

107TH CONGRESS  
1ST SESSION

# S. 22

To amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. HAGEL (for himself, Ms. LANDRIEU, Mr. BREAUX, Mr. DEWINE, Mrs. HUTCHISON, Mr. NELSON of Nebraska, Mr. SMITH of Oregon, and Mr. THOMAS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, 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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Open and Accountable Campaign Financing Act of  
6       2001”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—DISCLOSURE

Sec. 101. Additional monthly and quarterly disclosure reports.

Sec. 102. Reporting by national political party committees.

Sec. 103. Increased electronic disclosure.

Sec. 104. Public access to broadcasting records.

Sec. 105. Software for filing of reports.

#### TITLE II—SOFT MONEY OF NATIONAL POLITICAL PARTIES AND CONTRIBUTION LIMITS

Sec. 201. Limit on soft money of national political party committees.

Sec. 202. Judicial review.

Sec. 203. Increase in contribution limits.

#### TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Prohibition of solicitation of political party soft money in Federal  
buildings.

Sec. 302. Update of penalty amounts.

Sec. 303. Filing of Senate reports with the Federal Election Commission.

## 3 **TITLE I—DISCLOSURE**

### 4 **SEC. 101. ADDITIONAL MONTHLY AND QUARTERLY DISCLO-** 5 **SURE REPORTS.**

6 (a) PRINCIPAL CAMPAIGN COMMITTEES.—

7 (1) MONTHLY REPORTS.—Section 304(a)(2)(A)  
 8 of the Federal Election Campaign Act of 1971 (2  
 9 U.S.C. 434(a)(2)(A)) is amended by striking clause  
 10 (iii) and inserting the following:

11 “(iii) additional monthly reports, which  
 12 shall be filed not later than the 20th day after  
 13 the last day of the month and shall be complete  
 14 as of the last day of the month, except that  
 15 monthly reports shall not be required under this

1 clause in November and December and a year  
 2 end report shall be filed not later than January  
 3 31 of the following calendar year.”.

4 (2) QUARTERLY REPORTS.—Section  
 5 304(a)(2)(B) of such Act is amended by striking  
 6 “the following reports” and all that follows through  
 7 the period and inserting “the treasurer shall file  
 8 quarterly reports, which shall be filed not later than  
 9 the 15th day after the last day of each calendar  
 10 quarter, and which shall be complete as of the last  
 11 day of each calendar quarter, except that the report  
 12 for the quarter ending December 31 shall be filed  
 13 not later than January 31 of the following calendar  
 14 year.”.

15 (b) NATIONAL COMMITTEE OF A POLITICAL  
 16 PARTY.—Section 304(a)(4) of the Federal Election Cam-  
 17 paign Act of 1971 (2 U.S.C. 434(a)(4)) is amended by  
 18 adding at the end the following flush sentence: “Notwith-  
 19 standing the preceding sentence, a national committee of  
 20 a political party shall file the reports required under sub-  
 21 paragraph (B).”.

22 (c) CONFORMING AMENDMENTS.—

23 (1) SECTION 304.—Section 304(a) of the Fed-  
 24 eral Election Campaign Act of 1971 (2 U.S.C.  
 25 434(a)) is amended—

1 (A) in paragraph (3)(A)(ii), by striking  
 2 “quarterly reports” and inserting “monthly re-  
 3 ports”; and

4 (B) in paragraph (8), by striking “quar-  
 5 terly report under paragraph (2)(A)(iii) or  
 6 paragraph (4)(A)(i)” and inserting “monthly  
 7 report under paragraph (2)(A)(iii) or paragraph  
 8 (4)(A)”.

9 (2) SECTION 309.—Section 309(b) of the Fed-  
 10 eral Election Campaign Act of 1971 (2 U.S.C.  
 11 437g(b)) is amended by striking “calendar quarter”  
 12 and inserting “month”.

13 **SEC. 102. REPORTING BY NATIONAL POLITICAL PARTY**  
 14 **COMMITTEES.**

15 Section 304 of the Federal Election Campaign Act  
 16 of 1971 (2 U.S.C. 434) is amended by adding at the end  
 17 the following:

18 “(e) POLITICAL COMMITTEES.—

19 “(1) NATIONAL AND CONGRESSIONAL POLIT-  
 20 ICAL COMMITTEES.—The national committee of a  
 21 political party, any national congressional campaign  
 22 committee of a political party, and any subordinate  
 23 committee of either, shall report all receipts and dis-  
 24 bursements during the reporting period.

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

8           “(3) REPORTING PERIODS.—Reports required  
 9       to be filed under this subsection shall be filed for the  
 10      same time periods required for political committees  
 11      under subsection (a).”.

12 **SEC. 103. INCREASED ELECTRONIC DISCLOSURE.**

13       Section 304 of the Federal Election Campaign Act  
 14      of 1971 (2 U.S.C. 434), as amended by section 102, is  
 15      amended by adding at the end the following:

16       “(f) INTERNET AVAILABILITY.—The Commission  
 17      shall make the information contained in the reports sub-  
 18      mitted under this section available on the Internet and  
 19      publicly available at the offices of the Commission as soon  
 20      as practicable (but in no case later than 24 hours) after  
 21      the information is received by the Commission.”.

22 **SEC. 104. PUBLIC ACCESS TO BROADCASTING RECORDS.**

23       Section 315 of the Communications Act of 1934 (47  
 24      U.S.C. 315) is amended by redesignating subsections (c)

1 and (d) as subsections (d) and (e), respectively, and insert-  
 2 ing after subsection (b) the following:

3 “(c) POLITICAL RECORD.—

4 “(1) IN GENERAL.—A licensee shall maintain,  
 5 and make available for public inspection, a complete  
 6 record of a request to purchase broadcast time  
 7 that—

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

10 “(B) communicates a message relating to  
 11 any political matter of national importance,  
 12 including—

13 “(i) a legally qualified candidate;

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

15 “(iii) a national legislative issue of  
 16 public importance.

17 “(2) CONTENTS OF RECORD.—A record main-  
 18 tained under paragraph (1) shall contain informa-  
 19 tion regarding—

20 “(A) whether the request to purchase  
 21 broadcast time is accepted or rejected by the li-  
 22 censee;

23 “(B) the rate charged for the broadcast  
 24 time;

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

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

4           “(E) the name of the candidate to which  
5           the communication refers and the office to  
6           which the candidate is seeking election, the elec-  
7           tion to which the communication refers, or the  
8           issue to which the communication refers (as ap-  
9           plicable);

10          “(F) in the case of a request made by, or  
11          on behalf of, a candidate, the name of the can-  
12          didate, the authorized committee of the can-  
13          didate, and the treasurer of such committee;  
14          and

15          “(G) in the case of any other request, the  
16          name of the person purchasing the time, the  
17          name, address, and phone number of a contact  
18          person for such person, and a list of the chief  
19          executive officers or members of the executive  
20          committee or of the board of directors of such  
21          person.

22          “(3) TIME TO MAINTAIN FILE.—The informa-  
23          tion required under this subsection shall be placed in  
24          a political file as soon as possible and shall be re-

1       tained by the licensee for a period of not less than  
2       2 years.”.

3   **SEC. 105. SOFTWARE FOR FILING OF REPORTS.**

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

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

8                       “(A)   IN   GENERAL.—The   Commission  
9                       shall—

10                               “(i) develop software for use to file a  
11                               designation, statement, or report under  
12                               this Act; and

13                               “(ii) provide a copy of the software at  
14                               no cost to a person required to file a des-  
15                               ignation, statement, or report under this  
16                               Act.

17                       “(B) REQUIRED USE.—Any person which  
18                       maintains or files a designation, statement, or  
19                       report under paragraph (11) shall use software  
20                       developed under subparagraph (A) for such  
21                       maintenance or filing.”.



1 **TITLE II—SOFT MONEY OF NA-**  
 2 **TIONAL POLITICAL PARTIES**  
 3 **AND CONTRIBUTION LIMITS**

4 **SEC. 201. LIMIT ON SOFT MONEY OF NATIONAL POLITICAL**  
 5 **PARTY COMMITTEES.**

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:

9 **“SEC. 324. LIMIT ON SOFT MONEY OF NATIONAL POLITICAL**  
 10 **PARTY COMMITTEES.**

11 “(a) LIMITATION.—A national committee of a polit-  
 12 ical party, a congressional campaign committee of a na-  
 13 tional party, or an entity directly or indirectly established,  
 14 financed, maintained, or controlled by such committee  
 15 shall not accept a donation, gift, or transfer of funds of  
 16 any kind (not including transfers from other committees  
 17 of the political party or contributions), during a calendar  
 18 year, from a person (including a person directly or indi-  
 19 rectly established, financed, maintained, or controlled by  
 20 such person) in an aggregate amount in excess of \$60,000.

21 “(b) AGGREGATE LIMIT ON DONOR.—A person shall  
 22 not make an aggregate amount of disbursements described  
 23 in subsection (a) in excess of \$60,000 in any calendar  
 24 year.

1       “(c) INDEX OF AMOUNT.—In the case of any cal-  
2   endar year after 2001—

3               “(1) each \$60,000 amount under subsections  
4       (a) and (b) shall be increased based on the increase  
5       in the price index determined under section 315(c),  
6       except that the base period shall be calendar year  
7       2001; and

8               “(2) each amount so increased shall be the  
9       amount in effect for the calendar year.”.

10 **SEC. 202. JUDICIAL REVIEW.**

11       (a) EXPEDITED REVIEW.—Any Member of Congress,  
12   candidate, national committee of a political party, or any  
13   person adversely affected by section 324 of the Federal  
14   Election Campaign Act of 1971, as added by section 201,  
15   may bring an action, in the United States District Court  
16   for the District of Columbia, for declaratory judgment and  
17   injunctive relief on the ground that such section 324 vio-  
18   lates the Constitution.

19       (b) APPEAL TO SUPREME COURT.—Notwithstanding  
20   any other provision of law, any order of the United States  
21   District Court for the District of Columbia granting or  
22   denying an injunction regarding, or finally disposing of,  
23   an action brought under subsection (a) shall be reviewable  
24   by appeal directly to the Supreme Court of the United  
25   States. Any such appeal shall be taken by a notice of ap-

1 peal filed within 10 calendar days after such order is en-  
 2 tered; and the jurisdictional statement shall be filed within  
 3 30 calendar days after such order is entered.

4 (c) EXPEDITED CONSIDERATION.—It shall be the  
 5 duty of the District Court for the District of Columbia  
 6 and the Supreme Court of the United States to advance  
 7 on the docket and to expedite to the greatest possible ex-  
 8 tent the disposition of any matter brought under sub-  
 9 section (a).

10 (d) ENFORCEABILITY.—The enforcement of any pro-  
 11 vision of section 324 of the Federal Election Campaign  
 12 Act of 1971, as added by section 201, shall be stayed,  
 13 and such section 324 shall not be effective, for the  
 14 period—

15 (1) beginning on the date of the filing of an ac-  
 16 tion under subsection (a), and

17 (2) ending on the date of the final disposition  
 18 of such action on its merits by the Supreme Court  
 19 of the United States.

20 (e) APPLICABILITY.—This section shall apply only  
 21 with respect to any action filed under subsection (a) not  
 22 later than 30 days after the effective date of this Act.

23 **SEC. 203. INCREASE IN CONTRIBUTION LIMITS.**

24 (a) INCREASE IN INDIVIDUAL AND POLITICAL COM-  
 25 MITTEE CONTRIBUTION LIMITS.—Section 315(a) of the

1 Federal Election Campaign Act of 1971 (2 U.S.C.  
2 441a(a)) is amended—

3 (1) in paragraph (1)—

4 (A) in subparagraph (A), by striking  
5 “\$1,000” and inserting “\$3,000”;

6 (B) in subparagraph (B), by striking  
7 “\$20,000” and inserting “\$60,000”; and

8 (C) in subparagraph (C), by striking  
9 “\$5,000” and inserting “\$15,000”; and

10 (2) in paragraph (3)—

11 (A) by striking “\$25,000” and inserting  
12 “\$75,000”; and

13 (B) by striking the second sentence.

14 (b) INCREASE IN MULTICANDIDATE LIMITS.—Sec-  
15 tion 315(a)(2) of the Federal Election Campaign Act of  
16 1971 (2 U.S.C. 441a(a)(2)) is amended—

17 (1) in subparagraph (A)—

18 (A) by striking “\$5,000” and inserting  
19 “\$7,500”; and

20 (B) by inserting “except as provided in  
21 subparagraph (D),” before “to any candidate”;

22 (2) in subparagraph (B)—

23 (A) by striking “\$15,000” and inserting  
24 “\$30,000”; and

25 (B) by striking “or” at the end;

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

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

4           “(D) in the case of a national committee of a  
 5           political party, to any candidate and his authorized  
 6           political committees with respect to any election for  
 7           Federal office which, in the aggregate, exceed  
 8           \$15,000.”.

9           (c) INDEXING.—Section 315(c) of the Federal Elec-  
 10          tion Campaign Act of 1971 (2 U.S.C. 441a(c)) is  
 11          amended—

12           (1) in paragraph (1)—

13                   (A) by striking the second and third sen-  
 14                   tences;

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

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

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

20                   “(i) a limitation established by subsection (a),  
 21                   (b), (d), or (h) shall be increased by the percent dif-  
 22                   ference determined under subparagraph (A); and

23                   “(ii) each amount so increased shall remain in  
 24          effect for the calendar year.

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

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

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

12               “(ii) for purposes of subsections (a) and  
 13 (h), calendar year 2001”.

14       (d) INCREASE IN SENATE CANDIDATE CONTRIBU-  
 15 TION LIMITS FOR NATIONAL PARTY COMMITTEES AND  
 16 SENATORIAL CAMPAIGN COMMITTEES.—Section 315(h) of  
 17 the Federal Election Campaign Act of 1971 (2 U.S.C.  
 18 441a(h)) is amended by striking “\$17,500” and inserting  
 19 “\$60,000”.

20       (e) EFFECTIVE DATES.—

21               (1) Except as provided in paragraph (2), the  
 22 amendments made by this section shall apply to cal-  
 23 endar years beginning after December 31, 2001.

1           (2) The amendments made by subsection (c)  
 2       shall apply to calendar years after December 31,  
 3       2002.

4           **TITLE III—MISCELLANEOUS**  
 5                           **PROVISIONS**

6       **SEC. 301. PROHIBITION OF SOLICITATION OF POLITICAL**  
 7                           **PARTY SOFT MONEY IN FEDERAL BUILDINGS.**

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

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

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

14       “(c) DEFINITION OF CONTRIBUTION.—In this sec-  
 15       tion, the term ‘contribution’ means a gift, subscription,  
 16       loan, advance, or deposit of money or anything of value  
 17       made by any person in connection with—

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

19           “(2) any political committee (as defined in sec-  
 20       tion 301 of the Federal Election Campaign Act of  
 21       1971); or

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

24       (b) AMENDMENT OF TITLE 18 TO INCLUDE PROHI-  
 25       BITION OF DONATIONS.—Section 602(a)(4) of title 18,

1 United States Code, is amended by striking “within the  
 2 meaning of section 301(8) of the Federal Election Cam-  
 3 paign Act of 1971” and inserting “(as defined in section  
 4 607(c))”.

5 **SEC. 302. UPDATE OF PENALTY AMOUNTS.**

6 Section 309 of the Federal Election Campaign Act  
 7 of 1971 (2 U.S.C. 437g) is amended by adding at the end  
 8 the following:

9 “(e) ADJUSTMENT OF DOLLAR AMOUNTS FOR IN-  
 10 FLATION.—In the case of any calendar year after 2001—

11 “(1) each dollar amount under this section shall  
 12 be increased based on the increase in the price index  
 13 determined under section 315(c), except that the  
 14 base period shall be calendar year 2001; and

15 “(2) each amount so increased shall be the  
 16 amount in effect for the calendar year.

17 The preceding sentence shall not apply to any amount  
 18 under subsection (d) other than the \$25,000 amount  
 19 under paragraph (1)(A) of such subsection.”.

20 **SEC. 303. FILING OF SENATE REPORTS WITH THE FEDERAL**  
 21 **ELECTION COMMISSION.**

22 (a) SECTION 302 AMENDMENT.—Section 302 of the  
 23 Federal Election Campaign Act of 1971 (2 U.S.C. 432)  
 24 is amended by striking subsection (g) and inserting the  
 25 following:



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

4       (b) CONFORMING AMENDMENTS.—Title III of the  
 5       Federal Election Campaign Act of 1971 (2 U.S.C. 431  
 6       et seq.) is amended—

7               (1) in section 304—

8                       (A) in subsection (a)(6)(A), by striking  
 9               “Secretary or the Commission” through “as ap-  
 10              propriate” and inserting “Commission and Sec-  
 11              retary of State”; and

12                    (B) in the third sentence of subsection  
 13              (c)(2), by striking “the Secretary or”; and

14              (2) in section 311(a)(4), by striking “Secretary  
 15       or the”.

○