

Calendar No. 318

107TH CONGRESS
2^D SESSION

H. R. 2356

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2002

Received and read the first time

FEBRUARY 27, 2002

Read the second time and placed on the calendar

AN ACT

To amend the Federal Election Campaign Act of 1971 to
provide bipartisan campaign reform.

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 “Bipartisan Campaign Reform Act of 2002”.

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—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.

Sec. 102. Increased contribution limit for State committees of political parties.

Sec. 103. Reporting requirements.

TITLE II—NONCANDIDATE CAMPAIGN EXPENDITURES

Subtitle A—Electioneering Communications

Sec. 201. Disclosure of electioneering communications.

Sec. 202. Coordinated communications as contributions.

Sec. 203. Prohibition of corporate and labor disbursements for electioneering
 communications.

Sec. 204. Rules relating to certain targeted electioneering communications.

Subtitle B—Independent and Coordinated Expenditures

Sec. 211. Definition of independent expenditure.

Sec. 212. Reporting requirements for certain independent expenditures.

Sec. 213. Independent versus coordinated expenditures by party.

Sec. 214. Coordination with candidates or political parties.

TITLE III—MISCELLANEOUS

Sec. 301. Use of contributed amounts for certain purposes.

Sec. 302. Prohibition of fundraising on Federal property.

Sec. 303. Strengthening foreign money ban.

Sec. 304. Modification of individual contribution limits in response to expendi-
 tures from personal funds.

Sec. 305. Limitation on availability of lowest unit charge for Federal candidates
 attacking opposition.

Sec. 306. Software for filing reports and prompt disclosure of contributions.

Sec. 307. Modification of contribution limits.

Sec. 308. Donations to Presidential inaugural committee.

Sec. 309. Prohibition on fraudulent solicitation of funds.

Sec. 310. Study and report on Clean Money Clean Elections laws.

Sec. 311. Clarity standards for identification of sponsors of election-related ad-
 vertising.

Sec. 312. Increase in penalties.

Sec. 313. Statute of limitations.

Sec. 314. Sentencing guidelines.

Sec. 315. Increase in penalties imposed for violations of conduit contribution
 ban.

Sec. 316. Restriction on increased contribution limits by taking into account candidate's available funds.

Sec. 317. Clarification of right of nationals of the United States to make political contributions.

Sec. 318. Prohibition of contributions by minors.

Sec. 319. Modification of individual contribution limits for House candidates in response to expenditures from personal funds.

TITLE IV—SEVERABILITY; EFFECTIVE DATE

Sec. 401. Severability.

Sec. 402. Effective date.

Sec. 403. Judicial review.

TITLE V—ADDITIONAL DISCLOSURE PROVISIONS

Sec. 501. Internet access to records.

Sec. 502. Maintenance of website of election reports.

Sec. 503. Additional disclosure reports.

Sec. 504. Public access to broadcasting records.

1 **TITLE I—REDUCTION OF** 2 **SPECIAL INTEREST INFLUENCE**

3 **SEC. 101. SOFT MONEY OF POLITICAL PARTIES.**

4 (a) IN GENERAL.—Title III of the Federal Election
5 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
6 by adding at the end the following:

7 **“SEC. 323. SOFT MONEY OF POLITICAL PARTIES.**

8 “(a) NATIONAL COMMITTEES.—

9 “(1) IN GENERAL.—A national committee of a
10 political party (including a national congressional
11 campaign committee of a political party) may not so-
12 licit, receive, or direct to another person a contribu-
13 tion, donation, or transfer of funds or any other
14 thing of value, or spend any funds, that are not sub-
15 ject to the limitations, prohibitions, and reporting
16 requirements of this Act.

1 “(2) APPLICABILITY.—The prohibition estab-
2 lished by paragraph (1) applies to any such national
3 committee, any officer or agent acting on behalf of
4 such a national committee, and any entity that is di-
5 rectly or indirectly established, financed, maintained,
6 or controlled by such a national committee.

7 “(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), an amount that is expended or disbursed
10 for Federal election activity by a State, district, or
11 local committee of a political party (including an en-
12 tity that is directly or indirectly established, fi-
13 nanced, maintained, or controlled by a State, dis-
14 trict, or local committee of a political party and an
15 officer or agent acting on behalf of such committee
16 or entity), or by an association or similar group of
17 candidates for State or local office or of individuals
18 holding State or local office, shall be made from
19 funds subject to the limitations, prohibitions, and re-
20 porting requirements of this Act.

21 “(2) APPLICABILITY.—

22 “(A) IN GENERAL.—Notwithstanding
23 clause (i) or (ii) of section 301(20)(A), and sub-
24 ject to subparagraph (B), paragraph (1) shall
25 not apply to any amount expended or disbursed

1 by a State, district, or local committee of a po-
2 litical party for an activity described in either
3 such clause to the extent the amounts expended
4 or disbursed for such activity are allocated
5 (under regulations prescribed by the Commis-
6 sion) among amounts—

7 “(i) which consist solely of contribu-
8 tions subject to the limitations, prohibi-
9 tions, and reporting requirements of this
10 Act (other than amounts described in sub-
11 paragraph (B)(iii)); and

12 “(ii) other amounts which are not
13 subject to the limitations, prohibitions, and
14 reporting requirements of this Act (other
15 than any requirements of this subsection).

16 “(B) CONDITIONS.—Subparagraph (A)
17 shall only apply if—

18 “(i) the activity does not refer to a
19 clearly identified candidate for Federal of-
20 fice;

21 “(ii) the amounts expended or dis-
22 bursed are not for the costs of any broad-
23 casting, cable, or satellite communication,
24 other than a communication which refers

1 solely to a clearly identified candidate for
2 State or local office;

3 “(iii) the amounts expended or dis-
4 bursed which are described in subpara-
5 graph (A)(ii) are paid from amounts which
6 are donated in accordance with State law
7 and which meet the requirements of sub-
8 paragraph (C), except that no person (in-
9 cluding any person established, financed,
10 maintained, or controlled by such person)
11 may donate more than \$10,000 to a State,
12 district, or local committee of a political
13 party in a calendar year for such expendi-
14 tures or disbursements; and

15 “(iv) the amounts expended or dis-
16 bursed are made solely from funds raised
17 by the State, local, or district committee
18 which makes such expenditure or disburse-
19 ment, and do not include any funds pro-
20 vided to such committee from—

21 “(I) any other State, local, or
22 district committee of any State party,

23 “(II) the national committee of a
24 political party (including a national

1 congressional campaign committee of
2 a political party),

3 “(III) any officer or agent acting
4 on behalf of any committee described
5 in subclause (I) or (II), or

6 “(IV) any entity directly or indi-
7 rectly established, financed, main-
8 tained, or controlled by any committee
9 described in subclause (I) or (II).

10 “(C) PROHIBITING INVOLVEMENT OF NA-
11 TIONAL PARTIES, FEDERAL CANDIDATES AND
12 OFFICEHOLDERS, AND STATE PARTIES ACTING
13 JOINTLY.—Notwithstanding subsection (e)
14 (other than subsection (e)(3)), amounts specifi-
15 cally authorized to be spent under subpara-
16 graph (B)(iii) meet the requirements of this
17 subparagraph only if the amounts—

18 “(i) are not solicited, received, di-
19 rected, transferred, or spent by or in the
20 name of any person described in subsection
21 (a) or (e); and

22 “(ii) are not solicited, received, or di-
23 rected through fundraising activities con-
24 ducted jointly by 2 or more State, local, or
25 district committees of any political party or

1 their agents, or by a State, local, or dis-
2 trict committee of a political party on be-
3 half of the State, local, or district com-
4 mittee of a political party or its agent in
5 one or more other States.

6 “(c) FUNDRAISING COSTS.—An amount spent by a
7 person described in subsection (a) or (b) to raise funds
8 that are used, in whole or in part, for expenditures and
9 disbursements for a Federal election activity shall be made
10 from funds subject to the limitations, prohibitions, and re-
11 porting requirements of this Act.

12 “(d) TAX-EXEMPT ORGANIZATIONS.—A national,
13 State, district, or local committee of a political party (in-
14 cluding a national congressional campaign committee of
15 a political party), an entity that is directly or indirectly
16 established, financed, maintained, or controlled by any
17 such national, State, district, or local committee or its
18 agent, and an officer or agent acting on behalf of any such
19 party committee or entity, shall not solicit any funds for,
20 or make or direct any donations to—

21 “(1) an organization that is described in section
22 501(c) of the Internal Revenue Code of 1986 and
23 exempt from taxation under section 501(a) of such
24 Code (or has submitted an application for deter-
25 mination of tax exempt status under such section)

1 and that makes expenditures or disbursements in
2 connection with an election for Federal office (in-
3 cluding expenditures or disbursements for Federal
4 election activity); or

5 “(2) an organization described in section 527 of
6 such Code (other than a political committee, a State,
7 district, or local committee of a political party, or
8 the authorized campaign committee of a candidate
9 for State or local office).

10 “(e) FEDERAL CANDIDATES.—

11 “(1) IN GENERAL.—A candidate, individual
12 holding Federal office, agent of a candidate or an in-
13 dividual holding Federal office, or an entity directly
14 or indirectly established, financed, maintained or
15 controlled by or acting on behalf of 1 or more can-
16 didates or individuals holding Federal office, shall
17 not—

18 “(A) solicit, receive, direct, transfer, or
19 spend funds in connection with an election for
20 Federal office, including funds for any Federal
21 election activity, unless the funds are subject to
22 the limitations, prohibitions, and reporting re-
23 quirements of this Act; or

24 “(B) solicit, receive, direct, transfer, or
25 spend funds in connection with any election

1 other than an election for Federal office or dis-
2burse funds in connection with such an election
3 unless the funds—

4 “(i) are not in excess of the amounts
5 permitted with respect to contributions to
6 candidates and political committees under
7 paragraphs (1), (2), and (3) of section
8 315(a); and

9 “(ii) are not from sources prohibited
10 by this Act from making contributions in
11 connection with an election for Federal of-
12 fice.

13 “(2) STATE LAW.—Paragraph (1) does not
14 apply to the solicitation, receipt, or spending of
15 funds by an individual described in such paragraph
16 who is or was also a candidate for a State or local
17 office solely in connection with such election for
18 State or local office if the solicitation, receipt, or
19 spending of funds is permitted under State law and
20 refers only to such State or local candidate, or to
21 any other candidate for the State or local office
22 sought by such candidate, or both.

23 “(3) FUNDRAISING EVENTS.—Notwithstanding
24 paragraph (1) or subsection (b)(2)(C), a candidate
25 or an individual holding Federal office may attend,

1 speak, or be a featured guest at a fundraising event
2 for a State, district, or local committee of a political
3 party.

4 “(4) PERMITTING CERTAIN SOLICITATIONS.—

5 “(A) GENERAL SOLICITATIONS.—Notwith-
6 standing any other provision of this subsection,
7 an individual described in paragraph (1) may
8 make a general solicitation of funds on behalf
9 of any organization that is described in section
10 501(c) of the Internal Revenue Code of 1986
11 and exempt from taxation under section 501(a)
12 of such Code (or has submitted an application
13 for determination of tax exempt status under
14 such section) (other than an entity whose prin-
15 cipal purpose is to conduct activities described
16 in clauses (i) and (ii) of section 301(20)(A))
17 where such solicitation does not specify how the
18 funds will or should be spent.

19 “(B) CERTAIN SPECIFIC SOLICITATIONS.—

20 In addition to the general solicitations per-
21 mitted under subparagraph (A), an individual
22 described in paragraph (1) may make a solicita-
23 tion explicitly to obtain funds for carrying out
24 the activities described in clauses (i) and (ii) of

1 section 301(20)(A), or for an entity whose prin-
2 cipal purpose is to conduct such activities, if—

3 “(i) the solicitation is made only to in-
4 dividuals; and

5 “(ii) the amount solicited from any in-
6 dividual during any calendar year does not
7 exceed \$20,000.

8 “(f) STATE CANDIDATES.—

9 “(1) IN GENERAL.—A candidate for State or
10 local office, individual holding State or local office,
11 or an agent of such a candidate or individual may
12 not spend any funds for a communication described
13 in section 301(20)(A)(iii) unless the funds are sub-
14 ject to the limitations, prohibitions, and reporting
15 requirements of this Act.

16 “(2) EXCEPTION FOR CERTAIN COMMUNICA-
17 TIONS.—Paragraph (1) shall not apply to an indi-
18 vidual described in such paragraph if the commu-
19 nication involved is in connection with an election for
20 such State or local office and refers only to such in-
21 dividual or to any other candidate for the State or
22 local office held or sought by such individual, or
23 both.”.

1 (b) DEFINITIONS.—Section 301 of the Federal Elec-
2 tion Campaign Act of 1971 (2 U.S.C. 431) is amended
3 by adding at the end thereof the following:

4 “(20) FEDERAL ELECTION ACTIVITY.—

5 “(A) IN GENERAL.—The term ‘Federal
6 election activity’ means—

7 “(i) voter registration activity during
8 the period that begins on the date that is
9 120 days before the date a regularly sched-
10 uled Federal election is held and ends on
11 the date of the election;

12 “(ii) voter identification, get-out-the-
13 vote activity, or generic campaign activity
14 conducted in connection with an election in
15 which a candidate for Federal office ap-
16 pears on the ballot (regardless of whether
17 a candidate for State or local office also
18 appears on the ballot);

19 “(iii) a public communication that re-
20 fers to a clearly identified candidate for
21 Federal office (regardless of whether a
22 candidate for State or local office is also
23 mentioned or identified) and that promotes
24 or supports a candidate for that office, or
25 attacks or opposes a candidate for that of-

1 fice (regardless of whether the communica-
2 tion expressly advocates a vote for or
3 against a candidate); or

4 “(iv) services provided during any
5 month by an employee of a State, district,
6 or local committee of a political party who
7 spends more than 25 percent of that indi-
8 vidual’s compensated time during that
9 month on activities in connection with a
10 Federal election.

11 “(B) EXCLUDED ACTIVITY.—The term
12 ‘Federal election activity’ does not include an
13 amount expended or disbursed by a State, dis-
14 trict, or local committee of a political party
15 for—

16 “(i) a public communication that re-
17 fers solely to a clearly identified candidate
18 for State or local office, if the communica-
19 tion is not a Federal election activity de-
20 scribed in subparagraph (A)(i) or (ii);

21 “(ii) a contribution to a candidate for
22 State or local office, provided the contribu-
23 tion is not designated to pay for a Federal
24 election activity described in subparagraph
25 (A);

1 “(iii) the costs of a State, district, or
2 local political convention; and

3 “(iv) the costs of grassroots campaign
4 materials, including buttons, bumper stick-
5 ers, and yard signs, that name or depict
6 only a candidate for State or local office.

7 “(21) GENERIC CAMPAIGN ACTIVITY.—The
8 term ‘generic campaign activity’ means a campaign
9 activity that promotes a political party and does not
10 promote a candidate or non-Federal candidate.

11 “(22) PUBLIC COMMUNICATION.—The term
12 ‘public communication’ means a communication by
13 means of any broadcast, cable, or satellite commu-
14 nication, newspaper, magazine, outdoor advertising
15 facility, mass mailing, or telephone bank to the gen-
16 eral public, or any other form of general public polit-
17 ical advertising.

18 “(23) MASS MAILING.—The term ‘mass mail-
19 ing’ means a mailing by United States mail or fac-
20 simile of more than 500 pieces of mail matter of an
21 identical or substantially similar nature within any
22 30-day period.

23 “(24) TELEPHONE BANK.—The term ‘telephone
24 bank’ means more than 500 telephone calls of an

1 identical or substantially similar nature within any
2 30-day period.”.

3 **SEC. 102. INCREASED CONTRIBUTION LIMIT FOR STATE**
4 **COMMITTEES OF POLITICAL PARTIES.**

5 Section 315(a)(1) of the Federal Election Campaign
6 Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

7 (1) in subparagraph (B), by striking “or” at
8 the end;

9 (2) in subparagraph (C)—

10 (A) by inserting “(other than a committee
11 described in subparagraph (D))” after “com-
12 mittee”; and

13 (B) by striking the period at the end and
14 inserting “; or”; and

15 (3) by adding at the end the following:

16 “(D) to a political committee established and
17 maintained by a State committee of a political party
18 in any calendar year which, in the aggregate, exceed
19 \$10,000.”.

20 **SEC. 103. REPORTING REQUIREMENTS.**

21 (a) **REPORTING REQUIREMENTS.**—Section 304 of the
22 Federal Election Campaign Act of 1971 (2 U.S.C. 434)
23 is amended by adding at the end the following:

24 “(e) **POLITICAL COMMITTEES.**—

1 “(1) NATIONAL AND CONGRESSIONAL POLIT-
2 ICAL COMMITTEES.—The national committee of a
3 political party, any national congressional campaign
4 committee of a political party, and any subordinate
5 committee of either, shall report all receipts and dis-
6 bursements during the reporting period.

7 “(2) OTHER POLITICAL COMMITTEES TO WHICH
8 SECTION 323 APPLIES.—

9 “(A) IN GENERAL.—In addition to any
10 other reporting requirements applicable under
11 this Act, a political committee (not described in
12 paragraph (1)) to which section 323(b)(1) ap-
13 plies shall report all receipts and disbursements
14 made for activities described in section
15 301(20)(A), unless the aggregate amount of
16 such receipts and disbursements during the cal-
17 endar year is less than \$5,000.

18 “(B) SPECIFIC DISCLOSURE BY STATE AND
19 LOCAL PARTIES OF CERTAIN NONFEDERAL
20 AMOUNTS PERMITTED TO BE SPENT ON FED-
21 ERAL ELECTION ACTIVITY.—Each report by a
22 political committee under subparagraph (A) of
23 receipts and disbursements made for activities
24 described in section 301(20)(A) shall include a

1 disclosure of all receipts and disbursements de-
2 scribed in section 323(b)(2)(A) and (B).

3 “(3) ITEMIZATION.—If a political committee
4 has receipts or disbursements to which this sub-
5 section applies from or to any person aggregating in
6 excess of \$200 for any calendar year, the political
7 committee shall separately itemize its reporting for
8 such person in the same manner as required in para-
9 graphs (3)(A), (5), and (6) of subsection (b).

10 “(4) REPORTING PERIODS.—Reports required
11 to be filed under this subsection shall be filed for the
12 same time periods required for political committees
13 under subsection (a)(4)(B).”.

14 (b) BUILDING FUND EXCEPTION TO THE DEFINI-
15 TION OF CONTRIBUTION.—Section 301(8)(B) of the Fed-
16 eral Election Campaign Act of 1971 (2 U.S.C. 431(8)(B))
17 is amended—

18 (1) by striking clause (viii); and

19 (2) by redesignating clauses (ix) through (xv)
20 as clauses (viii) through (xiv), respectively.

1 **TITLE II—NONCANDIDATE**
2 **CAMPAIGN EXPENDITURES**
3 **Subtitle A—Electioneering**
4 **Communications**

5 **SEC. 201. DISCLOSURE OF ELECTIONEERING COMMUNICA-**
6 **TIONS.**

7 (a) IN GENERAL.—Section 304 of the Federal Elec-
8 tion Campaign Act of 1971 (2 U.S.C. 434), as amended
9 by section 103, is amended by adding at the end the fol-
10 lowing new subsection:

11 “(f) DISCLOSURE OF ELECTIONEERING COMMUNICA-
12 TIONS.—

13 “(1) STATEMENT REQUIRED.—Every person
14 who makes a disbursement for the direct costs of
15 producing and airing electioneering communications
16 in an aggregate amount in excess of \$10,000 during
17 any calendar year shall, within 24 hours of each dis-
18 closure date, file with the Commission a statement
19 containing the information described in paragraph
20 (2).

21 “(2) CONTENTS OF STATEMENT.—Each state-
22 ment required to be filed under this subsection shall
23 be made under penalty of perjury and shall contain
24 the following information:

1 “(A) The identification of the person mak-
2 ing the disbursement, of any person sharing or
3 exercising direction or control over the activities
4 of such person, and of the custodian of the
5 books and accounts of the person making the
6 disbursement.

7 “(B) The principal place of business of the
8 person making the disbursement, if not an indi-
9 vidual.

10 “(C) The amount of each disbursement of
11 more than \$200 during the period covered by
12 the statement and the identification of the per-
13 son to whom the disbursement was made.

14 “(D) The elections to which the election-
15 eering communications pertain and the names
16 (if known) of the candidates identified or to be
17 identified.

18 “(E) If the disbursements were paid out of
19 a segregated bank account which consists of
20 funds contributed solely by individuals who are
21 United States citizens or nationals or lawfully
22 admitted for permanent residence as defined in
23 section 1101(a)(2) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1101(a)(2)) directly to
25 this account for electioneering communications,

1 the names and addresses of all contributors who
2 contributed an aggregate amount of \$1,000 or
3 more to that account during the period begin-
4 ning on the first day of the preceding calendar
5 year and ending on the disclosure date. Nothing
6 in this subparagraph is to be construed as a
7 prohibition on the use of funds in such a seg-
8 regated account for a purpose other than elec-
9 tioneering communications.

10 “(F) If the disbursements were paid out of
11 funds not described in subparagraph (E), the
12 names and addresses of all contributors who
13 contributed an aggregate amount of \$1,000 or
14 more to the person making the disbursement
15 during the period beginning on the first day of
16 the preceding calendar year and ending on the
17 disclosure date.

18 “(3) ELECTIONEERING COMMUNICATION.—For
19 purposes of this subsection—

20 “(A) IN GENERAL.—(i) The term ‘election-
21 eering communication’ means any broadcast,
22 cable, or satellite communication which—

23 “(I) refers to a clearly identified can-
24 didate for Federal office;

25 “(II) is made within—

1 “(aa) 60 days before a general,
2 special, or runoff election for the of-
3 fice sought by the candidate; or

4 “(bb) 30 days before a primary
5 or preference election, or a convention
6 or caucus of a political party that has
7 authority to nominate a candidate, for
8 the office sought by the candidate;
9 and

10 “(III) in the case of a communication
11 which refers to a candidate for an office
12 other than President or Vice President, is
13 targeted to the relevant electorate.

14 “(ii) If clause (i) is held to be constitu-
15 tionally insufficient by final judicial decision to
16 support the regulation provided herein, then the
17 term ‘electioneering communication’ means any
18 broadcast, cable, or satellite communication
19 which promotes or supports a candidate for
20 that office, or attacks or opposes a candidate
21 for that office (regardless of whether the com-
22 munication expressly advocates a vote for or
23 against a candidate) and which also is sugges-
24 tive of no plausible meaning other than an ex-
25 hortation to vote for or against a specific can-

1 didate. Nothing in this subparagraph shall be
2 construed to affect the interpretation or appli-
3 cation of section 100.22(b) of title 11, Code of
4 Federal Regulations.

5 “(B) EXCEPTIONS.—The term ‘election-
6 eering communication’ does not include—

7 “(i) a communication appearing in a
8 news story, commentary, or editorial dis-
9 tributed through the facilities of any
10 broadcasting station, unless such facilities
11 are owned or controlled by any political
12 party, political committee, or candidate;

13 “(ii) a communication which con-
14 stitutes an expenditure or an independent
15 expenditure under this Act;

16 “(iii) a communication which con-
17 stitutes a candidate debate or forum con-
18 ducted pursuant to regulations adopted by
19 the Commission, or which solely promotes
20 such a debate or forum and is made by or
21 on behalf of the person sponsoring the de-
22 bate or forum; or

23 “(iv) any other communication ex-
24 empted under such regulations as the
25 Commission may promulgate (consistent

1 with the requirements of this paragraph)
2 to ensure the appropriate implementation
3 of this paragraph, except that under any
4 such regulation a communication may not
5 be exempted if it meets the requirements
6 of this paragraph and is described in sec-
7 tion 301(20)(A)(iii).

8 “(C) TARGETING TO RELEVANT ELEC-
9 TORATE.—For purposes of this paragraph, a
10 communication which refers to a clearly identi-
11 fied candidate for Federal office is ‘targeted to
12 the relevant electorate’ if the communication
13 can be received by 50,000 or more persons—

14 “(i) in the district the candidate seeks
15 to represent, in the case of a candidate for
16 Representative in, or Delegate or Resident
17 Commissioner to, the Congress; or

18 “(ii) in the State the candidate seeks
19 to represent, in the case of a candidate for
20 Senator.

21 “(4) DISCLOSURE DATE.—For purposes of this
22 subsection, the term ‘disclosure date’ means—

23 “(A) the first date during any calendar
24 year by which a person has made disbursements
25 for the direct costs of producing or airing elec-

1 tioneering communications aggregating in ex-
2 cess of \$10,000; and

3 “(B) any other date during such calendar
4 year by which a person has made disbursements
5 for the direct costs of producing or airing elec-
6 tioneering communications aggregating in ex-
7 cess of \$10,000 since the most recent disclosure
8 date for such calendar year.

9 “(5) CONTRACTS TO DISBURSE.—For purposes
10 of this subsection, a person shall be treated as hav-
11 ing made a disbursement if the person has executed
12 a contract to make the disbursement.

13 “(6) COORDINATION WITH OTHER REQUIRE-
14 MENTS.—Any requirement to report under this sub-
15 section shall be in addition to any other reporting
16 requirement under this Act.

17 “(7) COORDINATION WITH INTERNAL REVENUE
18 CODE.—Nothing in this subsection may be con-
19 strued to establish, modify, or otherwise affect the
20 definition of political activities or electioneering ac-
21 tivities (including the definition of participating in,
22 intervening in, or influencing or attempting to influ-
23 ence a political campaign on behalf of or in opposi-
24 tion to any candidate for public office) for purposes
25 of the Internal Revenue Code of 1986.”.

1 (b) RESPONSIBILITIES OF FEDERAL COMMUNICA-
2 TIONS COMMISSION.—The Federal Communications Com-
3 mission shall compile and maintain any information the
4 Federal Election Commission may require to carry out
5 section 304(f) of the Federal Election Campaign Act of
6 1971 (as added by subsection (a)), and shall make such
7 information available to the public on the Federal Commu-
8 nication Commission’s website.

9 **SEC. 202. COORDINATED COMMUNICATIONS AS CONTRIBU-**
10 **TIONS.**

11 Section 315(a)(7) of the Federal Election Campaign
12 Act of 1971 (2 U.S.C. 441a(a)(7)) is amended —

13 (1) by redesignating subparagraph (C) as sub-
14 paragraph (D); and

15 (2) by inserting after subparagraph (B) the fol-
16 lowing:

17 “(C) if—

18 “(i) any person makes, or contracts to
19 make, any disbursement for any electioneering
20 communication (within the meaning of section
21 304(f)(3)); and

22 “(ii) such disbursement is coordinated with
23 a candidate or an authorized committee of such
24 candidate, a Federal, State, or local political

1 party or committee thereof, or an agent or offi-
2 cial of any such candidate, party, or committee;
3 such disbursement or contracting shall be treated as
4 a contribution to the candidate supported by the
5 electioneering communication or that candidate's
6 party and as an expenditure by that candidate or
7 that candidate's party; and".

8 **SEC. 203. PROHIBITION OF CORPORATE AND LABOR DIS-**
9 **BURSEMENTS FOR ELECTIONEERING COM-**
10 **MUNICATIONS.**

11 (a) IN GENERAL.—Section 316(b)(2) of the Federal
12 Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is
13 amended by inserting “or for any applicable electioneering
14 communication” before “, but shall not include”.

15 (b) APPLICABLE ELECTIONEERING COMMUNICA-
16 TION.—Section 316 of such Act is amended by adding at
17 the end the following:

18 “(c) RULES RELATING TO ELECTIONEERING COM-
19 MUNICATIONS.—

20 “(1) APPLICABLE ELECTIONEERING COMMU-
21 NICATION.—For purposes of this section, the term
22 ‘applicable electioneering communication’ means an
23 electioneering communication (within the meaning of
24 section 304(f)(3)) which is made by any entity de-
25 scribed in subsection (a) of this section or by any

1 other person using funds donated by an entity de-
2 scribed in subsection (a) of this section.

3 “(2) EXCEPTION.—Notwithstanding paragraph
4 (1), the term ‘applicable electioneering communica-
5 tion’ does not include a communication by a section
6 501(c)(4) organization or a political organization (as
7 defined in section 527(e)(1) of the Internal Revenue
8 Code of 1986) made under section 304(f)(2)(E) or
9 (F) of this Act if the communication is paid for ex-
10 clusively by funds provided directly by individuals
11 who are United States citizens or nationals or law-
12 fully admitted for permanent residence as defined in
13 section 1101(a)(2) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1101(a)(2)). For purposes of the
15 preceding sentence, the term ‘provided directly by
16 individuals’ does not include funds the source of
17 which is an entity described in subsection (a) of this
18 section.

19 “(3) SPECIAL OPERATING RULES.—

20 “(A) DEFINITION UNDER PARAGRAPH
21 (1).—An electioneering communication shall be
22 treated as made by an entity described in sub-
23 section (a) if an entity described in subsection
24 (a) directly or indirectly disburses any amount
25 for any of the costs of the communication.

1 “(B) EXCEPTION UNDER PARAGRAPH
2 (2).—A section 501(c)(4) organization that de-
3 rives amounts from business activities or re-
4 ceives funds from any entity described in sub-
5 section (a) shall be considered to have paid for
6 any communication out of such amounts unless
7 such organization paid for the communication
8 out of a segregated account to which only indi-
9 viduals can contribute, as described in section
10 304(f)(2)(E).

11 “(4) DEFINITIONS AND RULES.—For purposes
12 of this subsection—

13 “(A) the term ‘section 501(c)(4) organiza-
14 tion’ means—

15 “(i) an organization described in sec-
16 tion 501(c)(4) of the Internal Revenue
17 Code of 1986 and exempt from taxation
18 under section 501(a) of such Code; or

19 “(ii) an organization which has sub-
20 mitted an application to the Internal Rev-
21 enue Service for determination of its status
22 as an organization described in clause (i);
23 and

1 “(B) a person shall be treated as having
2 made a disbursement if the person has executed
3 a contract to make the disbursement.

4 “(5) COORDINATION WITH INTERNAL REVENUE
5 CODE.—Nothing in this subsection shall be con-
6 strued to authorize an organization exempt from
7 taxation under section 501(a) of the Internal Rev-
8 enue Code of 1986 to carry out any activity which
9 is prohibited under such Code.”.

10 **SEC. 204. RULES RELATING TO CERTAIN TARGETED ELEC-**
11 **TIONEERING COMMUNICATIONS.**

12 Section 316(c) of the Federal Election Campaign Act
13 of 1971 (2 U.S.C. 441b), as added by section 203, is
14 amended by adding at the end the following:

15 “(6) SPECIAL RULES FOR TARGETED COMMU-
16 NICATIONS.—

17 “(A) EXCEPTION DOES NOT APPLY.—
18 Paragraph (2) shall not apply in the case of a
19 targeted communication that is made by an or-
20 ganization described in such paragraph.

21 “(B) TARGETED COMMUNICATION.—For
22 purposes of subparagraph (A), the term ‘tar-
23 geted communication’ means an electioneering
24 communication (as defined in section 304(f)(3))
25 that is distributed from a television or radio

1 broadcast station or provider of cable or sat-
2 ellite television service and, in the case of a
3 communication which refers to a candidate for
4 an office other than President or Vice Presi-
5 dent, is targeted to the relevant electorate.

6 “(C) DEFINITION.—For purposes of this
7 paragraph, a communication is ‘targeted to the
8 relevant electorate’ if it meets the requirements
9 described in section 304(f)(3)(C).”.

10 **Subtitle B—Independent and** 11 **Coordinated Expenditures**

12 **SEC. 211. DEFINITION OF INDEPENDENT EXPENDITURE.**

13 Section 301 of the Federal Election Campaign Act
14 (2 U.S.C. 431) is amended by striking paragraph (17) and
15 inserting the following:

16 “(17) INDEPENDENT EXPENDITURE.—The
17 term ‘independent expenditure’ means an expendi-
18 ture by a person—

19 “(A) expressly advocating the election or
20 defeat of a clearly identified candidate; and

21 “(B) that is not made in concert or co-
22 operation with or at the request or suggestion
23 of such candidate, the candidate’s authorized
24 political committee, or their agents, or a polit-
25 ical party committee or its agents.”.

1 **SEC. 212. REPORTING REQUIREMENTS FOR CERTAIN INDE-**
2 **PENDENT EXPENDITURES.**

3 (a) IN GENERAL.—Section 304 of the Federal Elec-
4 tion Campaign Act of 1971 (2 U.S.C. 434) (as amended
5 by section 201) is amended—

6 (1) in subsection (c)(2), by striking the undes-
7 igned matter after subparagraph (C); and

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

9 “(g) TIME FOR REPORTING CERTAIN EXPENDI-
10 TURES.—

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

12 “(A) INITIAL REPORT.—A person (includ-
13 ing a political committee) that makes or con-
14 tracts to make independent expenditures aggre-
15 gating \$1,000 or more after the 20th day, but
16 more than 24 hours, before the date of an elec-
17 tion shall file a report describing the expendi-
18 tures within 24 hours.

19 “(B) ADDITIONAL REPORTS.—After a per-
20 son files a report under subparagraph (A), the
21 person shall file an additional report within 24
22 hours after each time the person makes or con-
23 tracts to make independent expenditures aggre-
24 gating an additional \$1,000 with respect to the
25 same election as that to which the initial report
26 relates.

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

2 “(A) INITIAL REPORT.—A person (includ-
3 ing a political committee) that makes or con-
4 tracts to make independent expenditures aggreg-
5 gating \$10,000 or more at any time up to and
6 including the 20th day before the date of an
7 election shall file a report describing the ex-
8 penditures within 48 hours.

9 “(B) ADDITIONAL REPORTS.—After a per-
10 son files a report under subparagraph (A), the
11 person shall file an additional report within 48
12 hours after each time the person makes or con-
13 tracts to make independent expenditures aggreg-
14 gating an additional \$10,000 with respect to
15 the same election as that to which the initial re-
16 port relates.

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

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

21 “(B) shall contain the information required
22 by subsection (b)(6)(B)(iii), including the name
23 of each candidate whom an expenditure is in-
24 tended to support or oppose.”.

1 (b) CONFORMING AMENDMENT.—Section 304(a)(5)
2 of such Act (2 U.S.C. 434(a)(5)) is amended by striking
3 “, or the second sentence of subsection (c)(2)”.

4 **SEC. 213. INDEPENDENT VERSUS COORDINATED EXPENDI-**
5 **TURES BY PARTY.**

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

8 (1) in paragraph (1), by striking “and (3)” and
9 inserting “, (3), and (4)”;

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

11 “(4) INDEPENDENT VERSUS COORDINATED EX-
12 PENDITURES BY PARTY.—

13 “(A) IN GENERAL.—On or after the date
14 on which a political party nominates a can-
15 didate, no committee of the political party may
16 make—

17 “(i) any coordinated expenditure
18 under this subsection with respect to the
19 candidate during the election cycle at any
20 time after it makes any independent ex-
21 penditure (as defined in section 301(17))
22 with respect to the candidate during the
23 election cycle; or

24 “(ii) any independent expenditure (as
25 defined in section 301(17)) with respect to

1 the candidate during the election cycle at
2 any time after it makes any coordinated
3 expenditure under this subsection with re-
4 spect to the candidate during the election
5 cycle.

6 “(B) APPLICATION.—For purposes of this
7 paragraph, all political committees established
8 and maintained by a national political party
9 (including all congressional campaign commit-
10 tees) and all political committees established
11 and maintained by a State political party (in-
12 cluding any subordinate committee of a State
13 committee) shall be considered to be a single
14 political committee.

15 “(C) TRANSFERS.—A committee of a polit-
16 ical party that makes coordinated expenditures
17 under this subsection with respect to a can-
18 didate shall not, during an election cycle, trans-
19 fer any funds to, assign authority to make co-
20 ordinated expenditures under this subsection to,
21 or receive a transfer of funds from, a committee
22 of the political party that has made or intends
23 to make an independent expenditure with re-
24 spect to the candidate.”.

1 **SEC. 214. COORDINATION WITH CANDIDATES OR POLIT-**
2 **ICAL PARTIES.**

3 (a) IN GENERAL.—Section 315(a)(7)(B) of the Fed-
4 eral Election Campaign Act of 1971 (2 U.S.C.
5 441a(a)(7)(B)) is amended—

6 (A) by redesignating clause (ii) as clause
7 (iii); and

8 (B) by inserting after clause (i) the fol-
9 lowing new clause:

10 “(ii) expenditures made by any person (other
11 than a candidate or candidate’s authorized com-
12 mittee) in cooperation, consultation, or concert, with,
13 or at the request or suggestion of, a national, State,
14 or local committee of a political party, shall be con-
15 sidered to be contributions made to such party com-
16 mittee; and”.

17 (b) REPEAL OF CURRENT REGULATIONS.—The regu-
18 lations on coordinated communications paid for by persons
19 other than candidates, authorized committees of can-
20 didates, and party committees adopted by the Federal
21 Election Commission and published in the Federal Reg-
22 ister at page 76138 of volume 65, Federal Register, on
23 December 6, 2000, are repealed as of the date by which
24 the Commission is required to promulgate new regulations
25 under subsection (c) (as described in the second sentence
26 of section 402(c)).

1 (c) REGULATIONS BY THE FEDERAL ELECTION COM-
2 MISSION.—The Federal Election Commission shall pro-
3 mulgate new regulations on coordinated communications
4 paid for by persons other than candidates, authorized
5 committees of candidates, and party committees. The reg-
6 ulations shall not require agreement or formal collabora-
7 tion to establish coordination. In addition to any subject
8 determined by the Commission, the regulations shall
9 address—

10 (A) payments for the republication of campaign
11 materials;

12 (B) payments for the use of a common vendor;

13 (C) payments for communications directed or
14 made by persons who previously served as an em-
15 ployee of a candidate or a political party; and

16 (D) payments for communications made by a
17 person after substantial discussion about the com-
18 munication with a candidate or a political party.

19 (d) MEANING OF CONTRIBUTION OR EXPENDITURE
20 FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2)
21 of the Federal Election Campaign Act of 1971 (2 U.S.C.
22 441b(b)(2)) is amended by striking “shall include” and
23 inserting “includes a contribution or expenditure, as those
24 terms are defined in section 301, and also includes”.

1 **TITLE III—MISCELLANEOUS**

2 **SEC. 301. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN**
3 **PURPOSES.**

4 Title III of the Federal Election Campaign Act of
5 1971 (2 U.S.C. 431 et seq.) is amended by striking section
6 313 and inserting the following:

7 **“SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN**
8 **PURPOSES.**

9 “(a) PERMITTED USES.—A contribution accepted by
10 a candidate, and any other donation received by an indi-
11 vidual as support for activities of the individual as a holder
12 of Federal office, may be used by the candidate or
13 individual—

14 “(1) for otherwise authorized expenditures in
15 connection with the campaign for Federal office of
16 the candidate or individual;

17 “(2) for ordinary and necessary expenses in-
18 curred in connection with duties of the individual as
19 a holder of Federal office;

20 “(3) for contributions to an organization de-
21 scribed in section 170(c) of the Internal Revenue
22 Code of 1986; or

23 “(4) for transfers to a national, State, or local
24 committee of a political party.

25 “(b) PROHIBITED USE.—

1 “(1) IN GENERAL.—A contribution or donation
2 described in subsection (a) shall not be converted by
3 any person to personal use.

4 “(2) CONVERSION.—For the purposes of para-
5 graph (1), a contribution or donation shall be con-
6 sidered to be converted to personal use if the con-
7 tribution or amount is used to fulfill any commit-
8 ment, obligation, or expense of a person that would
9 exist irrespective of the candidate’s election cam-
10 paign or individual’s duties as a holder of Federal
11 office, including—

12 “(A) a home mortgage, rent, or utility pay-
13 ment;

14 “(B) a clothing purchase;

15 “(C) a noncampaign-related automobile ex-
16 pense;

17 “(D) a country club membership;

18 “(E) a vacation or other noncampaign-re-
19 lated trip;

20 “(F) a household food item;

21 “(G) a tuition payment;

22 “(H) admission to a sporting event, con-
23 cert, theater, or other form of entertainment
24 not associated with an election campaign; and

1 “(I) dues, fees, and other payments to a
2 health club or recreational facility.”.

3 **SEC. 302. PROHIBITION OF FUNDRAISING ON FEDERAL**
4 **PROPERTY.**

5 Section 607 of title 18, United States Code, is
6 amended—

7 (1) by striking subsection (a) and inserting the
8 following:

9 “(a) PROHIBITION.—

10 “(1) IN GENERAL.—It shall be unlawful for any
11 person to solicit or receive a donation of money or
12 other thing of value in connection with a Federal,
13 State, or local election from a person who is located
14 in a room or building occupied in the discharge of
15 official duties by an officer or employee of the
16 United States. It shall be unlawful for an individual
17 who is an officer or employee of the Federal Govern-
18 ment, including the President, Vice President, and
19 Members of Congress, to solicit or receive a donation
20 of money or other thing of value in connection with
21 a Federal, State, or local election, while in any room
22 or building occupied in the discharge of official du-
23 ties by an officer or employee of the United States,
24 from any person.

1 “(2) PENALTY.—A person who violates this sec-
2 tion shall be fined not more than \$5,000, imprisoned
3 more than 3 years, or both.”; and

4 (2) in subsection (b), by inserting “or Executive
5 Office of the President” after “Congress”.

6 **SEC. 303. STRENGTHENING FOREIGN MONEY BAN.**

7 Section 319 of the Federal Election Campaign Act
8 of 1971 (2 U.S.C. 441e) is amended—

9 (1) by striking the heading and inserting the
10 following: “CONTRIBUTIONS AND DONATIONS BY
11 FOREIGN NATIONALS”; and

12 (2) by striking subsection (a) and inserting the
13 following:

14 “(a) PROHIBITION.—It shall be unlawful for—

15 “(1) a foreign national, directly or indirectly, to
16 make—

17 “(A) a contribution or donation of money
18 or other thing of value, or to make an express
19 or implied promise to make a contribution or
20 donation, in connection with a Federal, State,
21 or local election;

22 “(B) a contribution or donation to a com-
23 mittee of a political party; or

24 “(C) an expenditure, independent expendi-
25 ture, or disbursement for an electioneering com-

1 munication (within the meaning of section
2 304(f)(3)); or

3 “(2) a person to solicit, accept, or receive a con-
4 tribution or donation described in subparagraph (A)
5 or (B) of paragraph (1) from a foreign national.”.

6 **SEC. 304. MODIFICATION OF INDIVIDUAL CONTRIBUTION**
7 **LIMITS IN RESPONSE TO EXPENDITURES**
8 **FROM PERSONAL FUNDS.**

9 (a) INCREASED LIMITS FOR INDIVIDUALS.—Section
10 315 of the Federal Election Campaign Act of 1971 (2
11 U.S.C. 441a) is amended—

12 (1) in subsection (a)(1), by striking “No per-
13 son” and inserting “Except as provided in sub-
14 section (i), no person”; and

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

16 “(i) INCREASED LIMIT TO ALLOW RESPONSE TO EX-
17 PENDITURES FROM PERSONAL FUNDS.—

18 “(1) INCREASE.—

19 “(A) IN GENERAL.—Subject to paragraph
20 (2), if the opposition personal funds amount
21 with respect to a candidate for election to the
22 office of Senator exceeds the threshold amount,
23 the limit under subsection (a)(1)(A) (in this
24 subsection referred to as the ‘applicable limit’)

1 with respect to that candidate shall be the in-
2 creased limit.

3 “(B) THRESHOLD AMOUNT.—

4 “(i) STATE-BY-STATE COMPETITIVE
5 AND FAIR CAMPAIGN FORMULA.—In this
6 subsection, the threshold amount with re-
7 spect to an election cycle of a candidate de-
8 scribed in subparagraph (A) is an amount
9 equal to the sum of—

10 “(I) \$150,000; and

11 “(II) \$0.04 multiplied by the vot-
12 ing age population.

13 “(ii) VOTING AGE POPULATION.—In
14 this subparagraph, the term ‘voting age
15 population’ means in the case of a can-
16 didate for the office of Senator, the voting
17 age population of the State of the can-
18 didate (as certified under section 315(e)).

19 “(C) INCREASED LIMIT.—Except as pro-
20 vided in clause (ii), for purposes of subpara-
21 graph (A), if the opposition personal funds
22 amount is over—

23 “(i) 2 times the threshold amount, but
24 not over 4 times that amount—

1 “(I) the increased limit shall be 3
2 times the applicable limit; and

3 “(II) the limit under subsection
4 (a)(3) shall not apply with respect to
5 any contribution made with respect to
6 a candidate if such contribution is
7 made under the increased limit of
8 subparagraph (A) during a period in
9 which the candidate may accept such
10 a contribution;

11 “(ii) 4 times the threshold amount,
12 but not over 10 times that amount—

13 “(I) the increased limit shall be 6
14 times the applicable limit; and

15 “(II) the limit under subsection
16 (a)(3) shall not apply with respect to
17 any contribution made with respect to
18 a candidate if such contribution is
19 made under the increased limit of
20 subparagraph (A) during a period in
21 which the candidate may accept such
22 a contribution; and

23 “(iii) 10 times the threshold
24 amount—

1 “(I) the increased limit shall be 6
2 times the applicable limit;

3 “(II) the limit under subsection
4 (a)(3) shall not apply with respect to
5 any contribution made with respect to
6 a candidate if such contribution is
7 made under the increased limit of
8 subparagraph (A) during a period in
9 which the candidate may accept such
10 a contribution; and

11 “(III) the limits under subsection
12 (d) with respect to any expenditure by
13 a State or national committee of a po-
14 litical party shall not apply.

15 “(D) OPPOSITION PERSONAL FUNDS
16 AMOUNT.—The opposition personal funds
17 amount is an amount equal to the excess (if
18 any) of—

19 “(i) the greatest aggregate amount of
20 expenditures from personal funds (as de-
21 fined in section 304(a)(6)(B)) that an op-
22 posing candidate in the same election
23 makes; over

1 “(ii) the aggregate amount of expendi-
2 tures from personal funds made by the
3 candidate with respect to the election.

4 “(2) TIME TO ACCEPT CONTRIBUTIONS UNDER
5 INCREASED LIMIT.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), a candidate and the candidate’s au-
8 thorized committee shall not accept any con-
9 tribution, and a party committee shall not make
10 any expenditure, under the increased limit
11 under paragraph (1)—

12 “(i) until the candidate has received
13 notification of the opposition personal
14 funds amount under section 304(a)(6)(B);
15 and

16 “(ii) to the extent that such contribu-
17 tion, when added to the aggregate amount
18 of contributions previously accepted and
19 party expenditures previously made under
20 the increased limits under this subsection
21 for the election cycle, exceeds 110 percent
22 of the opposition personal funds amount.

23 “(B) EFFECT OF WITHDRAWAL OF AN OP-
24 POSING CANDIDATE.—A candidate and a can-
25 didate’s authorized committee shall not accept

1 any contribution and a party shall not make
2 any expenditure under the increased limit after
3 the date on which an opposing candidate ceases
4 to be a candidate to the extent that the amount
5 of such increased limit is attributable to such
6 an opposing candidate.

7 “(3) DISPOSAL OF EXCESS CONTRIBUTIONS.—

8 “(A) IN GENERAL.—The aggregate
9 amount of contributions accepted by a can-
10 didate or a candidate’s authorized committee
11 under the increased limit under paragraph (1)
12 and not otherwise expended in connection with
13 the election with respect to which such con-
14 tributions relate shall, not later than 50 days
15 after the date of such election, be used in the
16 manner described in subparagraph (B).

17 “(B) RETURN TO CONTRIBUTORS.—A can-
18 didate or a candidate’s authorized committee
19 shall return the excess contribution to the per-
20 son who made the contribution.

21 “(j) LIMITATION ON REPAYMENT OF PERSONAL
22 LOANS.—Any candidate who incurs personal loans made
23 after the effective date of the Bipartisan Campaign Re-
24 form Act of 2002 in connection with the candidate’s cam-
25 paign for election shall not repay (directly or indirectly),

1 to the extent such loans exceed \$250,000, such loans from
2 any contributions made to such candidate or any author-
3 ized committee of such candidate after the date of such
4 election.”.

5 (b) NOTIFICATION OF EXPENDITURES FROM PER-
6 SONAL FUNDS.—Section 304(a)(6) of the Federal Elec-
7 tion Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is
8 amended—

9 (1) by redesignating subparagraph (B) as sub-
10 paragraph (E); and

11 (2) by inserting after subparagraph (A) the fol-
12 lowing:

13 “(B) NOTIFICATION OF EXPENDITURE FROM PER-
14 SONAL FUNDS.—

15 “(i) DEFINITION OF EXPENDITURE FROM PER-
16 SONAL FUNDS.—In this subparagraph, the term ‘ex-
17 penditure from personal funds’ means—

18 “(I) an expenditure made by a candidate
19 using personal funds; and

20 “(II) a contribution or loan made by a can-
21 didate using personal funds or a loan secured
22 using such funds to the candidate’s authorized
23 committee.

24 “(ii) DECLARATION OF INTENT.—Not later
25 than the date that is 15 days after the date on

1 which an individual becomes a candidate for the of-
2 fice of Senator, the candidate shall file a declaration
3 stating the total amount of expenditures from per-
4 sonal funds that the candidate intends to make, or
5 to obligate to make, with respect to the election that
6 will exceed the State-by-State competitive and fair
7 campaign formula with—

8 “(I) the Commission; and

9 “(II) each candidate in the same election.

10 “(iii) INITIAL NOTIFICATION.—Not later than
11 24 hours after a candidate described in clause (ii)
12 makes or obligates to make an aggregate amount of
13 expenditures from personal funds in excess of 2
14 times the threshold amount in connection with any
15 election, the candidate shall file a notification with—

16 “(I) the Commission; and

17 “(II) each candidate in the same election.

18 “(iv) ADDITIONAL NOTIFICATION.—After a can-
19 didate files an initial notification under clause (iii),
20 the candidate shall file an additional notification
21 each time expenditures from personal funds are
22 made or obligated to be made in an aggregate
23 amount that exceed \$10,000 with—

24 “(I) the Commission; and

25 “(II) each candidate in the same election.

1 Such notification shall be filed not later than 24
2 hours after the expenditure is made.

3 “(v) CONTENTS.—A notification under clause
4 (iii) or (iv) shall include—

5 “(I) the name of the candidate and the of-
6 fice sought by the candidate;

7 “(II) the date and amount of each expendi-
8 ture; and

9 “(III) the total amount of expenditures
10 from personal funds that the candidate has
11 made, or obligated to make, with respect to an
12 election as of the date of the expenditure that
13 is the subject of the notification.

14 “(C) NOTIFICATION OF DISPOSAL OF EXCESS CON-
15 TRIBUTIONS.—In the next regularly scheduled report after
16 the date of the election for which a candidate seeks nomi-
17 nation for election to, or election to, Federal office, the
18 candidate or the candidate’s authorized committee shall
19 submit to the Commission a report indicating the source
20 and amount of any excess contributions (as determined
21 under paragraph (1) of section 315(i)) and the manner
22 in which the candidate or the candidate’s authorized com-
23 mittee used such funds.

1 “(D) ENFORCEMENT.—For provisions providing for
2 the enforcement of the reporting requirements under this
3 paragraph, see section 309.”.

4 (c) DEFINITIONS.—Section 301 of the Federal Elec-
5 tion Campaign Act of 1971 (2 U.S.C. 431), as amended
6 by section 101(b), is further amended by adding at the
7 end the following:

8 “(25) ELECTION CYCLE.—The term ‘election
9 cycle’ means the period beginning on the day after
10 the date of the most recent election for the specific
11 office or seat that a candidate is seeking and ending
12 on the date of the next election for that office or
13 seat. For purposes of the preceding sentence, a pri-
14 mary election and a general election shall be consid-
15 ered to be separate elections.

16 “(26) PERSONAL FUNDS.—The term ‘personal
17 funds’ means an amount that is derived from—

18 “(A) any asset that, under applicable State
19 law, at the time the individual became a can-
20 didate, the candidate had legal right of access
21 to or control over, and with respect to which the
22 candidate had—

23 “(i) legal and rightful title; or

24 “(ii) an equitable interest;

1 “(B) income received during the current
2 election cycle of the candidate, including—

3 “(i) a salary and other earned income
4 from bona fide employment;

5 “(ii) dividends and proceeds from the
6 sale of the candidate’s stocks or other in-
7 vestments;

8 “(iii) bequests to the candidate;

9 “(iv) income from trusts established
10 before the beginning of the election cycle;

11 “(v) income from trusts established by
12 bequest after the beginning of the election
13 cycle of which the candidate is the bene-
14 ficiary;

15 “(vi) gifts of a personal nature that
16 had been customarily received by the can-
17 didate prior to the beginning of the elec-
18 tion cycle; and

19 “(vii) proceeds from lotteries and
20 similar legal games of chance; and

21 “(C) a portion of assets that are jointly
22 owned by the candidate and the candidate’s
23 spouse equal to the candidate’s share of the
24 asset under the instrument of conveyance or
25 ownership, but if no specific share is indicated

1 by an instrument of conveyance or ownership,
2 the value of $\frac{1}{2}$ of the property.”.

3 **SEC. 305. LIMITATION ON AVAILABILITY OF LOWEST UNIT**
4 **CHARGE FOR FEDERAL CANDIDATES AT-**
5 **TACKING OPPOSITION.**

6 (a) IN GENERAL.—Section 315(b) of the Commu-
7 nications Act of 1934 (47 U.S.C. 315(b)) is amended—

8 (1) by striking “(b) The charges” and inserting
9 the following:

10 “(b) CHARGES.—

11 “(1) IN GENERAL.—The charges”;

12 (2) by redesignating paragraphs (1) and (2) as
13 subparagraphs (A) and (B), respectively; and

14 (3) by adding at the end the following:

15 “(2) CONTENT OF BROADCASTS.—

16 “(A) IN GENERAL.—In the case of a can-
17 didate for Federal office, such candidate shall
18 not be entitled to receive the rate under para-
19 graph (1)(A) for the use of any broadcasting
20 station unless the candidate provides written
21 certification to the broadcast station that the
22 candidate (and any authorized committee of the
23 candidate) shall not make any direct reference
24 to another candidate for the same office, in any
25 broadcast using the rights and conditions of ac-

1 cess under this Act, unless such reference meets
2 the requirements of subparagraph (C) or (D).

3 “(B) LIMITATION ON CHARGES.—If a can-
4 didate for Federal office (or any authorized
5 committee of such candidate) makes a reference
6 described in subparagraph (A) in any broadcast
7 that does not meet the requirements of sub-
8 paragraph (C) or (D), such candidate shall not
9 be entitled to receive the rate under paragraph
10 (1)(A) for such broadcast or any other broad-
11 cast during any portion of the 45-day and 60-
12 day periods described in paragraph (1)(A), that
13 occur on or after the date of such broadcast, for
14 election to such office.

15 “(C) TELEVISION BROADCASTS.—A can-
16 didate meets the requirements of this subpara-
17 graph if, in the case of a television broadcast,
18 at the end of such broadcast there appears si-
19 multaneously, for a period no less than 4
20 seconds—

21 “(i) a clearly identifiable photographic
22 or similar image of the candidate; and

23 “(ii) a clearly readable printed state-
24 ment, identifying the candidate and stating
25 that the candidate has approved the broad-

1 cast and that the candidate’s authorized
2 committee paid for the broadcast.

3 “(D) RADIO BROADCASTS.—A candidate
4 meets the requirements of this subparagraph if,
5 in the case of a radio broadcast, the broadcast
6 includes a personal audio statement by the can-
7 didate that identifies the candidate, the office
8 the candidate is seeking, and indicates that the
9 candidate has approved the broadcast.

10 “(E) CERTIFICATION.—Certifications
11 under this section shall be provided and cer-
12 tified as accurate by the candidate (or any au-
13 thorized committee of the candidate) at the
14 time of purchase.

15 “(F) DEFINITIONS.—For purposes of this
16 paragraph, the terms ‘authorized committee’
17 and ‘Federal office’ have the meanings given
18 such terms by section 301 of the Federal Elec-
19 tion Campaign Act of 1971 (2 U.S.C. 431).”.

20 (b) CONFORMING AMENDMENT.—Section
21 315(b)(1)(A) of the Communications Act of 1934 (47
22 U.S.C. 315(b)(1)(A)), as amended by this Act, is amended
23 by inserting “subject to paragraph (2),” before “during
24 the forty-five days”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to broadcasts made after the effec-
3 tive date of this Act.

4 **SEC. 306. SOFTWARE FOR FILING REPORTS AND PROMPT**
5 **DISCLOSURE OF CONTRIBUTIONS.**

6 Section 304(a) of the Federal Election Campaign Act
7 of 1971 (2 U.S.C. 434(a)) is amended by adding at the
8 end the following:

9 “(12) SOFTWARE FOR FILING OF REPORTS.—

10 “(A) IN GENERAL.—The Commission
11 shall—

12 “(i) promulgate standards to be used
13 by vendors to develop software that—

14 “(I) permits candidates to easily
15 record information concerning receipts
16 and disbursements required to be re-
17 ported under this Act at the time of
18 the receipt or disbursement;

19 “(II) allows the information re-
20 corded under subclause (I) to be
21 transmitted immediately to the Com-
22 mission; and

23 “(III) allows the Commission to
24 post the information on the Internet
25 immediately upon receipt; and

1 “(ii) make a copy of software that
2 meets the standards promulgated under
3 clause (i) available to each person required
4 to file a designation, statement, or report
5 in electronic form under this Act.

6 “(B) ADDITIONAL INFORMATION.—To the
7 extent feasible, the Commission shall require
8 vendors to include in the software developed
9 under the standards under subparagraph (A)
10 the ability for any person to file any designa-
11 tion, statement, or report required under this
12 Act in electronic form.

13 “(C) REQUIRED USE.—Notwithstanding
14 any provision of this Act relating to times for
15 filing reports, each candidate for Federal office
16 (or that candidate’s authorized committee) shall
17 use software that meets the standards promul-
18 gated under this paragraph once such software
19 is made available to such candidate.

20 “(D) REQUIRED POSTING.—The Commis-
21 sion shall, as soon as practicable, post on the
22 Internet any information received under this
23 paragraph.”.

1 **SEC. 307. MODIFICATION OF CONTRIBUTION LIMITS.**

2 (a) INCREASE IN INDIVIDUAL LIMITS FOR CERTAIN
3 CONTRIBUTIONS.—Section 315(a)(1) of the Federal Elec-
4 tion Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is
5 amended—

6 (1) in subparagraph (A), by striking “\$1,000”
7 and inserting the following: “\$2,000”; and

8 (2) in subparagraph (B), by striking “\$20,000”
9 and inserting “\$25,000”.

10 (b) INCREASE IN ANNUAL AGGREGATE LIMIT ON IN-
11 DIVIDUAL CONTRIBUTIONS.—Section 315(a)(3) of the
12 Federal Election Campaign Act of 1971 (2 U.S.C.
13 441a(a)(3)) is amended to read as follows:

14 “(3) During the period which begins on January 1
15 of an odd-numbered year and ends on December 31 of
16 the next even-numbered year, no individual may make con-
17 tributions aggregating more than—

18 “(A) \$37,500, in the case of contributions to
19 candidates and the authorized committees of can-
20 didates;

21 “(B) \$57,500, in the case of any other con-
22 tributions, of which not more than \$37,500 may be
23 attributable to contributions to political committees
24 which are not political committees of national polit-
25 ical parties.”.

1 (c) INCREASE IN SENATORIAL CAMPAIGN COM-
2 MITTEE LIMIT.—Section 315(h) of the Federal Election
3 Campaign Act of 1971 (2 U.S.C. 441a(h)) is amended by
4 striking “\$17,500” and inserting “\$35,000”.

5 (d) INDEXING OF CONTRIBUTION LIMITS.—Section
6 315(e) of the Federal Election Campaign Act of 1971 (2
7 U.S.C. 441a(c)) is amended—

8 (1) in paragraph (1)—

9 (A) by striking the second and third sen-
10 tences;

11 (B) by inserting “(A)” before “At the be-
12 ginning”; and

13 (C) by adding at the end the following:

14 “(B) Except as provided in subparagraph (C), in any
15 calendar year after 2002—

16 “(i) a limitation established by subsections
17 (a)(1)(A), (a)(1)(B), (a)(3), (b), (d), or (h) shall be
18 increased by the percent difference determined under
19 subparagraph (A);

20 “(ii) each amount so increased shall remain in
21 effect for the calendar year; and

22 “(iii) if any amount after adjustment under
23 clause (i) is not a multiple of \$100, such amount
24 shall be rounded to the nearest multiple of \$100.

1 “(C) In the case of limitations under subsections
2 (a)(1)(A), (a)(1)(B), (a)(3), and (h), increases shall only
3 be made in odd-numbered years and such increases shall
4 remain in effect for the 2-year period beginning on the
5 first day following the date of the last general election in
6 the year preceding the year in which the amount is in-
7 creased and ending on the date of the next general elec-
8 tion.”; and

9 (2) in paragraph (2)(B), by striking “means the
10 calendar year 1974” and inserting “means—

11 “(i) for purposes of subsections (b) and
12 (d), calendar year 1974; and

13 “(ii) for purposes of subsections (a)(1)(A),
14 (a)(1)(B), (a)(3), and (h), calendar year 2001”.

15 (e) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to contributions made
17 on or after January 1, 2003.

18 **SEC. 308. DONATIONS TO PRESIDENTIAL INAUGURAL COM-**

19 **MITTEE.**

20 (a) IN GENERAL.—Chapter 5 of title 36, United
21 States Code, is amended by—

22 (1) redesignating section 510 as section 511;

23 and

24 (2) inserting after section 509 the following:

1 **“§ 510. Disclosure of and prohibition on certain dona-**
2 **tions**

3 “(a) IN GENERAL.—A committee shall not be consid-
4 ered to be the Inaugural Committee for purposes of this
5 chapter unless the committee agrees to, and meets, the
6 requirements of subsections (b) and (c).

7 “(b) DISCLOSURE.—

8 “(1) IN GENERAL.—Not later than the date
9 that is 90 days after the date of the Presidential in-
10 augural ceremony, the committee shall file a report
11 with the Federal Election Commission disclosing any
12 donation of money or anything of value made to the
13 committee in an aggregate amount equal to or great-
14 er than \$200.

15 “(2) CONTENTS OF REPORT.—A report filed
16 under paragraph (1) shall contain—

17 “(A) the amount of the donation;

18 “(B) the date the donation is received; and

19 “(C) the name and address of the person
20 making the donation.

21 “(c) LIMITATION.—The committee shall not accept
22 any donation from a foreign national (as defined in section
23 319(b) of the Federal Election Campaign Act of 1971 (2
24 U.S.C. 441e(b))).”.

25 (b) REPORTS MADE AVAILABLE BY FEC.—Section
26 304 of the Federal Election Campaign Act of 1971 (2

1 U.S.C. 434), as amended by sections 103, 201, and 212
2 is amended by adding at the end the following:

3 “(h) REPORTS FROM INAUGURAL COMMITTEES.—
4 The Federal Election Commission shall make any report
5 filed by an Inaugural Committee under section 510 of title
6 36, United States Code, accessible to the public at the of-
7 fices of the Commission and on the Internet not later than
8 48 hours after the report is received by the Commission.”.

9 **SEC. 309. PROHIBITION ON FRAUDULENT SOLICITATION OF**
10 **FUNDS.**

11 Section 322 of the Federal Election Campaign Act
12 of 1971 (2 U.S.C. 441h) is amended—

13 (1) by inserting “(a) IN GENERAL.—” before
14 “No person”; and

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

16 “(b) FRAUDULENT SOLICITATION OF FUNDS.—No
17 person shall—

18 “(1) fraudulently misrepresent the person as
19 speaking, writing, or otherwise acting for or on be-
20 half of any candidate or political party or employee
21 or agent thereof for the purpose of soliciting con-
22 tributions or donations; or

23 “(2) willfully and knowingly participate in or
24 conspire to participate in any plan, scheme, or de-
25 sign to violate paragraph (1).”.

1 **SEC. 310. STUDY AND REPORT ON CLEAN MONEY CLEAN**
2 **ELECTIONS LAWS.**

3 (a) **CLEAN MONEY CLEAN ELECTIONS DEFINED.—**
4 In this section, the term “clean money clean elections”
5 means funds received under State laws that provide in
6 whole or in part for the public financing of election cam-
7 paigns.

8 (b) **STUDY.—**

9 (1) **IN GENERAL.—**The Comptroller General
10 shall conduct a study of the clean money clean elec-
11 tions of Arizona and Maine.

12 (2) **MATTERS STUDIED.—**

13 (A) **STATISTICS ON CLEAN MONEY CLEAN**
14 **ELECTIONS CANDIDATES.—**The Comptroller
15 General shall determine—

16 (i) the number of candidates who have
17 chosen to run for public office with clean
18 money clean elections including—

19 (I) the office for which they were
20 candidates;

21 (II) whether the candidate was
22 an incumbent or a challenger; and

23 (III) whether the candidate was
24 successful in the candidate’s bid for
25 public office; and

1 (ii) the number of races in which at
2 least one candidate ran an election with
3 clean money clean elections.

4 (B) EFFECTS OF CLEAN MONEY CLEAN
5 ELECTIONS.—The Comptroller General of the
6 United States shall describe the effects of pub-
7 lic financing under the clean money clean elec-
8 tions laws on the 2000 elections in Arizona and
9 Maine.

10 (c) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Comptroller General of the
12 United States shall submit a report to the Congress detail-
13 ing the results of the study conducted under subsection
14 (b).

15 **SEC. 311. CLARITY STANDARDS FOR IDENTIFICATION OF**
16 **SPONSORS OF ELECTION-RELATED ADVER-**
17 **TISING.**

18 Section 318 of the Federal Election Campaign Act
19 of 1971 (2 U.S.C. 441d) is amended—

20 (1) in subsection (a)—

21 (A) in the matter preceding paragraph

22 (1)—

23 (i) by striking “Whenever” and insert-
24 ing “Whenever a political committee makes
25 a disbursement for the purpose of financ-

1 ing any communication through any broad-
2 casting station, newspaper, magazine, out-
3 door advertising facility, mailing, or any
4 other type of general public political adver-
5 tising, or whenever”;

6 (ii) by striking “an expenditure” and
7 inserting “a disbursement”; and

8 (iii) by striking “direct”; and

9 (iv) by inserting “or makes a dis-
10 bursement for an electioneering commu-
11 nication (as defined in section 304(f)(3))”
12 after “public political advertising”; and

13 (B) in paragraph (3), by inserting “and
14 permanent street address, telephone number, or
15 World Wide Web address” after “name”; and

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

17 “(c) SPECIFICATION.—Any printed communication
18 described in subsection (a) shall—

19 “(1) be of sufficient type size to be clearly read-
20 able by the recipient of the communication;

21 “(2) be contained in a printed box set apart
22 from the other contents of the communication; and

23 “(3) be printed with a reasonable degree of
24 color contrast between the background and the
25 printed statement.

1 “(d) ADDITIONAL REQUIREMENTS.—

2 “(1) COMMUNICATIONS BY CANDIDATES OR AU-
3 THORIZED PERSONS.—

4 “(A) BY RADIO.—Any communication de-
5 scribed in paragraph (1) or (2) of subsection
6 (a) which is transmitted through radio shall in-
7 clude, in addition to the requirements of that
8 paragraph, an audio statement by the candidate
9 that identifies the candidate and states that the
10 candidate has approved the communication.

11 “(B) BY TELEVISION.—Any communica-
12 tion described in paragraph (1) or (2) of sub-
13 section (a) which is transmitted through tele-
14 vision shall include, in addition to the require-
15 ments of that paragraph, a statement that iden-
16 tifies the candidate and states that the can-
17 didate has approved the communication. Such
18 statement—

19 “(i) shall be conveyed by—

20 “(I) an unobscured, full-screen
21 view of the candidate making the
22 statement, or

23 “(II) the candidate in voice-over,
24 accompanied by a clearly identifiable

1 photographic or similar image of the
2 candidate; and

3 “(ii) shall also appear in writing at
4 the end of the communication in a clearly
5 readable manner with a reasonable degree
6 of color contrast between the background
7 and the printed statement, for a period of
8 at least 4 seconds.

9 “(2) COMMUNICATIONS BY OTHERS.—Any com-
10 munication described in paragraph (3) of subsection
11 (a) which is transmitted through radio or television
12 shall include, in addition to the requirements of that
13 paragraph, in a clearly spoken manner, the following
14 audio statement: ‘_____ is responsible for the
15 content of this advertising.’ (with the blank to be
16 filled in with the name of the political committee or
17 other person paying for the communication and the
18 name of any connected organization of the payor). If
19 transmitted through television, the statement shall
20 be conveyed by an unobscured, full-screen view of a
21 representative of the political committee or other
22 person making the statement, or by a representative
23 of such political committee or other person in voice-
24 over, and shall also appear in a clearly readable
25 manner with a reasonable degree of color contrast

1 between the background and the printed statement,
2 for a period of at least 4 seconds.”.

3 **SEC. 312. INCREASE IN PENALTIES.**

4 (a) IN GENERAL.—Subparagraph (A) of section
5 309(d)(1) of the Federal Election Campaign Act of 1971
6 (2 U.S.C. 437g(d)(1)(A)) is amended to read as follows:

7 “(A) Any person who knowingly and willfully com-
8 mits a violation of any provision of this Act which involves
9 the making, receiving, or reporting of any contribution,
10 donation, or expenditure—

11 “(i) aggregating \$25,000 or more during a cal-
12 endar year shall be fined under title 18, United
13 States Code, or imprisoned for not more than 5
14 years, or both; or

15 “(ii) aggregating \$2,000 or more (but less than
16 \$25,000) during a calendar year shall be fined under
17 such title, or imprisoned for not more than one year,
18 or both.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall apply to violations occurring on or after
21 the effective date of this Act.

22 **SEC. 313. STATUTE OF LIMITATIONS.**

23 (a) IN GENERAL.—Section 406(a) of the Federal
24 Election Campaign Act of 1971 (2 U.S.C. 455(a)) is
25 amended by striking “3” and inserting “5”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to violations occurring on or after
3 the effective date of this Act.

4 **SEC. 314. SENTENCING GUIDELINES.**

5 (a) IN GENERAL.—The United States Sentencing
6 Commission shall—

7 (1) promulgate a guideline, or amend an exist-
8 ing guideline under section 994 of title 28, United
9 States Code, in accordance with paragraph (2), for
10 penalties for violations of the Federal Election Cam-
11 paign Act of 1971 and related election laws; and

12 (2) submit to Congress an explanation of any
13 guidelines promulgated under paragraph (1) and any
14 legislative or administrative recommendations re-
15 garding enforcement of the Federal Election Cam-
16 paign Act of 1971 and related election laws.

17 (b) CONSIDERATIONS.—The Commission shall pro-
18 vide guidelines under subsection (a) taking into account
19 the following considerations:

20 (1) Ensure that the sentencing guidelines and
21 policy statements reflect the serious nature of such
22 violations and the need for aggressive and appro-
23 priate law enforcement action to prevent such viola-
24 tions.

1 (2) Provide a sentencing enhancement for any
2 person convicted of such violation if such violation
3 involves—

4 (A) a contribution, donation, or expendi-
5 ture from a foreign source;

6 (B) a large number of illegal transactions;

7 (C) a large aggregate amount of illegal
8 contributions, donations, or expenditures;

9 (D) the receipt or disbursement of govern-
10 mental funds; and

11 (E) an intent to achieve a benefit from the
12 Federal Government.

13 (3) Assure reasonable consistency with other
14 relevant directives and guidelines of the Commission.

15 (4) Account for aggravating or mitigating cir-
16 cumstances that might justify exceptions, including
17 circumstances for which the sentencing guidelines
18 currently provide sentencing enhancements.

19 (5) Assure the guidelines adequately meet the
20 purposes of sentencing under section 3553(a)(2) of
21 title 18, United States Code.

22 (c) EFFECTIVE DATE; EMERGENCY AUTHORITY TO
23 PROMULGATE GUIDELINES.—

24 (1) EFFECTIVE DATE.—Notwithstanding sec-
25 tion 402, the United States Sentencing Commission

1 shall promulgate guidelines under this section not
2 later than the later of—

3 (A) 90 days after the effective date of this
4 Act; or

5 (B) 90 days after the date on which at
6 least a majority of the members of the Commis-
7 sion are appointed and holding office.

8 (2) EMERGENCY AUTHORITY TO PROMULGATE
9 GUIDELINES.—The Commission shall promulgate
10 guidelines under this section in accordance with the
11 procedures set forth in section 21(a) of the Sen-
12 tencing Reform Act of 1987, as though the authority
13 under such Act has not expired.

14 **SEC. 315. INCREASE IN PENALTIES IMPOSED FOR VIOLA-**
15 **TIONS OF CONDUIT CONTRIBUTION BAN.**

16 (a) INCREASE IN CIVIL MONEY PENALTY FOR KNOW-
17 ING AND WILLFUL VIOLATIONS.—Section 309(a) of the
18 Federal Election Campaign Act of 1971 (2 U.S.C.
19 437g(a)) is amended—

20 (1) in paragraph (5)(B), by inserting before the
21 period at the end the following: “(or, in the case of
22 a violation of section 320, which is not less than 300
23 percent of the amount involved in the violation and
24 is not more than the greater of \$50,000 or 1000

1 percent of the amount involved in the violation)”;
2 and

3 (2) in paragraph (6)(C), by inserting before the
4 period at the end the following: “(or, in the case of
5 a violation of section 320, which is not less than 300
6 percent of the amount involved in the violation and
7 is not more than the greater of \$50,000 or 1000
8 percent of the amount involved in the violation)”.

9 (b) INCREASE IN CRIMINAL PENALTY.—Section
10 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended
11 by adding at the end the following new subparagraph:

12 “(D) Any person who knowingly and willfully com-
13 mits a violation of section 320 involving an amount aggre-
14 gating more than \$10,000 during a calendar year shall
15 be—

16 “(i) imprisoned for not more than 2 years if the
17 amount is less than \$25,000 (and subject to impris-
18 onment under subparagraph (A) if the amount is
19 \$25,000 or more);

20 “(ii) fined not less than 300 percent of the
21 amount involved in the violation and not more than
22 the greater of—

23 “(I) \$50,000; or

24 “(II) 1,000 percent of the amount involved
25 in the violation; or

1 “(iii) both imprisoned under clause (i) and
2 fined under clause (ii).”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to violations occurring
5 on or after the effective date of this Act.

6 **SEC. 316. RESTRICTION ON INCREASED CONTRIBUTION**
7 **LIMITS BY TAKING INTO ACCOUNT CAN-**
8 **DIDATE’S AVAILABLE FUNDS.**

9 Section 315(i)(1) of the Federal Election Campaign
10 Act of 1971 (2 U.S.C. 441a(i)(1)), as added by this Act,
11 is amended by adding at the end the following:

12 “(E) SPECIAL RULE FOR CANDIDATE’S
13 CAMPAIGN FUNDS.—

14 “(i) IN GENERAL.—For purposes of
15 determining the aggregate amount of ex-
16 penditures from personal funds under sub-
17 paragraph (D)(ii), such amount shall in-
18 clude the gross receipts advantage of the
19 candidate’s authorized committee.

20 “(ii) GROSS RECEIPTS ADVANTAGE.—
21 For purposes of clause (i), the term ‘gross
22 receipts advantage’ means the excess, if
23 any, of—

24 “(I) the aggregate amount of 50
25 percent of gross receipts of a can-

1 candidate's authorized committee during
2 any election cycle (not including con-
3 tributions from personal funds of the
4 candidate) that may be expended in
5 connection with the election, as deter-
6 mined on June 30 and December 31
7 of the year preceding the year in
8 which a general election is held, over

9 “(II) the aggregate amount of 50
10 percent of gross receipts of the oppos-
11 ing candidate's authorized committee
12 during any election cycle (not includ-
13 ing contributions from personal funds
14 of the candidate) that may be ex-
15 pended in connection with the elec-
16 tion, as determined on June 30 and
17 December 31 of the year preceding
18 the year in which a general election is
19 held.”.

20 **SEC. 317. CLARIFICATION OF RIGHT OF NATIONALS OF THE**
21 **UNITED STATES TO MAKE POLITICAL CON-**
22 **TRIBUTIONS.**

23 Section 319(b)(2) of the Federal Election Campaign
24 Act of 1971 (2 U.S.C. 441e(b)(2)) is amended by inserting
25 after “United States” the following: “or a national of the

1 United States (as defined in section 101(a)(22) of the Im-
2 migration and Nationality Act)”).

3 **SEC. 318. PROHIBITION OF CONTRIBUTIONS BY MINORS.**

4 Title III of the Federal Election Campaign Act of
5 1971 (2 U.S.C. 431 et seq.), as amended by section 101,
6 is further amended by adding at the end the following new
7 section:

8 “PROHIBITION OF CONTRIBUTIONS BY MINORS

9 “SEC. 324. An individual who is 17 years old or
10 younger shall not make a contribution to a candidate or
11 a contribution or donation to a committee of a political
12 party.”.

13 **SEC. 319. MODIFICATION OF INDIVIDUAL CONTRIBUTION**
14 **LIMITS FOR HOUSE CANDIDATES IN RE-**
15 **SPONSE TO EXPENDITURES FROM PERSONAL**
16 **FUNDS.**

17 (a) INCREASED LIMITS.—Title III of the Federal
18 Election Campaign Act of 1971 (2 U.S.C. 431 et seq.)
19 is amended by inserting after section 315 the following
20 new section:

21 “MODIFICATION OF CERTAIN LIMITS FOR HOUSE CAN-
22 DIDATES IN RESPONSE TO PERSONAL FUND EX-
23 PENDITURES OF OPPONENTS

24 “SEC. 315A. (a) AVAILABILITY OF INCREASED
25 LIMIT.—

1 “(1) IN GENERAL.—Subject to paragraph (3),
2 if the opposition personal funds amount with respect
3 to a candidate for election to the office of Represent-
4 ative in, or Delegate or Resident Commissioner to,
5 the Congress exceeds \$350,000—

6 “(A) the limit under subsection (a)(1)(A)
7 with respect to the candidate shall be tripled;

8 “(B) the limit under subsection (a)(3)
9 shall not apply with respect to any contribution
10 made with respect to the candidate if the con-
11 tribution is made under the increased limit al-
12 lowed under subparagraph (A) during a period
13 in which the candidate may accept such a con-
14 tribution; and

15 “(C) the limits under subsection (d) with
16 respect to any expenditure by a State or na-
17 tional committee of a political party on behalf
18 of the candidate shall not apply.

19 “(2) DETERMINATION OF OPPOSITION PER-
20 SONAL FUNDS AMOUNT.—

21 “(A) IN GENERAL.—The opposition per-
22 sonal funds amount is an amount equal to the
23 excess (if any) of—

24 “(i) the greatest aggregate amount of
25 expenditures from personal funds (as de-

1 fined in subsection (b)(1)) that an oppos-
2 ing candidate in the same election makes;
3 over

4 “(ii) the aggregate amount of expendi-
5 tures from personal funds made by the
6 candidate with respect to the election.

7 “(B) SPECIAL RULE FOR CANDIDATE’S
8 CAMPAIGN FUNDS.—

9 “(i) IN GENERAL.—For purposes of
10 determining the aggregate amount of ex-
11 penditures from personal funds under sub-
12 paragraph (A), such amount shall include
13 the gross receipts advantage of the can-
14 didate’s authorized committee.

15 “(ii) GROSS RECEIPTS ADVANTAGE.—
16 For purposes of clause (i), the term ‘gross
17 receipts advantage’ means the excess, if
18 any, of—

19 “(I) the aggregate amount of 50
20 percent of gross receipts of a can-
21 didate’s authorized committee during
22 any election cycle (not including con-
23 tributions from personal funds of the
24 candidate) that may be expended in
25 connection with the election, as deter-

1 mined on June 30 and December 31
2 of the year preceding the year in
3 which a general election is held, over

4 “(II) the aggregate amount of 50
5 percent of gross receipts of the oppos-
6 ing candidate’s authorized committee
7 during any election cycle (not includ-
8 ing contributions from personal funds
9 of the candidate) that may be ex-
10 pended in connection with the elec-
11 tion, as determined on June 30 and
12 December 31 of the year preceding
13 the year in which a general election is
14 held.

15 “(3) TIME TO ACCEPT CONTRIBUTIONS UNDER
16 INCREASED LIMIT.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), a candidate and the candidate’s au-
19 thorized committee shall not accept any con-
20 tribution, and a party committee shall not make
21 any expenditure, under the increased limit
22 under paragraph (1)—

23 “(i) until the candidate has received
24 notification of the opposition personal
25 funds amount under subsection (b)(1); and

1 “(ii) to the extent that such contribu-
2 tion, when added to the aggregate amount
3 of contributions previously accepted and
4 party expenditures previously made under
5 the increased limits under this subsection
6 for the election cycle, exceeds 100 percent
7 of the opposition personal funds amount.

8 “(B) EFFECT OF WITHDRAWAL OF AN OP-
9 POSING CANDIDATE.—A candidate and a can-
10 didate’s authorized committee shall not accept
11 any contribution and a party shall not make
12 any expenditure under the increased limit after
13 the date on which an opposing candidate ceases
14 to be a candidate to the extent that the amount
15 of such increased limit is attributable to such
16 an opposing candidate.

17 “(4) DISPOSAL OF EXCESS CONTRIBUTIONS.—

18 “(A) IN GENERAL.—The aggregate
19 amount of contributions accepted by a can-
20 didate or a candidate’s authorized committee
21 under the increased limit under paragraph (1)
22 and not otherwise expended in connection with
23 the election with respect to which such con-
24 tributions relate shall, not later than 50 days

1 after the date of such election, be used in the
2 manner described in subparagraph (B).

3 “(B) RETURN TO CONTRIBUTORS.—A can-
4 didate or a candidate’s authorized committee
5 shall return the excess contribution to the per-
6 son who made the contribution.

7 “(b) NOTIFICATION OF EXPENDITURES FROM PER-
8 SONAL FUNDS.—

9 “(1) IN GENERAL.—

10 “(A) DEFINITION OF EXPENDITURE FROM
11 PERSONAL FUNDS.—In this paragraph, the
12 term ‘expenditure from personal funds’
13 means—

14 “(i) an expenditure made by a can-
15 didate using personal funds; and

16 “(ii) a contribution or loan made by a
17 candidate using personal funds or a loan
18 secured using such funds to the can-
19 didate’s authorized committee.

20 “(B) DECLARATION OF INTENT.—Not
21 later than the date that is 15 days after the
22 date on which an individual becomes a can-
23 didate for the office of Representative in, or
24 Delegate or Resident Commissioner to, the Con-
25 gress, the candidate shall file a declaration stat-

1 ing the total amount of expenditures from per-
2 sonal funds that the candidate intends to make,
3 or to obligate to make, with respect to the elec-
4 tion that will exceed \$350,000.

5 “(C) INITIAL NOTIFICATION.—Not later
6 than 24 hours after a candidate described in
7 subparagraph (B) makes or obligates to make
8 an aggregate amount of expenditures from per-
9 sonal funds in excess of \$350,000 in connection
10 with any election, the candidate shall file a noti-
11 fication.

12 “(D) ADDITIONAL NOTIFICATION.—After a
13 candidate files an initial notification under sub-
14 paragraph (C), the candidate shall file an addi-
15 tional notification each time expenditures from
16 personal funds are made or obligated to be
17 made in an aggregate amount that exceeds
18 \$10,000. Such notification shall be filed not
19 later than 24 hours after the expenditure is
20 made.

21 “(E) CONTENTS.—A notification under
22 subparagraph (C) or (D) shall include—

23 “(i) the name of the candidate and
24 the office sought by the candidate;

1 “(ii) the date and amount of each ex-
2 penditure; and

3 “(iii) the total amount of expenditures
4 from personal funds that the candidate has
5 made, or obligated to make, with respect to
6 an election as of the date of the expendi-
7 ture that is the subject of the notification.

8 “(F) PLACE OF FILING.—Each declaration
9 or notification required to be filed by a can-
10 didate under subparagraph (C), (D), or (E)
11 shall be filed with—

12 “(i) the Commission; and

13 “(ii) each candidate in the same elec-
14 tion and the national party of each such
15 candidate.

16 “(2) NOTIFICATION OF DISPOSAL OF EXCESS
17 CONTRIBUTIONS.—In the next regularly scheduled
18 report after the date of the election for which a can-
19 didate seeks nomination for election to, or election
20 to, Federal office, the candidate or the candidate’s
21 authorized committee shall submit to the Commis-
22 sion a report indicating the source and amount of
23 any excess contributions (as determined under sub-
24 section (a)) and the manner in which the candidate

1 or the candidate's authorized committee used such
2 funds.

3 “(3) ENFORCEMENT.—For provisions providing
4 for the enforcement of the reporting requirements
5 under this subsection, see section 309.”.

6 (b) CONFORMING AMENDMENT.—Section 315(a)(1)
7 of the Federal Election Campaign Act of 1971 (2 U.S.C.
8 441a), as amended by section 304(a), is amended by strik-
9 ing “subsection (i),” and inserting “subsection (i) and sec-
10 tion 315A.”.

11 **TITLE IV—SEVERABILITY;** 12 **EFFECTIVE DATE**

13 **SEC. 401. SEVERABILITY.**

14 If any provision of this Act or amendment made by
15 this Act, or the application of a provision or amendment
16 to any person or circumstance, is held to be unconstitu-
17 tional, the remainder of this Act and amendments made
18 by this Act, and the application of the provisions and
19 amendment to any person or circumstance, shall not be
20 affected by the holding.

21 **SEC. 402. EFFECTIVE DATE.**

22 (a) IN GENERAL.—Except as otherwise provided in
23 section 307 and subsection (b), this Act and the amend-
24 ments made by this Act shall take effect November 6,
25 2002.

1 (b) TRANSITION RULE FOR SPENDING OF FUNDS BY
2 NATIONAL PARTIES.—If a national committee of a polit-
3 ical party described in section 323(a)(1) of the Federal
4 Election Campaign Act of 1971 (as added by section
5 101(a)), including any person who is subject to such sec-
6 tion, has received funds described in such section prior to
7 the effective date described in subsection (a), the following
8 rules shall apply with respect to the spending of such
9 funds by such committee:

10 (1) Prior to January 1, 2003, the committee
11 may spend such funds to retire outstanding debts or
12 obligations incurred prior to such effective date, so
13 long as such debts or obligations were incurred sole-
14 ly in connection with an election held on or before
15 November 5, 2002 (or any runoff election or recount
16 resulting from an election in 2002) and so long as
17 such debts or obligations were not incurred for any
18 expenditures (activities required to be paid for with
19 “hard money”) under such Act. Nothing in this
20 paragraph may allow such funds (commonly known
21 as “soft money”) to be used to pay for any debts or
22 obligations incurred for any Federal election expend-
23 itures under such Act (“hard money” activities).

24 (2) At no time after such effective date may the
25 committee spend any such funds for activities to de-

1 fray the costs of the construction or purchase of any
2 office building or facility.

3 (c) REGULATIONS.—Not later than 90 days after the
4 date of the enactment of this Act, the Federal Election
5 Commission shall promulgate regulations to carry out title
6 I of this Act and the amendments made by such title. Not
7 later than 270 days after the date of the enactment of
8 this Act, the Federal Election Commission shall promul-
9 gate regulations to carry out all other titles of this Act
10 and all other amendments made by this Act which are
11 under the Commission’s jurisdiction.

12 **SEC. 403. JUDICIAL REVIEW.**

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

18 (1) The action shall be filed in the United
19 States District Court for the District of Columbia
20 and shall be heard by a 3-judge court convened pur-
21 suant to section 2284 of title 28, United States
22 Code.

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

1 (3) A final decision in the action shall be re-
2 viewable only by appeal directly to the Supreme
3 Court of the United States. Such appeal shall be
4 taken by the filing of a notice of appeal within 10
5 days, and the filing of a jurisdictional statement
6 within 30 days, of the entry of the final decision.

7 (4) It shall be the duty of the United States
8 District Court for the District of Columbia and the
9 Supreme Court of the United States to advance on
10 the docket and to expedite to the greatest possible
11 extent the disposition of the action and appeal.

12 (b) INTERVENTION BY MEMBERS OF CONGRESS.—In
13 any action in which the constitutionality of any provision
14 of this Act or any amendment made by this Act is raised
15 (including but not limited to an action described in sub-
16 section (a)), any member of the House of Representatives
17 (including a Delegate or Resident Commissioner to the
18 Congress) or Senate shall have the right to intervene ei-
19 ther in support of or opposition to the position of a party
20 to the case regarding the constitutionality of the provision
21 or amendment. To avoid duplication of efforts and reduce
22 the burdens placed on the parties to the action, the court
23 in any such action may make such orders as it considers
24 necessary, including orders to require intervenors taking

1 similar positions to file joint papers or to be represented
2 by a single attorney at oral argument.

3 **TITLE V—ADDITIONAL**
4 **DISCLOSURE PROVISIONS**

5 **SEC. 501. INTERNET ACCESS TO RECORDS.**

6 Section 304(a)(11)(B) of the Federal Election Cam-
7 paign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended
8 to read as follows:

9 “(B) The Commission shall make a designation,
10 statement, report, or notification that is filed with the
11 Commission under this Act available for inspection by the
12 public in the offices of the Commission and accessible to
13 the public on the Internet not later than 48 hours (or not
14 later than 24 hours in the case of a designation, state-
15 ment, report, or notification filed electronically) after re-
16 ceipt by the Commission.”.

17 **SEC. 502. MAINTENANCE OF WEBSITE OF ELECTION RE-**
18 **PORTS.**

19 (a) **IN GENERAL.**—The Federal Election Commission
20 shall maintain a central site on the Internet to make ac-
21 cessible to the public all publicly available election-related
22 reports and information.

23 (b) **ELECTION-RELATED REPORT.**—In this section,
24 the term “election-related report” means any report, des-

1 ignation, or statement required to be filed under the Fed-
2 eral Election Campaign Act of 1971.

3 (c) COORDINATION WITH OTHER AGENCIES.—Any
4 Federal executive agency receiving election-related infor-
5 mation which that agency is required by law to publicly
6 disclose shall cooperate and coordinate with the Federal
7 Election Commission to make such report available
8 through, or for posting on, the site of the Federal Election
9 Commission in a timely manner.

10 **SEC. 503. ADDITIONAL DISCLOSURE REPORTS.**

11 (a) PRINCIPAL CAMPAIGN COMMITTEES.—Section
12 304(a)(2)(B) of the Federal Election Campaign Act of
13 1971 is amended by striking “the following reports” and
14 all that follows through the period and inserting “the
15 treasurer shall file quarterly reports, which shall be filed
16 not later than the 15th day after the last day of each cal-
17 endar quarter, and which shall be complete as of the last
18 day of each calendar quarter, except that the report for
19 the quarter ending December 31 shall be filed not later
20 than January 31 of the following calendar year.”.

21 (b) NATIONAL COMMITTEE OF A POLITICAL
22 PARTY.—Section 304(a)(4) of such Act (2 U.S.C.
23 434(a)(4)) is amended by adding at the end the following
24 flush sentence: “Notwithstanding the preceding sentence,

1 a national committee of a political party shall file the re-
2 ports required under subparagraph (B).”.

3 **SEC. 504. PUBLIC ACCESS TO BROADCASTING RECORDS.**

4 Section 315 of the Communications Act of 1934 (47
5 U.S.C. 315), as amended by this Act, is amended by redес-
6 ignating subsections (e) and (f) as subsections (f) and (g),
7 respectively, and inserting after subsection (d) the fol-
8 lowing:

9 “(e) POLITICAL RECORD.—

10 “(1) IN GENERAL.—A licensee shall maintain,
11 and make available for public inspection, a complete
12 record of a request to purchase broadcast time
13 that—

14 “(A) is made by or on behalf of a legally
15 qualified candidate for public office; or

16 “(B) communicates a message relating to
17 any political matter of national importance,
18 including—

19 “(i) a legally qualified candidate;

20 “(ii) any election to Federal office; or

21 “(iii) a national legislative issue of
22 public importance.

23 “(2) CONTENTS OF RECORD.—A record main-
24 tained under paragraph (1) shall contain informa-
25 tion regarding—

1 “(A) whether the request to purchase
2 broadcast time is accepted or rejected by the li-
3 censee;

4 “(B) the rate charged for the broadcast
5 time;

6 “(C) the date and time on which the com-
7 munication is aired;

8 “(D) the class of time that is purchased;

9 “(E) the name of the candidate to which
10 the communication refers and the office to
11 which the candidate is seeking election, the elec-
12 tion to which the communication refers, or the
13 issue to which the communication refers (as ap-
14 plicable);

15 “(F) in the case of a request made by, or
16 on behalf of, a candidate, the name of the can-
17 didate, the authorized committee of the can-
18 didate, and the treasurer of such committee;
19 and

20 “(G) in the case of any other request, the
21 name of the person purchasing the time, the
22 name, address, and phone number of a contact
23 person for such person, and a list of the chief
24 executive officers or members of the executive

1 committee or of the board of directors of such
2 person.

3 “(3) TIME TO MAINTAIN FILE.—The informa-
4 tion required under this subsection shall be placed in
5 a political file as soon as possible and shall be re-
6 tained by the licensee for a period of not less than
7 2 years.”.

Passed the House of Representatives February 14
(legislative day, February 13), 2002.

Attest:

JEFF TRANDAHL,

Clerk.

Calendar No. 318

107TH CONGRESS
2^D SESSION

H. R. 2356

AN ACT

To amend the Federal Election Campaign Act of
1971 to provide bipartisan campaign reform.

FEBRUARY 27, 2002

Read the second time and placed on the calendar