

114TH CONGRESS  
2D SESSION

# H. R. 6449

To amend the Federal Election Campaign Act of 1971 to provide political advertising vouchers and payments to defray the costs of postage for candidates in general elections to the Senate or House of Representatives who agree to restrictions on the types of contributions such candidates raise and the types of expenditures such candidates make, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2016

Mr. BRENDAN F. BOYLE of Pennsylvania introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Federal Election Campaign Act of 1971 to provide political advertising vouchers and payments to defray the costs of postage for candidates in general elections to the Senate or House of Representatives who agree to restrictions on the types of contributions such candidates raise and the types of expenditures such candidates make, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Clean Money Act of 2016”.

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

Sec. 1. Short title; table of contents.

**TITLE I—BENEFITS FOR PARTICIPATING CANDIDATES**

Sec. 101. Political advertising vouchers and payments to defray costs of postage for participating candidates.

**“TITLE V—BENEFITS FOR PARTICIPATING CANDIDATES**

“Subtitle A—Entitlement to Vouchers and Payments To Defray Costs of Postage

“Sec. 501. Provision of political advertising vouchers.

“Sec. 502. Procedures for redemption of political advertising vouchers.

“Sec. 503. Funds to defray costs of postage.

“Sec. 504. Qualified small dollar contributions described.

“Subtitle B—Eligibility and Certification

“Sec. 511. Eligibility.

“Sec. 512. Qualifying requirements.

“Sec. 513. Certification.

“Subtitle C—Requirements for Candidates Certified as Participating Candidates

“Sec. 521. Contribution and expenditure requirements.

“Sec. 522. Administration of campaign.

“Sec. 523. Returning unused vouchers and funds after election.

“Subtitle D—Administrative Provisions

“Sec. 531. Clean Money Fund.

“Sec. 532. Administration by Commission.

“Sec. 533. Violations and penalties.

“Sec. 534. Appeals process.

“Sec. 535. Indexing of amounts.

“Sec. 536. Election cycle defined.

Sec. 102. Contributions and expenditures by multicandidate and political party political committees on behalf of participating candidates.

Sec. 103. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.

**TITLE II—EXPANDING CANDIDATE ACCESS TO ADVERTISING**

Sec. 201. Broadcasts by candidates.

## TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Severability.

1           **TITLE I—BENEFITS FOR**  
2           **PARTICIPATING CANDIDATES**

3   **SEC. 101. POLITICAL ADVERTISING VOUCHERS AND PAY-**  
4                   **MENTS TO DEFRAY COSTS OF POSTAGE FOR**  
5                   **PARTICIPATING CANDIDATES.**

6           The Federal Election Campaign Act of 1971 (52  
7 U.S.C. 30101 et seq.) is amended by adding at the end  
8 the following new title:

9           **“TITLE V—BENEFITS FOR**  
10           **PARTICIPATING CANDIDATES**  
11           **“Subtitle A—Entitlement to Vouch-**  
12           **ers and Payments To Defray**  
13           **Costs of Postage**

14   **“SEC. 501. PROVISION OF POLITICAL ADVERTISING VOUCH-**  
15                   **ERS.**

16           “(a) IN GENERAL.—If a candidate in a general elec-  
17 tion to the office of Senator or Representative in, or Dele-  
18 gate or Resident Commissioner to, the Congress is cer-  
19 tified as a participating candidate under this title with re-  
20 spect to the election for such office, the candidate shall  
21 be entitled to political advertising vouchers as provided  
22 under this section.

1       “(b) VALUE OF VOUCHER.—The value of a political  
2 advertising voucher provided to a candidate under this sec-  
3 tion shall be equal to the product of—

4               “(1) the population of the State (in the case of  
5 a candidate for the office of Senator) or the congres-  
6 sional district involved (in the case of a candidate  
7 for the office of Representative in, or Delegate or  
8 Resident Commissioner to, the Congress), based on  
9 the most recent information available from the Bu-  
10 reau of the Census; and

11               “(2) \$1.

12       “(c) TIMING.—The Commission shall provide polit-  
13 ical advertising vouchers under this section to a candidate  
14 not later than 7 days after the candidate is certified as  
15 a participating candidate under this title.

16 **“SEC. 502. PROCEDURES FOR REDEMPTION OF POLITICAL**  
17 **ADVERTISING VOUCHERS.**

18       “(a) USE.—

19               “(1) EXCLUSIVE USE.—Vouchers provided by  
20 the Commission to participating candidates under  
21 section 501 may be used only for the purchase of  
22 broadcast time for political advertisements relating  
23 to an election for the office of Senator or Member  
24 of the House of Representatives (including a Dele-  
25 gate or Resident Commissioner to the Congress) by

1 the participating candidate to which the vouchers  
2 were provided, except that—

3 “(A) a candidate may exchange vouchers  
4 with a political party under paragraph (2); and

5 “(B) a political party may use vouchers  
6 only to purchase broadcast time for political ad-  
7 vertisements for generic party advertising (as  
8 defined by the Commission in regulations), to  
9 support candidates for State or local office in a  
10 general election, or to support participating  
11 candidates of the party in a general election for  
12 Federal office, but only if it discloses the value  
13 of the voucher used as an expenditure under  
14 section 315(d).

15 “(2) EXCHANGE WITH POLITICAL PARTY COM-  
16 MITTEE.—

17 “(A) IN GENERAL.—A participating can-  
18 didate who receives a voucher under this section  
19 may transfer the right to use all or a portion  
20 of the value of the voucher to a committee of  
21 the political party of which the individual is a  
22 candidate in exchange for money in an amount  
23 equal to the cash value of the voucher or por-  
24 tion exchanged.

1           “(B) CONTINUATION OF CANDIDATE OBLI-  
2           GATIONS.—The transfer of a voucher, in whole  
3           or in part, to a political party committee under  
4           this paragraph does not release the candidate  
5           from any obligation with respect to the provi-  
6           sion of the voucher under this title.

7           “(C) PARTY COMMITTEE OBLIGATIONS.—  
8           Any political party committee to which a vouch-  
9           er or portion thereof is transferred under sub-  
10          paragraph (A)—

11                 “(i) shall account fully, in accordance  
12                 with such requirements as the Commission  
13                 may establish, for the receipt of the vouch-  
14                 er; and

15                 “(ii) may not use the transferred  
16                 voucher or portion thereof for any purpose  
17                 other than a purpose described in para-  
18                 graph (1)(B).

19          “(D) VOUCHER AS A CONTRIBUTION.—If a  
20          candidate transfers a voucher or any portion  
21          thereof to a political party committee under  
22          subparagraph (A)—

23                 “(i) the value of the voucher or por-  
24                 tion thereof transferred shall be treated as  
25                 a contribution from the candidate to the

1 committee, and from the committee to the  
2 candidate, for purposes of sections 302  
3 and 304;

4 “(ii) the committee may, in exchange,  
5 provide to the candidate only funds subject  
6 to the prohibitions, limitations, and report-  
7 ing requirements of title III of this Act;  
8 and

9 “(iii) the amount, if identified as a  
10 ‘voucher exchange’, shall not be considered  
11 a contribution for the purposes of sections  
12 315 and 513.

13 “(b) VALUE; ACCEPTANCE; REDEMPTION.—

14 “(1) VOUCHER.—Each voucher disbursed by  
15 the Commission under this section shall have a value  
16 in dollars, redeemable upon presentation to the  
17 Commission, together with such documentation and  
18 other information as the Commission may require,  
19 for the purchase of broadcast time for political ad-  
20 vertisements in accordance with this section.

21 “(2) ACCEPTANCE.—A broadcasting station  
22 shall accept vouchers as payment for the purchase of  
23 broadcast time for political advertisements in accord-  
24 ance with this section.

1           “(3) REDEMPTION.—The Commission shall re-  
2       deem vouchers accepted by broadcasting stations  
3       under paragraph (2) upon presentation, subject to  
4       such documentation, verification, accounting, and  
5       application requirements as the Commission may im-  
6       pose to ensure the accuracy and integrity of the  
7       voucher redemption system.

8           “(4) EXPIRATION.—

9           “(A) CANDIDATES.—A voucher may only  
10       be used to pay for broadcast time for political  
11       advertisements to be broadcast before midnight  
12       on the day before the date of the Federal elec-  
13       tion in connection with which it was issued and  
14       shall be null and void for any other use or pur-  
15       pose.

16          “(B) EXCEPTION FOR POLITICAL PARTY  
17       COMMITTEES.—A voucher held by a political  
18       party committee may be used to pay for broad-  
19       cast time for political advertisements to be  
20       broadcast before midnight on December 31st of  
21       the odd-numbered year following the year in  
22       which the voucher was issued by the Commis-  
23       sion.



1           “(5) VOUCHER AS EXPENDITURE.—The use of  
2           a voucher to purchase broadcast time constitutes an  
3           expenditure as defined in section 301(9)(A).

4           “(c) DEFINITIONS.—In this section:

5           “(1) BROADCASTING STATION.—The term  
6           ‘broadcasting station’ has the meaning given that  
7           term by section 315(f)(1) of the Communications  
8           Act of 1934.

9           “(2) POLITICAL PARTY.—The term ‘political  
10          party’ means a major party or a minor party as de-  
11          fined in section 9002(3) or (4) of the Internal Rev-  
12          enue Code of 1986 (26 U.S.C. 9002(3) or (4)).

13       **“SEC. 503. FUNDS TO DEFRAY COSTS OF POSTAGE.**

14          “(a) AVAILABILITY OF PAYMENT.—If a candidate in  
15          a general election to the office of Senator or Representa-  
16          tive in, or Delegate or Resident Commissioner to, the Con-  
17          gress is certified as a participating candidate under this  
18          title with respect to the election for such office, the can-  
19          didate shall be entitled to a payment under this title to  
20          defray the costs of postage incurred in connection with  
21          the election by authorized committees of the candidate.

22          “(b) AMOUNT.—The amount of the payment made to  
23          a candidate under this section to defray the costs of post-  
24          age shall be equal to the product of—



1           “(1) The contribution is in an amount that is—

2                   “(A) not less than \$1; and

3                   “(B) not more than \$200.

4           “(2) The contribution is made by an individual,  
5 either directly or through an intermediary or conduit  
6 (as described in section 315(a)(8)), who is not other-  
7 wise prohibited from making a contribution under  
8 this Act.

9           “(3) The individual who makes the contribution  
10 does not make contributions to the candidate or the  
11 authorized committees of the candidate with respect  
12 to the election involved in an aggregate amount that  
13 exceeds the amount described in paragraph (1)(B),  
14 or any contribution to the candidate or the author-  
15 ized committees of the candidate with respect to the  
16 election involved that otherwise is not a qualified  
17 small dollar contribution.

18           “(b) RESTRICTION ON SUBSEQUENT CONTRIBU-  
19 TIONS.—

20                   “(1) PROHIBITING DONOR FROM MAKING SUB-  
21 SEQUENT NON-QUALIFIED CONTRIBUTIONS DURING  
22 ELECTION CYCLE.—

23                   “(A) IN GENERAL.—An individual who  
24 makes a qualified small dollar contribution to a  
25 candidate or the authorized committees of a

1 candidate with respect to an election may not  
2 make any subsequent contribution to such can-  
3 didate or the authorized committees of such  
4 candidate with respect to the election cycle  
5 which is not a qualified small dollar contribu-  
6 tion.

7 “(B) EXCEPTION FOR CONTRIBUTIONS TO  
8 CANDIDATES WHO VOLUNTARILY WITHDRAW  
9 FROM PARTICIPATION DURING QUALIFYING PE-  
10 RIOD.—Subparagraph (A) does not apply with  
11 respect to a contribution made to a candidate  
12 who, during the Clean Money qualifying period  
13 described in section 511(c), submits a state-  
14 ment to the Commission under section 513(c)  
15 to voluntarily withdraw from participating in  
16 the program under this title.

17 “(2) TREATMENT OF SUBSEQUENT NON-QUALI-  
18 FIED CONTRIBUTIONS.—If, notwithstanding the pro-  
19 hibition described in paragraph (1), an individual  
20 who makes a qualified small dollar contribution to a  
21 candidate or the authorized committees of a can-  
22 didate with respect to an election makes a subse-  
23 quent contribution to such candidate or the author-  
24 ized committees of such candidate with respect to  
25 the election which is prohibited under paragraph (1)

1 because it is not a qualified small dollar contribu-  
2 tion, the candidate may take one of the following ac-  
3 tions:

4 “(A) Not later than 2 weeks after receiving  
5 the contribution, the candidate may return the  
6 subsequent contribution to the individual.

7 “(B) The candidate may retain the subse-  
8 quent contribution, so long as not later than 2  
9 weeks after receiving the subsequent contribu-  
10 tion, the candidate remits to the Commission  
11 for deposit in the Clean Money Fund under sec-  
12 tion 531 an amount equal to any payments re-  
13 ceived by the candidate under this title which  
14 are attributable to the qualified small dollar  
15 contribution made by the individual involved.

16 “(3) NO EFFECT ON ABILITY TO MAKE MUL-  
17 TIPLE CONTRIBUTIONS.—Nothing in this section  
18 may be construed to prohibit an individual from  
19 making multiple qualified small dollar contributions  
20 to any candidate or any number of candidates, so  
21 long as each contribution meets each of the require-  
22 ments of paragraphs (1), (2), and (3) of subsection  
23 (a).

24 “(c) NOTIFICATION REQUIREMENTS FOR CAN-  
25 DIDATES.—

1           “(1) NOTIFICATION.—Each authorized com-  
2           mittee of a candidate who seeks to be a participating  
3           candidate under this title shall provide the following  
4           information in any materials for the solicitation of  
5           contributions, including any Internet site through  
6           which individuals may make contributions to the  
7           committee:

8                   “(A) A statement that if the candidate is  
9                   certified as a participating candidate under this  
10                  title, the candidate will receive political adver-  
11                  tising vouchers under this title in an amount  
12                  which is based on the total amount of qualified  
13                  small dollar contributions received.

14                  “(B) A statement that a contribution  
15                  which meets the requirements set forth in sub-  
16                  section (a) shall be treated as a qualified small  
17                  dollar contribution under this title unless the  
18                  contributor notifies the committee not later  
19                  than 48 hours after making the contribution  
20                  that the contribution is not to be so treated.

21                  “(C) A statement that if a contribution is  
22                  treated as qualified small dollar contribution  
23                  under this title, the individual who makes the  
24                  contribution may not make any contribution to  
25                  the candidate or the authorized committees of

1 the candidate during the election cycle which is  
2 not a qualified small dollar contribution.

3 “(2) ALTERNATIVE METHODS OF MEETING RE-  
4 QUIREMENTS.—An authorized committee may meet  
5 the requirements of paragraph (1)—

6 “(A) by including the information de-  
7 scribed in paragraph (1) in the receipt provided  
8 under section 512(b)(3) to a person making a  
9 qualified small dollar contribution; or

10 “(B) by modifying the information it pro-  
11 vides to persons making contributions which is  
12 otherwise required under title III (including in-  
13 formation it provides through the Internet).

14 **“Subtitle B—Eligibility and**  
15 **Certification**

16 **“SEC. 511. ELIGIBILITY.**

17 “(a) IN GENERAL.—A candidate for the office of  
18 Senator or Representative in, or Delegate or Resident  
19 Commissioner to, the Congress is eligible to be certified  
20 as a participating candidate under this title with respect  
21 to an election if the candidate meets the following require-  
22 ments:

23 “(1) The candidate files with the Commission a  
24 statement of intent to seek certification as a partici-  
25 pating candidate.

1           “(2) The candidate meets the qualifying re-  
2           quirements of section 512.

3           “(3) The candidate files with the Commission a  
4           statement certifying that the authorized committees  
5           of the candidate meet the requirements of section  
6           504(c).

7           “(4) Not later than the last day of the Clean  
8           Money qualifying period, the candidate files with the  
9           Commission an affidavit signed by the candidate and  
10          the treasurer of the candidate’s principal campaign  
11          committee declaring that the candidate—

12                 “(A) has complied and, if certified, will  
13                 comply with the contribution and expenditure  
14                 requirements of section 521;

15                 “(B) if certified, will run only as a partici-  
16                 pating candidate for all elections for the office  
17                 that such candidate is seeking during that elec-  
18                 tion cycle; and

19                 “(C) has either qualified or will take steps  
20                 to qualify under State law to be on the ballot.

21          “(5) The candidate is the nominee of a political  
22          party whose candidate received not less than 15 per-  
23          cent of the total number of popular votes received by  
24          all candidates in the most recent general election for  
25          the office the candidate seeks.



1       “(b) GENERAL ELECTION.—Notwithstanding sub-  
2 section (a), a candidate shall not be eligible to be certified  
3 as a participating candidate under this title for a general  
4 election or a general runoff election unless the candidate’s  
5 party nominated the candidate to be placed on the ballot  
6 for the general election or the candidate is otherwise quali-  
7 fied to be on the ballot under State law.

8       “(c) CLEAN MONEY QUALIFYING PERIOD DE-  
9 FINED.—The term ‘Clean Money qualifying period’  
10 means, with respect to any candidate for an office, the  
11 180-day period (during the election cycle for such office)  
12 which begins on the date on which the candidate files a  
13 statement of intent under subsection (a)(1), except that  
14 such period may not continue after the date that is 30  
15 days before the date of the general election for the office.

16 **“SEC. 512. QUALIFYING REQUIREMENTS.**

17       “(a) RECEIPT OF QUALIFIED SMALL DOLLAR CON-  
18 TRIBUTIONS FROM IN-STATE RESIDENTS.—A candidate  
19 for the office of Senator or Representative in, or Delegate  
20 or Resident Commissioner to, the Congress meets the re-  
21 quirement of this section if, during the Clean Money quali-  
22 fying period described in section 511(c), each of the fol-  
23 lowing occurs:

24               “(1) Not fewer than 1,000 individuals who are  
25 residents of the State in which the candidate seeks

1 election make a qualified small dollar contribution to  
2 the candidate.

3 “(2) The candidate obtains a total dollar  
4 amount of qualified small dollar contributions from  
5 individuals who are residents of the State in which  
6 the candidate seeks election which is equal to or  
7 greater than \$50,000.

8 “(b) REQUIREMENTS RELATING TO RECEIPT OF  
9 QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each  
10 qualified small dollar contribution—

11 “(1) may be made by means of a personal  
12 check, money order, debit card, credit card, elec-  
13 tronic payment account, or any other method  
14 deemed appropriate by the Commission;

15 “(2) shall be accompanied by a signed state-  
16 ment (or, in the case of a contribution made online  
17 or through other electronic means, an electronic  
18 equivalent) containing—

19 “(A) the contributor’s name and the con-  
20 tributor’s address in the State in which the pri-  
21 mary residence of the contributor is located;  
22 and

23 “(B) an oath declaring that the contrib-  
24 utor—

1           “(i) understands that the purpose of  
2           the contribution is to show support for the  
3           candidate so that the candidate may qual-  
4           ify for political advertising vouchers under  
5           this title;

6           “(ii) is making the contribution in his  
7           or her own name and from his or her own  
8           funds;

9           “(iii) has made the contribution will-  
10          ingly; and

11          “(iv) has not received any thing of  
12          value in return for the contribution; and

13          “(3) shall be acknowledged by a receipt that is  
14          sent to the contributor with a copy (in paper or elec-  
15          tronic form) kept by the candidate for the Commis-  
16          sion and a copy (in paper or electronic form) kept  
17          by the candidate for the election authorities in the  
18          State with respect to which the candidate is seeking  
19          election.

20          “(c) VERIFICATION OF QUALIFIED SMALL DOLLAR  
21          CONTRIBUTIONS.—The Commission shall establish proce-  
22          dures for the auditing and verification of qualified small  
23          dollar contributions, including procedures for random au-  
24          dits, to ensure that such contributions meet the require-  
25          ments of this section.

1 **“SEC. 513. CERTIFICATION.**

2 “(a) DEADLINE AND NOTIFICATION.—

3 “(1) IN GENERAL.—Not later than 5 days after  
4 a candidate files an affidavit under section  
5 511(a)(3), the Commission shall—

6 “(A) determine whether or not the can-  
7 didate meets the requirements for certification  
8 as a participating candidate;

9 “(B) if the Commission determines that  
10 the candidate meets such requirements, certify  
11 the candidate as a participating candidate; and

12 “(C) notify the candidate of the Commis-  
13 sion’s determination.

14 “(2) DEEMED CERTIFICATION FOR SUBSE-  
15 QUENT RUNOFF ELECTIONS.—If the Commission  
16 certifies a candidate as a participating candidate  
17 with respect to a general election, the Commissioner  
18 shall be deemed to have certified the candidate as a  
19 participating candidate with respect to any subse-  
20 quent runoff election held in that election cycle.

21 “(b) REVOCATION OF CERTIFICATION.—

22 “(1) IN GENERAL.—The Commission may re-  
23 voke a certification under subsection (a) if—

24 “(A) a candidate fails to qualify to appear  
25 on the ballot at any time after the date of cer-  
26 tification (other than a candidate certified as a

1 participating candidate with respect to a gen-  
2 eral election who fails to qualify to appear on  
3 the ballot for a subsequent runoff election in  
4 that election cycle);

5 “(B) a candidate ceases to be a candidate  
6 for the office involved, as determined on the  
7 basis of an official announcement by an author-  
8 ized committee of the candidate or on the basis  
9 of a reasonable determination by the Commis-  
10 sion; or

11 “(C) a candidate otherwise fails to comply  
12 with the requirements of this title, including  
13 any regulatory requirements prescribed by the  
14 Commission.

15 “(2) EXISTENCE OF REPEATED OR SERIOUS  
16 VIOLATIONS.—The Commission shall revoke a cer-  
17 tification under subsection (a) if a penalty is as-  
18 sessed against the candidate under section 309(d)  
19 with respect to the election.

20 “(3) EFFECT OF REVOCATION.—If a can-  
21 didate’s certification is revoked under this sub-  
22 section—

23 “(A) the candidate shall repay to the Clean  
24 Money Fund established under section 531—

1           “(i) an amount equal to the value of  
2           the political advertising vouchers received  
3           under this title with respect to the election,  
4           plus interest (at a rate determined by the  
5           Commission on the basis of an appropriate  
6           annual percentage rate for the month in-  
7           volved) on any such amount received; plus

8           “(ii) an amount equal to any payment  
9           the candidate received under this title to  
10          defray the costs of postage with respect to  
11          the election, plus interest (at a rate deter-  
12          mined by the Commission on the basis of  
13          an appropriate annual percentage rate for  
14          the month involved) on any such payment  
15          received;

16          “(B) the candidate may not receive polit-  
17          ical advertising vouchers or payments to defray  
18          the costs of postage under this title during the  
19          remainder of the election cycle involved; and

20          “(C) the candidate may not be certified as  
21          a participating candidate under this title with  
22          respect to the next election cycle.

23          “(4) PROHIBITING PARTICIPATION IN FUTURE  
24          ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-  
25          OCATIONS.—If the Commission revokes the certifi-

1 cation of an individual as a participating candidate  
2 under this title 3 times, the individual may not be  
3 certified as a participating candidate under this title  
4 with respect to any subsequent election.

5 “(c) VOLUNTARY WITHDRAWAL FROM PARTICI-  
6 PATING DURING QUALIFYING PERIOD.—At any time dur-  
7 ing the Clean Money qualifying period described in section  
8 511(c), a candidate may withdraw from participation in  
9 the program under this title by submitting to the Commis-  
10 sion a statement of withdrawal (without regard to whether  
11 or not the Commission has certified the candidate as a  
12 participating candidate under this title as of the time the  
13 candidate submits such statement), so long as the can-  
14 didate has not received a political advertising voucher  
15 under section 501 or a payment under section 503.

16 “(d) PARTICIPATING CANDIDATE DEFINED.—In this  
17 title, a ‘participating candidate’ means a candidate for the  
18 office of Senator or Representative in, or Delegate or Resi-  
19 dent Commissioner to, the Congress who is certified under  
20 this section as eligible to receive benefits under this title.

1 **“Subtitle C—Requirements for Can-**  
2 **didates Certified as Partici-**  
3 **pating Candidates**

4 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**  
5 **MENTS.**

6 “(a) PERMITTED SOURCES OF CONTRIBUTIONS AND  
7 EXPENDITURES.—Except as provided in subsection (c), a  
8 participating candidate with respect to a general election  
9 shall, with respect to that election and any subsequent  
10 runoff election in that election cycle for the office involved,  
11 accept no contributions from any source and make no ex-  
12 penditures from any amounts, other than the following:

13 “(1) Qualified small dollar contributions.

14 “(2) Political advertising vouchers and pay-  
15 ments to defray the costs of postage under this title.

16 “(3) Contributions from political committees es-  
17 tablished and maintained by a national or State po-  
18 litical party, subject to the applicable limitations of  
19 section 315.

20 “(4) Subject to subsection (b), personal funds  
21 of the candidate or of any immediate family member  
22 of the candidate (other than funds received through  
23 qualified small dollar contributions).

24 “(5) Contributions from individuals who are  
25 otherwise permitted to make contributions under



1 this Act, subject to the applicable limitations of sec-  
2 tion 315, except that the aggregate amount of con-  
3 tributions a participating candidate may accept from  
4 any individual with respect to any such election after  
5 the date the candidate files a statement of intent  
6 under section 511(a)(1) may not exceed \$1,000.

7 “(6) Contributions from multicandidate political  
8 committees, subject to the applicable limitations of  
9 section 315.

10 “(b) SPECIAL RULES FOR PERSONAL FUNDS.—

11 “(1) LIMIT ON AMOUNT.—A candidate who is  
12 certified as a participating candidate may use per-  
13 sonal funds (including personal funds of any imme-  
14 diate family member of the candidate) so long as—

15 “(A) the aggregate amount used with re-  
16 spect to the general election and any subse-  
17 quent runoff election in that election cycle (in-  
18 cluding any period of the cycle occurring prior  
19 to the candidate’s certification as a partici-  
20 pating candidate) does not exceed \$10,000; and

21 “(B) the funds are used only for making  
22 direct payments for the receipt of goods and  
23 services which constitute authorized expendi-  
24 tures in connection with such elections.

1           “(2) IMMEDIATE FAMILY MEMBER DEFINED.—

2           In this subsection, the term ‘immediate family’  
3           means, with respect to a candidate—

4                   “(A) the candidate’s spouse;

5                   “(B) a child, stepchild, parent, grand-  
6           parent, brother, half-brother, sister, or half-sis-  
7           ter of the candidate or the candidate’s spouse;  
8           and

9                   “(C) the spouse of any person described in  
10           subparagraph (B).

11          “(c) EXCEPTIONS.—

12                   “(1) EXCEPTION FOR CONTRIBUTIONS RE-  
13           CEIVED PRIOR TO FILING OF STATEMENT OF IN-  
14           TENT.—A candidate who has accepted contributions  
15           that are not described in subsection (a) is not in vio-  
16           lation of subsection (a), but only if all such contribu-  
17           tions are—

18                   “(A) returned to the contributor;

19                   “(B) submitted to the Commission for de-  
20           posit in the Clean Money Fund established  
21           under section 531; or

22                   “(C) spent in accordance with paragraph  
23           (2).

24                   “(2) EXCEPTION FOR EXPENDITURES MADE  
25           PRIOR TO FILING OF STATEMENT OF INTENT.—If a

1 candidate has made expenditures prior to the date  
2 the candidate files a statement of intent under sec-  
3 tion 511(a)(1) that the candidate is prohibited from  
4 making under subsection (a) or subsection (b), the  
5 candidate is not in violation of such subsection if the  
6 aggregate amount of the prohibited expenditures is  
7 less than the amount referred to in section  
8 512(a)(2) (relating to the total dollar amount of  
9 qualified small dollar contributions which the can-  
10 didate is required to obtain) which is applicable to  
11 the candidate.

12 “(3) EXCEPTION FOR CAMPAIGN SURPLUSES  
13 FROM A PREVIOUS ELECTION.—Notwithstanding  
14 paragraph (1), unexpended contributions received by  
15 the candidate or an authorized committee of the  
16 candidate with respect to a previous election may be  
17 retained, but only if the candidate places the funds  
18 in escrow and refrains from raising additional funds  
19 for or spending funds from that account during the  
20 election cycle in which a candidate is a participating  
21 candidate.

22 “(4) EXCEPTION FOR CONTRIBUTIONS RE-  
23 CEIVED BEFORE THE EFFECTIVE DATE OF THIS  
24 TITLE.—Contributions received and expenditures  
25 made by the candidate or an authorized committee

1 of the candidate prior to the effective date of this  
2 title shall not constitute a violation of subsection (a)  
3 or (b). Unexpended contributions shall be treated  
4 the same as campaign surpluses under paragraph  
5 (3), and expenditures made shall count against the  
6 limit in paragraph (2).

7 “(d) SPECIAL RULE FOR COORDINATED PARTY EX-  
8 PENDITURES.—For purposes of this section, a payment  
9 made by a political party in coordination with a partici-  
10 pating candidate shall not be treated as a contribution to  
11 or as an expenditure made by the participating candidate.

12 “(e) PROHIBITION ON JOINT FUNDRAISING COMMIT-  
13 TEES.—

14 “(1) PROHIBITION.—An authorized committee  
15 of a candidate who is certified as a participating  
16 candidate under this title with respect to an election  
17 may not establish a joint fundraising committee with  
18 a political committee other than another authorized  
19 committee of the candidate.

20 “(2) STATUS OF EXISTING COMMITTEES FOR  
21 PRIOR ELECTIONS.—If a candidate established a  
22 joint fundraising committee described in paragraph  
23 (1) with respect to a prior election for which the  
24 candidate was not certified as a participating can-  
25 didate under this title and the candidate does not

1 terminate the committee, the candidate shall not be  
2 considered to be in violation of paragraph (1) so  
3 long as that joint fundraising committee does not re-  
4 ceive any contributions or make any disbursements  
5 during the election cycle for which the candidate is  
6 certified as a participating candidate under this title.

7 “(f) PROHIBITION ON LEADERSHIP PACS.—

8 “(1) PROHIBITION.—A candidate who is cer-  
9 tified as a participating candidate under this title  
10 with respect to an election may not establish, fi-  
11 nance, maintain, or control a leadership PAC.

12 “(2) STATUS OF EXISTING LEADERSHIP  
13 PACS.—If a candidate established, financed, main-  
14 tained, or controlled a leadership PAC prior to being  
15 certified as a participating candidate under this title  
16 and the candidate does not terminate the leadership  
17 PAC, the candidate shall not be considered to be in  
18 violation of paragraph (1) so long as the leadership  
19 PAC does not receive any contributions or make any  
20 disbursements during the election cycle for which the  
21 candidate is certified as a participating candidate  
22 under this title.

23 “(3) LEADERSHIP PAC DEFINED.—In this sub-  
24 section, the term ‘leadership PAC’ has the meaning  
25 given such term in section 304(i)(8)(B).

1 **“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

2       “(a) SEPARATE ACCOUNTING FOR VARIOUS PER-  
3 MITTED CONTRIBUTIONS.—Each authorized committee of  
4 a candidate certified as a participating candidate under  
5 this title—

6           “(1) shall provide for separate accounting of  
7 each type of contribution described in section 521(a)  
8 which is received by the committee; and

9           “(2) shall provide for separate accounting for  
10 the political advertising vouchers received under this  
11 title.

12       “(b) ENHANCED DISCLOSURE OF INFORMATION ON  
13 DONORS.—

14           “(1) MANDATORY IDENTIFICATION OF INDIVID-  
15 UALS MAKING QUALIFIED SMALL DOLLAR CON-  
16 TRIBUTIONS.—Each authorized committee of a par-  
17 ticipating candidate under this title shall elect, in ac-  
18 cordance with section 304(b)(3)(A), to include in the  
19 reports the committee submits under section 304 the  
20 identification of each person who makes a qualified  
21 small dollar contribution to the committee.

22           “(2) MANDATORY DISCLOSURE THROUGH  
23 INTERNET.—Each authorized committee of a partici-  
24 pating candidate under this title shall ensure that all  
25 information reported to the Commission under this  
26 Act with respect to contributions and expenditures

1 of the committee is available to the public on the  
2 Internet (whether through a site established for pur-  
3 poses of this subsection, a hyperlink on another pub-  
4 lic site of the committee, or a hyperlink on a report  
5 filed electronically with the Commission) in a search-  
6 able, sortable, and downloadable manner.

7 **“SEC. 523. RETURNING UNUSED VOUCHERS AND FUNDS**  
8 **AFTER ELECTION.**

9 “Not later than the date that is 180 days after the  
10 last election for which a candidate certified as a partici-  
11 pating candidate qualifies to be on the ballot during the  
12 election cycle involved, such participating candidate shall  
13 return to the Commission—

14 “(1) any political advertising vouchers provided  
15 to authorized committees of the candidate which re-  
16 main unused as of such date; and

17 “(2) any amounts remaining in the separate,  
18 segregated accounts established by authorized com-  
19 mittees of the candidate under section 503(c) for the  
20 receipt of the payments made under this title to de-  
21 fray the costs of postage incurred in connection with  
22 the election.

1           **“Subtitle D—Administrative**  
2                           **Provisions**

3   **“SEC. 531. CLEAN MONEY FUND.**

4           “(a) ESTABLISHMENT.—There is established in the  
5 Treasury a fund to be known as the ‘Clean Money Fund’.

6           “(b) AMOUNTS HELD BY FUND.—The Fund shall  
7 consist of the following amounts:

8                   “(1) APPROPRIATED AMOUNTS.—Amounts ap-  
9 propriated to the Fund, including trust fund  
10 amounts appropriated pursuant to applicable provi-  
11 sions of the Internal Revenue Code of 1986.

12                   “(2) OTHER DEPOSITS.—Amounts deposited  
13 into the Fund under—

14                           “(A) section 521(e) (relating to exceptions  
15 to contribution requirements);

16                           “(B) section 533 (relating to violations);  
17 and

18                           “(C) any other section of this Act.

19                   “(3) INVESTMENT RETURNS.—Interest on, and  
20 the proceeds from, the sale or redemption of, any  
21 obligations held by the Fund under subsection (c).

22           “(c) INVESTMENT.—The Commission shall invest  
23 portions of the Fund in obligations of the United States  
24 in the same manner as provided under section 9602(b)  
25 of the Internal Revenue Code of 1986.



1 “(d) USE OF FUND.—

2 “(1) IN GENERAL.—Amounts in the Fund shall  
3 be available without further appropriation or fiscal  
4 year limitation to redeem vouchers which are accept-  
5 ed by broadcasting stations as payment for the pur-  
6 chase of broadcast time for political advertisements  
7 under subtitle A.

8 “(2) INSUFFICIENT AMOUNTS.—Under regula-  
9 tions established by the Commission, rules similar to  
10 the rules of section 9006(c) of the Internal Revenue  
11 Code of 1986 shall apply.

12 **“SEC. 532. ADMINISTRATION BY COMMISSION.**

13 “(a) REGULATIONS.—The Commission shall pre-  
14 scribe regulations to carry out the purposes of this title,  
15 including regulations—

16 “(1) verifying the amount of qualified small dol-  
17 lar contributions with respect to a candidate;

18 “(2) effectively and efficiently monitoring and  
19 enforcing the limits on the raising of qualified small  
20 dollar contributions;

21 “(3) effectively and efficiently monitoring and  
22 enforcing the limits on the use of personal funds by  
23 participating candidates; and

24 “(4) monitoring the use of political advertising  
25 vouchers and payments provided under this title

1 through audits of not fewer than  $\frac{1}{10}$  (or, in the case  
2 of the first 3 election cycles during which the pro-  
3 gram under this title is in effect, not fewer than  $\frac{1}{3}$ )  
4 of all participating candidates or other mechanisms.

5 “(b) REVIEW OF PROGRAM.—

6 “(1) IN GENERAL.—After each regularly sched-  
7 uled general election for Federal office, the Commis-  
8 sion shall conduct a comprehensive review of the  
9 program under this title, including—

10 “(A) the maximum and minimum dollar  
11 amounts of qualified small dollar contributions  
12 under section 504;

13 “(B) the number and value of qualified  
14 small dollar contributions a candidate is re-  
15 quired to obtain under section 512(a) to be eli-  
16 gible for certification as a participating can-  
17 didate;

18 “(C) the value of the political advertising  
19 vouchers a candidate may receive under this  
20 title;

21 “(D) the amount of the payment made to  
22 a candidate under this title to defray the costs  
23 of postage;

1           “(E) the overall satisfaction of partici-  
2           pating candidates and the American public with  
3           the program; and

4           “(F) such other matters relating to financ-  
5           ing of campaigns as the Commission determines  
6           are appropriate.

7           “(2) CRITERIA FOR REVIEW.—In conducting  
8           the review under paragraph (1), the Commission  
9           shall consider the following:

10           “(A) QUALIFIED SMALL DOLLAR CON-  
11           TRIBUTIONS.—The Commission shall consider  
12           whether the number and dollar amounts of  
13           qualified small dollar contributions required  
14           strikes an appropriate balance regarding the  
15           importance of voter involvement, the need to as-  
16           sure adequate incentives for participating, and  
17           fiscal responsibility, taking into consideration  
18           the number of primary and general election  
19           participating candidates, the electoral perform-  
20           ance of those candidates, program cost, and any  
21           other information the Oversight Commission de-  
22           termines is appropriate.

23           “(B) REVIEW OF PAYMENT LEVELS.—The  
24           Commission shall consider whether the totality  
25           of the amount of funds allowed to be raised by

1 participating candidates (including through  
2 qualified small dollar contributions) and the  
3 value of political advertising vouchers and pay-  
4 ments made to defray the costs of postage pro-  
5 vided under this title are sufficient for voters in  
6 each State to learn about the candidates to cast  
7 an informed vote, taking into account the his-  
8 toric amount of spending by winning can-  
9 didates, media costs, primary election dates,  
10 and any other information the Commission de-  
11 termines is appropriate.

12 “(3) RECOMMENDATIONS FOR ADJUSTMENT OF  
13 AMOUNTS.—Based on the review conducted under  
14 paragraph (1), the Commission may recommend to  
15 Congress adjustments of the following amounts:

16 “(A) The number and value of qualified  
17 small dollar contributions a candidate is re-  
18 quired to obtain under section 512(a) to be eli-  
19 gible for certification as a participating can-  
20 didate.

21 “(B) The value of the political advertising  
22 vouchers a candidate may receive under this  
23 title.

1           “(C) The amount of the payment made to  
2           a candidate under this title to defray the costs  
3           of postage.

4           “(c) REPORTS.—Not later than each June 1 which  
5 follows a regularly scheduled general election for Federal  
6 office for which payments were made under this title, the  
7 Commission shall submit to the Committee on House Ad-  
8 ministration of the House of Representatives a report—

9           “(1) containing an analysis of the review con-  
10          ducted under subsection (b), including a detailed  
11          statement of the Commission’s findings, conclusions,  
12          and recommendations based on such review, includ-  
13          ing any recommendations for adjustments of  
14          amounts described in subsection (b)(3); and

15          “(2) documenting, evaluating, and making rec-  
16          ommendations relating to the administrative imple-  
17          mentation and enforcement of the provisions of this  
18          title.

19   **“SEC. 533. VIOLATIONS AND PENALTIES.**

20          “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-  
21          TION AND EXPENDITURE REQUIREMENTS.—If a can-  
22          didate who has been certified as a participating candidate  
23          accepts a contribution or makes an expenditure that is  
24          prohibited under section 521, the Commission may assess  
25          a civil penalty against the candidate in an amount that

1 is not more than 3 times the amount of the contribution  
2 or expenditure. Any amounts collected under this sub-  
3 section shall be deposited into the Clean Money Fund es-  
4 tablished under section 531.

5 “(b) REPAYMENT FOR IMPROPER USE PAYMENTS  
6 MADE TO DEFRAY COSTS OF POSTAGE.—

7 “(1) IN GENERAL.—If the Commission deter-  
8 mines that any payment made to a candidate under  
9 this title to defray the costs of postage was not used  
10 as provided for in this title, the Commission shall so  
11 notify the candidate and the candidate shall pay to  
12 the Fund an amount equal to—

13 “(A) the value of the payments so used;  
14 and

15 “(B) interest on any such amounts (at a  
16 rate determined by the Commission).

17 “(2) OTHER ACTION NOT PRECLUDED.—Any  
18 action by the Commission in accordance with this  
19 subsection shall not preclude enforcement pro-  
20 ceedings by the Commission in accordance with sec-  
21 tion 309(a), including a referral by the Commission  
22 to the Attorney General in the case of an apparent  
23 knowing and willful violation of this title.

24 “(c) PROHIBITING CERTAIN CANDIDATES FROM  
25 QUALIFYING AS PARTICIPATING CANDIDATES.—

1           “(1) CANDIDATES WITH MULTIPLE CIVIL PEN-  
2           ALTIES.—If the Commission assesses three or more  
3           civil penalties under subsection (a) against a can-  
4           didate (with respect to either a single election or  
5           multiple elections), the Commission may refuse to  
6           certify the candidate as a participating candidate  
7           under this title with respect to any subsequent elec-  
8           tion, except that if each of the penalties were as-  
9           sessed as the result of a knowing and willful viola-  
10          tion of any provision of this Act, the candidate is not  
11          eligible to be certified as a participating candidate  
12          under this title with respect to any subsequent elec-  
13          tion.

14           “(2) CANDIDATES SUBJECT TO CRIMINAL PEN-  
15          ALTY.—A candidate is not eligible to be certified as  
16          a participating candidate under this title with re-  
17          spect to an election if a penalty has been assessed  
18          against the candidate under section 309(d) with re-  
19          spect to any previous election.

20       **“SEC. 534. APPEALS PROCESS.**

21           “(a) REVIEW OF ACTIONS.—Any action by the Com-  
22          mission in carrying out this title shall be subject to review  
23          by the United States Court of Appeals for the District  
24          of Columbia upon petition filed in the Court not later than

1 30 days after the Commission takes the action for which  
2 the review is sought.

3 “(b) PROCEDURES.—The provisions of chapter 7 of  
4 title 5, United States Code, apply to judicial review under  
5 this section.

6 **“SEC. 535. INDEXING OF AMOUNTS.**

7 “(a) INDEXING.—In any calendar year after 2016,  
8 section 315(c)(1)(B) shall apply to each amount described  
9 in subsection (b) in the same manner as such section ap-  
10 plies to the limitations established under subsections  
11 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, ex-  
12 cept that for purposes of applying such section to the  
13 amounts described in subsection (b), the ‘base period’  
14 shall be 2015.

15 “(b) AMOUNTS DESCRIBED.—The amounts described  
16 in this subsection are as follows:

17 “(1) The amount referred to in section  
18 501(b)(2) (relating to the formula used to determine  
19 the value of a political advertising voucher provided  
20 to a participating candidate under this title).

21 “(2) The amount referred to in section  
22 503(b)(2) (relating to the formula used to determine  
23 the amount of the payment made to a participating  
24 candidate under this title to defray the costs of post-  
25 age).



1           “(3) The amounts referred to in section  
2           504(a)(1) (relating to the amount of a qualified  
3           small dollar contribution).

4           “(4) The amount referred to in section  
5           512(a)(2) (relating to the total dollar amount of  
6           qualified small dollar contributions).

7           “(5) The amount referred to in section  
8           521(a)(5) (relating to the aggregate amount of con-  
9           tributions a participating candidate may accept from  
10          any individual with respect to an election).

11          “(6) The amount referred to in section  
12          521(b)(1) (relating to the amount of personal funds  
13          that may be used by a candidate who is certified as  
14          a participating candidate).

15       **“SEC. 536. ELECTION CYCLE DEFINED.**

16          “‘In this title, the term ‘election cycle’ means, with  
17          respect to an election for an office, the period beginning  
18          on the day after the date of the most recent general elec-  
19          tion for that office (or, if the general election resulted in  
20          a runoff election, the date of the runoff election) and end-  
21          ing on the date of the next general election for that office  
22          (or, if the general election resulted in a runoff election,  
23          the date of the runoff election).’”.

1 **SEC. 102. CONTRIBUTIONS AND EXPENDITURES BY MULTI-**  
2 **CANDIDATE AND POLITICAL PARTY POLIT-**  
3 **ICAL COMMITTEES ON BEHALF OF PARTICI-**  
4 **PATING CANDIDATES.**

5 (a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEP-  
6 ARATE ACCOUNTS CONSISTING OF QUALIFIED SMALL  
7 DOLLAR CONTRIBUTIONS.—Section 315(a) of the Federal  
8 Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is  
9 amended by adding at the end the following new para-  
10 graph:

11 “(9) In the case of a multicandidate political com-  
12 mittee or any political committee of a political party, the  
13 committee may make a contribution to a candidate who  
14 is a participating candidate under title V with respect to  
15 an election only if the contribution is paid from a separate,  
16 segregated account of the committee which consists solely  
17 of contributions which meet the following requirements:

18 “(A) Each such contribution is in an amount  
19 which meets the requirements for the amount of a  
20 qualified small dollar contribution under section  
21 504(a)(1) with respect to the election involved.

22 “(B) Each such contribution is made by an in-  
23 dividual who is not otherwise prohibited from mak-  
24 ing a contribution under this Act.

25 “(C) The individual who makes the contribution  
26 does not make contributions to the committee during

1 the year in an aggregate amount that exceeds the  
2 limit described in section 504(a)(1).”.

3 (b) PERMITTING UNLIMITED COORDINATED EX-  
4 PENDITURES FROM SMALL DOLLAR SOURCES BY POLIT-  
5 ICAL PARTIES.—Section 315(d) of such Act (52 U.S.C.  
6 30116(d)) is amended—

7 (1) in paragraph (3), by striking “The national  
8 committee” and inserting “Except as provided in  
9 paragraph (5), the national committee”; and

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

12 “(5) The limits described in paragraph (3) do not  
13 apply in the case of expenditures in connection with the  
14 general election campaign of a candidate for the office of  
15 Senator or Representative in, or Delegate or Resident  
16 Commissioner to, the Congress who is a participating can-  
17 didate under title V with respect to the election, but only  
18 if—

19 “(A) the expenditures are paid from a separate,  
20 segregated account of the committee which is de-  
21 scribed in subsection (a)(9); and

22 “(B) the expenditures are the sole source of  
23 funding provided by the committee to the can-  
24 didate.”.

1 **SEC. 103. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**  
2 **TICIPATING CANDIDATES FOR PURPOSES**  
3 **OTHER THAN CAMPAIGN FOR ELECTION.**

4 Section 313 of the Federal Election Campaign Act  
5 of 1971 (52 U.S.C. 30114) is amended by adding at the  
6 end the following new subsection:

7 “(d) RESTRICTIONS ON PERMITTED USES OF FUNDS  
8 BY CANDIDATES RECEIVING SMALL DOLLAR FINANC-  
9 ING.—Notwithstanding paragraph (2), (3), or (4) of sub-  
10 section (a), if a candidate for election for the office of Sen-  
11 ator or Representative in, or Delegate or Resident Com-  
12 missioner to, the Congress is certified as a participating  
13 candidate under title V with respect to the election, any  
14 contribution which the candidate is permitted to accept  
15 under such title may be used only for authorized expendi-  
16 tures in connection with the candidate’s campaign for such  
17 office.”.

18 **TITLE II—EXPANDING CAN-**  
19 **DIDATE ACCESS TO ADVER-**  
20 **TISING**

21 **SEC. 201. BROADCASTS BY CANDIDATES.**

22 (a) **LOWEST UNIT CHARGE.**—Section 315(b)(1)(A)  
23 of the Communications Act of 1934 (47 U.S.C.  
24 315(b)(1)(A)) is amended by inserting “for preemptible  
25 use thereof” after “station”.

1 (b) PREEMPTION; AUDITS.—Section 315 of the Com-  
2 munications Act of 1934 (47 U.S.C. 315) is amended—

3 (1) by redesignating subsection (c) as sub-  
4 section (g) and transferring such subsection, as re-  
5 designated, to the end;

6 (2) by redesignating subsection (d) as sub-  
7 section (f) and transferring such subsection, as re-  
8 designated, so that it appears after subsection (e);  
9 and

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

12 “(c) PREEMPTION.—

13 “(1) IN GENERAL.—Except as provided in para-  
14 graph (2) and notwithstanding the requirements of  
15 subsection (b)(1)(A), a licensee may not preempt the  
16 use of a broadcasting station by a legally qualified  
17 candidate that has purchased and paid for such use  
18 under circumstances entitling such candidate to re-  
19 ceive the rate under such subsection for such use.

20 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-  
21 CENSEE.—If a program to be broadcast by a broad-  
22 casting station is preempted because of cir-  
23 cumstances beyond the control of the licensee, an  
24 advertisement that is scheduled to be broadcast dur-  
25 ing such program and the broadcast of which con-

1       stitutes use of the broadcasting station described in  
2       paragraph (1) shall be treated in the same fashion  
3       as a comparable commercial advertisement.

4       “(d) AUDITS.—During the 45-day period preceding  
5       the date of a primary or primary runoff election and dur-  
6       ing the 60-day period preceding the date of a general elec-  
7       tion or special election, the Commission shall conduct such  
8       audits as it considers necessary to ensure that the licensee  
9       of each broadcasting station is allocating use of the station  
10      in accordance with this section and in a manner that does  
11      not warrant revocation of the station license under section  
12      312(a)(7).”.

13      (c) REVOCATION OF LICENSE FOR FAILURE TO  
14      ALLOW ACCESS BY FEDERAL CANDIDATES.—Section 312  
15      of the Communications Act of 1934 (47 U.S.C. 312) is  
16      amended—

17              (1) in subsection (a)(7)—

18                      (A) by inserting “in accordance with sub-  
19                      section (h),” before “for willful”;

20                      (B) by striking “or repeated”;

21                      (C) by inserting “or a cable system” after  
22                      “non-commercial educational broadcast sta-  
23                      tion,”; and

24                      (D) by striking “his candidacy” and insert-  
25                      ing “the candidacy of the candidate, under the

1 same terms, conditions, and business practices  
2 as apply to the most-favored advertiser of the  
3 broadcasting station or cable system”; and

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

5 “(h) CONDITIONS FOR REVOCATION FOR FAILURE  
6 TO ALLOW ACCESS BY FEDERAL CANDIDATES.—

7 “(1) THREE-STRIKES RULE.—The Commission  
8 may revoke a station license or construction permit  
9 under subsection (a)(7) only if the Commission finds  
10 that the licensee or permittee has engaged in at least  
11 3 failures described in such subsection with respect  
12 to the broadcasting station or cable system to which  
13 the license or permit relates.

14 “(2) DURATION.—In the case of a person  
15 whose station license or construction permit with re-  
16 spect to a broadcasting station or cable system has  
17 been revoked under subsection (a)(7)—

18 “(A) the Commission may not grant a sta-  
19 tion license or construction permit to such per-  
20 son with respect to such broadcasting station or  
21 cable system during the 5-year period following  
22 the revocation; and

23 “(B) if the Commission grants such a sta-  
24 tion license or construction permit to such per-  
25 son after such 5-year period, the number of

1 failures described in subsection (a)(7) shall be  
 2 calculated for purposes of paragraph (1) with-  
 3 out regard to any such failures that occurred  
 4 while a previous license or permit was in ef-  
 5 fect.”.

6 (d) TECHNICAL AMENDMENTS.—Section 315 of the  
 7 Communications Act of 1934 (47 U.S.C. 315), as amend-  
 8 ed by subsection (b), is further amended—

9 (1) in subsection (a), by striking “If any li-  
 10 censee” and inserting “EQUAL OPPORTUNITIES FOR  
 11 CANDIDATES FOR SAME OFFICE.—If any licensee”;

12 (2) in subsection (b)(1), by moving subpara-  
 13 graphs (A) and (B) 2 ems to the right;

14 (3) in subsection (f), as redesignated, by strik-  
 15 ing “The Commission” and inserting “REGULA-  
 16 TIONS.—The Commission”; and

17 (4) in subsection (g), as redesignated, by strik-  
 18 ing “For purposes” and inserting “DEFINITIONS.—  
 19 For purposes”.

## 20 **TITLE III—MISCELLANEOUS** 21 **PROVISIONS**

### 22 **SEC. 301. SEVERABILITY.**

23 If any provision of this Act or any amendment made  
 24 by this Act, or the application of a provision of this Act  
 25 or an amendment made by this Act to any person or cir-



1 cumstance, is held to be unconstitutional, the remainder  
2 of this Act, and the application of the provisions to any  
3 person or circumstance, shall not be affected by the hold-  
4 ing.

