

107TH CONGRESS
1ST SESSION

H. R. 1150

To amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2001

Mr. HUTCHINSON (for himself, Mr. BRADY of Texas, Mr. MORAN of Kansas, Mr. HULSHOF, and Mr. PETRI) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Campaign Integrity
5 Act of 2001”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—SOFT MONEY AND EXPENDITURES OF POLITICAL PARTIES AND CANDIDATES

- Sec. 101. Ban on soft money of national political parties and candidates.
- Sec. 102. Repeal of limitations on amount of coordinated expenditures by political parties.

TITLE II—REVISION OF CONTRIBUTION LIMITS

- Sec. 201. Increase in contribution limits.
- Sec. 202. Indexing of contribution limits.

TITLE III—EXPANDING DISCLOSURE OF CAMPAIGN FINANCE INFORMATION

- Sec. 301. Disclosure of certain communications.
- Sec. 302. Requiring monthly filing of reports.
- Sec. 303. Software for filing of reports.

TITLE IV—STRENGTHENING ENFORCEMENT AND ADMINISTRATION OF FEDERAL ELECTION COMMISSION

- Sec. 401. Standards for initiation of actions and written responses by Federal Election Commission.
- Sec. 402. Banning acceptance of cash contributions greater than \$100.
- Sec. 403. Deposit of certain contributions and donations to be returned to donors in Treasury account.
- Sec. 404. Abolition of ex officio membership of Clerk of House of Representatives and Secretary of Senate on Commission.
- Sec. 405. Broader prohibition against force and reprisals.
- Sec. 406. Signature authority of members of Commission for subpoenas and notification of intent to seek additional information.
- Sec. 407. Making alternative procedures for imposition of penalties for reporting violations permanent.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Codification of Beck decision.
- Sec. 502. Prohibition of solicitation of political party soft money in Federal buildings.
- Sec. 503. Filing of Senate reports with the Federal Election Commission.

TITLE VI—EFFECTIVE DATE

- Sec. 601. Effective date.

1 **TITLE I—SOFT MONEY AND EX-**
2 **PENDITURES OF POLITICAL**
3 **PARTIES AND CANDIDATES**

4 **SEC. 101. BAN ON SOFT MONEY OF NATIONAL POLITICAL**
5 **PARTIES AND CANDIDATES.**

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

9 “BAN ON USE OF SOFT MONEY BY NATIONAL POLITICAL
10 PARTIES AND CANDIDATES

11 “SEC. 323. (a) NATIONAL PARTIES.—A national
12 committee of a political party, including the national con-
13 gressional campaign committees of a political party, and
14 any officers or agents of such party committees, may not
15 solicit, receive, or direct any contributions, donations, or
16 transfers of funds, or spend any funds, which are not sub-
17 ject to the limitations, prohibitions, and reporting require-
18 ments of this Act. This subsection shall apply to any entity
19 that is established, financed, maintained, or controlled (di-
20 rectly or indirectly) by, or acting on behalf of, a national
21 committee of a political party, including the national con-
22 gressional campaign committees of a political party, and
23 any officers or agents of such party committees.

24 “(b) CANDIDATES.—

1 “(1) IN GENERAL.—No candidate for Federal
2 office, individual holding Federal office, or any agent
3 of such candidate or officeholder may solicit, receive,
4 or direct—

5 “(A) any funds in connection with any
6 Federal election unless such funds are subject
7 to the limitations, prohibitions and reporting re-
8 quirements of this Act;

9 “(B) any funds that are to be expended in
10 connection with any election for other than a
11 Federal office unless such funds are not in ex-
12 cess of the amounts permitted with respect to
13 contributions to Federal candidates and polit-
14 ical committees under section 315(a)(1) and
15 (2), and are not from sources prohibited from
16 making contributions by this Act with respect
17 to elections for Federal office; or

18 “(C) any funds on behalf of any person
19 which are not subject to the limitations, prohi-
20 bitions, and reporting requirements of this Act
21 if such funds are for the purpose of financing
22 any activity on behalf of a candidate for elec-
23 tion for Federal office or any communication
24 which refers to a clearly identified candidate for
25 election for Federal office.

1 “(2) EXCEPTION FOR CERTAIN ACTIVITIES.—

2 Paragraph (1) shall not apply to—

3 “(A) the solicitation or receipt of funds by
4 an individual who is a candidate for a non-Fed-
5 eral office if such activity is permitted under
6 State law for such individual’s non-Federal
7 campaign committee; or

8 “(B) the attendance by an individual who
9 holds Federal office or is a candidate for elec-
10 tion for Federal office at a fundraising event
11 for a State or local committee of a political
12 party of the State which the individual rep-
13 resents or seeks to represent as a Federal of-
14 ficeholder, if the event is held in such State.

15 “(c) PROHIBITING TRANSFERS OF NON-FEDERAL
16 FUNDS BETWEEN STATE PARTIES.—A State committee
17 of a political party may not transfer any funds to a State
18 committee of a political party of another State unless the
19 funds are subject to the limitations, prohibitions, and re-
20 porting requirements of this Act.

21 “(d) APPLICABILITY TO FUNDS FROM ALL
22 SOURCES.—This section shall apply with respect to funds
23 of any individual, corporation, labor organization, or other
24 person.”.

1 **SEC. 102. REPEAL OF LIMITATIONS ON AMOUNT OF CO-**
 2 **ORDINATED EXPENDITURES BY POLITICAL**
 3 **PARTIES.**

4 (a) IN GENERAL.—Section 315(d) of the Federal
 5 Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is
 6 amended by striking paragraphs (2) and (3).

7 (b) CONFORMING AMENDMENTS.—Section 315(d)(1)
 8 of such Act (2 U.S.C. 441a(d)(1)) is amended—

9 (1) by striking “(d)(1)” and inserting “(d)”;
 10 and

11 (2) by striking “, subject to the limitations con-
 12 tained in paragraphs (2) and (3) of this subsection”.

13 **TITLE II—REVISION OF**
 14 **CONTRIBUTION LIMITS**

15 **SEC. 201. INCREASE IN CONTRIBUTION LIMITS.**

16 (a) LIMITS ON CONTRIBUTIONS BY INDIVIDUALS.—
 17 Section 315(a) of the Federal Election Campaign Act of
 18 1971 (2 U.S.C. 441a(a)) is amended—

19 (1) in paragraph (1)—

20 (A) in subparagraph (A), by striking
 21 “\$1,000” and inserting “\$3,000”, and

22 (B) in subparagraph (B), by striking
 23 “\$20,000” and inserting “\$60,000”; and

24 (2) in paragraph (3)—

25 (A) by striking “\$25,000” and inserting
 26 “\$100,000”, and

1 (B) by striking the second sentence.

2 (b) LIMITS ON CONTRIBUTIONS BY MULTI-
3 CANDIDATE COMMITTEES.—Section 315(a)(2) of such Act
4 (2 U.S.C. 441a(a)(2)) is amended—

5 (1) in subparagraph (A)—

6 (A) by striking “\$5,000” and inserting
7 “\$7,500”, and

8 (B) by inserting “except as provided in
9 subparagraph (D),” before “to any candidate”;
10 (2) in subparagraph (B)—

11 (A) by striking “\$15,000” and inserting
12 “\$45,000”, and

13 (B) by striking “or” at the end;

14 (3) in subparagraph (C), by striking “\$5,000.”
15 and inserting “\$7,500; or”; and

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

17 “(D) in the case of a national committee of a
18 political party, to any candidate and his authorized
19 political committees with respect to any election for
20 Federal office which, in the aggregate, exceed
21 \$15,000.”.

22 **SEC. 202. INDEXING OF CONTRIBUTION LIMITS.**

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

1 “(3)(A) The amount of each limitation established
2 under subsection (a) shall be adjusted as follows:

3 “(i) For calendar year 2003, each such amount
4 shall be equal to the amount described in such sub-
5 section, increased (in a compounded manner) by the
6 percentage increase in the price index (as defined in
7 subsection (c)(2)) for each of the years 2001
8 through 2002.

9 “(ii) For calendar year 2005 and each second
10 subsequent year, each such amount shall be equal to
11 the amount for the second previous year (as ad-
12 justed under this subparagraph), increased (in a
13 compounded manner) by the percentage increase in
14 the price index for each of the 2 previous years.

15 “(B) In the case of any amount adjusted under this
16 subparagraph which is not a multiple of \$100, the amount
17 shall be rounded to the nearest multiple of \$100.”.

18 **TITLE III—EXPANDING DISCLO-** 19 **SURE OF CAMPAIGN FINANCE** 20 **INFORMATION**

21 **SEC. 301. DISCLOSURE OF CERTAIN COMMUNICATIONS.**

22 Section 304 of the Federal Election Campaign Act
23 of 1971 (2 U.S.C. 434), as amended by section 502(a)
24 of the Department of Transportation and Related Agen-
25 cies Act, 2001 (as enacted into law by reference under

1 section 101(a) of Public Law 106–346), is amended by
2 adding at the end the following:

3 “(e) DISCLOSURE OF CERTAIN COMMUNICATIONS.—

4 “(1) IN GENERAL.—Any person who expends
5 an aggregate amount of funds during a calendar
6 year in excess of \$25,000 for communications de-
7 scribed in paragraph (2) relating to a single can-
8 didate for election for Federal office (or an aggre-
9 gate amount of funds during a calendar year in ex-
10 cess of \$100,000 for all such communications relat-
11 ing to all such candidates) shall file a report with
12 the Commission describing the amount expended for
13 such communications, together with the person’s ad-
14 dress and phone number (or, if appropriate, the ad-
15 dress and phone number of the person’s principal of-
16 ficer).

17 “(2) COMMUNICATIONS DESCRIBED.—A com-
18 munication described in this paragraph is any com-
19 munication which is broadcast to the general public
20 through radio or television and which mentions or
21 includes (by name, representation, or likeness) any
22 candidate for election for Senator or for Representa-
23 tive in (or Delegate or Resident Commissioner to)
24 the Congress, other than any communication which
25 would be described in clause (i), (iii), or (v) of sec-

1 tion 301(9)(B) if the payment were an expenditure
2 under such section.

3 “(3) DEADLINE FOR FILING.—A person shall
4 file a report required under paragraph (1) not later
5 than 7 days after the person first expends the appli-
6 cable amount of funds described in such paragraph,
7 except that in the case of a person who first expends
8 such an amount within 10 days of an election, the
9 report shall be filed not later than 24 hours after
10 the person first expends such amount.

11 “(4) PENALTIES.—Whoever knowingly fails
12 to—

13 “(A) remedy a defective filing within 60
14 days after notice of such a defect by the Com-
15 mission; or

16 “(B) comply with any other provision of
17 this section,

18 shall, upon proof of such knowing violation by a pre-
19 ponderance of the evidence, be subject to a civil fine
20 of not more than \$50,000 (notwithstanding any
21 other provision of this title), depending on the extent
22 and gravity of the violation.”.

23 **SEC. 302. REQUIRING MONTHLY FILING OF REPORTS.**

24 (a) PRINCIPAL CAMPAIGN COMMITTEES.—Section
25 304(a)(2)(A)(iii) of the Federal Election Campaign Act of

1 1971 (2 U.S.C. 434(a)(2)(A)(iii)) is amended to read as
2 follows:

3 “(iii) monthly reports, which shall be filed
4 no later than the 20th day after the last day of
5 the month and shall be complete as of the last
6 day of the month, except that, in lieu of filing
7 the reports otherwise due in November and De-
8 cember of the year, a pre-general election report
9 shall be filed in accordance with clause (i), a
10 post-general election report shall be filed in ac-
11 cordance with clause (ii), and a year end report
12 shall be filed no later than January 31 of the
13 following calendar year.”.

14 (b) OTHER POLITICAL COMMITTEES.—Section
15 304(a)(4) of such Act (2 U.S.C. 434(a)(4)) is amended
16 to read as follows:

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

21 “(i) monthly reports, which shall be filed no
22 later than the 20th day after the last day of the
23 month and shall be complete as of the last day of
24 the month, except that, in lieu of filing the reports
25 otherwise due in November and December of the

1 year, a pre-general election report shall be filed in
2 accordance with clause (ii), a post-general election
3 report shall be filed in accordance with clause (iii),
4 and a year end report shall be filed no later than
5 January 31 of the following calendar year;

6 “(ii) a pre-election report, which shall be filed
7 no later than the 12th day before (or posted by reg-
8 istered or certified mail no later than the 15th day
9 before) any election in which the committee makes
10 a contribution to or expenditure on behalf of a can-
11 didate in such election, and which shall be complete
12 as of the 20th day before the election; and

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

17 “(B) In any other calendar year, all political commit-
18 tees other than authorized committees of a candidate shall
19 file a report covering the period beginning January 1 and
20 ending June 30, which shall be filed no later than July
21 31 and a report covering the period beginning July 1 and
22 ending December 31, which shall be filed no later than
23 January 31 of the following calendar year.”.

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

4 (2) Section 309(b) of such Act (2 U.S.C. 437g(b))
 5 is amended by striking “for the calendar quarter” and in-
 6 serting “for the month”.

7 **SEC. 303. SOFTWARE FOR FILING OF REPORTS.**

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

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

12 “(A) IN GENERAL.—The Commission
 13 shall—

14 “(i) develop software for use to file a
 15 designation, statement, or report under
 16 this Act; and

17 “(ii) provide a copy of the software at
 18 no cost to a person required to file a des-
 19 ignation, statement, or report under this
 20 Act.

21 “(B) REQUIRED USE.—Any person which
 22 maintains or files a designation, statement, or
 23 report under paragraph (11) shall use software
 24 developed under subparagraph (A) or equivalent
 25 software for such maintenance or filing.”.

1 **TITLE IV—STRENGTHENING EN-**
2 **FORCEMENT AND ADMINIS-**
3 **TRATION OF FEDERAL ELEC-**
4 **TION COMMISSION**

5 **SEC. 401. STANDARDS FOR INITIATION OF ACTIONS AND**
6 **WRITTEN RESPONSES BY FEDERAL ELEC-**
7 **TION COMMISSION.**

8 (a) STANDARD FOR INITIATION OF ACTIONS BY
9 FEC.—Section 309(a)(2) of the Federal Election Cam-
10 paign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by
11 striking “it has reason to believe” and all that follows
12 through “of 1954,” and inserting the following: “it has
13 a reason to seek additional information regarding a pos-
14 sible violation of this Act or of chapter 95 or chapter 96
15 of the Internal Revenue Code of 1986 that has occurred
16 or is about to occur (based on the same criteria applicable
17 under this paragraph prior to the enactment of the Cam-
18 paign Integrity Act of 2001),”.

19 (b) REQUIRING FEC TO PROVIDE WRITTEN RE-
20 SPONSES TO QUESTIONS.—

21 (1) IN GENERAL.—Title III of such Act (2
22 U.S.C. 431 et seq.) is amended by inserting after
23 section 308 the following new section:

1 “OTHER WRITTEN RESPONSES TO QUESTIONS

2 “SEC. 308A. (a) PERMITTING RESPONSES.—In addi-
3 tion to issuing advisory opinions under section 308, the
4 Commission shall issue written responses pursuant to this
5 section with respect to a written request concerning the
6 application of this Act, chapter 95 or chapter 96 of the
7 Internal Revenue Code of 1986, a rule or regulation pre-
8 scribed by the Commission, or an advisory opinion issued
9 by the Commission under section 308, with respect to a
10 specific transaction or activity by the person, if the Com-
11 mission finds the application of the Act, chapter, rule, reg-
12 ulation, or advisory opinion to the transaction or activity
13 to be clear and unambiguous.

14 “(b) PROCEDURE FOR RESPONSE.—

15 “(1) ANALYSIS BY STAFF.—The staff of the
16 Commission shall analyze each request submitted
17 under this section. If the staff believes that the
18 standard described in subsection (a) is met with re-
19 spect to the request, the staff shall circulate a state-
20 ment to that effect together with a draft response to
21 the request to the members of the Commission.

22 “(2) ISSUANCE OF RESPONSE.—Upon the expi-
23 ration of the 3-day period beginning on the date the
24 statement and draft response is circulated (excluding
25 weekends or holidays), the Commission shall issue

1 the response, unless during such period any member
2 of the Commission objects to issuing the response.

3 “(c) EFFECT OF RESPONSE.—

4 “(1) SAFE HARBOR.—Notwithstanding any
5 other provisions of law, any person who relies upon
6 any provision or finding of a written response issued
7 under this section and who acts in good faith in ac-
8 cordance with the provisions and findings of such re-
9 sponse shall not, as a result of any such act, be sub-
10 ject to any sanction provided by this Act or by chap-
11 ter 95 or chapter 96 of the Internal Revenue Code
12 of 1986.

13 “(2) NO RELIANCE BY OTHER PARTIES.—Any
14 written response issued by the Commission under
15 this section may only be relied upon by the person
16 involved in the specific transaction or activity with
17 respect to which such response is issued, and may
18 not be applied by the Commission with respect to
19 any other person or used by the Commission for en-
20 forcement or regulatory purposes.

21 “(d) PUBLICATION OF REQUESTS AND RE-
22 SPONSES.—The Commission shall make public any re-
23 quest for a written response made, and the responses
24 issued, under this section. In carrying out this subsection,
25 the Commission may not make public the identity of any

1 person submitting a request for a written response unless
 2 the person specifically authorizes to Commission to do so.

3 “(e) COMPILATION OF INDEX.—The Commission
 4 shall compile, publish, and regularly update a complete
 5 and detailed index of the responses issued under this sec-
 6 tion through which responses may be found on the basis
 7 of the subjects included in the responses.”.

8 (2) CONFORMING AMENDMENT.—Section
 9 307(a)(7) of such Act (2 U.S.C. 437d(a)(7)) is
 10 amended by striking “of this Act” and inserting
 11 “and other written responses under section 308A”.

12 (c) STANDARD FORM FOR COMPLAINTS; STRONGER
 13 DISCLAIMER LANGUAGE.—

14 (1) STANDARD FORM.—Section 309(a)(1) of
 15 such Act (2 U.S.C. 437g(a)(1)) is amended by in-
 16 serting after “shall be notarized,” the following:
 17 “shall be in a standard form prescribed by the Com-
 18 mission, shall not include (but may refer to) extra-
 19 neous materials,”.

20 (2) DISCLAIMER LANGUAGE.—Section
 21 309(a)(1) of such Act (2 U.S.C. 437g(a)(1)) is
 22 amended—

23 (A) by striking “(a)(1)” and inserting
 24 “(a)(1)(A)”; and

1 (B) by adding at the end the following new
2 subparagraph:

3 “(B) The written notice of a complaint provided by
4 the Commission under subparagraph (A) to a person al-
5 leged to have committed a violation referred to in the com-
6 plaint shall include a cover letter (in a form prescribed
7 by the Commission) and the following statement: ‘The en-
8 closed complaint has been filed against you with the Fed-
9 eral Election Commission. The Commission has not
10 verified or given official sanction to the complaint. The
11 Commission will make no decision to pursue the complaint
12 for a period of at least 15 days from your receipt of this
13 complaint. You may, if you wish, submit a written state-
14 ment to the Commission explaining why the Commission
15 should take no action against you based on this complaint.
16 If the Commission should decide to seek additional infor-
17 mation, you will be notified and be given further oppor-
18 tunity to respond.’”.

19 **SEC. 402. BANNING ACCEPTANCE OF CASH CONTRIBU-**
20 **TIONS GREATER THAN \$100.**

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

24 “(i) No candidate or political committee may accept
25 any contributions of currency of the United States or cur-

1 rency of any foreign country from any person which, in
 2 the aggregate, exceed \$100.”.

3 **SEC. 403. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DO-**
 4 **NATIONS TO BE RETURNED TO DONORS IN**
 5 **TREASURY ACCOUNT.**

6 (a) IN GENERAL.—Title III of the Federal Election
 7 Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended
 8 by section 101, is amended by adding at the end the fol-
 9 lowing new section:

10 “TREATMENT OF CERTAIN CONTRIBUTIONS AND
 11 DONATIONS TO BE RETURNED TO DONORS

12 “SEC. 324. (a) TRANSFER TO COMMISSION.—

13 “(1) IN GENERAL.—Notwithstanding any other
 14 provision of this Act, if a political committee intends
 15 to return any contribution or donation given to the
 16 political committee, the committee shall transfer the
 17 contribution or donation to the Commission if—

18 “(A) the contribution or donation is in an
 19 amount equal to or greater than \$500 (other
 20 than a contribution or donation returned within
 21 90 days of receipt by the committee); or

22 “(B) the contribution or donation was
 23 made in violation of section 315, 316, 317, 319,
 24 or 320 (other than a contribution or donation
 25 returned within 90 days of receipt by the com-
 26 mittee).

1 “(2) INFORMATION INCLUDED WITH TRANS-
2 FERRED CONTRIBUTION OR DONATION.—A political
3 committee shall include with any contribution or do-
4 nation transferred under paragraph (1)—

5 “(A) a request that the Commission return
6 the contribution or donation to the person mak-
7 ing the contribution or donation; and

8 “(B) information regarding the cir-
9 cumstances surrounding the making of the con-
10 tribution or donation and any opinion of the po-
11 litical committee concerning whether the con-
12 tribution or donation may have been made in
13 violation of this Act.

14 “(3) ESTABLISHMENT OF ESCROW ACCOUNT.—

15 “(A) IN GENERAL.—The Commission shall
16 establish a single interest-bearing escrow ac-
17 count for deposit of amounts transferred under
18 paragraph (1).

19 “(B) DISPOSITION OF AMOUNTS RE-
20 CEIVED.—On receiving an amount from a polit-
21 ical committee under paragraph (1), the Com-
22 mission shall—

23 “(i) deposit the amount in the escrow
24 account established under subparagraph
25 (A); and

1 “(ii) notify the Attorney General and
2 the Commissioner of the Internal Revenue
3 Service of the receipt of the amount from
4 the political committee.

5 “(C) USE OF INTEREST.—Interest earned
6 on amounts in the escrow account established
7 under subparagraph (A) shall be applied or
8 used for the same purposes as the donation or
9 contribution on which it is earned.

10 “(4) TREATMENT OF RETURNED CONTRIBU-
11 TION OR DONATION AS A COMPLAINT.—The transfer
12 of any contribution or donation to the Commission
13 under this section shall be treated as the filing of a
14 complaint under section 309(a).

15 “(b) USE OF AMOUNTS PLACED IN ESCROW TO
16 COVER FINES AND PENALTIES.—The Commission or the
17 Attorney General may require any amount deposited in
18 the escrow account under subsection (a)(3) to be applied
19 toward the payment of any fine or penalty imposed under
20 this Act or title 18, United States Code, against the per-
21 son making the contribution or donation.

22 “(c) RETURN OF CONTRIBUTION OR DONATION
23 AFTER DEPOSIT IN ESCROW.—

24 “(1) IN GENERAL.—The Commission shall re-
25 turn a contribution or donation deposited in the es-

1 crow account under subsection (a)(3) to the person
2 making the contribution or donation if—

3 “(A) within 180 days after the date the
4 contribution or donation is transferred, the
5 Commission has not made a determination
6 under section 309(a)(2) to seek additional in-
7 formation regarding whether or not the con-
8 tribution or donation was made in violation of
9 this Act; or

10 “(B)(i) the contribution or donation will
11 not be used to cover fines, penalties, or costs
12 pursuant to subsection (b); or

13 “(ii) if the contribution or donation will be
14 used for those purposes, that the amounts re-
15 quired for those purposes have been withdrawn
16 from the escrow account and subtracted from
17 the returnable contribution or donation.

18 “(2) NO EFFECT ON STATUS OF INVESTIGA-
19 TION.—The return of a contribution or donation by
20 the Commission under this subsection shall not be
21 construed as having an effect on the status of an in-
22 vestigation by the Commission or the Attorney Gen-
23 eral of the contribution or donation or the cir-
24 cumstances surrounding the contribution or dona-
25 tion, or on the ability of the Commission or the At-

1 torney General to take future actions with respect to
2 the contribution or donation.”.

3 (b) AMOUNTS USED TO DETERMINE AMOUNT OF
4 PENALTY FOR VIOLATION.—Section 309(a) of such Act
5 (2 U.S.C. 437g(a)) is amended by inserting after para-
6 graph (9) the following new paragraph:

7 “(10) For purposes of determining the amount of a
8 civil penalty imposed under this subsection for violations
9 of section 324, the amount of the donation involved shall
10 be treated as the amount of the contribution involved.”.

11 (c) DONATION DEFINED.—Section 324 of such Act,
12 as added by subsection (a), is amended by adding at the
13 end the following:

14 “(d) DONATION DEFINED.—In this section, the term
15 ‘donation’ means a gift, subscription, loan, advance, or de-
16 posit of money or anything else of value made by any per-
17 son to a national committee of a political party or a Sen-
18 atorial or Congressional Campaign Committee of a na-
19 tional political party for any purpose, but does not include
20 a contribution (as defined in section 301(8)).”.

21 (d) DISGORGEMENT AUTHORITY.—Section 309 of
22 such Act (2 U.S.C. 437g) is amended by adding at the
23 end the following new subsection:

24 “(e) Any conciliation agreement, civil action, or crimi-
25 nal action entered into or instituted under this section

1 may require a person to forfeit to the Treasury any con-
 2 tribution, donation, or expenditure that is the subject of
 3 the agreement or action for transfer to the Commission
 4 for deposit in accordance with section 324.”.

5 (e) EFFECTIVE DATE.—The amendments made by
 6 subsections (a), (b), and (c) shall apply to contributions
 7 or donations refunded on or after the date of the enact-
 8 ment of this Act, without regard to whether the Federal
 9 Election Commission or Attorney General has issued regu-
 10 lations to carry out section 324 of the Federal Election
 11 Campaign Act of 1971 (as added by subsection (a)) by
 12 such date.

13 **SEC. 404. ABOLITION OF EX OFFICIO MEMBERSHIP OF**
 14 **CLERK OF HOUSE OF REPRESENTATIVES**
 15 **AND SECRETARY OF SENATE ON COMMIS-**
 16 **SION.**

17 Section 306(a) of the Federal Election Campaign Act
 18 of 1971 (2 U.S.C. 437c(a)) is amended—

19 (1) in paragraph (1), by striking “the Secretary
 20 of the Senate and the Clerk” and all that follows
 21 through “right to vote, and”; and

22 (2) in paragraphs (3), (4), and (5), by striking
 23 “(other than the Secretary of the Senate and the
 24 Clerk of the House of Representatives)” each place
 25 it appears.

1 **SEC. 405. BROADER PROHIBITION AGAINST FORCE AND RE-**
 2 **PRISALS.**

3 Section 316(b)(3) of the Federal Election Campaign
 4 Act of 1971 (2 U.S.C. 441b(b)(3)) is amended—

5 (1) by redesignating subparagraphs (A) through
 6 (C) as subparagraphs (B) through (D); and

7 (2) by inserting before subparagraph (B) (as so
 8 redesignated) the following new subparagraph:

9 “(A) for such a fund to cause another person
 10 to make a contribution or expenditure by physical
 11 force, job discrimination, financial reprisals, or the
 12 threat of force, job discrimination, or financial re-
 13 prisal;”.

14 **SEC. 406. SIGNATURE AUTHORITY OF MEMBERS OF COM-**
 15 **MISSION FOR SUBPOENAS AND NOTIFICA-**
 16 **TION OF INTENT TO SEEK ADDITIONAL IN-**
 17 **FORMATION.**

18 (a) ISSUANCE OF SUBPOENAS.—Section 307(a)(3) of
 19 the Federal Election Campaign Act of 1971 (2 U.S.C.
 20 437d(a)(3)) is amended by striking “signed by the chair-
 21 man or the vice chairman” and inserting “signed by any
 22 member of the Commission”.

23 (b) NOTIFICATIONS OF INTENT TO SEEK ADDI-
 24 TIONAL INFORMATION.—Section 309(a)(2) of such Act (2
 25 U.S.C. 437g(a)(2)) is amended by striking “through its

1 chairman or vice chairman” and inserting “through any
2 of its members”.

3 **SEC. 407. MAKING ALTERNATIVE PROCEDURES FOR IMPO-**
4 **SITION OF PENALTIES FOR REPORTING VIO-**
5 **LATIONS PERMANENT.**

6 (a) IN GENERAL.—Section 640(c) of the Treasury
7 and General Government Appropriations Act, 2000 (Pub-
8 lic Law 106–58; 113 Stat. 477) is amended by striking
9 “between January 1, 2000 and December 31, 2001” and
10 inserting “on or after January 1, 2000”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall take effect as if included in the enact-
13 ment of the Treasury and General Government Appropria-
14 tions Act, 2000.

15 **TITLE V—MISCELLANEOUS**
16 **PROVISIONS**

17 **SEC. 501. CODIFICATION OF BECK DECISION.**

18 Section 8 of the National Labor Relations Act (29
19 U.S.C. 158) is amended by adding at the end the following
20 new subsection:

21 “(h) NONUNION MEMBER PAYMENTS TO LABOR OR-
22 GANIZATION.—

23 “(1) IN GENERAL.—It shall be an unfair labor
24 practice for any labor organization which receives a
25 payment from an employee pursuant to an agree-

1 ment that requires employees who are not members
2 of the organization to make payments to such orga-
3 nization in lieu of organization dues or fees not to
4 establish and implement the objection procedure de-
5 scribed in paragraph (2).

6 “(2) OBJECTION PROCEDURE.—The objection
7 procedure required under paragraph (1) shall meet
8 the following requirements:

9 “(A) The labor organization shall annually
10 provide to employees who are covered by such
11 agreement but are not members of the
12 organization—

13 “(i) reasonable personal notice of the
14 ratio that the organization’s anticipated
15 expenditures supporting activities unre-
16 lated to collective bargaining bears to the
17 organization’s anticipated total expendi-
18 tures;

19 “(ii) reasonable personal notice of the
20 objection procedure, the employees eligible
21 to invoke the procedure, and the time,
22 place, and manner for filing an objection;
23 and

24 “(iii) reasonable opportunity to file an
25 objection to paying for organization ex-

penditures supporting activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

“(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

“(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization’s expenditures supporting activities unrelated to collective bargaining bears to such organization’s total expenditures; and

“(ii) provide such employee with a reasonable explanation of the organization’s calculation of such reduction, including calculating the amount of organization expenditures supporting activities unrelated to collective bargaining.

“(3) CIVIL ACTION BY EMPLOYEES.—

“(A) LIABILITY.—In addition to any other remedy which may apply under this Act, any

1 labor organization which violates this subsection
2 shall be liable to the affected employee—

3 “(i) for damages equal to—

4 “(I) the amount of the payments
5 made to the organization in lieu of
6 dues or fees which were accepted in
7 violation of this section;

8 “(II) the interest on the amount
9 described in subclause (I) calculated
10 at the prevailing rate; and

11 “(III) an additional amount as
12 liquidated damages equal to the sum
13 of the amount described in subclause
14 (I) and the interest described in sub-
15 clause (II); and

16 “(ii) for such equitable relief as may
17 be appropriate.

18 “(B) RIGHT OF ACTION.—An action to re-
19 cover the damages or equitable relief prescribed
20 in subparagraph (A) may be maintained against
21 any labor organization in any Federal or State
22 court of competent jurisdiction by any one or
23 more employees for and in behalf of—

24 “(i) the employees; or

1 “(ii) the employees and other employ-
 2 ees similarly situated.

3 “(C) FEES AND COSTS.—The court in such
 4 action may, in addition to any judgment award-
 5 ed to the plaintiff, allow a reasonable attorney’s
 6 fee, reasonable expert witness fees, and other
 7 costs of the action to be paid by the defendant.

8 “(4) DEFINITION.—In this subsection, the term
 9 ‘expenditures supporting activities unrelated to col-
 10 lective bargaining’ means expenditures in connection
 11 with any activities not necessary to performing the
 12 duties of the exclusive representative of the employ-
 13 ees in dealing with the employer on labor-manage-
 14 ment issues.”.

15 **SEC. 502. PROHIBITION OF SOLICITATION OF POLITICAL**
 16 **PARTY SOFT MONEY IN FEDERAL BUILDINGS.**

17 (a) IN GENERAL.—Section 607 of title 18, United
 18 States Code, is amended—

19 (1) in subsection (a), by striking “within the
 20 meaning of section 301(8) of the Federal Election
 21 Campaign Act of 1971”; and

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

23 “(c) DEFINITION OF CONTRIBUTION.—In this sec-
 24 tion, the term ‘contribution’ means a gift, subscription,

1 loan, advance, or deposit of money or anything of value
 2 made by any person in connection with—

3 “(1) any election or elections for Federal office;

4 “(2) any political committee (as defined in sec-
 5 tion 301 of the Federal Election Campaign Act of
 6 1971); or

7 “(3) any State, district, or local committee of a
 8 political party.”.

9 (b) AMENDMENT OF TITLE 18 TO INCLUDE PROHI-
 10 BITION OF DONATIONS.—Section 602(a)(4) of title 18,
 11 United States Code, is amended by striking “within the
 12 meaning of section 301(8) of the Federal Election Cam-
 13 paign Act of 1971” and inserting “(as defined in section
 14 607(c))”.

15 **SEC. 503. FILING OF SENATE REPORTS WITH THE FEDERAL**
 16 **ELECTION COMMISSION.**

17 (a) SECTION 302 AMENDMENT.—Section 302 of the
 18 Federal Election Campaign Act of 1971 (2 U.S.C. 432)
 19 is amended by striking subsection (g) and inserting the
 20 following:

21 “(g) PLACE OF FILING.—All designations, state-
 22 ments, and reports required to be filed under this Act shall
 23 be filed with the Commission.”.

24 (b) CONFORMING AMENDMENTS.—The Federal Elec-
 25 tion Campaign Act of 1971 is amended—

1 (1) in section 304 (2 U.S.C. 434)—

2 (A) in subsection (a)(6)(A), by striking
3 “Secretary or the Commission” through “as ap-
4 propriate” and inserting “Commission and Sec-
5 retary of State”,

6 (B) in the third sentence of subsection
7 (c)(2), by striking “the Secretary or”, and

8 (C) in the fourth sentence of subsection
9 (c)(2), by striking “the Secretary, the Commis-
10 sion,” and inserting “the Commission”; and

11 (2) in section 311(a)(4) (2 U.S.C. 438(a)(4)),
12 by striking “Secretary or the”.

13 **TITLE VI—EFFECTIVE DATE**

14 **SEC. 601. EFFECTIVE DATE.**

15 Except as otherwise provided, this Act and the
16 amendments made by this Act shall apply with respect to
17 elections occurring after January 2003.

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