

111TH CONGRESS
2^D SESSION

H. R. 5410

To amend the Federal Election Campaign Act of 1971 to prohibit corporations which are subject to certain criminal or civil sanctions from engaging in campaign-related activity under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2010

Mr. LIPINSKI introduced the following bill; which was referred to the
Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to prohibit corporations which are subject to certain criminal or civil sanctions from engaging in campaign-related activity under such Act, 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; FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Accountability in Corporate Political Activity Act of
6 2010”.

7 (b) **FINDINGS.**—Congress finds as follows:

1 (1) The Supreme Court decision in Citizens
2 United v. FEC allows a corporation to have in-
3 creased access to the election process by permitting
4 unlimited disbursements from a corporation’s gen-
5 eral treasury funds for the purpose of political advo-
6 cacy.

7 (2) As established in the Citizens United case,
8 the Court rejected the argument that political speech
9 of corporations or other associations should be treat-
10 ed differently under the First Amendment simply be-
11 cause such associations are not “natural persons”,
12 thereby granting corporations the same First
13 Amendment rights as individuals regarding political
14 advocacy.

15 (3) In the United States, 48 States prohibit in-
16 dividuals from voting while incarcerated, and 2
17 States permanently bar individuals convicted of a
18 felony from voting.

19 (4) Unlike individuals, corporations are not cur-
20 rently subject to any form of disenfranchisement
21 from the political process due to the conviction of a
22 crime.

23 (5) Corporations should be subject to similar
24 regulations and punishments as individuals for vio-
25 lating the law and the public’s trust.

1 **SEC. 2. PROHIBITING CORPORATIONS SUBJECT TO CER-**
2 **TAIN CRIMINAL OR CIVIL SANCTIONS FROM**
3 **ENGAGING IN CAMPAIGN-RELATED ACTIVITY.**

4 (a) PROHIBITION.—Section 316 of the Federal Elec-
5 tion Campaign Act of 1971 (2 U.S.C. 441b) is amended
6 by adding at the end the following new subsection:

7 “(d) PROHIBITING CORPORATIONS SUBJECT TO CER-
8 TAIN SANCTIONS FROM ENGAGING IN CAMPAIGN-RE-
9 LATED ACTIVITY.—

10 “(1) PROHIBITION.—Subject to paragraph (2),
11 a corporation described in subsection (a) may not
12 engage in any campaign-related activity if the cor-
13 poration has been subject to any of the following
14 sanctions:

15 “(A) The imposition of any criminal pen-
16 alty under any Federal law.

17 “(B) The imposition of a civil money pen-
18 alty under this Act.

19 “(C) The imposition of a civil money pen-
20 alty under any other Federal law in an amount
21 equal to or greater than \$1,000,000.

22 “(2) APPLICATION OF PROHIBITION.—

23 “(A) IN GENERAL.—Paragraph (1) shall
24 apply with respect to a corporation only during
25 such period of time (if any) as may be deter-

1 mined appropriate by the court or other entity
2 which imposes the sanction involved.

3 “(B) STATEMENT IF PROHIBITION NOT AP-
4 PLIED.—If the court or other entity which im-
5 poses a sanction on a corporation determines
6 that it is not appropriate to apply paragraph
7 (1) to the corporation for any period of time,
8 the court or other entity shall, at the time of
9 imposing the sanction, publicly disseminate and
10 file with the Commission a statement of the
11 court’s or other entity’s reasons for not apply-
12 ing paragraph (1) to the corporation.

13 “(3) CAMPAIGN-RELATED ACTIVITY DEFINED.—
14 In this paragraph, the term ‘campaign-related activ-
15 ity’ means, with respect to a corporation—

16 “(A) the making of a contribution by a
17 separate segregated fund of the organization es-
18 tablished and administered pursuant to sub-
19 section (b)(2)(C);

20 “(B) the disbursement of funds for an
21 independent expenditure; or

22 “(C) the disbursement of funds for an elec-
23 tioneering communication described in section
24 304(f).”.

1 (b) DISSEMINATION OF INFORMATION ON AVAIL-
2 ABILITY OF SANCTION.—Upon the enactment of this Act,
3 the Federal Election Commission shall disseminate infor-
4 mation to the public, and shall notify each State, regard-
5 ing the availability of the prohibition described in section
6 316(d) of the Federal Election Campaign Act of 1971, as
7 added by subsection (a), as a sanction applicable to cor-
8 porations subject to any of the sanctions described in sec-
9 tion 316(d)(1) of such Act.

10 (c) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply with respect to penalties im-
12 posed on or after the date of the enactment of this Act.

13 **SEC. 3. 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.

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