

116TH CONGRESS  
1ST SESSION

# H. R. 3834

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

JULY 18, 2019

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 2019”.

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 population estimate 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 time from a broadcasting station or online platform  
23 for the dissemination of political advertisements re-  
24 lating to an election for the office of Senator or  
25 Member of the House of Representatives (including

1 a Delegate or Resident Commissioner to the Con-  
2 gress) by the participating candidate to which the  
3 vouchers were provided, except that—

4 “(A) a candidate may exchange vouchers  
5 with a national committee of a political party  
6 under paragraph (2); and

7 “(B) a national committee of a political  
8 party may use vouchers to purchase time for  
9 the dissemination of political advertisements for  
10 generic party advertising (as defined by the  
11 Commission in regulations) or to support par-  
12 ticipating candidates of the party in a general  
13 election for Federal office, but only if it dis-  
14 closes the value of the voucher used as an ex-  
15 penditure under section 315(d).

16 “(2) EXCHANGE WITH NATIONAL POLITICAL  
17 PARTY COMMITTEE.—

18 “(A) IN GENERAL.—A participating can-  
19 didate who receives a voucher under this section  
20 may transfer the right to use all or a portion  
21 of the value of the voucher to a national com-  
22 mittee of the political party of which the indi-  
23 vidual is a candidate in exchange for money in  
24 an amount equal to the cash value of the vouch-  
25 er or portion exchanged.

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

7           “(C) PARTY COMMITTEE OBLIGATIONS.—  
8           Any committee to which a voucher or portion  
9           thereof is transferred under subparagraph  
10          (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 committee under subparagraph  
22           (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 time for the dissemination of po-  
20 litical advertisements by a broadcasting station or  
21 online platform in accordance with this section.

22 “(2) ACCEPTANCE.—A broadcasting station  
23 and online platform shall accept vouchers as pay-  
24 ment for the purchase of time for the dissemination

1 of political advertisements by the station or platform  
2 in accordance with this section.

3 “(3) REDEMPTION.—The Commission shall re-  
4 deem vouchers accepted by broadcasting stations  
5 and online platforms under paragraph (2) upon  
6 presentation, subject to such documentation,  
7 verification, accounting, and application require-  
8 ments as the Commission may impose to ensure the  
9 accuracy and integrity of the voucher redemption  
10 system.

11 “(4) EXPIRATION.—A voucher may only be  
12 used to pay for time for the dissemination of polit-  
13 ical advertisements to be disseminated before mid-  
14 night on the day before the date of the Federal elec-  
15 tion in connection with which it was issued and shall  
16 be null and void for any other use or purpose.

17 “(5) VOUCHER AS EXPENDITURE.—The use of  
18 a voucher to purchase time for the dissemination of  
19 political advertisements constitutes an expenditure  
20 as defined in section 301(9)(A).

21 “(c) DEFINITIONS.—In this section:

22 “(1) BROADCASTING STATION.—The term  
23 ‘broadcasting station’ has the meaning given that  
24 term by section 315(g)(1) of the Communications  
25 Act of 1934.



1           “(2) ONLINE PLATFORM.—The term ‘online  
2           platform’ means any public-facing website, web ap-  
3           plication, or digital application (including a social  
4           network, ad network, or search engine) which sells  
5           political advertisements.

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

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

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

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

22                   “(1) the population of the State (in the case of  
23                   a candidate for the office of Senator) or the congres-  
24                   sional district involved (in the case of a candidate  
25                   for the office of Representative in, or Delegate or

1       Resident Commissioner to, the Congress), based on  
2       the most recent population estimate from the Bu-  
3       reau of the Census; and

4               “(2) 50 cents.

5       “(c) USE OF FUNDS.—Upon receiving a payment  
6       under this section, a candidate shall deposit the payment  
7       in a separate, segregated account of any authorized com-  
8       mittees of the candidate, and shall ensure that amounts  
9       in such account are used solely for the payment of postage  
10      incurred by such committees in connection with the elec-  
11      tion.

12      “(d) TIMING.—The Commission shall make a pay-  
13      ment under this section to a candidate not later than 7  
14      days after the candidate is certified as a participating can-  
15      didate under this title.

16      **“SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DE-**  
17                               **SCRIBED.**

18      “(a) IN GENERAL.—In this title, the term ‘qualified  
19      small dollar contribution’ means, with respect to a can-  
20      didate and the authorized committees of a candidate, a  
21      contribution that meets the following requirements:

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

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

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

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

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

15          “(b) RESTRICTION ON SUBSEQUENT CONTRIBU-  
16          TIONS.—

17                 “(1) PROHIBITING DONOR FROM MAKING SUB-  
18                 SEQUENT NON-QUALIFIED CONTRIBUTIONS DURING  
19                 ELECTION CYCLE.—

20                 “(A) IN GENERAL.—An individual who  
21                 makes a qualified small dollar contribution to a  
22                 candidate or the authorized committees of a  
23                 candidate with respect to an election may not  
24                 make any subsequent contribution to such can-  
25                 didate or the authorized committees of such

1 candidate with respect to the election cycle  
2 which is not a qualified small dollar contribu-  
3 tion.

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

14 “(2) TREATMENT OF SUBSEQUENT NON-QUALI-  
15 FIED CONTRIBUTIONS.—If, notwithstanding the pro-  
16 hibition described in paragraph (1), an individual  
17 who makes a qualified small dollar contribution to a  
18 candidate or the authorized committees of a can-  
19 didate with respect to an election makes a subse-  
20 quent contribution to such candidate or the author-  
21 ized committees of such candidate with respect to  
22 the election which is prohibited under paragraph (1)  
23 because it is not a qualified small dollar contribu-  
24 tion, the candidate may take one of the following ac-  
25 tions:

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

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

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

21          “(c) NOTIFICATION REQUIREMENTS FOR CAN-  
22          DIDATES.—

23          “(1) NOTIFICATION.—Each authorized com-  
24          mittee of a candidate who seeks to be a participating  
25          candidate under this title shall provide the following

1 information in any materials for the solicitation of  
2 contributions, including any Internet site through  
3 which individuals may make contributions to the  
4 committee:

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

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

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

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

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

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

## 12           **“Subtitle B—Eligibility and** 13           **Certification**

### 14   **“SEC. 511. ELIGIBILITY.**

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

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

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

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

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

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

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

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

22           “(b) GENERAL ELECTION.—Notwithstanding sub-  
23           section (a), a candidate shall not be eligible to be certified  
24           as a participating candidate under this title for a general  
25           election or a general runoff election unless the candidate’s



1 party nominated the candidate to be placed on the ballot  
 2 for the general election or the candidate is otherwise quali-  
 3 fied to be on the ballot under State law.

4 “(c) CLEAN MONEY QUALIFYING PERIOD DE-  
 5 FINED.—The term ‘Clean Money qualifying period’  
 6 means, with respect to any candidate for an office, the  
 7 180-day period (during the election cycle for such office)  
 8 which begins on the date on which the candidate files a  
 9 statement of intent under subsection (a)(1), except that  
 10 such period may not continue after the date that is 30  
 11 days before the date of the general election for the office.

12 **“SEC. 512. QUALIFYING REQUIREMENTS.**

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

20 “(1) Not fewer than 1,000 individuals who are  
 21 residents of the State in which the candidate seeks  
 22 election make a qualified small dollar contribution to  
 23 the candidate.

24 “(2) The candidate obtains a total dollar  
 25 amount of qualified small dollar contributions from

1 individuals who are residents of the State in which  
2 the candidate seeks election which is equal to or  
3 greater than \$50,000.

4 “(b) REQUIREMENTS RELATING TO RECEIPT OF  
5 QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each  
6 qualified small dollar contribution—

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

11 “(2) shall be accompanied by a signed state-  
12 ment (or, in the case of a contribution made online  
13 or through other electronic means, an electronic  
14 equivalent) containing—

15 “(A) the contributor’s name and the con-  
16 tributor’s address in the State in which the pri-  
17 mary residence of the contributor is located;  
18 and

19 “(B) an oath declaring that the contrib-  
20 utor—

21 “(i) understands that the purpose of  
22 the contribution is to show support for the  
23 candidate so that the candidate may qual-  
24 ify for political advertising vouchers under  
25 this title;

1                   “(ii) is making the contribution in his  
2                   or her own name and from his or her own  
3                   funds;

4                   “(iii) has made the contribution will-  
5                   ingly; and

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

8                   “(3) shall be acknowledged by a receipt that is  
9                   sent to the contributor with a copy (in paper or elec-  
10                  tronic form) kept by the candidate for the Commis-  
11                  sion.

12           “(c) VERIFICATION OF QUALIFIED SMALL DOLLAR  
13 CONTRIBUTIONS.—The Commission shall establish proce-  
14 dures for the auditing and verification of qualified small  
15 dollar contributions, including procedures for random au-  
16 dits, to ensure that such contributions meet the require-  
17 ments of this section.

18 **“SEC. 513. CERTIFICATION.**

19           “(a) DEADLINE AND NOTIFICATION.—

20                   “(1) IN GENERAL.—Not later than 5 days after  
21                  a candidate files an affidavit under section  
22                  511(a)(3), the Commission shall—

23                   “(A) determine whether or not the can-  
24                  didate meets the requirements for certification  
25                  as a participating candidate;

1           “(B) if the Commission determines that  
2           the candidate meets such requirements, certify  
3           the candidate as a participating candidate; and

4           “(C) notify the candidate of the Commis-  
5           sion’s determination.

6           “(2) DEEMED CERTIFICATION FOR SUBSE-  
7           QUENT RUNOFF ELECTIONS.—If the Commission  
8           certifies a candidate as a participating candidate  
9           with respect to a general election, the Commissioner  
10          shall be deemed to have certified the candidate as a  
11          participating candidate with respect to any subse-  
12          quent runoff election held in that election cycle.

13          “(b) REVOCATION OF CERTIFICATION.—

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

16               “(A) a candidate fails to qualify to appear  
17               on the ballot at any time after the date of cer-  
18               tification (other than a candidate certified as a  
19               participating candidate with respect to a gen-  
20               eral election who fails to qualify to appear on  
21               the ballot for a subsequent runoff election in  
22               that election cycle);

23               “(B) a candidate ceases to be a candidate  
24               for the office involved, as determined on the  
25               basis of an official announcement by an author-

1            ized committee of the candidate or on the basis  
2            of a reasonable determination by the Commis-  
3            sion; or

4            “(C) a candidate otherwise fails to comply  
5            with the requirements of this title, including  
6            any regulatory requirements prescribed by the  
7            Commission.

8            “(2) EXISTENCE OF REPEATED OR SERIOUS  
9            VIOLATIONS.—The Commission shall revoke a cer-  
10           certification under subsection (a) if a penalty is as-  
11           sessed against the candidate under section 309(d)  
12           with respect to the election.

13           “(3) EFFECT OF REVOCATION.—If a can-  
14           didate’s certification is revoked under this sub-  
15           section—

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

18           “(i) an amount equal to the value of  
19           the political advertising vouchers received  
20           under this title with respect to the election,  
21           plus interest (at a rate determined by the  
22           Commission on the basis of an appropriate  
23           annual percentage rate for the month in-  
24           volved) on any such amount received; plus

1 “(ii) an amount equal to any payment  
2 the candidate received under this title to  
3 defray the costs of postage with respect to  
4 the election, plus interest (at a rate deter-  
5 mined by the Commission on the basis of  
6 an appropriate annual percentage rate for  
7 the month involved) on any such payment  
8 received;

9 “(B) the candidate may not receive polit-  
10 ical advertising vouchers or payments to defray  
11 the costs of postage under this title during the  
12 remainder of the election cycle involved; and

13 “(C) the candidate may not be certified as  
14 a participating candidate under this title with  
15 respect to the next election cycle.

16 “(4) PROHIBITING PARTICIPATION IN FUTURE  
17 ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-  
18 OCATIONS.—If the Commission revokes the certifi-  
19 cation of an individual as a participating candidate  
20 under this title 3 times, the individual may not be  
21 certified as a participating candidate under this title  
22 with respect to any subsequent election.

23 “(c) VOLUNTARY WITHDRAWAL FROM PARTICI-  
24 PATING DURING QUALIFYING PERIOD.—At any time dur-  
25 ing the Clean Money qualifying period described in section

1 511(c), a candidate may withdraw from participation in  
 2 the program under this title by submitting to the Commis-  
 3 sion a statement of withdrawal (without regard to whether  
 4 or not the Commission has certified the candidate as a  
 5 participating candidate under this title as of the time the  
 6 candidate submits such statement), so long as the can-  
 7 didate has not received a political advertising voucher  
 8 under section 501 or a payment under section 503.

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

14 **“Subtitle C—Requirements for Can-**  
 15 **didates Certified as Partici-**  
 16 **pating Candidates**

17 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**  
 18 **MENTS.**

19 “(a) PERMITTED SOURCES OF CONTRIBUTIONS AND  
 20 EXPENDITURES.—Except as provided in subsection (c), a  
 21 participating candidate with respect to a general election  
 22 shall, with respect to that election and any subsequent  
 23 runoff election in that election cycle for the office involved,  
 24 accept no contributions from any source and make no ex-  
 25 penditures from any amounts, other than the following:

1           “(1) Qualified small dollar contributions.

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

4           “(3) Contributions from political committees es-  
5       tablished and maintained by a national or State po-  
6       litical party, subject to the applicable limitations of  
7       section 315.

8           “(4) Subject to subsection (b), personal funds  
9       of the candidate (other than funds received through  
10      qualified small dollar contributions).

11          “(5) Contributions from individuals who do not  
12      make qualified small dollar contributions but who  
13      are otherwise permitted to make contributions under  
14      this Act, subject to the applicable limitations of sec-  
15      tion 315, except that the aggregate amount of con-  
16      tributions a participating candidate may accept from  
17      any such individual with respect to any such election  
18      after the date the candidate files a statement of in-  
19      tent under section 511(a)(1) may not exceed \$1,000.

20          “(6) Contributions from multicandidate political  
21      committees, subject to the applicable limitations of  
22      section 315.

23      “(b) SPECIAL RULES FOR PERSONAL FUNDS.—A  
24      candidate who is certified as a participating candidate may  
25      use personal funds so long as—



1           “(1) the aggregate amount used with respect to  
2           the general election and any subsequent runoff elec-  
3           tion in that election cycle (including any period of  
4           the cycle occurring prior to the candidate’s certifi-  
5           cation as a participating candidate) does not exceed  
6           \$10,000; and

7           “(2) the funds are used only for making direct  
8           payments for the receipt of goods and services which  
9           constitute authorized expenditures in connection  
10          with such elections.

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.

## **“Subtitle D—Administrative Provisions**

### **“SEC. 531. CLEAN MONEY FUND.**

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

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

“(1) APPROPRIATED AMOUNTS.—Amounts appropriated to the Fund, including trust fund amounts appropriated pursuant to applicable provisions of the Internal Revenue Code of 1986.

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

“(A) section 521(c) (relating to exceptions to contribution requirements);

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

“(C) any other section of this Act.

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

“(c) INVESTMENT.—The Commission shall invest portions of the Fund in obligations of the United States in the same manner as provided under section 9602(b) 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 and online platforms as  
6 payment for the purchase of time for the dissemina-  
7 tion of political advertisements 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 cost  
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 3 or more civil  
 3           penalties under subsection (a) against a candidate  
 4           (with respect to either a single election or multiple  
 5           elections), the Commission may refuse to certify the  
 6           candidate as a participating candidate under this  
 7           title with respect to any subsequent election, except  
 8           that if each of the penalties were assessed as the re-  
 9           sult of a knowing and willful violation of any provi-  
 10          sion of this Act, the candidate is not eligible to be  
 11          certified as a participating candidate under this title  
 12          with respect to any subsequent election.

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

19   **“SEC. 534. APPEALS PROCESS.**

20           “(a) REVIEW OF ACTIONS.—Any action by the Com-  
 21          mission in carrying out this title shall be subject to review  
 22          by the United States Court of Appeals for the District  
 23          of Columbia upon petition filed in the Court not later than  
 24          30 days after the Commission takes the action for which  
 25          the review is sought.

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

4       **“SEC. 535. INDEXING OF AMOUNTS.**

5       “(a) INDEXING.—In any calendar year after 2020,  
6 section 315(c)(1)(B) shall apply to each amount described  
7 in subsection (b) in the same manner as such section ap-  
8 plies to the limitations established under subsections  
9 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, ex-  
10 cept that for purposes of applying such section to the  
11 amounts described in subsection (b), the ‘base period’  
12 shall be 2019.

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

15               “(1) The amount referred to in section  
16 501(b)(2) (relating to the formula used to determine  
17 the value of a political advertising voucher provided  
18 to a participating candidate under this title).

19               “(2) The amount referred to in section  
20 503(b)(2) (relating to the formula used to determine  
21 the amount of the payment made to a participating  
22 candidate under this title to defray the costs of post-  
23 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 521(b)  
12      (relating to the amount of personal funds that may  
13      be used by a candidate who is certified as a partici-  
14      pating 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 paragraphs (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 CANDI-**  
 19 **DATE 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 participating can-  
17 didate under title V of the Federal Election Cam-  
18 paign Act of 1971 that has purchased and paid for  
19 such use under circumstances entitling such can-  
20 didate to receive the rate under such subsection for  
21 such use.

22 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-  
23 CENSEE.—If a program to be broadcast by a broad-  
24 casting station is preempted because of cir-  
25 cumstances beyond the control of the licensee, an

1 advertisement that is scheduled to be broadcast dur-  
2 ing such program and the broadcast of which con-  
3 stitutes use of the broadcasting station described in  
4 paragraph (1) shall be treated in the same fashion  
5 as a comparable commercial advertisement.

6 “(d) AUDITS.—During the 45-day period preceding  
7 the date of a primary or primary runoff election and dur-  
8 ing the 60-day period preceding the date of a general elec-  
9 tion or special election, the Commission shall conduct such  
10 audits as it considers necessary to ensure that the licensee  
11 of each broadcasting station is allocating use of the station  
12 in accordance with this section and in a manner that does  
13 not warrant revocation of the station license under section  
14 312(a)(7).”.

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

19 (1) in subsection (a)(7)—

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

22 (B) by striking “or repeated”;

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

1 (D) by striking “his candidacy” and insert-  
2 ing “the candidacy of the candidate, under the  
3 same terms, conditions, and business practices  
4 as apply to the most-favored advertiser of the  
5 broadcasting station or cable system”; and

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

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

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

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

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

1           “(B) if the Commission grants such a sta-  
 2           tion license or construction permit to such per-  
 3           son after such 5-year period, the number of  
 4           failures described in subsection (a)(7) shall be  
 5           calculated for purposes of paragraph (1) with-  
 6           out regard to any such failures that occurred  
 7           while a previous license or permit was in ef-  
 8           fect.”.

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

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

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

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

20           (4) in subsection (g), as redesignated, by strik-  
 21           ing “For purposes” and inserting “DEFINITIONS.—  
 22           For purposes”.

1       **TITLE III—MISCELLANEOUS**  
2                   **PROVISIONS**

3   **SEC. 301. SEVERABILITY.**

4       If any provision of this Act or any amendment made  
5 by this Act, or the application of a provision of this Act  
6 or an amendment made by this Act to any person or cir-  
7 cumstance, is held to be unconstitutional, the remainder  
8 of this Act, and the application of the provisions to any  
9 person or circumstance, shall not be affected by the hold-  
10 ing.

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