a semicolon; and

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

21 “(3) the terms ‘authorized committee’, ‘elec-  
22 tion’, ‘electioneering communications’, ‘Federal of-  
23 fice’, and ‘independent expenditure’ have the mean-  
24 ings given such terms by section 301 of the Federal  
25 Election Campaign Act of 1971 (2 U.S.C. 431);

1           “(4) the term ‘designated market area’ has the  
2 meaning given such term in section 122(j)(2)(C) of  
3 title 17, United States Code; and

4           “(5) the term ‘national committee of a political  
5 party’ includes a national congressional campaign  
6 committee of a political party.”.

7           (g) **STYLISTIC AMENDMENT.**—Section 315(f) of such  
8 Act (as redesignated by subsection (d)(2)), is amended by  
9 striking “The Commission” and inserting “REGULA-  
10 TIONS.—The Commission”.

## 11       **TITLE V—OTHER PROVISIONS**

### 12       **SEC. 501. JUDICIAL REVIEW.**

13           (a) **SPECIAL RULES FOR ACTIONS BROUGHT ON**  
14 **CONSTITUTIONAL GROUNDS.**—If any action is brought for  
15 declaratory or injunctive relief to challenge the constitu-  
16 tionality of any provision of this Act or any amendment  
17 made by this Act, the following rules shall apply:

18           (1) The action shall be filed in the United  
19 States District Court for the District of Columbia,  
20 and an appeal from a decision of the District Court  
21 may be taken to the Court of Appeals for the Dis-  
22 trict of Columbia Circuit.

23           (2) A copy of the complaint shall be delivered  
24 promptly to the Clerk of the House of Representa-  
25 tives and the Secretary of the Senate.

1           (3) It shall be the duty of the United States  
2           District Court for the District of Columbia, the  
3           Court of Appeals for the District of Columbia Cir-  
4           cuit, and the Supreme Court of the United States to  
5           advance on the docket and to expedite to the great-  
6           est possible extent the disposition of the action and  
7           appeal.

8           (b) INTERVENTION BY MEMBERS OF CONGRESS.—In  
9           any action in which the constitutionality of any provision  
10          of this Act or any amendment made by this Act is raised,  
11          any member of the House of Representatives (including  
12          a Delegate or Resident Commissioner to the Congress) or  
13          Senate shall have the right to intervene either in support  
14          of or opposition to the position of a party to the case re-  
15          garding the constitutionality of the provision or amend-  
16          ment. To avoid duplication of efforts and reduce the bur-  
17          dens placed on the parties to the action, the court in any  
18          such action may make such orders as it considers nec-  
19          essary, including orders to require intervenors taking simi-  
20          lar positions to file joint papers or to be represented by  
21          a single attorney at oral argument.

22          (c) CHALLENGE BY MEMBERS OF CONGRESS.—Any  
23          Member of the House of Representatives (including a Del-  
24          egate or Resident Commissioner to the Congress) or Sen-  
25          ate may bring an action, subject to the special rules de-

1 scribed in subsection (a), for declaratory or injunctive re-  
2 lief to challenge the constitutionality of any provision of  
3 this Act or any amendment made by this Act.

4 **SEC. 502. SEVERABILITY.**

5 If any provision of this Act or amendment made by  
6 this Act, or the application of a provision or amendment  
7 to any person or circumstance, is held to be unconstitu-  
8 tional, the remainder of this Act and amendments made  
9 by this Act, and the application of the provisions and  
10 amendment to any person or circumstance, shall not be  
11 affected by the holding.

12 **SEC. 503. EFFECTIVE DATE.**

13 Except as otherwise provided, this Act and the  
14 amendments made by this Act shall take effect upon the  
15 expiration of the 30-day period which begins on the date  
16 of the enactment of this Act, and shall take effect without  
17 regard to whether or not the Federal Election Commission  
18 has promulgated regulations to carry out such amend-  
19 ments.

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