

H.R. 3572: Mr. BURTON of Indiana, Ms. SLAUGHTER, Mr. DEAL of Georgia, and Mr. CRAMER.

H.R. 3605: Mr. PRICE of North Carolina.

H.R. 3607: Mr. TALENT.

H.R. 3615: Mr. MARKEY and Mr. KENNEDY of Massachusetts.

H.R. 3634: Mr. HALL of Texas, Mr. BURTON of Indiana, Mr. GREENWOOD, Mr. SNYDER, Ms. PRYCE of Ohio, Mr. REDMOND, Mr. CLYBURN, Mr. BUNNING of Kentucky, Mrs. JOHNSON of Connecticut, Mr. MORAN of Kansas, Mr. PICKERING, Mr. HOLDEN, Mr. MCCOLLUM, Mr. SANDLIN, and Mr. PETERSON of Minnesota.

H.R. 3636: Mr. EVANS, Mr. EHLERS, and Mr. OXLEY.

H.R. 3650: Mr. ADERHOLT, Mr. MANZULLO, Mr. INGLIS of South Carolina, Mr. ENSIGN, Mr. TALENT, and Mr. KOLBE.

H.R. 3654: Mr. THUNE, Mr. BOSWELL, Mrs. CLAYTON, and Mr. LUCAS of Oklahoma.

H.R. 3674: Mr. BROWN of Ohio.

H.R. 3681: Mr. ENGLISH of Pennsylvania.

H.R. 3682: Mr. WAMP, Mr. NEUMANN, Mr. PICKERING, Mr. HUTCHINSON, Mr. SHIMKUS, Mr. WICKER, and Mr. JENKINS.

H.R. 3701: Mr. ABERCROMBIE.

H.R. 3707: Mr. TALENT, Mr. LARGENT, Mr. ENSIGN, Mr. WELDON of Florida, Mrs. MYRICK, and Mr. MCCOLLUM.

H.R. 3743: Ms. SLAUGHTER and Mr. FILNER.

H.R. 3749: Mr. BAKER.

H.R. 3767: Mr. SNOWBARGER.

H.R. 3792: Mr. BUNNING of Kentucky and Mr. RYUN.

H.R. 3794: Mr. SKAGGS.

H.R. 3798: Ms. KAPTUR.

H.R. 3812: Mr. BRADY of Texas and Mr. RYUN.

H.R. 3815: Ms. DUNN of Washington, Mr. McNULTY, Mr. KLECZKA, and Mr. KENNEDY of Massachusetts.

H.R. 3821: Mr. STRICKLAND, Mr. WELDON of Pennsylvania, Mr. FOSSELLA, Mr. BRADY of Texas, Mr. ENGLISH of Pennsylvania, Mr. BILIRAKIS, Mr. WELDON of Florida, Mr. LATHAM, Mr. WATTS of Oklahoma, Mr. KING of New York, Mr. WHITFIELD, Mr. STUMP, Mr. EHRLICH, Mr. SHIMKUS, and Mr. HOUGHTON.

H.R. 3835: Ms. HOOLEY of Oregon, Mr. MALONEY of Connecticut, Mr. ANDREWS, and Mr. PETERSON of Minnesota.

H.R. 3837: Mr. ROMERO-BARCELO, Mr. UNDERWOOD, Mr. FROST, Ms. JACKSON-LEE, Ms. DELAURO, and Mr. ACKERMAN.

H.R. 3844: Ms. DANNER.

H.R. 3855: Mr. FROST, Mr. MALONEY of Connecticut, Mrs. KENNELLY of Connecticut, Ms. DEGETTE, Mr. BLAGOJEVICH, and Mr. PORTMAN.

H.R. 3888: Mr. BAKER, Mr. BALDACCI, Mr. GORDON, Mr. JOHN, Mr. PICKERING, Mr. BARTON of Texas, Mr. SCHUMER, Mr. EHLERS, Mr. BUNNING of Kentucky, and Mr. SUNUNU.

H.R. 3893: Mr. HAYWORTH and Mr. ENGLISH of Pennsylvania.

H.R. 3897: Ms. NORTON.

H.R. 3932: Mr. EVANS and Mr. UNDERWOOD.

H.R. 3965: Mr. NEAL of Massachusetts.

H.J. Res. 70: Mr. BARR of Georgia and Mr. BARTON of Texas.

H.J. Res. 89: Mr. LEWIS of Georgia.

H. Con. Res. 203: Mr. MARTINEZ, Mr. RODRIGUEZ, Mr. POSHARD, Mr. NEAL of Massachusetts, Mr. RYUN, Mr. UNDERWOOD, Mr. SUNUNU, and Mr. DAVIS of Illinois.

H. Con. Res. 208: Mr. ABERCROMBIE, Mr. LOBIONDO, Mr. BOUCHER, Mr. ALLEN, Mr. PAPPAS, Mr. HOUGHTON, Mrs. EMERSON, Mr. MASCARA, Mr. JONES, Mr. REDMOND, Mr. TAYLOR of North Carolina, Mr. MCGOVERN, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. FRELINGHUYSEN, Mr. SESSIONS, Mr. BACHUS, Ms. VELAZQUEZ, Mr. MCCOLLUM, Mr. EHRLICH, Mr. WYNN, Mr. ROMERO-BARCELO, Mr. BUNNING of Kentucky, Mr. HORN, Mr. SCHUMER, Mrs. MYRICK, Mr. NUSSLE, Mr. BOEHNER, Mr. JEFFERSON, Mr. LIVINGSTON, Mr. PICKERING, Mr. DIXON, and Mr. LUCAS of Oklahoma.

H. Con. Res. 239: Mr. GUTIERREZ.

H. Con. Res. 249: Mr. MANTON, Mr. RAHALL, Mr. UNDERWOOD, Ms. LEE, Ms. KILPATRICK, Mr. SAWYER, Mr. LEVIN, and Mr. ACKERMAN.

H. Con. Res. 251: Mr. BOYD.

H. Con. Res. 264: Mr. OLIVER, Mrs. MORELLA, Ms. DELAURO, Mr. STUMP, and Mr. BACHUS.

H. Con. Res. 281: Mr. WOLF and Mr. FRANK of Massachusetts.

H. Res. 212: Mr. BARCIA of Michigan, Mr. BOYD, Mr. CALVERT, Mr. CANADY of Florida, Mr. DUNCAN, Ms. DUNN of Washington, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. KILDEE, Mr. MENENDEZ, Mr. METCALF, and Mrs. TAUSCHER.

H. Res. 218: Mr. FROST and Mr. BLAGOJEVICH.

H. Res. 363: Mr. FORD.

H. Res. 404: Mr. MATSUI, Mr. FILNER, and Mr. LANTOS.

H. Res. 424: Mr. POMEROY.

H. Res. 444: Mr. BROWN of Ohio, Mr. HILLIARD, and Mr. FILNER.

H. Res. 447: Mr. PICKERING and Mr. BEREUTER.

DELECTIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 716: Mr. JONES.

H.R. 1891: Mr. MCDERMOTT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2183

OFFERED BY MRS. CAPPS

(To the Amendment Offered By Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 36: Strike titles III and IV and insert the following:

TITLE III—INDEPENDENT AND COORDINATED EXPENDITURES; EXPANDING DISCLOSURE OF INFORMATION

Subtitle A—Independent and Coordinated Expenditures

SEC. 301. DEFINITIONS.

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

“(17) INDEPENDENT EXPENDITURE.—

“(A) IN GENERAL.—The term ‘independent expenditure’ means an expenditure by a person—

“(i) for a communication that is express advocacy; and

“(ii) that is not provided in coordination with a candidate or a candidate’s agent or a person who is coordinating with a candidate or a candidate’s agent.”.

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

“(20) EXPRESS ADVOCACY.—

“(A) IN GENERAL.—The term ‘express advocacy’ means a communication that advocates the election or defeat of a candidate by—

“(i) containing a phrase such as ‘vote for’, ‘re-elect’, ‘support’, ‘cast your ballot for’, ‘(name of candidate) for Congress’, ‘(name of candidate) in 1999’, ‘vote against’, ‘defeat’, ‘reject’, or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

“(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

“(iii) expressing unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

“(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term ‘express advocacy’ does not include a printed communication that—

“(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

“(ii) that is not made in coordination with a candidate, political party, or agent of the candidate or party; or a candidate’s agent or a person who is coordinating with a candidate or a candidate’s agent;

“(iii) does not contain a phrase such as ‘vote for’, ‘re-elect’, ‘support’, ‘cast your ballot for’, ‘(name of candidate) for Congress’, ‘(name of candidate) in 1999’, ‘vote against’, ‘defeat’, or ‘reject’, or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates.”.

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

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

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

(3) by adding at the end the following:

“(iii) a payment for a communication that is express advocacy; and

“(iv) a payment made by a person for a communication that—

“(I) refers to a clearly identified candidate;

“(II) is provided in coordination with the candidate, the candidate’s agent, or the political party of the candidate; and

“(III) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).”.

SEC. 302. CIVIL PENALTY.

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

(1) in subsection (a)—

(A) in paragraph (4)(A)—

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

(ii) by adding at the end the following:

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

(B) in paragraph (6)(B), by inserting “(except an action instituted in connection with a knowing and willful violation of section 304(c))” after “subparagraph (A)”; and

(2) in subsection (d)(1)—

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

(B) by adding at the end the following:

“(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.”.

SEC. 303. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

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

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (f); and

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

“(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

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

“(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

“(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000 with respect to the same election as that to which the initial report relates.

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

“(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

“(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$10,000 with respect to the same election as that to which the initial report relates.

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

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

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

SEC. 305. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

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

(A) in subparagraph (A)—

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

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

(iii) by adding at the end the following:

“(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office.”; and

(B) by adding at the end the following:

“(C) The term ‘provided in coordination with a candidate’ includes—

“(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate’s authorized committee, or an agent acting on behalf of a candidate or authorized committee;

“(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a

candidate, a candidate’s authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate’s defeat);

“(iii) a payment made by a person based on information about a candidate’s plans, projects, or needs provided to the person making the payment by the candidate or the candidate’s agent who provides the information with the intent that the payment be made;

“(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate’s authorized committee in an executive or policymaking position;

“(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate’s campaign or has participated in formal strategic or formal policymaking discussions with the candidate’s campaign relating to the candidate’s pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

“(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate’s pursuit of nomination for election, or election, to Federal office, including services relating to the candidate’s decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate’s campaign;

“(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

“(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

“(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate’s campaign, including campaign operations, staffing, tactics, or strategy; or

“(x) the provision of in-kind professional services or polling data to the candidate or candidate’s agent.

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

“(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.”.

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

“(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a con-

tribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

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

Subtitle B—Expanding Disclosure of Campaign Finance Information**SEC. 311. REQUIRING MONTHLY FILING OF REPORTS.**

(a) PRINCIPAL CAMPAIGN COMMITTEES.—Section 304(a)(2)(A)(iii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)(iii)) is amended to read as follows:

“(iii) monthly reports, which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of the year, a pre-general election report shall be filed in accordance with clause (i), a post-general election report shall be filed in accordance with clause (ii), and a year end report shall be filed no later than January 31 of the following calendar year.”.

(b) OTHER POLITICAL COMMITTEES.—Section 304(a)(4) of such Act (2 U.S.C. 434(a)(4)) is amended to read as follows:

“(4)(A) In a calendar year in which a regularly scheduled general election is held, all political committees other than authorized committees of a candidate shall file—

“(i) monthly reports, which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of the year, a pre-general election report shall be filed in accordance with clause (ii), a post-general election report shall be filed in accordance with clause (iii), and a year end report shall be filed no later than January 31 of the following calendar year;

“(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election; and

“(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election.

“(B) In any other calendar year, all political committees other than authorized committees of a candidate shall file a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.”.

(c) CONFORMING AMENDMENTS.—(1) Section 304(a) of such Act (2 U.S.C. 434(a)) is amended by striking paragraph (8).

(2) Section 309(b) of such Act (2 U.S.C. 437g(b)) is amended by striking “for the calendar quarter” and inserting “for the month”.

SEC. 312. MANDATORY ELECTRONIC FILING FOR CERTAIN REPORTS.

(a) IN GENERAL.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking the period at the end and inserting the following: “, except that the Commission shall

require the reports to be filed and preserved by such means, format, or method, unless the aggregate amount of contributions or expenditures (as the case may be) reported by the committee in all reports filed with respect to the election involved (taking into account the period covered by the report) is less than \$50,000."

(b) PROVIDING STANDARDIZED SOFTWARE PACKAGE.—Section 304(a)(11) of such Act (2 U.S.C. 434(a)(11)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) The Commission shall make available without charge a standardized package of software to enable persons filing reports by electronic means to meet the requirements of this paragraph."

SEC. 313. WAIVER OF "BEST EFFORTS" EXCEPTION FOR INFORMATION ON OCCUPATION OF INDIVIDUAL CONTRIBUTORS.

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

(1) by striking "(i) When the treasurer" and inserting "(i)(1) Except as provided in paragraph (2), when the treasurer"; and

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

"(2) Paragraph (1) shall not apply with respect to information regarding the occupation or the name of the employer of any individual who makes a contribution or contributions aggregating more than \$200 during a calendar year (as required to be provided under subsection (c)(3))."

TITLE IV—SEVERABILITY; EFFECTIVE DATE; REGULATIONS

SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 402. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect January 1, 1999.

SEC. 403. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 180 days after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MRS. CAPPS

(To the Amendment Offered By: Mr. Campbell)

AMENDMENT No. 37: Strike title IV and insert the following:

TITLE IV—INDEPENDENT AND COORDINATED EXPENDITURES

SEC. 401. DEFINITIONS.

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—

"(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

"(i) for a communication that is express advocacy; and

"(ii) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent."

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Cam-

paign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) EXPRESS ADVOCACY.—

"(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

"(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

"(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

"(iii) expressing unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

"(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a printed communication that—

"(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

"(ii) that is not made in coordination with a candidate, political party, or agent of the candidate or party; or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent;

"(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates."

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

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

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

(3) by adding at the end the following:

"(iii) a payment for a communication that is express advocacy; and

"(iv) a payment made by a person for a communication that—

"(I) refers to a clearly identified candidate;

"(II) is provided in coordination with the candidate, the candidate's agent, or the political party of the candidate; and

"(III) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy)."

SEC. 402. CIVIL PENALTY.

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

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)"; and

(ii) by adding at the end the following:

"(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A)."; and

(B) in paragraph (6)(B), by inserting "(except an action instituted in connection with a knowing and willful violation of section 304(c))" after "subparagraph (A)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking "Any person" and inserting "Except as provided in subparagraph (D), any person"; and

(B) by adding at the end the following:

"(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection."

SEC. 403. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

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

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (f); and

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

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

"(1) EXPENDITURES AGGREGATING \$1,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000 with respect to the same election as that to which the initial report relates.

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

"(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$10,000 with respect to the same election as that to which the initial report relates.

"(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

"(A) shall be filed with the Commission; and

"(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose."

SEC. 404. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

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

(A) in subparagraph (A)—

(i) by striking "or" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office."; and

(B) by adding at the end the following:

"(C) The term 'provided in coordination with a candidate' includes—

"(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

"(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

"(iii) a payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made;

"(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

"(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

"(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign;

"(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

"(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

"(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

"(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

"(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

"(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee."

(2) SECTION 315(A)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

"(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

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

TITLE V—SEVERABILITY; EFFECTIVE DATE; REGULATIONS

SEC. 501. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 502. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect January 1, 1999.

SEC. 503. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 180 days after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MRS. CAPPS

(To the Amendment Offered By Mr. Doolittle)

AMENDMENT NO. 38: Add at the end the following new sections:

SEC. 7. INDEPENDENT AND COORDINATED EXPENDITURES.

(a) DEFINITIONS.—

(1) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—

"(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

"(i) for a communication that is express advocacy; and

"(ii) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent."

(2) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) EXPRESS ADVOCACY.—

"(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

"(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', 'reject', or a campaign slogan or words that

in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

"(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

"(iii) expressing unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

"(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a printed communication that—

"(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

"(ii) that is not made in coordination with a candidate, political party, or agent of the candidate or party; or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent;

"(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates."

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

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period at the end; and

(C) by adding at the end the following:

"(iii) a payment for a communication that is express advocacy; and

"(iv) a payment made by a person for a communication that—

"(I) refers to a clearly identified candidate;

"(II) is provided in coordination with the candidate, the candidate's agent, or the political party of the candidate; and

"(III) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy)."

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

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)"; and

(ii) by adding at the end the following:

"(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A)."; and

(B) in paragraph (6)(B), by inserting "(except an action instituted in connection with a knowing and willful violation of section 304(c))" after "subparagraph (A)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking "Any person" and inserting "Except as provided in subparagraph (D), any person"; and

(B) by adding at the end the following:

"(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the

violation shall not be subject to this subsection."

(c) **REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.**—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 4(b) and 5(c), is further amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (g); and

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

"(f) **TIME FOR REPORTING CERTAIN EXPENDITURES.**—

"(1) **EXPENDITURES AGGREGATING \$1,000.**—

"(A) **INITIAL REPORT.**—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

"(B) **ADDITIONAL REPORTS.**—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000 with respect to the same election as that to which the initial report relates.

"(2) **EXPENDITURES AGGREGATING \$10,000.**—

"(A) **INITIAL REPORT.**—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

"(B) **ADDITIONAL REPORTS.**—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$10,000 with respect to the same election as that to which the initial report relates.

"(3) **PLACE OF FILING; CONTENTS.**—A report under this subsection—

"(A) shall be filed with the Commission; and

"(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose."

(d) **COORDINATION WITH CANDIDATES.**—

(1) **DEFINITION OF COORDINATION WITH CANDIDATES.**—

(A) **SECTION 301(8).**—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(i) in subparagraph (A)—

(I) by striking "or" at the end of clause (i);

(II) by striking the period at the end of clause (ii) and inserting "; or"; and

(III) by adding at the end the following:

"(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office."; and

(ii) by adding at the end the following:

"(C) The term 'provided in coordination with a candidate' includes—

"(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

"(ii) a payment made by a person for the production, dissemination, distribution, or

republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

"(iii) a payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made;

"(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

"(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

"(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign;

"(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

"(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

"(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

"(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

"(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

"(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee."

(B) **SECTION 315(a)(7).**—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

"(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

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

SEC. 8. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 9. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect January 1, 1999.

SEC. 10. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 180 days after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MRS. CAPPS

(To the Amendment Offered By: Mr. Snowbarger)

AMENDMENT NO. 39: Add at the end the following new sections:

SEC. 9. INDEPENDENT AND COORDINATED EXPENDITURES.

(a) **DEFINITIONS.**—

(1) **DEFINITION OF INDEPENDENT EXPENDITURE.**—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) **INDEPENDENT EXPENDITURE.**—

"(A) **IN GENERAL.**—The term 'independent expenditure' means an expenditure by a person—

"(i) for a communication that is express advocacy; and

"(ii) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent."

(2) **DEFINITION OF EXPRESS ADVOCACY.**—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) **EXPRESS ADVOCACY.**—

"(A) **IN GENERAL.**—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

"(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1999', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

"(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

"(iii) expressing unmistakable and unambiguous support for or opposition to 1 or

more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

“(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term ‘express advocacy’ does not include a printed communication that—

“(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

“(ii) that is not made in coordination with a candidate, political party, or agent of the candidate or party; or a candidate’s agent or a person who is coordinating with a candidate or a candidate’s agent;

“(iii) does not contain a phrase such as ‘vote for’, ‘re-elect’, ‘support’, ‘cast your ballot for’, ‘(name of candidate) for Congress’, ‘(name of candidate) in 1999’, ‘vote against’, ‘defeat’, or ‘reject’, or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates.”.

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

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

(B) in clause (ii), by striking the period at the end; and

(C) by adding at the end the following:

“(iii) a payment for a communication that is express advocacy; and

“(iv) a payment made by a person for a communication that—

“(I) refers to a clearly identified candidate;

“(II) is provided in coordination with the candidate, the candidate’s agent, or the political party of the candidate; and

“(III) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).”.

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

(1) in subsection (a)—

(A) in paragraph (4)(A)—

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

(ii) by adding at the end the following:

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

(B) in paragraph (6)(B), by inserting “(except an action instituted in connection with a knowing and willful violation of section 304(c))” after “subparagraph (A)”; and

(2) in subsection (d)(1)—

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

(B) by adding at the end the following:

“(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.”.

(c) REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 3(c), is amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (f); and

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

“(e) TIME FOR REPORTING CERTAIN EXPENDITURES.—

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

“(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

“(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000 with respect to the same election as that to which the initial report relates.

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

“(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

“(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$10,000 with respect to the same election as that to which the initial report relates.

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

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

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

(d) COORDINATION WITH CANDIDATES.—

(1) DEFINITION OF COORDINATION WITH CANDIDATES.—

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

(i) in subparagraph (A)—

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

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

(III) by adding at the end the following:

“(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office.”; and

(ii) by adding at the end the following:

“(C) The term ‘provided in coordination with a candidate’ includes—

“(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate’s authorized committee, or an agent acting on behalf of a candidate or authorized committee;

“(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate’s authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate’s defeat);

“(iii) a payment made by a person based on information about a candidate’s plans, projects, or needs provided to the person making the payment by the candidate or the candidate’s agent who provides the information with the intent that the payment be made;

“(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate’s authorized committee in an executive or policymaking position;

“(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate’s campaign or has participated in formal strategic or formal policymaking discussions with the candidate’s campaign relating to the candidate’s pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

“(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate’s pursuit of nomination for election, or election, to Federal office, including services relating to the candidate’s decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate’s campaign;

“(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

“(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

“(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate’s campaign, including campaign operations, staffing, tactics, or strategy; or

“(x) the provision of in-kind professional services or polling data to the candidate or candidate’s agent.

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

“(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.”.

(B) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

“(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

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

SEC. 10. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 11. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect January 1, 1999.

SEC. 12. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 180 days after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. DAVIS OF VIRGINIA

AMENDMENT No. 40: Insert after the heading for title II the following new section (and redesignate the succeeding provisions accordingly):

SEC. 201. INCREASE IN INDIVIDUAL CONTRIBUTION LIMIT.

Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking "\$1,000;" and inserting the following: "\$1,000 (or, in the case of contributions made by an individual, exceed \$2,000);".

In the heading for title II, strike "INDEXING" and insert "MODIFYING".

H.R. 2183

OFFERED BY: MR. DAVIS OF VIRGINIA

(To the Amendment Offered by Mr. Hutchinson or Mr. Allen)

AMENDMENT No. 141: Insert after the heading for title II the following new section (and redesignate the succeeding provisions accordingly):

SEC. 201. INCREASE IN INDIVIDUAL CONTRIBUTION LIMIT.

Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking "\$1,000;" and inserting the following: "\$1,000 (or, in the case of contributions made by an individual, exceed \$2,000);".

In the heading for title II, strike "INDEXING" and insert "MODIFYING".

H.R. 2183

OFFERED BY: MR. FROST

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT No. 42: Strike section 601 and insert the following (and conform the table of contents accordingly):

SEC. 601. NONSEVERABILITY OF PROVISIONS.

If any provision of this Act or any amendment made by this Act, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this Act and any amendments made by this Act shall be treated as invalid.

In the heading for title VI, strike "SEVERABILITY" and insert "NONSEVERABILITY" (and conform the table of contents accordingly).

H.R. 2183

OFFERED BY: MR. RIGGS

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT No. 43: Add at the end of title I the following new section (and conform the table of contents accordingly):

SEC. 104. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL REGISTERED VOTERS.

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

by adding at the end the following new subsection:

"(i)(1) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than local registered voters totaling in excess of the total of contributions accepted from local registered voters.

"(2) As used in this subsection, the term 'local registered voter' means an individual who is registered to vote in the congressional district involved (or with respect to a candidate for the office of Senator, in the State involved)".

H.R. 2183

OFFERED BY: MR. RIGGS

AMENDMENT No. 44: Insert after title III the following new title (and redesignate the succeeding provisions accordingly):

TITLE IV—LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL REGISTERED VOTERS**SEC. 401. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL REGISTERED VOTERS.**

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

"(i)(1) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than local registered voters totaling in excess of the total of contributions accepted from local registered voters.

"(2) As used in this subsection, the term 'local registered voter' means an individual who is registered to vote in the congressional district involved (or with respect to a candidate for the office of Senator, in the State involved)".

H.R. 2183

OFFERED BY: MR. RIGGS

(To the Amendment Offered By: Mr. Hutchinson or Mr. Allen)

AMENDMENT No. 45: Insert after title III the following new title (and redesignate the succeeding provisions accordingly):

TITLE IV—LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL REGISTERED VOTERS**SEC. 401. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL REGISTERED VOTERS.**

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

"(i)(1) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than local registered voters totaling in excess of the total of contributions accepted from local registered voters.

"(2) As used in this subsection, the term 'local registered voter' means an individual who is registered to vote in the congressional district involved (or with respect to a candidate for the office of Senator, in the State involved)".

H.R. 2183

OFFERED BY: MR. SHAW

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT No. 46: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. REQUIRING MAJORITY OF AMOUNT OF CONTRIBUTIONS ACCEPTED BY HOUSE CANDIDATES TO COME FROM IN-STATE RESIDENTS.

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

"(i)(1) With respect to each reporting period for an election, the total of contributions accepted by a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress from in-State individual residents shall be at least 50 percent of the total of contributions accepted from all sources.

"(2) As used in this subsection, the term 'in-State individual resident' means an individual who resides in the State in which the congressional district involved is located."

H.R. 2183

OFFERED BY: MR. UPTON

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT No. 47: Add at the end of title I the following new section (and conform the table of contents accordingly):

SEC. 104. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL RESIDENTS.

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

"(i)(1) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than local residents totaling in excess of the total of contributions accepted from local residents.

"(2) In applying paragraph (1), there shall not be taken into account any contributions accepted by a candidate from any political committee of a political party.

"(3) As used in this subsection, the term 'local resident' means—

"(A) an individual who resides in the State involved; or

"(B) a multicandidate political committee for which the address on its registration under section 303 is located in the State involved."

H.R. 2183

OFFERED BY: MR. UPTON

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT No. 48: Add at the end of title I the following new section (and conform the table of contents accordingly):

SEC. 104. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN INDIVIDUALS.

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

"(i) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than individuals totaling in excess of the total of contributions accepted from individuals."

H.R. 2183

OFFERED BY: MR. UPTON

AMENDMENT No. 49: Insert after title III the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

**TITLE IV—LIMITATION ON
CONTRIBUTIONS FROM NON-RESIDENTS**

**SEC. 401. LIMITATION ON CONTRIBUTIONS FROM
PERSONS OTHER THAN LOCAL RESIDENTS.**

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

“(i)(1) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than local residents totaling in excess of the total of contributions accepted from local residents.

“(2) In applying paragraph (1), there shall not be taken into account any contributions accepted by a candidate from any political committee of a political party.

“(3) As used in this subsection, the term ‘local resident’ means—

“(A) an individual who resides in the State involved; or

“(B) a multicandidate political committee for which the address on its registration under section 303 is located in the State involved.”.

H.R. 2183

OFFERED BY: MR. UPTON

AMENDMENT NO. 50: Insert after title III the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

TITLE IV—LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN INDIVIDUALS

SEC. 104. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN INDIVIDUALS.

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

“(i) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than individuals totaling in excess of the total of contributions accepted from individuals.”.

H.R. 2183

OFFERED BY MR. UPTON

(To the Amendment Offered By Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 54: Insert after title III the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

**TITLE IV—LIMITATION ON
CONTRIBUTIONS FROM NON-RESIDENTS**

SEC. 401. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL RESIDENTS.

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

“(i)(1) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than local residents totaling in excess of the

total of contributions accepted from local residents.

“(2) In applying paragraph (1), there shall not be taken into account any contributions accepted by a candidate from any political committee of a political party.

“(3) As used in this subsection, the term ‘local resident’ means—

“(A) an individual who resides in the State involved; or

“(B) a multicandidate political committee for which the address on its registration under section 303 is located in the State involved.”.

H.R. 2183

OFFERED BY: MR. UPTON

(To the Amendment Offered By: Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 52: Insert after title III the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

TITLE IV—LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN INDIVIDUALS

SEC. 401. LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN INDIVIDUALS.

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

“(i) A candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to a reporting period for an election from persons other than individuals totaling in excess of the total of contributions accepted from individuals.”.