

107TH CONGRESS
1ST SESSION

S. 27

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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Bipartisan Campaign Reform Act of 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—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.

Sec. 102. Increased contribution limits for State committees of political parties
 and aggregate contribution limit for individuals.

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. Television media rates.

Sec. 306. Limitation on availability of lowest unit charge for Federal candidates
 attacking opposition.

Sec. 307. Software for filing reports and prompt disclosure of contributions.

Sec. 308. Modification of contribution limits.

Sec. 309. Television media rates for national parties conditioned on adherence
 to existing coordinated spending limits.

Sec. 310. Donations to Presidential Inaugural Committee.

Sec. 311. Prohibition on fraudulent solicitation of funds.

Sec. 312. Study and report on clean money clean elections laws.

Sec. 313. Clarity standards for identification of sponsors of election-related ad-
 vertising.

Sec. 314. Increase in penalties.

Sec. 315. Statute of limitations.

Sec. 316. Sentencing guidelines.

Sec. 317. Increase in penalties imposed for violations of conduit contribution
 ban.

Sec. 318. Restriction on increased contribution limits by taking into account
 candidate's available funds.

TITLE IV—SEVERABILITY; EFFECTIVE DATE

- Sec. 401. Severability.
 Sec. 402. Effective date.
 Sec. 403. Expedited review.

TITLE V—ADDITIONAL DISCLOSURE PROVISIONS

- Sec. 501. Internet access to records.
 Sec. 502. Maintenance of website of election reports.
 Sec. 503. Additional monthly and quarterly 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.

17 “(2) APPLICABILITY.— The prohibition estab-
 18 lished by paragraph (1) applies to any such national
 19 committee, any officer or agent of such a national
 20 committee, and any entity that is directly or indi-

1 rectly established, financed, maintained, or con-
2 trolled by such a national committee.

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

4 “(1) IN GENERAL.—(A) Except as provided in
5 paragraph (2), an amount that is expended or dis-
6 bursed for Federal election activity by a State, dis-
7 trict, or local committee of a political party (includ-
8 ing an entity that is directly or indirectly estab-
9 lished, financed, maintained, or controlled by a
10 State, district, or local committee of a political party
11 and an officer or agent acting on behalf of such
12 committee or entity), or by an entity directly or indi-
13 rectly established, financed, maintained, or con-
14 trolled by or acting on behalf of 1 or more can-
15 didates for State or local office, or individuals hold-
16 ing State or local office, shall be made from funds
17 subject to the limitations, prohibitions, and reporting
18 requirements of this Act.

19 “(B) Nothing in this subsection shall prevent
20 the authorized campaign committee of a candidate
21 for State or local office from raising and spending
22 funds permitted under applicable State law other
23 than for a Federal election activity that refers to a
24 clearly identified candidate for election to Federal
25 office.

1 “(2) APPLICABILITY.—

2 “(A) IN GENERAL.—Notwithstanding
3 clause (i) or (ii) of section 301(20)(A), and sub-
4 ject to subparagraph (B), paragraph (1) shall
5 not apply to any amount expended or disbursed
6 by a State, district, or local committee of a po-
7 litical party for an activity described in either
8 such clause to the extent the expenditures or
9 disbursements for such activity are allocated
10 under regulations prescribed by the Commission
11 as expenditures or disbursements that may be
12 paid from funds not subject to the limitations,
13 prohibitions, and reporting requirements of this
14 Act.

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

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

20 “(ii) the expenditures or disburse-
21 ments described in subparagraph (A) are
22 paid directly or indirectly from amounts
23 donated in accordance with State law, ex-
24 cept that no person (and any person estab-
25 lished, financed, maintained, or controlled

1 by such person) may donate more than
2 \$10,000 to a State, district or local com-
3 mittee of a political party in a calendar
4 year to be used for the expenditures or dis-
5 bursements described in subparagraph (A).

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, to pay the costs of
9 a Federal election activity shall be made from funds sub-
10 ject to the limitations, prohibitions, and reporting require-
11 ments 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-

1 mination of tax exempt status under such section);
2 or

3 “(2) an organization described in section 527 of
4 such Code (other than a political committee).

5 “(e) CANDIDATES.—

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

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

19 “(B) solicit, receive, direct, transfer, or
20 spend funds in connection with any election
21 other than an election for Federal office or dis-
22 burse funds in connection with such an election
23 unless the funds—

24 “(i) are not in excess of the amounts
25 permitted with respect to contributions to

1 candidates and political committees under
2 paragraphs (1) and (2) of section 315(a);
3 and

4 “(ii) are not from sources prohibited
5 by this Act from making contributions in
6 connection with an election for Federal of-
7 fice.

8 “(2) STATE LAW.—Paragraph (1) does not
9 apply to the solicitation, receipt, or spending of
10 funds by an individual who is a candidate for a
11 State or local office in connection with such election
12 for State or local office if the solicitation, receipt, or
13 spending of funds is permitted under State law for
14 any activity other than for a Federal election activity
15 that refers to a clearly identified candidate for elec-
16 tion to Federal office.

17 “(3) FUNDRAISING EVENTS.—Notwithstanding
18 paragraph (1), a candidate or an individual holding
19 Federal office may attend, speak, or be a featured
20 guest at a fundraising event for a State, district, or
21 local committee of a political party.”.

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

25 “(20) FEDERAL ELECTION ACTIVITY.—

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

3 “(i) voter registration activity during
4 the period that begins on the date that is
5 120 days before the date a regularly sched-
6 uled Federal election is held and ends on
7 the date of the election;

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

15 “(iii) a public communication that re-
16 fers to a clearly identified candidate for
17 Federal office (regardless of whether a
18 candidate for State or local office is also
19 mentioned or identified) and that promotes
20 or supports a candidate for that office, or
21 attacks or opposes a candidate for that of-
22 fice (regardless of whether the communica-
23 tion expressly advocates a vote for or
24 against a candidate); or

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

8 “(B) ALTERNATE DEFINITION IF SUB-
9 PARAGRAPH (A)(iii) HELD UNCONSTITU-
10 TIONAL.—If clause (iii) of subparagraph (A) is
11 held to be unconstitutional in a final decision by
12 a court of competent jurisdiction, then in lieu of
13 the provisions of that clause, subparagraph (A)
14 shall be applied as if it contained a clause (iii)
15 that read ‘a broadcast, cable, or satellite com-
16 munication that—

17 “(i) promotes or supports a can-
18 didate for Federal office, or attacks or op-
19 poses a candidate for Federal office, with-
20 out regard to whether the communication
21 advocates a vote for or against a can-
22 didate; and

23 “(ii) is suggestive of no plausible
24 meaning other than an exhortation to vote
25 for or against a specific candidate.’.

1 “(C) EXCLUDED ACTIVITY.—The term
2 ‘Federal election activity’ does not include an
3 amount expended or disbursed by a State, dis-
4 trict, or local committee of a political party
5 for—

6 “(i) a public communication that re-
7 fers solely to a clearly identified candidate
8 for State or local office, if the communica-
9 tion is not a Federal election activity de-
10 scribed in subparagraph (A)(i) or (ii);

11 “(ii) a contribution to a candidate for
12 State or local office, provided the contribu-
13 tion is not designated or used to pay for a
14 Federal election activity described in sub-
15 paragraph (A);

16 “(iii) the costs of a State, district, or
17 local political convention;

18 “(iv) the costs of grassroots campaign
19 materials, including buttons, bumper stick-
20 ers, and yard signs, that name or depict
21 only a candidate for State or local office;
22 and

23 “(v) the cost of constructing or pur-
24 chasing an office facility or equipment for
25 a State, district, or local committee.

1 “(21) GENERIC CAMPAIGN ACTIVITY.—The
2 term ‘generic campaign activity’ means an activity
3 that promotes a political party and does not promote
4 a candidate or non-Federal candidate.

5 “(22) PUBLIC COMMUNICATION.—The term
6 ‘public communication’ means a communication by
7 means of any broadcast, cable, or satellite commu-
8 nication, newspaper, magazine, outdoor advertising
9 facility, mass mailing, or telephone bank to the gen-
10 eral public, or any other form of general public polit-
11 ical advertising.

12 “(23) MASS MAILING.—The term ‘mass mail-
13 ing’ means a mailing of more than 500 pieces of
14 mail matter of an identical or substantially similar
15 nature within any 30-day period.

16 “(24) TELEPHONE BANK.—The term ‘telephone
17 bank’ means more than 500 telephone calls of an
18 identical or substantially similar nature within any
19 30-day period.”.

20 **SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE**
21 **COMMITTEES OF POLITICAL PARTIES AND**
22 **AGGREGATE CONTRIBUTION LIMIT FOR INDI-**
23 **VIDUALS.**

24 (a) CONTRIBUTION LIMIT FOR STATE COMMITTEES
25 OF POLITICAL PARTIES.—Section 315(a)(1) of the Fed-

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

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

5 (2) in subparagraph (C)—

6 (A) by inserting “(other than a committee
 7 described in subparagraph (D))” after “com-
 8 mittee”; and

9 (B) by striking the period at the end and
 10 inserting “; or”; and

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

12 “(D) to a political committee established and
 13 maintained by a State committee of a political party
 14 in any calendar year which, in the aggregate, exceed
 15 \$10,000.”.

16 (b) AGGREGATE CONTRIBUTION LIMIT FOR INDI-
 17 VIDUAL.—Section 315(a)(3) of the Federal Election Cam-
 18 paign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by
 19 striking “\$25,000” and inserting “\$30,000”.

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.—In addition to any other re-
9 porting requirements applicable under this Act, a
10 political committee (not described in paragraph (1))
11 to which section 323(b)(1)(A) applies shall report all
12 receipts and disbursements made for activities de-
13 scribed in section 301(20)(A), other than activities
14 described in section 323(b)(1)(B).

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

22 “(4) REPORTING PERIODS.—Reports required
23 to be filed under this subsection shall be filed for the
24 same time periods required for political committees
25 under subsection (a)(4)(B).”.

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

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

6 (2) by redesignating clauses (ix) through (xv)
 7 as clauses (viii) through (xiv), respectively.

8 **TITLE II—NONCANDIDATE**
 9 **CAMPAIGN EXPENDITURES**
 10 **Subtitle A—Electioneering**
 11 **Communications**

12 **SEC. 201. DISCLOSURE OF ELECTIONEERING COMMUNICA-**
 13 **TIONS.**

14 Section 304 of the Federal Election Campaign Act
 15 of 1971 (2 U.S.C. 434), as amended by section 103, is
 16 amended by adding at the end the following new sub-
 17 section:

18 “(f) ADDITIONAL STATEMENTS ON ELECTIONEERING
 19 COMMUNICATIONS.—

20 “(1) STATEMENT REQUIRED.—Every person
 21 who makes a disbursement for electioneering com-
 22 munications in an aggregate amount in excess of
 23 \$10,000 during any calendar year shall, within 24
 24 hours of each disclosure date, file with the Commis-

1 sion a statement containing the information de-
2 scribed in paragraph (2).

3 “(2) CONTENTS OF STATEMENT.—Each state-
4 ment required to be filed under this subsection shall
5 be made under penalty of perjury and shall contain
6 the following information:

7 “(A) The identification of the person mak-
8 ing the disbursement, of any entity sharing or
9 exercising direction or control over the activities
10 of such person, and of the custodian of the
11 books and accounts of the person making the
12 disbursement.

13 “(B) The principal place of business of the
14 person making the disbursement, if not an indi-
15 vidual.

16 “(C) The amount of each disbursement of
17 more than \$200 during the period covered by
18 the statement and the identification of the per-
19 son to whom the disbursement was made.

20 “(D) The elections to which the election-
21 eering communications pertain and the names
22 (if known) of the candidates identified or to be
23 identified.

24 “(E) If the disbursements were paid out of
25 a segregated bank account which consists of

1 funds contributed solely by individuals directly
2 to this account for electioneering communica-
3 tions, the names and addresses of all contribu-
4 tors who contributed an aggregate amount of
5 \$1,000 or more to that account during the pe-
6 riod beginning on the first day of the preceding
7 calendar year and ending on the disclosure
8 date. Nothing in this subparagraph is to be
9 construed as a prohibition on the use of funds
10 in such a segregated account for a purpose
11 other than electioneering communications.

12 “(F) If the disbursements were paid out of
13 funds not described in subparagraph (E), the
14 names and addresses of all contributors who
15 contributed an aggregate amount of \$1,000 or
16 more to the organization during the period be-
17 ginning on the first day of the preceding cal-
18 endar year and ending on the disclosure date.

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

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

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

1 “(II) is made within—

2 “(aa) 60 days before a general,
3 special, or runoff election for such
4 Federal office; or

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

10 “(III) is made to an audience that in-
11 cludes members of the electorate for such
12 election, convention, or caucus; and

13 “(ii) if clause (i) of paragraph (3)(A) is
14 held to be constitutionally insufficient by final
15 judicial decision to support the regulation pro-
16 vided herein, then the term ‘electioneering com-
17 munication’ means any broadcast, cable, or sat-
18 ellite communication which promotes or sup-
19 ports a candidate for that office, or attacks or
20 opposes a candidate for that office (regardless
21 of whether the communication expressly advo-
22 cates a vote for or against a candidate) and
23 which also is suggestive of no plausible meaning
24 other than an exhortation to vote for or against
25 a specific candidate. Nothing in this subsection

1 shall be construed to affect the interpretation or
2 application of section 100.22(b) of title 11,
3 Code of Federal Regulations.

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

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

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

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

17 “(A) the first date during any calendar
18 year by which a person has made disbursements
19 for electioneering communications aggregating
20 in excess of \$10,000; and

21 “(B) any other date during such calendar
22 year by which a person has made disbursements
23 for electioneering communications aggregating
24 in excess of \$10,000 since the most recent dis-
25 closure date for such calendar year.

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

5 “(6) COORDINATION WITH OTHER REQUIRE-
6 MENTS.—Any requirement to report under this sub-
7 section shall be in addition to any other reporting
8 requirement under this Act.”.

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 election-
20 eering communication (within the meaning
21 of section 304(f)(3)); and

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

1 of, or an agent or official of any such can-
 2 didate, party, or committee;
 3 such disbursement or contracting shall be treat-
 4 ed as a contribution to the candidate supported
 5 by the electioneering communication or that
 6 candidate's party and as an expenditure by that
 7 candidate or 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 an orga-
6 nization described in section 501(c)(4) of the Inter-
7 nal Revenue Code of 1986 or a political organization
8 (as defined in section 527(e)(1) of such Code) made
9 under section 304(f)(2) (E) or (F) of this Act if the
10 communication is paid for exclusively by funds pro-
11 vided directly by individuals who are United States
12 citizens or lawfully admitted for permanent residence
13 as defined in section 1101(a)(2) of the Immigration
14 and Nationality Act (8 U.S.C. 1101(a)(2)). For pur-
15 poses of the preceding sentence, the term ‘provided
16 directly by individuals’ does not include funds the
17 source of which is an entity described in subsection
18 (a) of this section.

19 “(3) SPECIAL OPERATING RULES.—For pur-
20 poses of paragraph (1), the following rules shall
21 apply:

22 “(A) An electioneering communication
23 shall be treated as made by an entity described
24 in subsection (a) if—

1 “(i) an entity described in subsection
2 (a) directly or indirectly disburses any
3 amount for any of the costs of the commu-
4 nication; or

5 “(ii) any amount is disbursed for the
6 communication by a corporation or labor
7 organization or a State or local political
8 party or committee thereof that receives
9 anything of value from an entity described
10 in subsection (a), except that this clause
11 shall not apply to any communication the
12 costs of which are defrayed entirely out of
13 a segregated account to which only individ-
14 uals can contribute, as described in section
15 304(f)(2)(E).

16 “(B) A section 501(c)(4) organization that
17 derives amounts from business activities or re-
18 ceives funds from any entity described in sub-
19 section (a) shall be considered to have paid for
20 any communication out of such amounts unless
21 such organization paid for the communication
22 out of a segregated account to which only indi-
23 viduals can contribute, as described in section
24 304(f)(2)(E).

1 “(4) DEFINITIONS AND RULES.—For purposes
2 of this subsection—

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

5 “(i) an organization described in sec-
6 tion 501(c)(4) of the Internal Revenue
7 Code of 1986 and exempt from taxation
8 under section 501(a) of such Code; or

9 “(ii) an organization which has sub-
10 mitted an application to the Internal Rev-
11 enue Service for determination of its status
12 as an organization described in clause (i);
13 and

14 “(B) a person shall be treated as having
15 made a disbursement if the person has executed
16 a contract to make the disbursement.

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

1 **SEC. 204. RULES RELATING TO CERTAIN TARGETED ELEC-**
 2 **TIONEERING COMMUNICATIONS.**

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

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

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

12 “(B) TARGETED COMMUNICATION.—For
 13 purposes of subparagraph (A), the term ‘tar-
 14 geted communication’ means an electioneering
 15 communication (as defined in section 304(f)(3))
 16 that is distributed from a television or radio
 17 broadcast station or provider of cable or sat-
 18 ellite television service whose audience consists
 19 primarily of residents of the State for which the
 20 clearly identified candidate is seeking office.”.

21 **Subtitle B—Independent and**
 22 **Coordinated Expenditures**

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

24 Section 301 of the Federal Election Campaign Act
 25 (2 U.S.C. 431) is amended by striking paragraph (17) and
 26 inserting the following:

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

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

6 “(B) that is not a coordinated activity with
7 such candidate or such candidate’s agent or a
8 person who has engaged in coordinated activity
9 with such candidate or such candidate’s
10 agent.”.

11 **SEC. 212. REPORTING REQUIREMENTS FOR CERTAIN INDE-**
12 **PENDENT EXPENDITURES.**

13 Section 304 of the Federal Election Campaign Act
14 of 1971 (2 U.S.C. 434) (as amended by section 201) is
15 amended—

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

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

19 “(g) TIME FOR REPORTING CERTAIN EXPENDI-
20 TURES.—

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

22 “(A) INITIAL REPORT.—A person (includ-
23 ing a political committee) that makes or con-
24 tracts to make independent expenditures aggre-
25 gating \$1,000 or more after the 20th day, but

1 more than 24 hours, before the date of an elec-
2 tion shall file a report describing the expendi-
3 tures within 24 hours.

4 “(B) ADDITIONAL REPORTS.—After a per-
5 son files a report under subparagraph (A), the
6 person shall file an additional report within 24
7 hours after each time the person makes or con-
8 tracts to make independent expenditures aggre-
9 gating an additional \$1,000 with respect to the
10 same election as that to which the initial report
11 relates.

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

13 “(A) INITIAL REPORT.—A person (includ-
14 ing a political committee) that makes or con-
15 tracts to make independent expenditures aggre-
16 gating \$10,000 or more at any time up to and
17 including the 20th day before the date of an
18 election shall file a report describing the ex-
19 penditures within 48 hours.

20 “(B) ADDITIONAL REPORTS.—After a per-
21 son files a report under subparagraph (A), the
22 person shall file an additional report within 48
23 hours after each time the person makes or con-
24 tracts to make independent expenditures aggre-
25 gating an additional \$10,000 with respect to

1 the same election as that to which the initial re-
 2 port relates.

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

5 “(A) shall be filed with the Commission;
 6 and

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

11 **SEC. 213. INDEPENDENT VERSUS COORDINATED EXPENDI-**
 12 **TURES BY PARTY.**

13 Section 315(d) of the Federal Election Campaign Act
 14 (2 U.S.C. 441a(d)) is amended—

15 (1) in paragraph (1), by striking “and (3)” and
 16 inserting “, (3), and (4)”; and

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

18 “(4) INDEPENDENT VERSUS COORDINATED EX-
 19 PENDITURES BY PARTY.—

20 “(A) IN GENERAL.—On or after the date
 21 on which a political party nominates a can-
 22 didate, a committee of the political party shall
 23 not make both expenditures under this sub-
 24 section and independent expenditures (as de-

1 fined in section 301(17)) with respect to the
2 candidate during the election cycle.

3 “(B) CERTIFICATION.—Before making a
4 coordinated expenditure under this subsection
5 with respect to a candidate, a committee of a
6 political party shall file with the Commission a
7 certification, signed by the treasurer of the
8 committee, that the committee, on or after the
9 date described in subparagraph (A), has not
10 and shall not make any independent expendi-
11 ture with respect to the candidate during the
12 same election cycle.

13 “(C) APPLICATION.—For purposes of this
14 paragraph, all political committees established
15 and maintained by a national political party
16 (including all congressional campaign commit-
17 tees) and all political committees established
18 and maintained by a State political party (in-
19 cluding any subordinate committee of a State
20 committee) shall be considered to be a single
21 political committee.

22 “(D) TRANSFERS.—A committee of a po-
23 litical party that submits a certification under
24 subparagraph (B) with respect to a candidate
25 shall not, during an election cycle, transfer any

1 funds to, assign authority to make coordinated
2 expenditures under this subsection to, or receive
3 a transfer of funds from, a committee of the po-
4 litical party that has made or intends to make
5 an independent expenditure with respect to the
6 candidate.”.

7 **SEC. 214. COORDINATION WITH CANDIDATES OR POLIT-**
8 **ICAL PARTIES.**

9 (a) IN GENERAL.—

10 (1) COORDINATED EXPENDITURE OR DIS-
11 BURSEMENT TREATED AS CONTRIBUTION.—Section
12 301(8) of the Federal Election Campaign Act of
13 1971 (2 U.S.C. 431(8)) is amended—

14 (A) by striking “or” at the end of subpara-
15 graph (A)(i);

16 (B) by striking “purpose.” in subpara-
17 graph (A)(ii) and inserting “purpose;”;

18 (C) by adding at the end of subparagraph
19 (A) the following:

20 “(iii) any coordinated expenditure or
21 other disbursement made by any person in
22 connection with a candidate’s election, re-
23 gardless of whether the expenditure or dis-
24 bursement is for a communication that
25 contains express advocacy; or

1 “(iv) any expenditure or other dis-
2 bursement made in coordination with a na-
3 tional committee, State committee, or
4 other political committee of a political
5 party by a person (other than a candidate
6 or a candidate’s authorized committee) in
7 connection with an election, regardless of
8 whether the expenditure or disbursement is
9 for a communication that contains express
10 advocacy.”.

11 (2) CONFORMING AMENDMENT.—Section
12 315(a)(7) of the Federal Election Campaign Act of
13 1971 (2 U.S.C. 441a(a)(7)) is amended by striking
14 subparagraph (B) and inserting the following:

15 “(B) a coordinated expenditure or dis-
16 bursement described in—

17 “(i) section 301(8)(C) shall be consid-
18 ered to be a contribution to the candidate
19 or an expenditure by the candidate, respec-
20 tively; and

21 “(ii) section 301(8)(D) shall be con-
22 sidered to be a contribution to, or an ex-
23 penditure by, the political party committee,
24 respectively; and”.

1 (b) DEFINITION OF COORDINATION.—Section 301(8)
2 of the Federal Election Campaign Act of 1971 (2 U.S.C.
3 431(8)), as amended by subsection (a), is amended by
4 adding at the end the following:

5 “(C) For purposes of subparagraph
6 (A)(iii), the term ‘coordinated expenditure or
7 other disbursement’ means a payment made in
8 concert or cooperation with, at the request or
9 suggestion of, or pursuant to any general or
10 particular understanding with, such candidate,
11 the candidate’s authorized political committee,
12 or their agents, or a political party committee
13 or its agents.”.

14 (c) REGULATIONS BY THE FEDERAL ELECTION COM-
15 MISSION.—(1) Within 90 days of the effective date of this
16 Act, the Federal Election Commission shall promulgate
17 new regulations to enforce the statutory standard set by
18 this provision. The regulation shall not require collabora-
19 tion or agreement to establish coordination. In addition
20 to any subject determined by the Commission, the regula-
21 tions shall address—

22 (A) payments for the republication of campaign
23 materials;

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

1 (C) payments for communications directed or
2 made by persons who previously served as an em-
3 ployee of a candidate or a political party;

4 (D) payments for communications made by a
5 person after substantial discussion about the com-
6 munication with a candidate or a political party; and

7 (E) the impact of coordinating internal commu-
8 nications by any person to its restricted class has on
9 any subsequent “Federal election activity” as de-
10 fined in section 301 of the Federal Election Cam-
11 paign Act of 1971.

12 (2) The regulations on coordination adopted by the
13 Federal Election Commission and published in the Federal
14 Register at page 76138 of volume 65, Federal Register,
15 on December 6, 2000, are repealed as of 90 days after
16 the effective date of this Act.

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

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

1 “(2) for a person to solicit, accept, or receive
2 such contribution or donation from a foreign na-
3 tional.”.

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

7 (a) INCREASED LIMITS FOR INDIVIDUALS.—

8 (1) IN GENERAL.—Section 315 of the Federal
9 Election Campaign Act of 1971 (2 U.S.C. 441a) is
10 amended—

11 (A) in subsection (a)(1), by striking “No
12 person” and inserting “Except as provided in
13 subsection (i), no person”; and

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

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

17 “(1) INCREASE.—

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

1 “(B) THRESHOLD AMOUNT.—

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

8 “(I) \$150,000; and

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

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

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

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

23 “(I) the increased limit shall be 3
24 times the applicable limit; and

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

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

11 “(I) the increased limit shall be 6
12 times the applicable limit; and

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

21 “(iii) 10 times the threshold
22 amount—

23 “(I) the increased limit shall be 6
24 times the applicable limit;

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

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

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

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

22 “(ii) the aggregate amount of expendi-
23 tures from personal funds made by the
24 candidate with respect to the election.

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

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

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

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

20 “(B) EFFECT OF WITHDRAWAL OF AN OP-
21 POSING CANDIDATE.—A candidate and a can-
22 didate’s authorized committee shall not accept
23 any contribution and a party shall not make
24 any expenditure under the increased limit after
25 the date on which an opposing candidate ceases

1 to be a candidate to the extent that the amount
2 of such increased limit is attributable to such
3 an opposing candidate.

4 “(3) DISPOSAL OF EXCESS CONTRIBUTIONS.—

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

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

18 “(j) LIMITATION ON REPAYMENT OF PERSONAL
19 LOANS.—Any candidate who incurs personal loans made
20 after the date of enactment of the Bipartisan Campaign
21 Reform Act of 2001 in connection with the candidate’s
22 campaign for election shall not repay (directly or indi-
23 rectly), to the extent such loans exceed \$250,000, such
24 loans from any contributions made to such candidate or

1 any authorized committee of such candidate after the date
2 of such election.”.

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

7 (1) by redesignating subparagraph (B) as sub-
8 paragraph (E); and

9 (2) by inserting after subparagraph (A) the fol-
10 lowing:

11 “(B) NOTIFICATION OF EXPENDITURE FROM PER-
12 SONAL FUNDS.—

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

16 “(I) an expenditure made by a candidate
17 using personal funds; and

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

22 “(ii) DECLARATION OF INTENT.—Not later
23 than the date that is 15 days after the date on
24 which an individual becomes a candidate for the of-
25 fice of Senator, the candidate shall file a declaration

1 stating the total amount of expenditures from per-
2 sonal funds that the candidate intends to make, or
3 to obligate to make, with respect to the election will
4 exceed the State-by-State competitive and fair cam-
5 paign formula with—

6 “(I) the Commission; and

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

8 “(iii) INITIAL NOTIFICATION.—Not later than
9 24 hours after a candidate described in clause (ii)
10 makes or obligates to make an aggregate amount of
11 expenditures from personal funds in excess of 2
12 times the threshold amount in connection with any
13 election, the candidate shall file a notification with—

14 “(I) the Commission; and

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

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

22 “(I) the Commission; and

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

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

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

3 “(I) the name of the candidate and the of-
4 fice sought by the candidate;

5 “(II) the date and amount of each expendi-
6 ture; and

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

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

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

1 (c) 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 the following:

4 “(20) ELECTION CYCLE.—The term ‘election cycle’
5 means the period beginning on the day after the date of
6 the most recent election for the specific office or seat that
7 a candidate is seeking and ending on the date of the next
8 election for that office or seat. For purposes of the pre-
9 ceding sentence, a primary election and a general election
10 shall be considered to be separate elections.

11 “(21) PERSONAL FUNDS.—The term ‘personal funds’
12 means an amount that is derived from—

13 “(A) any asset that, under applicable State law,
14 at the time the individual became a candidate, the
15 candidate had legal right of access to or control
16 over, and with respect to which the candidate had—

17 “(i) legal and rightful title; or

18 “(ii) an equitable interest;

19 “(B) income received during the current elec-
20 tion cycle of the candidate, including—

21 “(i) a salary and other earned income from
22 bona fide employment;

23 “(ii) dividends and proceeds from the sale
24 of the candidate’s stocks or other investments;

25 “(iii) bequests to the candidate;

1 “(iv) income from trusts established before
2 the beginning of the election cycle;

3 “(v) income from trusts established by be-
4 quest after the beginning of the election cycle of
5 which the candidate is the beneficiary;

6 “(vi) gifts of a personal nature that had
7 been customarily received by the candidate
8 prior to the beginning of the election cycle; and

9 “(vii) proceeds from lotteries and similar
10 legal games of chance; and

11 “(C) a portion of assets that are jointly owned
12 by the candidate and the candidate’s spouse equal to
13 the candidate’s share of the asset under the instru-
14 ment of conveyance or ownership, but if no specific
15 share is indicated by an instrument of conveyance or
16 ownership, the value of $\frac{1}{2}$ of the property.”.

17 **SEC. 305. TELEVISION MEDIA RATES.**

18 (a) **LOWEST UNIT CHARGE.**—Subsection (b) of sec-
19 tion 315 of the Communications Act of 1934 (47 U.S.C.
20 315) is amended—

21 (1) by striking “(b) The charges” and inserting
22 the following:

23 “(b) **CHARGES.**—

24 “(1) **IN GENERAL.**—Except as provided in para-
25 graph (2), the charges”;

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

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

4 “(2) TELEVISION.—The charges made for the
5 use of any television broadcast station, or by a pro-
6 vider of cable or satellite television service, to any
7 person who is a legally qualified candidate for any
8 public office in connection with the campaign of such
9 candidate for nomination for election, or election, to
10 such office shall not exceed the lowest charge of the
11 station (at any time during the 365-day period pre-
12 ceding the date of the use) for the same amount of
13 time for the same period.”.

14 (b) RATE AVAILABLE FOR NATIONAL PARTIES.—
15 Section 315(b)(2) of such Act (47 U.S.C. 315(b)(2)), as
16 added by subsection (a)(3), is amended by inserting “, or
17 by a national committee of a political party on behalf of
18 such candidate in connection with such campaign,” after
19 “such office”.

20 (c) PREEMPTION.—Section 315 of such Act (47
21 U.S.C. 315) is amended—

22 (1) by redesignating subsections (c) and (d) as
23 subsections (e) and (f), respectively; and

24 (2) by inserting after subsection (b) the fol-
25 lowing new subsection:

1 “(c) PREEMPTION.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), a licensee shall not preempt the use of a
4 television broadcast station, or a provider of cable or
5 satellite television service, by an eligible candidate or
6 political committee of a political party who has pur-
7 chased and paid for such use pursuant to subsection
8 (b)(2).

9 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-
10 CENSEE.—If a program to be broadcast by a tele-
11 vision broadcast station, or a provider of cable or
12 satellite television service, is preempted because of
13 circumstances beyond the control of the station, any
14 candidate or party advertising spot scheduled to be
15 broadcast during that program may also be pre-
16 empted.”.

17 (d) RANDOM AUDITS.—Section 315 of such Act (47
18 U.S.C. 315), as amended by subsection (c), is amended
19 by inserting after subsection (c) the following new sub-
20 section:

21 “(d) RANDOM AUDITS.—

22 “(1) IN GENERAL.—During the 45-day period
23 preceding a primary election and the 60-day period
24 preceding a general election, the Commission shall
25 conduct random audits of designated market areas

1 to ensure that each television broadcast station, and
2 provider of cable or satellite television service, in
3 those markets is allocating television broadcast ad-
4 vertising time in accordance with this section and
5 section 312.

6 “(2) **MARKETS.**—The random audits conducted
7 under paragraph (1) shall cover the following mar-
8 kets:

9 “(A) At least 6 of the top 50 largest des-
10 ignated market areas (as defined in section
11 122(j)(2)(C) of title 17, United States Code).

12 “(B) At least 3 of the 51–100 largest des-
13 ignated market areas (as so defined).

14 “(C) At least 3 of the 101–150 largest
15 designated market areas (as so defined).

16 “(D) At least 3 of the 151–210 largest
17 designated market areas (as so defined).

18 “(3) **BROADCAST STATIONS.**—Each random
19 audit shall include each of the 3 largest television
20 broadcast networks, 1 independent network, and 1
21 cable network.”.

22 (e) **DEFINITION OF BROADCASTING STATION.**—Sub-
23 section (e) of section 315 of such Act (47 U.S.C. 315(e)),
24 as redesignated by subsection (c)(1) of this section, is
25 amended by inserting “, a television broadcast station, and

1 a provider of cable or satellite television service” before
 2 the semicolon.

3 (f) **STYLISTIC AMENDMENTS.**—Section 315 of such
 4 Act (47 U.S.C. 315) is amended—

5 (1) in subsection (a), by inserting “**IN GEN-**
 6 **ERAL.—**” before “If any”;

7 (2) in subsection (e), as redesignated by sub-
 8 section (c)(1) of this section, by inserting “**DEFINI-**
 9 **TIONS.—**” before “For purposes”; and

10 (3) in subsection (f), as so redesignated, by in-
 11 serting “**REGULATIONS.—**” before “The Commis-
 12 sion”.

13 **SEC. 306. LIMITATION ON AVAILABILITY OF LOWEST UNIT**
 14 **CHARGE FOR FEDERAL CANDIDATES AT-**
 15 **TACKING OPPOSITION.**

16 (a) **IN GENERAL.**—Section 315(b) of the Commu-
 17 nications Act of 1934 (47 U.S.C. 315(b)), as amended by
 18 this Act, is amended by adding at the end the following:

19 “(3) **CONTENT OF BROADCASTS.—**

20 “(A) **IN GENERAL.**—In the case of a can-
 21 didate for Federal office, such candidate shall
 22 not be entitled to receive the rate under para-
 23 graph (1)(A) or (2) for the use of any broad-
 24 casting station unless the candidate provides
 25 written certification to the broadcast station

1 that the candidate (and any authorized com-
2 mittee of the candidate) shall not make any di-
3 rect reference to another candidate for the same
4 office, in any broadcast using the rights and
5 conditions of access under this Act, unless such
6 reference meets the requirements of subpara-
7 graph (C) or (D).

8 “(B) LIMITATION ON CHARGES.—If a can-
9 didate for Federal office (or any authorized
10 committee of such candidate) makes a reference
11 described in subparagraph (A) in any broadcast
12 that does not meet the requirements of sub-
13 paragraph (C) or (D), such candidate shall not
14 be entitled to receive the rate under paragraph
15 (1)(A) or (2) for such broadcast or any other
16 broadcast during any portion of the 45-day and
17 60-day periods described in paragraph (1)(A),
18 that occur on or after the date of such broad-
19 cast, for election to such office.

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

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

3 “(ii) a clearly readable printed state-
4 ment, identifying the candidate and stating
5 that the candidate has approved the broad-
6 cast and that the candidate’s authorized
7 committee paid for the broadcast.

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

15 “(E) CERTIFICATION.—Certifications
16 under this section shall be provided and cer-
17 tified as accurate by the candidate (or any au-
18 thorized committee of the candidate) at the
19 time of purchase.

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

1 (b) CONFORMING AMENDMENT.—Section
 2 315(b)(1)(A) of the Communications Act of 1934 (47
 3 U.S.C. 315(b)(1)(A)), as amended by this Act, is amended
 4 by inserting “subject to paragraph (3),” before “during
 5 the forty-five days”.

6 (c) EFFECTIVE DATE.—The amendments made by
 7 this section shall apply to broadcasts made after the date
 8 of enactment of this Act.

9 **SEC. 307. SOFTWARE FOR FILING REPORTS AND PROMPT**
 10 **DISCLOSURE OF CONTRIBUTIONS.**

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

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

15 “(A) IN GENERAL.—The Commission
 16 shall—

17 “(i) promulgate standards to be used
 18 by vendors to develop software that—

19 “(I) permits candidates to easily
 20 record information concerning receipts
 21 and disbursements required to be re-
 22 ported under this Act at the time of
 23 the receipt or disbursement;

24 “(II) allows the information re-
 25 corded under subclause (I) to be

1 transmitted immediately to the Com-
2 mission; and

3 “(III) allows the Commission to
4 post the information on the Internet
5 immediately upon receipt; and

6 “(ii) make a copy of software that
7 meets the standards promulgated under
8 clause (i) available to each person required
9 to file a designation, statement, or report
10 in electronic form under this Act.

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

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

1 “(D) REQUIRED POSTING.—The Commis-
2 sion shall, as soon as practicable, post on the
3 Internet any information received under this
4 paragraph.”.

5 **SEC. 308. MODIFICATION OF CONTRIBUTION LIMITS.**

6 (a) INCREASE IN INDIVIDUAL LIMITS.—Section
7 315(a)(1) of the Federal Election Campaign Act of 1971
8 (2 U.S.C. 441a(a)(1)) is amended—

9 (1) in subparagraph (A), by striking “\$1,000”
10 and inserting “\$2,000”; and

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

13 (b) INCREASE IN AGGREGATE INDIVIDUAL LIMIT.—
14 Section 315(a)(3) of the Federal Election Campaign Act
15 of 1971 (2 U.S.C. 441a(a)(3)), as amended by section
16 102(b), is amended by striking “\$30,000” and inserting
17 “\$37,500”.

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

22 (d) INDEXING OF CONTRIBUTION LIMITS.—Section
23 315(e) of the Federal Election Campaign Act of 1971 (2
24 U.S.C. 441a(e)) is amended—

25 (1) in paragraph (1)—

1 (A) by striking the second and third sen-
2 tences;

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

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

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

8 “(i) a limitation established by subsections
9 (a)(1)(A), (a)(1)(B), (a)(3), (b), (d), or (h) shall be
10 increased by the percent difference determined under
11 subparagraph (A);

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

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

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

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

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

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

7 (e) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to contributions made after the
9 date of enactment of this Act.

10 **SEC. 309. TELEVISION MEDIA RATES FOR NATIONAL PAR-**
11 **TIES CONDITIONED ON ADHERENCE TO EX-**
12 **ISTING COORDINATED SPENDING LIMITS.**

13 (a) AVAILABILITY OF TELEVISION MEDIA RATES.—
14 Section 315(b)(2) of the Communications Act of 1934 (47
15 U.S.C. 315(b)(2)), as amended by this Act, is amended—

16 (1) by striking “TELEVISION.—The charges”
17 and inserting “TELEVISION.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the charges”; and

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

21 “(B) LIMITATIONS ON AVAILABILITY FOR
22 NATIONAL COMMITTEES OF POLITICAL PAR-
23 TIES.—

24 “(i) RATE CONDITIONED ON VOL-
25 UNTARY ADHERENCE TO EXPENDITURE

1 LIMITS.—If the limits on expenditures
2 under section 315(d)(3) of the Federal
3 Election Campaign Act of 1971 are held to
4 be invalid by the Supreme Court of the
5 United States, then no television broadcast
6 station, or provider of cable or satellite tel-
7 evision service, shall be required to charge
8 a national committee of a political party
9 the lowest charge of the station described
10 in paragraph (1) after the date of the Su-
11 preme Court holding unless the national
12 committee of a political party certifies to
13 the Federal Election Commission that the
14 committee, and each State committee of
15 that political party of each State in which
16 the advertisement is televised, will adhere
17 to the expenditure limits, for the calendar
18 year in which the general election to which
19 the expenditure relates occurs, that would
20 apply under such section as in effect on
21 January 1, 2001.

22 “(ii) RATE NOT AVAILABLE FOR INDE-
23 PENDENT EXPENDITURES.—If the limits
24 on expenditures under section 315(d)(3) of
25 the Federal Election Campaign Act of

1 1971 are held to be invalid by the Supreme
2 Court of the United States, then no tele-
3 vision broadcast station, or provider of
4 cable or satellite television service, shall be
5 required to charge a national or State com-
6 mittee of a political party the lowest
7 charge of the station described in para-
8 graph (1) with respect to any independent
9 expenditure (as defined in section 301 of
10 the Federal Election Campaign Act of
11 1971).

12 “(iii) COORDINATION WITH OTHER
13 PROVISIONS.—Clauses (i) and (ii) shall not
14 apply if section 315(d) of the Federal Elec-
15 tion Campaign Act of 1971 (2 U.S.C.
16 441a(d)) does not apply with respect to an
17 expenditure by a State or national com-
18 mittee of a political party by reason of sec-
19 tion 315(i)(1)(C)(iii)(III) of that Act.

20 (b) FEDERAL ELECTION COMMISSION RULE-
21 MAKING.—Section 315(d) of the Federal Election Cam-
22 paign Act of 1971 (2 U.S.C. 441a(d)) is amended by add-
23 ing at the end the following:

24 “(4) If the limits on expenditures under para-
25 graph (3) are held to be invalid by the Supreme

1 Court of the United States, the Commission shall
2 prescribe rules to ensure that each national com-
3 mittee of political party that submits a certification
4 under section 315(b)(2)(B) of the Communications
5 Act of 1934, and each State committee of that polit-
6 ical party described in such section, complies with
7 such certification.”.

8 **SEC. 310. DONATIONS TO PRESIDENTIAL INAUGURAL COM-**
9 **MITTEE.**

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

12 (1) redesignating section 510 as section 511;

13 and

14 (2) inserting after section 509 the following:

15 **“§ 510. Disclosure of and prohibition on certain dona-**
16 **tions.**

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

21 “(b) DISCLOSURE.—

22 “(1) IN GENERAL.—Not later than the date
23 that is 90 days after the date of the Presidential in-
24 augural ceremony, the committee shall file a report
25 with the Federal Election Commission disclosing any

1 donation of money or anything of value made to the
2 committee in an aggregate amount equal to or great-
3 er than \$200.

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

6 “(A) the amount of the donation;

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

8 “(C) the name and address of the person
9 making the donation.

10 “(c) LIMITATION.—The committee shall not accept
11 any donation from a foreign national (as defined in section
12 319(b) of the Federal Election Campaign Act of 1971 (2
13 U.S.C. 441e(b))).”.

14 (b) REPORTS MADE AVAILABLE BY FEC.—Section
15 304 of the Federal Election Campaign Act of 1971 (2
16 U.S.C. 434), as amended by sections 103, 201, and 212
17 is amended by adding at the end the following:

18 “(h) REPORTS FROM INAUGURAL COMMITTEES.—
19 The Federal Election Commission shall make any report
20 filed by an Inaugural Committee under section 510 of title
21 36, United States Code, accessible to the public at the of-
22 fices of the Commission and on the Internet not later than
23 48 hours after the report is received by the Commission.”.

1 **SEC. 311. PROHIBITION ON FRAUDULENT SOLICITATION OF**
 2 **FUNDS.**

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

5 (1) by inserting “(a) IN GENERAL.—” before
 6 “No person”;

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

8 “(b) FRAUDULENT SOLICITATION OF FUNDS.—No
 9 person shall—

10 “(1) fraudulently misrepresent the person as
 11 speaking, writing, or otherwise acting for or on be-
 12 half of any candidate or political party or employee
 13 or agent thereof for the purpose of soliciting con-
 14 tributions or donations; or

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

18 **SEC. 312. STUDY AND REPORT ON CLEAN MONEY CLEAN**
 19 **ELECTIONS LAWS.**

20 (a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—
 21 In this section, the term “clean money clean elections”
 22 means funds received under State laws that provide in
 23 whole or in part for the public financing of election cam-
 24 paigns.

25 (b) STUDY.—

1 (1) IN GENERAL.—The Comptroller General of
2 the United States shall conduct a study of the clean
3 money clean elections of Arizona and Maine.

4 (2) MATTERS STUDIED.—

5 (A) STATISTICS ON CLEAN MONEY CLEAN
6 ELECTIONS CANDIDATES.—The Comptroller
7 General of the United States shall determine—

8 (i) the number of candidates who have
9 chosen to run for public office with clean
10 money clean elections including—

11 (I) the office for which they were
12 candidates;

13 (II) whether the candidate was
14 an incumbent or a challenger; and

15 (III) whether the candidate was
16 successful in the candidate's bid for
17 public office; and

18 (ii) the number of races in which at
19 least one candidate ran an election with
20 clean money clean elections.

21 (B) EFFECTS OF CLEAN MONEY CLEAN
22 ELECTIONS.—The Comptroller General of the
23 United States shall describe the effects of pub-
24 lic financing under the clean money clean elec-

1 tions laws on the 2000 elections in Arizona and
2 Maine.

3 (c) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Comptroller General of the
5 United States shall submit a report to the Congress detail-
6 ing the results of the study conducted under subsection
7 (b).

8 **SEC. 313. CLARITY STANDARDS FOR IDENTIFICATION OF**
9 **SPONSORS OF ELECTION-RELATED ADVER-**
10 **TISING.**

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

13 (1) in subsection (a)—

14 (A) in the matter preceding paragraph

15 (1)—

16 (i) by striking “Whenever” and insert-
17 ing “Whenever a political committee makes
18 a disbursement for the purpose of financ-
19 ing any communication through any broad-
20 casting station, newspaper, magazine, out-
21 door advertising facility, mailing, or any
22 other type of general public political adver-
23 tising, or whenever”;

24 (ii) by striking “an expenditure” and
25 inserting “a disbursement”; and

1 (iii) by striking “direct”; and

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

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

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

10 “(c) SPECIFICATION.—Any printed communication
11 described in subsection (a) shall—

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

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

16 “(3) be printed with a reasonable degree of
17 color contrast between the background and the
18 printed statement.

19 “(d) ADDITIONAL REQUIREMENTS.—

20 “(1) AUDIO STATEMENT.—

21 “(A) CANDIDATE.—Any communication
22 described in paragraphs (1) or (2) of subsection
23 (a) which is transmitted through radio or tele-
24 vision shall include, in addition to the require-
25 ments of that paragraph, an audio statement by

1 the candidate that identifies the candidate and
2 states that the candidate has approved the com-
3 munication.

4 “(B) OTHER PERSONS.—Any communica-
5 tion described in paragraph (3) of subsection
6 (a) which is transmitted through radio or tele-
7 vision shall include, in addition to the require-
8 ments of that paragraph, in a clearly spoken
9 manner, the following statement: ‘ _____
10 is responsible for the content of this adver-
11 tising.’ (with the blank to be filled in with the
12 name of the political committee or other person
13 paying for the communication and the name of
14 any connected organization of the payor). If
15 transmitted through television, the statement
16 shall also appear in a clearly readable manner
17 with a reasonable degree of color contrast be-
18 tween the background and the printed state-
19 ment, for a period of at least 4 seconds.

20 “(2) TELEVISION.—If a communication de-
21 scribed in paragraph (1)(A) is transmitted through
22 television, the communication shall include, in addi-
23 tion to the audio statement under paragraph (1), a
24 written statement that—

1 “(A) appears at the end of the communica-
2 tion in a clearly readable manner with a reason-
3 able degree of color contrast between the back-
4 ground and the printed statement, for a period
5 of at least 4 seconds; and

6 “(B) is accompanied by a clearly identifi-
7 able photographic or similar image of the can-
8 didate.”.

9 **SEC. 314. INCREASE IN PENALTIES.**

10 (a) IN GENERAL.—Subparagraph (A) of section
11 309(d)(1) of the Federal Election Campaign Act of 1971
12 (2 U.S.C. 437g(d)(1)(A)) is amended to read as follows:

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

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

21 “(ii) aggregating \$2,000 or more (but less than
22 \$25,000) during a calendar year shall be fined under
23 such title, or imprisoned for not more than one year,
24 or both.”.

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

4 **SEC. 315. STATUTE OF LIMITATIONS.**

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

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to violations occurring on or after
10 the date of enactment of this Act.

11 **SEC. 316. SENTENCING GUIDELINES.**

12 (a) IN GENERAL.—The United States Sentencing
13 Commission shall—

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

19 (2) submit to Congress an explanation of any
20 guidelines promulgated under paragraph (1) and any
21 legislative or administrative recommendations re-
22 garding enforcement of the Federal Election Cam-
23 paign Act of 1971 and related election laws.

1 (b) CONSIDERATIONS.—The Commission shall pro-
2 vide guidelines under subsection (a) taking into account
3 the following considerations:

4 (1) Ensure that the sentencing guidelines and
5 policy statements reflect the serious nature of such
6 violations and the need for aggressive and appro-
7 priate law enforcement action to prevent such viola-
8 tions.

9 (2) Provide a sentencing enhancement for any
10 person convicted of such violation if such violation
11 involves—

12 (A) a contribution, donation, or expendi-
13 ture from a foreign source;

14 (B) a large number of illegal transactions;

15 (C) a large aggregate amount of illegal
16 contributions, donations, or expenditures;

17 (D) the receipt or disbursement of govern-
18 mental funds; and

19 (E) an intent to achieve a benefit from the
20 Federal Government.

21 (3) Provide a sentencing enhancement for any
22 violation by a person who is a candidate or a high-
23 ranking campaign official for such candidate.

24 (4) Assure reasonable consistency with other
25 relevant directives and guidelines of the Commission.

1 (5) Account for aggravating or mitigating cir-
2 cumstances that might justify exceptions, including
3 circumstances for which the sentencing guidelines
4 currently provide sentencing enhancements.

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

8 (c) EFFECTIVE DATE; EMERGENCY AUTHORITY TO
9 PROMULGATE GUIDELINES.—

10 (1) EFFECTIVE DATE.—Notwithstanding sec-
11 tion 402, the United States Sentencing Commission
12 shall promulgate guidelines under this section not
13 later than the later of—

14 (A) 90 days after the date of enactment of
15 this Act; or

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

19 (2) EMERGENCY AUTHORITY TO PROMULGATE
20 GUIDELINES.—The Commission shall promulgate
21 guidelines under this section in accordance with the
22 procedures set forth in section 21(a) of the Sen-
23 tencing Reform Act of 1987, as though the authority
24 under such Act has not expired.

1 **SEC. 317. INCREASE IN PENALTIES IMPOSED FOR VIOLA-**
2 **TIONS OF CONDUIT CONTRIBUTION BAN.**

3 (a) INCREASE IN CIVIL MONEY PENALTY FOR KNOW-
4 ING AND WILLFUL VIOLATIONS.—Section 309(a) of the
5 Federal Election Campaign Act of 1971 (2 U.S.C.
6 437g(a)) is amended—

7 (1) in paragraph (5)(B), by inserting before the
8 period at the end the following: “(or, in the case of
9 a violation of section 320, which is not less than 300
10 percent of the amount involved in the violation and
11 is not more than the greater of \$50,000 or 1000
12 percent of the amount involved in the violation)”;
13 and

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

20 (b) INCREASE IN CRIMINAL PENALTY.—Section
21 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended
22 by adding at the end the following new subparagraph:

23 “(D) Any person who knowingly and will-
24 fully commits a violation of section 320 involv-
25 ing an amount aggregating more than \$10,000
26 during a calendar year shall be—

1 “(i) imprisoned for not more than 2
2 years if the amount is less than \$25,000
3 (and subject to imprisonment under sub-
4 paragraph (A) if the amount is \$25,000 or
5 more); or

6 “(ii) fined not less than 300 percent
7 of the amount involved in the violation and
8 not more than the greater of—

9 “(I) \$50,000; or

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

12 “(iii) both imprisoned under clause (i)
13 and fined under clause (ii).”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply with respect to violations occurring
16 on or after the date of enactment of this Act.

17 **SEC. 318. RESTRICTION ON INCREASED CONTRIBUTION**
18 **LIMITS BY TAKING INTO ACCOUNT CAN-**
19 **DIDATE’S AVAILABLE FUNDS.**

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

23 “(E) SPECIAL RULE FOR CANDIDATE’S
24 CAMPAIGN FUNDS.—

1 “(i) IN GENERAL.—For purposes of
2 determining the aggregate amount of ex-
3 penditures from personal funds under sub-
4 paragraph (D)(ii), such amount shall in-
5 clude the gross receipts advantage of the
6 candidate’s authorized committee.

7 “(ii) GROSS RECEIPTS ADVANTAGE.—
8 For purposes of clause (i), the term ‘gross
9 receipts advantage’ means the excess, if
10 any, of—

11 “(I) the aggregate amount of 50
12 percent of gross receipts of a can-
13 didate’s authorized committee during
14 any election cycle (not including con-
15 tributions from personal funds of the
16 candidate) that may be expended in
17 connection with the election, as deter-
18 mined on June 30 and December 31
19 of the year preceding the year in
20 which a general election is held, over

21 “(II) the aggregate amount of 50
22 percent of gross receipts of the oppos-
23 ing candidate’s authorized committee
24 during any election cycle (not includ-
25 ing contributions from personal funds

1 of the candidate) that may be ex-
2 pended in connection with the elec-
3 tion, as determined on June 30 and
4 December 31 of the year preceding
5 the year in which a general election is
6 held.

7 **TITLE IV—SEVERABILITY;**
8 **EFFECTIVE DATE**

9 **SEC. 401. SEVERABILITY.**

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

17 **SEC. 402. EFFECTIVE DATE.**

18 Except as otherwise provided in this Act, this Act and
19 the amendments made by this Act shall take effect 30
20 days after the date of its enactment.

21 **SEC. 403. EXPEDITED REVIEW.**

22 (a) EXPEDITED REVIEW.—Any individual or organi-
23 zation that would otherwise have standing to challenge a
24 provision of, or amendment made by, this Act may bring
25 an action, in the United States District Court for the Dis-

1 triet of Columbia, for declaratory judgment and injunctive
2 relief on the ground that such provision or amendment
3 violates the Constitution. For purposes of the expedited
4 review provided by this section the exclusive venue for
5 such an action shall be the United States District Court
6 for the District of Columbia.

7 (b) APPEAL TO SUPREME COURT.—Notwithstanding
8 any other provision of law, any order or judgment of the
9 United States District Court for the District of Columbia
10 finally disposing of an action brought under subsection (a)
11 shall be reviewable by appeal directly to the Supreme
12 Court of the United States. Any such appeal shall be taken
13 by a notice of appeal filed within 10 calendar days after
14 such order or judgment is entered; and the jurisdictional
15 statement shall be filed within 30 calendar days after such
16 order or judgment is entered.

17 (c) EXPEDITED CONSIDERATION.—It shall be the
18 duty of the District Court for the District of Columbia
19 and the Supreme Court of the United States to advance
20 on the docket and to expedite to the greatest possible ex-
21 tent the disposition of any matter brought under sub-
22 section (a).

1 **TITLE V—ADDITIONAL**
2 **DISCLOSURE PROVISIONS**

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

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

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

15 **SEC. 502. MAINTENANCE OF WEBSITE OF ELECTION RE-**
16 **PORTS.**

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

21 (b) ELECTION-RELATED REPORT.—In this section,
22 the term “election-related report” means any report, des-
23 ignation, or statement required to be filed under the Fed-
24 eral Election Campaign Act of 1971.

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

8 **SEC. 503. ADDITIONAL MONTHLY AND QUARTERLY DISCLO-**
 9 **SURE REPORTS.**

10 (a) PRINCIPAL CAMPAIGN COMMITTEES.—

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

15 “(iii) additional monthly reports, which
 16 shall be filed not later than the 20th day after
 17 the last day of the month and shall be complete
 18 as of the last day of the month, except that
 19 monthly reports shall not be required under this
 20 clause in November and December and a year
 21 end report shall be filed not later than January
 22 31 of the following calendar year.”.

23 (2) QUARTERLY REPORTS.—Section
 24 304(a)(2)(B) of such Act is amended by striking
 25 “the following reports” and all that follows through

1 the period and inserting “the treasurer shall file
2 quarterly reports, which shall be filed not later than
3 the 15th day after the last day of each calendar
4 quarter, and which shall be complete as of the last
5 day of each calendar quarter, except that the report
6 for the quarter ending December 31 shall be filed
7 not later than January 31 of the following calendar
8 year.”.

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

16 (c) CONFORMING AMENDMENTS.—

17 (1) SECTION 304.—Section 304(a) of the Fed-
18 eral Election Campaign Act of 1971 (2 U.S.C.
19 434(a)) is amended—

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

23 (B) in paragraph (8), by striking “quar-
24 terly report under paragraph (2)(A)(iii) or
25 paragraph (4)(A)(i)” and inserting “monthly

1 report under paragraph (2)(A)(iii) or paragraph
2 (4)(A)”.

3 (2) SECTION 309.—Section 309(b) of the Fed-
4 eral Election Campaign Act of 1971 (2 U.S.C.
5 437g(b)) is amended by striking “calendar quarter”
6 and inserting “month”.

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

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

13 “(e) POLITICAL RECORD.—

14 “(1) IN GENERAL.—A licensee shall maintain,
15 and make available for public inspection, a complete
16 record of a request to purchase broadcast time
17 that—

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

20 “(B) communicates a message relating to
21 any political matter of national importance,
22 including—

23 “(i) a legally qualified candidate;

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

1 “(iii) a national legislative issue of
2 public importance.

3 “(2) CONTENTS OF RECORD.—A record main-
4 tained under paragraph (1) shall contain informa-
5 tion regarding—

6 “(A) whether the request to purchase
7 broadcast time is accepted or rejected by the li-
8 censee;

9 “(B) the rate charged for the broadcast
10 time;

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

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

14 “(E) the name of the candidate to which
15 the communication refers and the office to
16 which the candidate is seeking election, the elec-
17 tion to which the communication refers, or the
18 issue to which the communication refers (as ap-
19 plicable);

20 “(F) in the case of a request made by, or
21 on behalf of, a candidate, the name of the can-
22 didate, the authorized committee of the can-
23 didate, and the treasurer of such committee;
24 and

1 “(G) in the case of any other request, the
2 name of the person purchasing the time, the
3 name, address, and phone number of a contact
4 person for such person, and a list of the chief
5 executive officers or members of the executive
6 committee or of the board of directors of such
7 person.

8 “(3) TIME TO MAINTAIN FILE.—The informa-
9 tion required under this subsection shall be placed in
10 a political file as soon as possible and shall be re-
11 tained by the licensee for a period of not less than
12 2 years.”.

Passed the Senate April 2 (legislative day, March
30), 2001.

Attest:

Secretary.

107TH CONGRESS
1ST SESSION

S. 27

AN ACT

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

S 27 ES—2

S 27 ES—3

S 27 ES—4

S 27 ES—5

S 27 ES—6

S 27 ES—7

S 27 ES—8

S 27 ES—9

S 27 ES—10