(Pub. L. 91–138, § 17, Dec. 5, 1969, 83 Stat. 290; Pub. L. 104–186, title II, § 211(4), Aug. 20, 1996, 110 Stat. 1744.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''applicable accounts'' for ''contingent fund''.

CHAPTER 13—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

§§ 411 to 417. Repealed. Pub. L. 104–186, title II, § 212(1)(A), (2), Aug. 20, 1996, 110 Stat. 1745

Section 411, Pub. L. 91–510, title IV, § 401, Oct. 26, 1970, 84 Stat. 1187, created a 10-member Joint Committee on Congressional Operations.

Section 412, Pub. L. 91–510, title IV, § 402, Oct. 26, 1970, 84 Stat. 1187, enumerated duties of Joint Committee.

Section 412a, based on H. Res. No. 988, § 206, Ninety-third Congress, Oct. 8, 1974, enacted into permanent law by Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777, related to continuing study of jurisdiction of House standing committees by House members of Joint Committee, periodic report to House Committee on Rules, and contents and purposes of such report.

Section 413, Pub. L. 91–510, title IV, § 403, Oct. 26, 1970, 84 Stat. 1188, related to powers of Joint Committee, including rulemaking, issuing subpenas, and administering oaths.

Section 414, Pub. L. 91–510, title IV, § 404, Oct. 26, 1970, 84 Stat. 1188, authorized Joint Committee to appoint and manage professional staff members and to utilize Government services, personnel, consultants, and experts.

Section 415, Pub. L. 91–510, title IV, § 405, Oct. 26, 1970, 84 Stat. 1188, related to records of Joint Committee.

Section 416, Pub. L. 91–510, title IV, § 406, Oct. 26, 1970, 84 Stat. 1189, established Office of Placement and Office Management which was subject to supervision and control of Joint Committee.

Section 417, Pub. L. 91–510, title IV, § 407, Oct. 26, 1970, 84 Stat. 1189, directed that expenses of Joint Committee be paid from contingent fund of House of Representatives.

CHAPTER 14—FEDERAL ELECTION CAMPAIGNS

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SUBCHAPTER I—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

§ 431. Definitions

When used in this Act:

(1) The term ''election'' means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party which has authority to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; and

(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

(2) The term ''candidate'' means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

(A) if such individual has received contributions aggregating in excess of $5,000 or has made expenditures aggregating in excess of $5,000; or

(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of $5,000 or has made such expenditures aggregating in excess of $5,000.

(3) The term ''Federal office'' means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

(4) The term ''political committee'' means—

(A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year; or

(B) any separate segregated fund established under the provisions of section 441b(b) of this title; or

(C) any local committee of a political party which receives contributions aggregating in excess of $5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in paragraphs (8) and (9) aggregating in excess of $5,000 during a calendar year, or makes contributions aggregating in excess of $1,000 during a calendar year or makes expenditures aggregating in excess of $1,000 during a calendar year.

(5) The term ''principal campaign committee'' means a political committee designated and authorized by a candidate under section 432(e)(1) of this title.

(6) The term ''authorized committee'' means the principal campaign committee or any other political committee authorized by a candidate under section 432(e)(1) of this title to receive contributions or make expenditures on behalf of such candidate.

(7) The term ''connected organization'' means any organization which is not a political committee but which directly or indirectly establishes, administers or financially supports a political committee.

(8)(A) The term ''contribution'' includes—

(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or

(ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.

(B) The term ''contribution'' does not include—

(i) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee;

(ii) the use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate or any political committee of a political party in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate-related or political party-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(iii) the sale of any food or beverage by a vendor for use in any candidate's campaign or for use by or on behalf of any political committee of a political party at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor, to the extent that the cumulative value of such activity by such vendor on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(iv) any unreimbursed payment for travel expenses made by any individual on behalf of any candidate or any political committee of a political party, to the extent that the cumulative value of such activity by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(v) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to any cost incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(vi) any payment made or obligation incurred by a corporation or a labor organization which, under section 441b(b) of this title, would not constitute an expenditure by such corporation or labor organization;

(vii) any loan of money by a State bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan—

(I) shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors;

(II) shall be made on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule; and

(III) shall bear the usual and customary interest rate of the lending institution;

(viii) any legal or accounting services rendered to or on behalf of—

(I) any political committee of a political party if the person paying for such services is the regular employer of the person rendering such services and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) an authorized committee of a candidate or any other political committee, if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purpose of ensuring compliance with

this Act or chapter 95 or chapter 96 of title 26,

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 434(b) of this title by the committee receiving such services;

(ix) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(x) the payment by a candidate, for nomination or election to any public office (including State or local office), or authorized committee of a candidate, of the costs of campaign materials which include information on or referenced to any other candidate and which are used in connection with volunteer activities (including pins, bumper stickers, handbills, brochures, posters, and yard signs, but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising): *Provided*, That such payments are made from contributions subject to the limitations and prohibitions of this Act;

(xi) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates;

(xii) payments made by a candidate or the authorized committee of a candidate as a condition of ballot access and payments received by any political party committee as a condition of ballot access;

(xiii) any honorarium (within the meaning of section 441i of this title); and

(xiv) any loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans derived from an advance on the candidate's brokerage account, credit card, home equity line of credit, or other line of credit in the normal course of the person's business.

(9)(A) The term ''expenditure'' includes—

(i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and

(ii) a written contract, promise, or agreement to make an expenditure.

(B) The term ''expenditure'' does not include—

(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(ii) nonpartisan activity designed to encourage individuals to vote or to register to vote;

(iii) any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed $2,000 for any election, be reported to the Commission in accordance with section 434(a)(4)(A)(i) of this title, and in accordance with section 434(a)(4)(A)(ii) of this title with respect to any general election;

(iv) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(v) any payment made or obligation incurred by a corporation or a labor organization which, under section 441b(b) of this title, would not constitute an expenditure by such corporation or labor organization;

(vi) any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of

such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 441a(b) of this title, but all such costs shall be reported in accordance with section 434(b) of this title;

(vii) the payment of compensation for legal or accounting services—

(I) rendered to or on behalf of any political committee of a political party if the person paying for such services is the regular employer of the individual rendering such services, and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) rendered to or on behalf of a candidate or political committee if the person paying for such services is the regular employer of the individual rendering such services, and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of title 26,

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 434(b) of this title by the committee receiving such services;

(viii) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(ix) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates; and

(x) payments received by a political party committee as a condition of ballot access which are transferred to another political party committee or the appropriate State official.

(10) The term ''Commission'' means the Federal Election Commission.

(11) The term ''person'' includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.

(12) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(13) The term ''identification'' means—

(A) in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and

(B) in the case of any other person, the full name and address of such person.

(14) The term ''national committee'' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.

(15) The term ''State committee'' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.

(16) The term ''political party'' means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.

(17) INDEPENDENT EXPENDITURE.—The term ''independent expenditure'' means an expenditure by a person—

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

(B) that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate's authorized political committee, or their agents, or a political party committee or its agents.

(18) The term ''clearly identified'' means that—

(A) the name of the candidate involved appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

(19) The term ''Act'' means the Federal Election Campaign Act of 1971 as amended.

(20) FEDERAL ELECTION ACTIVITY.—

(A) IN GENERAL.—The term ''Federal election activity'' means—

(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in

which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);

(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

(iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual's compensated time during that month on activities in connection with a Federal election.

(B) EXCLUDED ACTIVITY.—The term ''Federal election activity'' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

(ii) a contribution to a candidate for State or local office, provided the contribution is not designated to pay for a Federal election activity described in subparagraph (A);

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

(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.

(21) GENERIC CAMPAIGN ACTIVITY.—The term ''generic campaign activity'' means a campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate.

(22) PUBLIC COMMUNICATION.—The term ''public communication'' means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.

(23) MASS MAILING.—The term ''mass mailing'' means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

(24) TELEPHONE BANK.—The term ''telephone bank'' means more than 500 telephone calls of an identical or substantially similar nature within any 30-day period.

(25) ELECTION CYCLE.—For purposes of sections 441a(i) and 441a–1 of this title and paragraph (26), the term ''election cycle'' means the period beginning on the day after the date of the most recent election for the specific office or seat that a candidate is seeking and ending on the date of the next election for that office or seat. For purposes of the preceding sentence, a primary election and a general election shall be considered to be separate elections.

(26) PERSONAL FUNDS.—The term ''personal funds'' means an amount that is derived from—

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

(i) legal and rightful title; or

(ii) an equitable interest;

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

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

(ii) dividends and proceeds from the sale of the candidate's stocks or other investments;

(iii) bequests to the candidate;

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

(v) income from trusts established by bequest after the beginning of the election cycle of which the candidate is the beneficiary;

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

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

(C) a portion of assets that are jointly owned by the candidate and the candidate's spouse equal to the candidate's share of the asset under the instrument of conveyance or ownership, but if no specific share is indicated by an instrument of conveyance or ownership, the value of ½ of the property.

(Pub. L. 92–225, title III, § 301, Feb. 7, 1972, 86 Stat. 11; Pub. L. 93–443, title II, §§ 201(a), 208(c)(1), Oct. 15, 1974, 88 Stat. 1272, 1286; Pub. L. 94–283, title I, §§ 102, 115(d), (h), May 11, 1976, 90 Stat. 478, 495, 496; Pub. L. 96–187, title I, § 101, Jan. 8, 1980, 93 Stat. 1339; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 106–346, § 101(a) [title V, § 502(b)], Oct. 23, 2000, 114 Stat. 1356, 1356A–49; Pub. L. 107–155, title I, §§ 101(b), 103(b)(1), title II, § 211, title III, § 304(c), Mar. 27, 2002, 116 Stat. 85, 87, 92, 100.)

REFERENCES IN TEXT

The Federal Election Campaign Act of 1971, as amended, referred to in par. (19), is Pub. L. 92–225, Feb. 7, 1972, 86 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title notes set out below and Tables.

AMENDMENTS

2002—Par. (8)(B)(viii) to (xv). Pub. L. 107–155, § 103(b)(1), redesignated cls. (ix) to (xv) as (viii) to (xiv), respectively, and struck out former cl. (viii) which read as follows: ''any gift, subscription, loan, advance, or deposit of money or anything of value to a national or a State committee of a political party specifically designated to defray any cost for construction or purchase of any office facility not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office;''.

Par. (17). Pub. L. 107–155, § 211, added par. (17) and struck out former par. (17) which read as follows: ''The term 'independent expenditure' means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any

authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.''

Pars. (20) to (24). Pub. L. 107–155, §101(b), added pars. (20) to (24).

Pars. (25), (26). Pub. L. 107–155, §304(c), added pars. (25) and (26).

2000—Par. (8)(B)(xv). Pub. L. 106–346 added cl. (xv).

1986—Pars. (8)(B)(ix)(II), (9)(A)(vii)(II). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Pub. L. 96–187 changed the section designations from letters to numbers, and as so redesignated, substantially redefined the terms applicable to the provisions of this Act.

1976—Subsec. (a)(2). Pub. L. 94–283, §102(a), substituted ''party which has authority to nominate'' for ''party held to nominate''.

Subsec. (e)(2). Pub. L. 94–283, §102(b), substituted ''written contract, promise, or agreement,'' for ''contract, promise, or agreement, expressed or implied,''.

Subsec. (e)(4). Pub. L. 94–283, §102(c), inserted provisions establishing an exception for legal or accounting services.

Subsec. (e)(5). Pub. L. 94–283, §§102(d), (e), 115(d) (1), substituted ''section 441b(b) of this title'' for ''the last paragraph of section 610 of title 18, United States Code'' in cl. (F), added cls. (G), (H), and (I), and, in the provisions following cl. (I), substituted ''person'' for ''individual''.

Subsec. (f)(4). Pub. L. 94–283, §§102(f), 115(d)(2), inserted provisions in cl. (C) requiring the reporting to the Commission of costs directly attributable to a communication expressly advocating the election or defeat of a clearly identifiable candidate if those costs should exceed $2,000 per election, substituted ''section 441b(b) of this title'' for ''the last paragraph of section 610 of title 18, United States Code'' in cl. (H), and added cls. (I), (J), and (K).

Subsec. (n). Pub. L. 94–283, §115(h), substituted ''section 432(e) (1) of this title'' for ''section 432(f)(1) of this title''.

Subsec. (*o*) to (q). Pub. L. 94–283, §102(g)(3), added subsecs. (*o*) to (q).

1974—Pub. L. 93–443, §201(a) (1), inserted introductory reference to title IV of this Act, which for purposes of codification is translated as subchapter II of this chapter.

Subsec. (a)(5). Pub. L. 93–443, §201(a)(2), struck out from definition of ''election'' the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States.

Subsec. (d). Pub. L. 93–443, §201(a)(3), inserted reference to ''club,'' before ''association'' and substituted ''other group of persons'' and ''receives'' for ''organization'' and ''accepts''.

Subsec. (e). Pub. L. 93–443, §201(a)(4), transferred the word ''means'' after introductory word ''contribution'' to become the initial word in pars. (1) to (4); in par. (1), incorporated existing provisions in provisions designated subpars. (A) and (B), and deleted former provisions respecting contributions for the purpose of influencing the nomination for election, or election, of any person as a presidential election or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States; in par. (2), provided for express or implied transactions; in par. (3), substitution of ''funds received by a political committee which are transferred to such committee from another political committee or other source'' for ''a transfer of funds between political committees''; inserted at end of par. (4) the word ''but''; and added par. (5.)

Subsec. (f). Pub. L. 93–443, §201(a)(5), transferred the word ''means'' following introductory word ''expenditure'' to become the initial word in pars. (1) to (3); in par. (1), incorporated existing provisions in provisions designated subpars. (A) to (C) and deleted end text reading '', or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States''; in par. (2), provided for express or implied transactions; in par. (3), substituted ''the transfer of funds by a political committee to another political committee; but'' for ''a transfer of funds between political committees''; and added par. (4).

Subsec. (g). Pub. L. 93–443, §208(c)(1), substituted definition of ''Commission'' for ''supervisory officer''.

Subsecs. (j) to (n). Pub. L. 93–443, §201(a)(6)–(8), added subsecs. (j) to (n).

EFFECTIVE DATE OF 2002 AMENDMENT; REGULATIONS

Pub. L. 107–155, title IV, §402, Mar. 27, 2002, 116 Stat. 112, provided that:

''(a) GENERAL EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in the succeeding provisions of this section, the effective date of this Act [see Short Title of 2002 Amendment note below], and the amendments made by this Act, is November 6, 2002.

''(2) MODIFICATION OF CONTRIBUTION LIMITS.—The amendments made by—

''(A) section 102 [amending section 441a of this title] shall apply with respect to contributions made on or after January 1, 2003; and

''(B) section 307 [amending section 441a of this title] shall take effect as provided in subsection (e) of such section [enacting provisions set out as a note under section 441a of this title].

''(3) SEVERABILITY; EFFECTIVE DATES AND REGULATIONS; JUDICIAL REVIEW.—Title IV [enacting provisions set out as notes under sections 437h and 454 of this title] shall take effect on the date of enactment of this Act [Mar. 27, 2002].

''(4) PROVISIONS NOT TO APPLY TO RUNOFF ELECTIONS.—Section 323(b) of the Federal Election Campaign Act of 1971 [2 U.S.C. 441i(b)] (as added by section 101(a)), section 103(a) [amending section 434 of this title], title II [amending this section and sections 434, 441a, and 441b of this title and enacting provisions set out as notes under sections 434 and 441a of this title], sections 304 [amending this section and sections 434 and 441a of this title] (including section 315(j) of Federal Election Campaign Act of 1971 [2 U.S.C. 441a(j)], as added by section 304(a)(2)), 305 [amending section 315 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, and enacting provisions set out as a note under section 315 of Title 47] (notwithstanding subsection (c) of such section [enacting provisions set out as a note under section 315 of Title 47]), 311 [amending section 441d of this title], 316 [amending section 441a of this title], 318 [enacting section 441k of this title], and 319 [enacting section 441a–1 of this title and amending section 441a of this title], and title V [enacting section 438a of this title and amending section 434 of this title and section 315 of Title 47] (and the amendments made by such sections and titles) shall take effect on November 6, 2002, but shall not apply with respect to runoff elections, recounts, or election contests resulting from elections held prior to such date.

''(b) SOFT MONEY OF NATIONAL POLITICAL PARTIES.—

''(1) IN GENERAL.—Except for subsection (b) of such section, section 323 of the Federal Election Campaign Act of 1971 [2 U.S.C. 441i] (as added by section 101(a)) shall take effect on November 6, 2002.

''(2) TRANSITIONAL RULES FOR THE SPENDING OF SOFT MONEY OF NATIONAL POLITICAL PARTIES.—

''(A) IN GENERAL.—Notwithstanding section 323(a) of the Federal Election Campaign Act of 1971 [2 U.S.C. 441i(a)] (as added by section 101(a)), if a national committee of a political party described in such section (including any person who is subject to such section under paragraph (2) of such section), has received funds described in such section prior to November 6, 2002, the rules described in subparagraph (B) shall apply with respect to the spending

of the amount of such funds in the possession of such committee as of such date.

''(B) USE OF EXCESS SOFT MONEY FUNDS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the national committee of a political party may use the amount described in subparagraph (A) prior to January 1, 2003, solely for the purpose of—

''(I) retiring outstanding debts or obligations that were incurred solely in connection with an election held prior to November 6, 2002; or

''(II) paying expenses or retiring outstanding debts or paying for obligations that were incurred solely in connection with any runoff election, recount, or election contest resulting from an election held prior to November 6, 2002.

''(ii) PROHIBITION ON USING SOFT MONEY FOR HARD MONEY EXPENSES, DEBTS, AND OBLIGATIONS.—A national committee of a political party may not use the amount described in subparagraph (A) for any expenditure (as defined in section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9))) or for retiring outstanding debts or obligations that were incurred for such an expenditure.

''(iii) PROHIBITION OF BUILDING FUND USES.—A national committee of a political party may not use the amount described in subparagraph (A) for activities to defray the costs of the construction or purchase of any office building or facility.

''(c) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal Election Commission shall promulgate regulations to carry out this Act [see Short Title of 2002 Amendment note below] and the amendments made by this Act that are under the Commission's jurisdiction not later than 270 days after the date of enactment of this Act [Mar. 27, 2002].

''(2) SOFT MONEY OF POLITICAL PARTIES.—Not later than 90 days after the date of enactment of this Act, the Federal Election Commission shall promulgate regulations to carry out title I of this Act [enacting section 441i of this title and amending this section and sections 434, 441a, and 453 of this title] and the amendments made by such title.''

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–346, § 101(a) [title V, § 502(d)], Oct. 23, 2000, 114 Stat. 1356, 1356A–50, provided that: ''The amendments made by this section [amending this section and section 434 of this title] shall apply with respect to elections occurring after January 2001.''

EFFECTIVE DATE OF 1980 AMENDMENT

Section 301 of Pub. L. 96–187 provided that:

''(a) Except as provided in subsection (b), the amendments made by this Act [see Short Title of 1980 Amendment note set out below] are effective upon enactment [Jan. 8, 1980].

''(b) For authorized committees of candidates for President and Vice President, section 304(b) of the Federal Election Campaign Act of 1971 [section 434(b) of this title] shall be effective for elections occurring after January 1, 1981.''

EFFECTIVE DATE OF 1974 AMENDMENT

Section 410 of Pub. L. 93–443 provided that:

''(a) Except as provided by subsection (b) and subsection (c), the foregoing provisions of this Act [enacting sections 437a to 437h, 439a to 439c, 455 and 456 of this title sections 614 to 617 of Title 18, Crimes and Criminal Procedure, and sections 9031 to 9042 of Title 26, Internal Revenue Code, amending sections 431 to 437, 438, 439, 451 to 453 of this title, sections 1501 to 1503 of Title 5, Government Organization and Employees, sections 591, 608, 610, 611, and 613 of Title 18, sections 276, 6012, and 9002 to 9012 of Title 26, and section 315 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, repealing section 440 of this title, section 9021 of Title 26, and sections 801 to 805 of Title 47, and enacting provisions set out as notes under this section and sections 432, 434, 437c, and 438 of this title, sections 591 and 608 of Title 18, and section 9006 of Title 26] shall become effective January 1, 1975.

''(b) Section 104 [set out as a note under section 591 of Title 18] and the amendment made by section 301 [amending section 453 of this title] shall become effective on the date of the enactment of this Act [Oct. 15, 1974].

''(c)(1) The amendments made by sections 403(a), 404, 405, 406, 408, and 409 [enacting sections 9031 to 9042, amending sections 276, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9009, 9010, 9011, and 9012, and repealing section 9021 of Title 26] shall apply with respect to taxable years beginning after December 31, 1974.

''(2) The amendment made by section 407 [amending section 6012 of Title 26] shall apply with respect to taxable years beginning after December 31, 1971.''

EFFECTIVE DATE

Section 408, formerly § 406, of Pub. L. 92–225 as renumbered Pub. L. 93–443, title III, § 302, Oct. 15, 1974, 88 Stat. 1289, provided that: ''Except as provided in section 401 of this Act [section 451 of this title], the provisions of this Act [see Short Title note set out below] shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act [Feb. 7, 1972], whichever is later.''

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107–155, § 1(a), Mar. 27, 2002, 116 Stat. 81, provided that: ''This Act [enacting sections 438a, 439a, 441a–1, 441i, and 441k of this title and section 510 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations, amending this section, sections 434, 437g, 441a, 441b, 441d, 441e, 441h, 453, and 455 of this title, section 607 of Title 18, Crimes and Criminal Procedure, and section 315 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, transferring section 510 of Title 36 to section 511 of Title 36, repealing section 439a of this title, enacting provisions set out as notes under this section, sections 434, 437g, 437h, 441a, 454, and 455 of this title, and section 315 of Title 47, and amending provisions set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Bipartisan Campaign Reform Act of 2002'.''

SHORT TITLE OF 1980 AMENDMENT

Section 1 of Pub. L. 96–187 provided: ''That this Act [amending this section and sections 432 to 434, 437, 437c, 437d, 437f to 439a, 439c, 441a to 441i of this title, section 3132 of Title 5, Government Organization and Employees, sections 602, 603, and 607 of Title 18, Crimes and Criminal Procedure, section 901a of Title 22, Foreign Relations and Intercourse, section 9008 of Title 26, Internal Revenue Code, and section 5043 of Title 42, The Public Health and Welfare; repealing sections 435, 436, 437b, 437e, 439b, and 441j of this title and section 591 of Title 18; and enacting provisions set out as notes under this section] may be cited as the 'Federal Election Campaign Act Amendments of 1979'.''

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94–283 provided that: ''This Act [enacting sections 441a to 441j of this title, amending this section and sections 432, 434, 436, 437b to 439c, and 455 of this title, section 591 of Title 18, Crimes and Criminal Procedure, and sections 9002, 9003, 9004, 9006, 9007, 9008, 9009, 9012, 9032, 9033, 9034, 9035, and 9039 of Title 26, Internal Revenue Code, repealing sections 437a, 441, and 456 of this title and sections 608, 610, 611, 612, 613, 614, 615, 616, and 617 of Title 18, and enacting provisions set out as notes under sections 437c, 437f, and 441 of this title and sections 9002, 9004, and 9035 of Title 26] may be cited as the 'Federal Election Campaign Act Amendments of 1976'.''

SHORT TITLE OF 1974 AMENDMENT

Section 1 of Pub. L. 93–443 provided: ''That this Act [enacting sections 437a to 437h, 439a to 439c, 455, and 456

of this title, sections 614 to 617 of Title 18, Crimes and Criminal Procedure, and sections 9031 to 9042 of Title 26, Internal Revenue Code; amending this section and sections 432 to 437, 438, 439 and 451 to 453 of this title, sections 1501 to 1503 of Title 5, Government Organization and Employees, sections 591, 608, 610, 611, and 613 of Title 18, sections 276, 6012, 9002 to 9012 of Title 26, and section 315 of Title 47, Telegraphs, Telephones, and Radiotelegraphs; repealing section 440 of this title, section 9021 of Title 26, and sections 801 to 805 of Title 47; and enacting provisions set out as notes under this section and sections 434, 437c, and 438 of this title, sections 591 and 608 of Title 18, and section 9006 of Title 26] may be cited as the 'Federal Election Campaign Act Amendments of 1974'.''

SHORT TITLE

Section 1 of Pub. L. 92–225 provided: ''That this Act [enacting this chapter and chapter 7 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, amending sections 591, 600, 608, 610, and 611 of Title 18, Crimes and Criminal Procedure, and sections 312 and 315 of Title 47, repealing sections 241 to 256 of this title and section 609 of Title 18, and enacting provisions set out as notes under this section and section 801 of Title 47] may be cited as the 'Federal Election Campaign Act of 1971'.''

TRANSFER OF FUNCTIONS

Federal Savings and Loan Insurance Corporation abolished and functions transferred, see Pub. L. 101–73, title IV, §§ 401–406, Aug. 9, 1989, 103 Stat. 354–363, set out as a note under section 1437 of Title 12, Banks and Banking.

TRANSITION PROVISIONS

Section 303 of Pub. L. 96–187 provided that:

''(a) The Federal Election Commission shall transmit to the Congress proposed rules and regulations necessary for the purpose of implementing the provisions of this Act, and the amendments made by this Act [see Short Title of 1980 Amendment note set out above], prior to February 29, 1980.

''(b) The provisions of section 311(d) of the Federal Election Campaign Act of 1971 [section 438(d) of this title] allowing disapproval of rules and regulations by either House of Congress within 30 legislative days after receipt shall, with respect to rules and regulations required to be proposed under subsection (a) of this section, be deemed to allow such disapproval within 15 legislative days after receipt.''

STUDY AND REPORT ON CLEAN MONEY CLEAN ELECTIONS LAWS

Pub. L. 107–155, title III, § 310, Mar. 27, 2002, 116 Stat. 104, provided that:

''(a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—In this section, the term 'clean money clean elections' means funds received under State laws that provide in whole or in part for the public financing of election campaigns.

''(b) STUDY.—

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

''(2) MATTERS STUDIED.—

''(A) STATISTICS ON CLEAN MONEY CLEAN ELECTIONS CANDIDATES.—The Comptroller General shall determine—

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

''(I) the office for which they were candidates;

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

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

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

''(B) EFFECTS OF CLEAN MONEY CLEAN ELECTIONS.—The Comptroller General of the United States shall describe the effects of public financing under the clean money clean elections laws on the 2000 elections in Arizona and Maine.

''(c) REPORT.—Not later than 1 year after the date of enactment of this Act [Mar. 27, 2002], the Comptroller General of the United States shall submit a report to the Congress detailing the results of the study conducted under subsection (b).''

VOTING SYSTEM STUDY; REPORT TO CONGRESS; COST OF STUDY

Section 302 of Pub. L. 96–187, as amended by Pub. L. 100–418, title V, § 5115(c), Aug. 23, 1988, 102 Stat. 1433, provided that: ''The Federal Election Commission with the cooperation and assistance of the National Institute of Standards and Technology, shall conduct a preliminary study with respect to the future development of voluntary engineering and procedural performance standards for voting systems used in the United States. The Commission shall report to the Congress the results of the study, and such report shall include recommendations, if any, for the implementation of a program of such standards (including estimates of the costs and time requirements of implementing such a program). The cost of the study shall be paid out of any funds otherwise available to defray the expenses of the Commission.''

§ 432. Organization of political committees

(a) Treasurer; vacancy; official authorizations

Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

(b) Account of contributions; segregated funds

(1) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of $50 the name and address of the person making the contribution and the date of receipt.

(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—

(A) if the amount of the contribution is $50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

(B) if the amount of the contribution is in excess of $50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

(3) All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

(c) Recordkeeping

The treasurer of a political committee shall keep an account of—

(1) all contributions received by or on behalf of such political committee;

(2) the name and address of any person who makes any contribution in excess of $50, together with the date and amount of such contribution by any person;

(3) the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution;

(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and

(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or canceled check for each disbursement in excess of $200.

(d) Preservation of records and copies of reports

The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed. For any report filed in electronic format under section 434(a)(11) of this title, the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence.

(e) Principal and additional campaign committees; designations, status of candidate, authorized committees, etc.

(1) Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate. A candidate may designate additional political committees in accordance with paragraph (3) to serve as authorized committees of such candidate. Such designation shall be in writing and filed with the principal campaign committee of such candidate in accordance with subsection (f)(1) of this section.

(2) Any candidate described in paragraph (1) who receives a contribution, or any loan for use in connection with the campaign of such candidate for election, or makes a disbursement in connection with such campaign, shall be considered, for purposes of this Act, as having received the contribution or loan, or as having made the disbursement, as the case may be, as an agent of the authorized committee or committees of such candidate.

(3)(A) No political committee which supports or has supported more than one candidate may be designated as an authorized committee, except that—

(i) the candidate for the office of President nominated by a political party may designate the national committee of such political party as a principal campaign committee, but only if that national committee maintains separate books of account with respect to its function as a principal campaign committee; and

(ii) candidates may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.

(B) As used in this section, the term ''support'' does not include a contribution by any authorized committee in amounts of $2,000 or less to an authorized committee of any other candidate.

(4) The name of each authorized committee shall include the name of the candidate who authorized such committee under paragraph (1). In the case of any political committee which is not an authorized committee, such political committee shall not include the name of any candidate in its name.

(5) The name of any separate segregated fund established pursuant to section 441b(b) of this title shall include the name of its connected organization.

(f) Filing with and receipt of designations, statements, and reports by principal campaign committee

(1) Notwithstanding any other provision of this Act, each designation, statement, or report of receipts or disbursements made by an authorized committee of a candidate shall be filed with the candidate's principal campaign committee.

(2) Each principal campaign committee shall receive all designations, statements, and reports required to be filed with it under paragraph (1) and shall compile and file such designations, statements, and reports in accordance with this Act.

(g) Filing with and receipt of designations, statements, and reports by Secretary of Senate; forwarding to Commission; filing requirements with Commission; public inspection and preservation of designations, etc.

(1) Designations, statements, and reports required to be filed under this Act by a candidate for the office of Senator, by the principal campaign committee of such candidate, and by the Republican and Democratic Senatorial Campaign Committees shall be filed with the Secretary of the Senate, who shall receive such designations, statements, and reports, as custodian for the Commission.

(2) The Secretary of the Senate shall forward a copy of any designation, statement, or report filed with the Secretary under this subsection to the Commission as soon as possible (but no later than 2 working days) after receiving such designation, statement, or report.

(3) All designations, statements, and reports required to be filed under this Act, except designations, statements, and reports filed in accordance with paragraph (1), shall be filed with the Commission.

(4) The Secretary of the Senate shall make the designations, statements, and reports received under this subsection available for public inspection and copying in the same manner as the Commission under section 438(a)(4) of this title, and shall preserve such designations, statements, and reports in the same manner as the Commission under section 438(a)(5) of this title.

(h) Campaign depositories; designations, maintenance of accounts, etc.; petty cash fund for disbursements; record of disbursements

(1) Each political committee shall designate one or more State banks, federally chartered depository institutions, or depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corpora-

tion, or the National Credit Union Administration, as its campaign depository or depositories. Each political committee shall maintain at least one checking account and such other accounts as the committee determines at a depository designated by such committee. All receipts received by such committee shall be deposited in such accounts. No disbursements may be made (other than petty cash disbursements under paragraph (2)) by such committee except by check drawn on such accounts in accordance with this section.

(2) A political committee may maintain a petty cash fund for disbursements not in excess of $100 to any person in connection with a single purchase or transaction. A record of all petty cash disbursements shall be maintained in accordance with subsection (c)(5) of this section.

(i) Reports and records, compliance with requirements based on best efforts

When the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with this Act or chapter 95 or chapter 96 of title 26.

(Pub. L. 92–225, title III, § 302, Feb. 7, 1972, 86 Stat. 12; Pub. L. 93–443, title II, §§ 202, 208(c)(2), Oct. 15, 1974, 88 Stat. 1275, 1286; Pub. L. 94–283, title I, § 103, May 11, 1976, 90 Stat. 480; Pub. L. 96–187, title I, § 102, Jan. 8, 1980, 93 Stat. 1345; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 104–79, §§ 1(b), 3(a), Dec. 28, 1995, 109 Stat. 791, 792; Pub. L. 105–61, title VI, § 637, Oct. 10, 1997, 111 Stat. 1316; Pub. L. 108–447, div. H, title V, § 525, Dec. 8, 2004, 118 Stat. 3271.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

AMENDMENTS

2004—Subsec. (e)(3)(B). Pub. L. 108–447 substituted ''$2,000'' for ''$1,000''.

1997—Subsec. (g)(1). Pub. L. 105–55 struck out ''and'' after ''Senator,'' and inserted ''and by the Republican and Democratic Senatorial Campaign Committees'' after ''candidate,''.

1995—Subsec. (d). Pub. L. 104–79, § 1(b), inserted at end ''For any report filed in electronic format under section 434(a)(11) of this title, the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence.''

Subsec. (g)(1). Pub. L. 104–79, § 3(a)(1), (2), redesignated par. (2) as (1) and struck out former par. (1) which read as follows: ''Designations, statements, and reports required to be filed under this Act by a candidate or by an authorized committee of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and by the principal campaign committee of such a candidate, shall be filed with the Clerk of the House of Representatives, who shall receive such designations, statements, and reports as custodian for the Commission.''

Subsec. (g)(2). Pub. L. 104–79, § 3(a)(2), (3), redesignated par. (3) as (2), struck out ''Clerk of the House of Representatives and the'' before ''Secretary of the Senate'', and substituted ''filed with the Secretary'' for ''filed with them''. Former par. (2) redesignated (1).

Subsec. (g)(3). Pub. L. 104–79, § 3(a)(2), (4), redesignated par. (4) as (3) and substituted ''paragraph (1)'' for ''paragraphs (1) and (2)''. Former par. (3) redesignated (2).

Subsec. (g)(4). Pub. L. 104–79, § 3(a)(2), (5), redesignated par. (5) as (4) and struck out ''Clerk of the House of Representatives and the'' before ''Secretary of the Senate''. Former par. (4) redesignated (3).

Subsec. (g)(5). Pub. L. 104–79, § 3(a)(2), redesignated par. (5) as (4).

1986—Subsec. (i). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Subsec. (a). Pub. L. 96–187 struck out reference to the chairman as a person authorized to accept or make a contribution on behalf of a political committee.

Subsec. (b). Pub. L. 96–187 redesignated subsec. (b) as par. (1) of subsec. (b), substituted ''for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of $50 the name and address of the person making the contribution and the date of the receipt.'' for ''in excess of $50 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount of the contribution and the identification of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.'', and added pars. (2) and (3).

Subsec. (c). Pub. L. 96–187 substituted ''The treasurer of a political committee shall keep an account of'' for ''It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of'' in introductory clause; substituted in par. (1) ''all contributions received by or on behalf of such political committee'' for ''all contributions made to or for such committee''; substituted in par. (2) ''the name and address of any person who makes any contribution in excess of $50, together with the date and amount of such contribution by any person'' for ''the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregating more than $100, the account shall include occupation, and the principal place of business (if any)''; substituted in par. (3) ''the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution'' for ''all expenditures made by or on behalf of such committee; and''; substituted in par. (4) ''the identification of any political committee which makes a contribution, together with the date and amount of any such contribution, and'' for ''the identification of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made'', and added par. (5).

Subsec. (d). Pub. L. 96–187 substituted provisions requiring the treasurer to preserve all records required by this section and copies of all reports to be filed by this subchapter for 3 years after the filing of the report for provisions requiring the treasurer to keep receipted bills for expenditures in excess of $100, and for expenditures of lesser amounts if the aggregate amount to the same person during a calendar year exceeds $100, such receipts to be kept for a period to be determined by the Secretary.

Subsec. (e). Pub. L. 96–187 in par. (1) substituted provisions requiring a written designation of a political committee no later than 15 days after becoming a candidate, with the designation of additional committees to be filed with the principal committee, for provisions prohibiting the designation of a committee as the principal campaign committee of more than one candidate except that the presidential candidate may nominate

the national committee of a political party as his principal campaign committee; in par. (2) substituted provisions considering any candidate receiving a contribution or loan or making a disbursement as an agent of the authorized committees for provisions requiring the filing of any report or statement of contributions required to be filed with the Commission to be filed instead with the principal campaign committee; in par. (3) redesignated existing provisions as introductory clause of par. (3)(A), and in such clause as so redesignated, substituted provision that no political committee which supports or has supported more than one candidate may be designated as an authorized committee for provisions requiring principal committee to receive reports and statements and to compile and file such reports and statements together with its own reports and statements with the Commission, and added pars. (3)(A)(i), (ii), (4) and (5).

Subsecs. (f) to (i). Pub. L. 96–187 added subsecs. (f) to (i).

1976—Subsec. (b). Pub. L. 94–283, § 103(a), substituted ''$50'' for ''$10''.

Subsec. (c)(2). Pub. L. 94–283, § 103(b), substituted ''$50'' for ''$10''.

Subsecs. (e), (f). Pub. L. 94–283, § 103(c), (d), redesignated subsec. (f) as (e) and in par. (1) of subsec. (e) as so redesignated inserted provision that occasional, isolated, or incidental support of a candidate not be construed as support for such a candidate for purposes of determining whether a political committee supports more than one candidate. Former subsec. (e) providing for the giving of notice by a candidate that a political committee soliciting funds on his behalf is not authorized to do so and that he is not responsible for the activities of that committee was eliminated.

1974—Subsec. (b). Pub. L. 93–443, § 202(a)(1), substituted ''of the contribution and the identification'' for '', the name and address (occupation and principal place of business, if any)''.

Subsec. (c)(2). Pub. L. 93–443, § 202(a)(2), (3), substituted ''identification'' for ''full name and mailing address (occupation and the principal place of business, if any)'' before ''of every person'' and inserted end text reading ''and, if a person's contributions aggregate more than $100, the account shall include occupation, and the principal place of business (if any)''.

Subsec. (c)(4). Pub. L. 93–443, § 202(a)(2), substituted ''identification'' for ''full name and mailing address (occupation and the principal place of business, if any)'' before ''of every person''.

Subsec. (d). Pub. L. 93–443, § 208(c)(2), substituted ''Commission'' for ''supervisory officers''.

Subsec. (f). Pub. L. 93–443, § 202(b), substituted provisions respecting principal campaign committees for prior provisions respecting notice of funds solicitation by political committees and availability for purchase of annual reports of the political committees from the Superintendent of Documents made available through the Public Printer, now covered in section 435(b) of this title.

EFFECTIVE DATE OF 1995 AMENDMENT

Section 1(c) of Pub. L. 104–79 provided that: ''The amendments made by subsection (a) and subsection (b) [amending this section and section 434 of this title] shall apply with respect to reports for periods beginning after December 31, 1996.''

Section 3(d) of Pub. L. 104–79 provided that: ''The amendments made by this section [amending this section and sections 434 and 438 of this title] shall apply with respect to reports, designations, and statements required to be filed after December 31, 1995.''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

TRANSFER OF FUNCTIONS

Federal Savings and Loan Insurance Corporation abolished and functions transferred, see Pub. L. 101–73, title IV, §§ 401–406, Aug. 9, 1989, 103 Stat. 354–363, set out as a note under section 1437 of Title 12, Banks and Banking.

§ 433. Registration of political committees

(a) Statements of organizations

Each authorized campaign committee shall file a statement of organization no later than 10 days after designation pursuant to section 432(e)(1) of this title. Each separate segregated fund established under the provisions of section 441b(b) of this title shall file a statement of organization no later than 10 days after establishment. All other committees shall file a statement of organization within 10 days after becoming a political committee within the meaning of section 431(4) of this title.

(b) Contents of statements

The statement of organization of a political committee shall include—

(1) the name, address, and type of committee;

(2) the name, address, relationship, and type of any connected organization or affiliated committee;

(3) the name, address, and position of the custodian of books and accounts of the committee;

(4) the name and address of the treasurer of the committee;

(5) if the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate; and

(6) a listing of all banks, safety deposit boxes, or other depositories used by the committee.

(c) Change of information in statements

Any change in information previously submitted in a statement of organization shall be reported in accordance with section 432(g) of this title no later than 10 days after the date of the change.

(d) Termination, etc., requirements and authorities

(1) A political committee may terminate only when such a committee files a written statement, in accordance with section 432(g) of this title, that it will no longer receive any contributions or make any disbursements and that such committee has no outstanding debts or obligations.

(2) Nothing contained in this subsection may be construed to eliminate or limit the authority of the Commission to establish procedures for—

(A) the determination of insolvency with respect to any political committee;

(B) the orderly liquidation of an insolvent political committee, and the orderly application of its assets for the reduction of outstanding debts; and

(C) the termination of an insolvent political committee after such liquidation and application of assets.

(Pub. L. 92–225, title III, § 303, Feb. 7, 1972, 86 Stat. 14; Pub. L. 93–443, title II, §§ 203, 208(c)(3),

Oct. 15, 1974, 88 Stat. 1276, 1286; Pub. L. 96–187, title I, § 103, Jan. 8, 1980, 93 Stat. 1347.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96–187 substituted provisions requiring each authorized campaign committee, each segregated fund established under section 441b(b) of this title, and all other committees to file a statement of organization 10 days after establishment for provisions requiring each political committee anticipating the receipt or expenditure during the calendar year of an amount exceeding $1,000 to file with the Commission a statement of organization within 10 days after organization or 10 days after receipt of information causing the anticipation of receipt or expenditure in excess of $1,000 and requiring each committee in existence on the date of enactment of this Act to file a statement of organization at such time as the Commission prescribes.

Subsec. (b). Pub. L. 96–187 inserted ''of a political committee'' in introductory clause; in par. (1) inserted reference to type of committee; in par. (2) inserted reference to type of organization or affiliated committee; in par. (3) substituted provisions relating to the name, address and position of custodian of books and accounts for provisions relating to area, scope or jurisdiction of the committee; in par. (4) substituted provisions relating to the name and address of the treasurer for provisions relating to the name, address and position of the custodian of books and accounts; in par. (5) substituted provisions relating to the name, address, office sought and party affiliation of the candidate for provisions relating to the name, address and position of principal officers including officers of the finance committee; in par. (6) substituted provisions relating to listings of banks, safety deposit boxes, etc. for provisions relating to name and address, office sought and political affiliation of supported candidates, and struck out pars. (7) to (11) relating to other information.

Subsec. (c). Pub. L. 96–187 substituted ''in accordance with section 432(g) of this title no later than 10 days after the date of the change'' for ''to the Commission within a ten-day period following the change''.

Subsec. (d). Pub. L. 96–187 redesignated existing provisions as par. (1), substituted provisions relating to termination of a political committee by written statement in accordance with section 432(g) of this title for provisions relating to notification to the Commission in the event of disbandment or determination no longer to receive contributions during the calendar year of an amount exceeding $1,000, and added par. (2).

Subsec. (e). Pub. L. 96–187 struck out subsec. (e) relating to filing of required reports and notifications with the appropriate principal campaign committee instead of the Commission in the case of a political committee which is not a principal campaign committee.

1974—Pub. L. 93–443, § 208(c)(3)(A), substituted ''Commission'' for ''supervisory officer'' wherever appearing.

Subsec. (a). Pub. L. 93–443, § 208(c)(3)(B), substituted ''it prescribes'' for ''he prescribes''.

Subsec. (e). Pub. L. 93–443, § 203, added subsec. (e).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

§ 434. Reporting requirements

(a) Receipts and disbursements by treasurers of political committees; filing requirements

(1) Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

(2) If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

(A) in any calendar year during which there is[1] regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

(i) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

(ii) a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election; and

(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year; and

(B) in any other calendar year the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.

(3) If the committee is the principal campaign committee of a candidate for the office of President—

(A) in any calendar year during which a general election is held to fill such office—

(i) the treasurer shall file monthly reports if such committee has on January 1 of such year, received contributions aggregating $100,000 or made expenditures aggregating $100,000 or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year: such monthly reports shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance

[1] So in original. Probably should be followed by ''a''.

with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;

(ii) the treasurer of the other principal campaign committees of a candidate for the office of President shall file a pre-election report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and

(iii) if at any time during the election year a committee filing under paragraph (3)(A)(ii) receives contributions in excess of $100,000 or makes expenditures in excess of $100,000, the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and

(B) in any other calendar year, the treasurer shall file either—

(i) monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or

(ii) quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.

(4) All political committees other than authorized committees of a candidate shall file either—

(A)(i) quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year;

(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

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

(iv) in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or

(B) monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

Notwithstanding the preceding sentence, a national committee of a political party shall file the reports required under subparagraph (B).

(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii) or subsection (g)(1) of this section) is sent by registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, the United States postmark shall be considered the date of filing the designation, report or statement. If a designation, report or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1) of this section) is sent by an overnight delivery service with an on-line tracking system, the date on the proof of delivery to the delivery service shall be considered the date of filing of the designation, report, or statement.

(6)(A) The principal campaign committee of a candidate shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of $1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

(B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS.—

(i) DEFINITION OF EXPENDITURE FROM PERSONAL FUNDS.—In this subparagraph, the term ''expenditure from personal funds'' means—

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

(II) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate's authorized committee.

(ii) DECLARATION OF INTENT.—Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Senator, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed the State-by-State competitive and fair campaign formula with—

(I) the Commission; and

(II) each candidate in the same election.

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

(I) the Commission; and
(II) each candidate in the same election.

(iv) ADDITIONAL NOTIFICATION.—After a candidate files an initial notification under clause (iii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed[2] $10,000 with—
(I) the Commission; and
(II) each candidate in the same election.

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

(v) CONTENTS.—A notification under clause (iii) or (iv) shall include—
(I) the name of the candidate and the office sought by the candidate;
(II) the date and amount of each expenditure; and
(III) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

(C) NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.—In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 441a(i) of this title) and the manner in which the candidate or the candidate's authorized committee used such funds.

(D) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 437g of this title.

(E) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

(9) The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4) is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.

(10) The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).

(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—
(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and
(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form if not required to do so under the regulation promulgated under clause (i).

(B) The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (or not later than 24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission.

(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(D) As used in this paragraph, the term ''report'' means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.

(12) SOFTWARE FOR FILING OF REPORTS.—
(A) IN GENERAL.—The Commission shall—
(i) promulgate standards to be used by vendors to develop software that—
(I) permits candidates to easily record information concerning receipts and disbursements required to be reported under this Act at the time of the receipt or disbursement;
(II) allows the information recorded under subclause (I) to be transmitted immediately to the Commission; and
(III) allows the Commission to post the information on the Internet immediately upon receipt; and

(ii) make a copy of software that meets the standards promulgated under clause (i) available to each person required to file a

[2] So in original. Probably should be ''exceeds''.

designation, statement, or report in electronic form under this Act.

(B) ADDITIONAL INFORMATION.—To the extent feasible, the Commission shall require vendors to include in the software developed under the standards under subparagraph (A) the ability for any person to file any designation, statement, or report required under this Act in electronic form.

(C) REQUIRED USE.—Notwithstanding any provision of this Act relating to times for filing reports, each candidate for Federal office (or that candidate's authorized committee) shall use software that meets the standards promulgated under this paragraph once such software is made available to such candidate.

(D) REQUIRED POSTING.—The Commission shall, as soon as practicable, post on the Internet any information received under this paragraph.

(b) Contents of reports

Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all receipts, and the total amount of all receipts in the following categories:

(A) contributions from persons other than political committees;

(B) for an authorized committee, contributions from the candidate;

(C) contributions from political party committees;

(D) contributions from other political committees;

(E) for an authorized committee, transfers from other authorized committees of the same candidate;

(F) transfers from affiliated committees and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;

(G) for an authorized committee, loans made by or guaranteed by the candidate;

(H) all other loans;

(I) rebates, refunds, and other offsets to operating expenditures;

(J) dividends, interest, and other forms of receipts; and

(K) for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of title 26;

(3) the identification of each—

(A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;

(B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

(C) authorized committee which makes a transfer to the reporting committee;

(D) affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;

(E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;

(F) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of such receipt; and

(G) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such receipt;

(4) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all disbursements, and all disbursements in the following categories:

(A) expenditures made to meet candidate or committee operating expenses;

(B) for authorized committees, transfers to other committees authorized by the same candidate;

(C) transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;

(D) for an authorized committee, repayment of loans made by or guaranteed by the candidate;

(E) repayment of all other loans;

(F) contribution refunds and other offsets to contributions;

(G) for an authorized committee, any other disbursements;

(H) for any political committee other than an authorized committee—

(i) contributions made to other political committees;

(ii) loans made by the reporting committees;

(iii) independent expenditures;

(iv) expenditures made under section 441a(d) of this title; and

(v) any other disbursements; and

(I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 441a(b) of this title;

(5) the name and address of each—

(A) person to whom an expenditure in an aggregate amount or value in excess of $200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;

(B) authorized committee to which a transfer is made by the reporting committee;

(C) affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;

(D) person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and

(E) person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;

(6)(A) for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such disbursement;

(B) for any other political committee, the name and address of each—

(i) political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;

(ii) person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;

(iii) person who receives any disbursement during the reporting period in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such committee;

(iv) person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 441a(d) of this title, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and

(v) person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;

(7) the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditures less offsets to operating expenditures, for both the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office); and

(8) the amount and nature of outstanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor.

(c) Statements by other than political committees; filing; contents; indices of expenditures

(1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of $250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) of this section for all contributions received by such person.

(2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2) of this section, and shall include—

(A) the information required by subsection (b)(6)(B)(iii) of this section, indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;

(B) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

(C) the identification of each person who made a contribution in excess of $200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.

(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on

a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii) of this section, made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.

(d) Filing by facsimile device or electronic mail

(1) Any person who is required to file a statement under subsection (c) or (g) of this section, except statements required to be filed electronically pursuant to subsection (a)(11)(A)(i) of this section may file the statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(e) Political committees

(1) National and congressional political committees

The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

(2) Other political committees to which section 441i applies

(A) In general

In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 441i(b)(1) of this title applies shall report all receipts and disbursements made for activities described in section 431(20)(A) of this title, unless the aggregate amount of such receipts and disbursements during the calendar year is less than $5,000.

(B) Specific disclosure by State and local parties of certain non-Federal amounts permitted to be spent on Federal election activity

Each report by a political committee under subparagraph (A) of receipts and disbursements made for activities described in section 431(20)(A) of this title shall include a disclosure of all receipts and disbursements described in section 441i(b)(2)(A) and (B) of this title.

(3) Itemization

If a political committee has receipts or disbursements to which this subsection applies from or to any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b) of this section.

(4) Reporting periods

Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a)(4)(B) of this section.

(f) Disclosure of electioneering communications

(1) Statement required

Every person who makes a disbursement for the direct costs of producing and airing electioneering communications in an aggregate amount in excess of $10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

(2) Contents of statement

Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

(A) The identification of the person making the disbursement, of any person sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

(B) The principal place of business of the person making the disbursement, if not an individual.

(C) The amount of each disbursement of more than $200 during the period covered by the statement and the identification of the person to whom the disbursement was made.

(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

(E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 1101(a)(20) of title 8) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date. Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than electioneering communications.

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

(3) Electioneering communication

For purposes of this subsection—

(A) In general

(i) The term ''electioneering communication'' means any broadcast, cable, or satellite communication which—

(I) refers to a clearly identified candidate for Federal office;

(II) is made within—

(aa) 60 days before a general, special, or runoff election for the office sought by the candidate; or

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

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

(ii) If clause (i) is held to be constitutionally insufficient by final judicial decision to support the regulation provided herein, then the term ''electioneering communication'' means any broadcast, cable, or satellite communication which promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate. Nothing in this subparagraph shall be construed to affect the interpretation or application of section 100.22(b) of title 11, Code of Federal Regulations.

(B) Exceptions

The term ''electioneering communication'' does not include—

(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(ii) a communication which constitutes an expenditure or an independent expenditure under this Act;

(iii) a communication which constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission, or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

(iv) any other communication exempted under such regulations as the Commission may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate implementation of this paragraph, except that under any such regulation a communication may not be exempted if it meets the requirements of this paragraph and is described in section 431(20)(A)(iii) of this title.

(C) Targeting to relevant electorate

For purposes of this paragraph, a communication which refers to a clearly identified candidate for Federal office is ''targeted to the relevant electorate'' if the communication can be received by 50,000 or more persons—

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

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

(4) Disclosure date

For purposes of this subsection, the term ''disclosure date'' means—

(A) the first date during any calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of $10,000; and

(B) any other date during such calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

(5) Contracts to disburse

For purposes of this subsection, a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

(6) Coordination with other requirements

Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act.

(7) Coordination with title 26

Nothing in this subsection may be construed to establish, modify, or otherwise affect the definition of political activities or electioneering activities (including the definition of participating in, intervening in, or influencing or attempting to influence a political campaign on behalf of or in opposition to any candidate for public office) for purposes of title 26.

(g) Time for reporting certain expenditures

(1) Expenditures aggregating $1,000

(A) Initial report

A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours.

(B) Additional reports

After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

(2) Expenditures aggregating $10,000

(A) Initial report

A person (including a political committee) that makes or contracts to make independ-

ent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours.

(B) Additional reports

After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

(3) Place of filing; contents

A report under this subsection—

(A) shall be filed with the Commission; and

(B) shall contain the information required by subsection (b)(6)(B)(iii) of this section, including the name of each candidate whom an expenditure is intended to support or oppose.

(4) Time of filing for expenditures aggregating $1,000

Notwithstanding subsection (a)(5) of this section, the time at which the statement under paragraph (1) is received by the Commission or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.

(h) Reports from Inaugural Committees

The Federal Election Commission shall make any report filed by an Inaugural Committee under section 510 of title 36 accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission.

(i) Disclosure of bundled contributions

(1) Required disclosure

Each committee described in paragraph (6) shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee to be a person described in paragraph (7) who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

(2) Covered period

In this subsection, a ''covered period'' means, with respect to a committee—

(A) the period beginning January 1 and ending June 30 of each year;

(B) the period beginning July 1 and ending December 31 of each year; and

(C) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

(3) Applicable threshold

(A) In general

In this subsection, the ''applicable threshold'' is $15,000, except that in determining whether the amount of bundled contributions provided to a committee by a person described in paragraph (7) exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person's spouse.

(B) Indexing

In any calendar year after 2007, section 441a(c)(1)(B) of this title shall apply to the amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount applicable under subparagraph (A), the ''base period'' shall be 2006.

(4) Public availability

The Commission shall ensure that, to the greatest extent practicable—

(A) information required to be disclosed under this subsection is publicly available through the Commission website in a manner that is searchable, sortable, and downloadable; and

(B) the Commission's public database containing information disclosed under this subsection is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995 [2 U.S.C. 1601 et seq.].

(5) Regulations

Not later than 6 months after September 14, 2007, the Commission shall promulgate regulations to implement this subsection. Under such regulations, the Commission—

(A) may, notwithstanding paragraphs (1) and (2), provide for quarterly filing of the schedule described in paragraph (1) by a committee which files reports under this section more frequently than on a quarterly basis;

(B) shall provide guidance to committees with respect to whether a person is reasonably known by a committee to be a person described in paragraph (7), which shall include a requirement that committees consult the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995;

(C) may not exempt the activity of a person described in paragraph (7) from disclosure under this subsection on the grounds that the person is authorized to engage in fundraising for the committee or any other similar grounds; and

(D) shall provide for the broadest possible disclosure of activities described in this subsection by persons described in paragraph (7) that is consistent with this subsection.

(6) Committees described

A committee described in this paragraph is an authorized committee of a candidate, a leadership PAC, or a political party committee.

(7) Persons described

A person described in this paragraph is any person, who, at the time a contribution is forwarded to a committee as described in paragraph (8)(A)(i) or is received by a committee as described in paragraph (8)(A)(ii), is—

(A) a current registrant under section 4(a) of the Lobbying Disclosure Act of 1995 [2 U.S.C. 1603(a)];

(B) an individual who is listed on a current registration filed under section 4(b)(6) of such Act [2 U.S.C. 1603(b)(6)] or a current report under section 5(b)(2)(C) of such Act [2 U.S.C. 1604(b)(2)(C)]; or

(C) a political committee established or controlled by such a registrant or individual.

(8) Definitions

For purposes of this subsection, the following definitions apply:

(A) Bundled contribution

The term ''bundled contribution'' means, with respect to a committee described in paragraph (6) and a person described in paragraph (7), a contribution (subject to the applicable threshold) which is—

(i) forwarded from the contributor or contributors to the committee by the person; or

(ii) received by the committee from a contributor or contributors, but credited by the committee or candidate involved (or, in the case of a leadership PAC, by the individual referred to in subparagraph (B) involved) to the person through records, designations, or other means of recognizing that a certain amount of money has been raised by the person.

(B) Leadership PAC

The term ''leadership PAC'' means, with respect to a candidate for election to Federal office or an individual holding Federal office, a political committee that is directly or indirectly established, financed, maintained or controlled by the candidate or the individual but which is not an authorized committee of the candidate or individual and which is not affiliated with an authorized committee of the candidate or individual, except that such term does not include a political committee of a political party.

(Pub. L. 92–225, title III, §304, Feb. 7, 1972, 86 Stat. 14; Pub. L. 93–443, title II, §§204(a)–(d), 208(c)(4), Oct. 15, 1974, 88 Stat. 1276–1278, 1286; Pub. L. 94–283, title I, §104, May 11, 1976, 90 Stat. 480; Pub. L. 96–187, title I, §104, Jan. 8, 1980, 93 Stat. 1348; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 104–79, §§1(a), 3(b), Dec. 28, 1995, 109 Stat. 791, 792; Pub. L. 106–58, title VI, §§639(a), 641(a), Sept. 29, 1999, 113 Stat. 476, 477; Pub. L. 106–346, §101(a) [title V, §502(a), (c)], Oct. 23, 2000, 114 Stat. 1356, 1356A–49; Pub. L. 107–155, title I, §103(a), title II, §§201(a), 212, title III, §§304(b), 306, 308(b), title V, §§501, 503, Mar. 27, 2002, 116 Stat. 87, 88, 93, 99, 102, 104, 114, 115; Pub. L. 108–199, div. F, title VI, §641, Jan. 23, 2004, 118 Stat. 359; Pub. L. 110–81, title II, §204(a), Sept. 14, 2007, 121 Stat. 744.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

The Lobbying Disclosure Act of 1995, referred to in subsec. (i)(4)(B), (5)(B), is Pub. L. 104–65, Dec. 19, 1995, 109 Stat. 691, which is classified principally to chapter 26 (§1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (c) of this section were contained in section 305 of Pub. L. 92–225, title III, Feb. 7, 1972, 86 Stat. 16 (section 435 of this title) prior to amendment of section 305 of Pub. L. 92–225 by Pub. L. 93–433.

AMENDMENTS

2007—Subsec. (i). Pub. L. 110–81 added subsec. (i).

2004—Subsec. (a)(2)(A)(i), (4)(A)(ii). Pub. L. 108–199, §641(1), substituted ''(or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before)'' for ''(or posted by registered or certified mail no later than the 15th day before)''.

Subsec. (a)(5). Pub. L. 108–199, §641(2), added par. (5) and struck out former par. (5) which read as follows: ''If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1) of this section) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.''

2002—Subsec. (a)(2)(B). Pub. L. 107–155, §503(a), substituted ''the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.'' for ''the following reports shall be filed:

''(i) a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31; and

''(ii) a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.''

Subsec. (a)(4). Pub. L. 107–155, §503(b), inserted concluding provisions.

Subsec. (a)(5). Pub. L. 107–155, §212(b)(2)(A), substituted ''subsection (g)(1) of this section'' for ''the second sentence of subsection (c)(2) of this section''.

Subsec. (a)(6)(B) to (E). Pub. L. 107–155, §304(b), added subpars. (B) to (D) and redesignated former subpar. (B) as (E).

Subsec. (a)(11)(B). Pub. L. 107–155, §501, amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.''

Subsec. (a)(12). Pub. L. 107–155, §306, added par. (12).

Subsec. (c)(2). Pub. L. 107–155, §212(a)(1), struck out concluding provisions which read as follows: ''Any independent expenditure (including those described in sub-

section (b)(6)(B)(iii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be filed within 24 hours after such independent expenditure is made. Such statement shall be filed with the Secretary or the Commission and the Secretary of State and shall contain the information required by subsection (b)(6)(B)(iii) of this section indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved. Notwithstanding subsection (a)(5) of this section, the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.''

Subsec. (d)(1). Pub. L. 107–155, § 212(b)(2)(B), inserted ''or (g)'' after ''subsection (c)''.

Subsec. (e). Pub. L. 107–155, § 103(a), added subsec. (e).

Subsec. (f). Pub. L. 107–155, § 201(a), added subsec. (f).

Subsec. (g). Pub. L. 107–155, § 212(a)(2), added subsec. (g).

Subsec. (g)(4). Pub. L. 107–155, § 212(b)(1), added par. (4).

Subsec. (h). Pub. L. 107–155, § 308(b), added subsec. (h).

2000—Subsec. (a)(5). Pub. L. 106–346, § 101(a) [title V, § 502(c)(2)], substituted ''or (4)(A)(ii), or the second sentence of subsection (c)(2) of this section'' for ''or (4)(A)(ii)''.

Subsec. (c)(2). Pub. L. 106–346, § 101(a) [title V, § 502(c)(1)], in concluding provisions, substituted ''shall be filed within'' for ''shall be reported within'' and inserted at end ''Notwithstanding subsection (a)(5) of this section, the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.''

Subsec. (d). Pub. L. 106–346, § 101(a) [title V, § 502(a)], added subsec. (d).

1999—Subsec. (a)(11). Pub. L. 106–58, § 639(a), added par. (11) and struck out former par. (11) which read as follows:

''(11)(A) The Commission shall permit reports required by this Act to be filed and preserved by means of computer disk or any other appropriate electronic format or method, as determined by the Commission.

''(B) In carrying out subparagraph (A) with respect to filing of reports, the Commission shall provide for one or more methods (other than requiring a signature on the report being filed) for verifying reports filed by means of computer disk or other electronic format or method. Any verification under the preceding sentence shall be treated for all purposes (including penalties for perjury) in the same manner as a verification by signature.

''(C) As used in this paragraph, the term 'report' means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.''

Subsec. (b)(2) to (4), (6), (7). Pub. L. 106–58, § 641(a), which directed insertion of ''(or election cycle, in the case of an authorized committee of a candidate for Federal office)'' after ''calendar year'' wherever appearing in pars. (2)–(4), (6), (7) of section 304(b) of the Federal Election Campaign Act, was executed by making the insertions in this section, which is section 304(b) of the Federal Election Campaign Act of 1971, to reflect the probable intent of Congress.

1995—Subsec. (a)(6)(A). Pub. L. 104–79, § 3(b)(1), substituted ''notify the Secretary'' for ''notify the Clerk, the Secretary,'' in first sentence.

Subsec. (a)(11). Pub. L. 104–79, § 1(a), added par. (11).

Subsec. (c)(2). Pub. L. 104–79, § 3(b)(2), substituted ''filed with the Secretary'' for ''filed with the Clerk, the Secretary,'' in last sentence.

1986—Subsec. (b)(2)(K). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Pub. L. 96–187 completely revised this section by changing the reporting requirements of candidates and committees so as to substantially reduce the maximum number of reports to be filed while maintaining full and adequate disclosure of campaign activities.

1976—Subsec. (a)(1)(C). Pub. L. 94–283, § 104(a), inserted provisions covering reports which must be filed in any year in which a candidate is not on the ballot for election to Federal office.

Subsec. (a)(2). Pub. L. 94–283, § 104(b), substituted ''committee authorized by a candidate to raise contributions or make expenditures on his behalf, other than the candidate's principal campaign committee, shall file the reports required under this section with the candidate's principal campaign committee'' for ''committee which is not a principal campaign committee shall file the reports required under this section with the appropriate principal campaign committee''.

Subsec. (b). Pub. L. 94–283, § 104(c), added par. (13), redesignated former par. (13) as (14), and provided that committee treasurers and candidates be deemed to be in compliance with this subsection when they show that best efforts have been used to obtain and submit the information required by this subsection.

Subsec. (e). Pub. L. 94–283, § 104(d), designated existing provisions as par. (1), substituted ''independent expenditures expressly advocating the election or defeat of a clearly identifiable candidate'' for ''expenditures'' ''$100 during a calendar year'' for ''$100 within a calendar year'', and '', on a form prepared by the Commission, a statement containing the information required of a person who makes a contribution in excess of $100 to a candidate or political committee and the information required of a candidate or political committee receiving such a contribution'' for ''a statement containing the information required by this section. Statements required by this subsection shall be filed on the dates on which reports by political committees are filed but need not be cumulative'', and added pars. (2) and (3).

1974—Subsec. (a)(1). Pub. L. 93–443, §§ 204(a)(1), (2), 208(c)(4)(A), substituted provisions of cls. (A) to (D) respecting filing of reports and that ''Any contribution of $1,000 or more received after the fifteenth day, but more than 48 hours, before any election shall be reported within 48 hours after its receipt.'' for prior requirement that ''Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of $5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.''; designated existing provisions as par. (1), inserting introductory text ''Except as provided by paragraph (2),''; and substituted ''Commission'' and ''it'' for ''appropriate supervisory officer'' and ''him'' in first sentence, respectively.

Subsec. (a)(2), (3). Pub. L. 93–443, § 204(a)(2), added pars. (2) and (3).

Subsec. (b)(5). Pub. L. 93–443, § 204(b)(1), required information respecting guarantors.

Subsec. (b)(8). Pub. L. 93–443, § 204(b)(2), required the report to disclose the total receipts less transfers between political committees which support the same candidate and which do not support more than one candidate.

Subsec. (b)(9), (10). Pub. L. 93–443, § 204(b)(3), substituted ''identification'' for ''full name and mailing address (occupation and the principal place of business, if any)'' in pars. (9) and (10).

Subsec. (b)(11). Pub. L. 93–443, § 204(b)(4), required the report to disclose the total expenditures less transfers between political committees which support the same candidate and which do not support more than one candidate.

Subsec. (b)(12). Pub. L. 93–443, §§ 204(b)(5), 208(c)(4)(B), required the report to include a statement as to the cir-

cumstances and conditions under which any debt or obligation is extinguished and the consideration therefor and substituted ''Commission'' for ''supervisory officer''.

Subsec. (b)(13). Pub. L. 93–443, § 208(c)(4)(B), substituted ''Commission'' for ''supervisory officer''.

Subsecs. (d), (e). Pub. L. 93–443, § 204(c), added subsec. (d) and incorporated provisions of former section 435 of this title in provisions designated as subsec. (e), substituting ''Commission'' for ''supervisory officer'' therein.

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110–81, title II, § 204(b), Sept. 14, 2007, 121 Stat. 746, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to reports filed under section 304 of the Federal Election Campaign Act [2 U.S.C. 434] after the expiration of the 3-month period which begins on the date that the regulations required to be promulgated by the Federal Election Commission under section 304(i)(5) of such Act (as added by subsection (a)) become final.''

Pub. L. 110–81, title II, § 215, Sept. 14, 2007, 121 Stat. 751, provided that: ''Except as otherwise provided in sections 203, 204, 206, 211, 212, and 213 [enacting sections 1613 and 1614 of this title, amending this section, sections 1604 and 1606 of this title, and sections 612 and 616 of Title 22, Foreign Relations and Intercourse, and enacting provisions set out as notes under this section, sections 1604, 1606, 1613, and 1614 of this title, and section 612 of Title 22], the amendments made by this title [enacting sections 1613 and 1614 of this title, amending this section, sections 1602 to 1606, and 1610 of this title, and sections 612 and 616 of Title 22] shall apply with respect to registrations under the Lobbying Disclosure Act of 1995 [2 U.S.C. 1601 et seq.] having an effective date of January 1, 2008, or later and with respect to quarterly reports under that Act covering calendar quarters beginning on or after January 1, 2008.''

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, except that amendment by sections 103(a), 201(a), 212, 304(b), 501, and 503 of Pub. L. 107–155 not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–346 applicable with respect to elections occurring after January 2001, see section 101(a) [title V, § 502(d)] of Pub. L. 106–346, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–58, title VI, § 639(b), Sept. 29, 1999, 113 Stat. 476, provided that: ''The amendments made by this section [amending this section] shall be effective for reporting periods beginning after December 31, 2000.''

Pub. L. 106–58, title VI, § 641(b), Sept. 29, 1999, 113 Stat. 477, provided that: ''The amendment made by this section [amending this section] shall become effective with respect to reporting periods beginning after December 31, 2000.''

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by section 1(a) of Pub. L. 104–79 applicable with respect to reports for periods beginning after Dec. 31, 1996, see section 1(c) of Pub. L. 104–79, set out as a note under section 432 of this title.

Amendment by section 3(b) of Pub. L. 104–79 applicable with respect to reports, designations, and statements required to be filed after Dec. 31, 1995, see section 3(d) of Pub. L. 104–79, set out as a note under section 432 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, with subsec. (b) of this section applicable to authorized committees for President and Vice President in elections occurring after Jan. 1, 1981, see section 301 of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

RESPONSIBILITIES OF FEDERAL COMMUNICATIONS COMMISSION

Pub. L. 107–155, title II, § 201(b), Mar. 27, 2002, 116 Stat. 90, provided that: ''The Federal Communications Commission shall compile and maintain any information the Federal Election Commission may require to carry out section 304(f) of the Federal Election Campaign Act of 1971 [2 U.S.C. 434(f)] (as added by subsection (a)), and shall make such information available to the public on the Federal Communication Commission's website.''

REPORT REQUIRED TO BE FILED BY JANUARY 31, 1975

Section 204(e) of Pub. L. 93–443 provided that notwithstanding the amendment to this section as to the time to file reports, nothing in Pub. L. 93–443 [see Short Title note set out under section 431 of this title] is to be construed as waiving the report required to be filed by Jan. 31, 1975 under the provisions of this section as in effect on Oct. 15, 1974, the date of enactment of Pub. L. 93–443.

§§ 435, 436. Repealed. Pub. L. 96–187, title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354

Section 435, Pub. L. 92–225, title III, § 305, Feb. 7, 1972, 86 Stat. 16; Pub. L. 93–443, title II, § 205(a), Oct. 15, 1974, 88 Stat. 1278, related to requirements for campaign advertising.

Section 436, Pub. L. 92–225, title III, § 306, Feb. 7, 1972, 86 Stat. 16; Pub. L. 93–443, title II, §§ 206, 207, 208(c)(5), Oct. 15, 1974, 88 Stat. 1278, 1279, 1286; Pub. L. 94–283, title I, § 115(a), May 11, 1976, 90 Stat. 495, set forth formal requirements respecting reports and statements.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as an Effective Date of 1980 Amendment note under section 431 of this title.

§ 437. Reports on convention financing

Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within 60 days following the end of the convention (but not later than 20 days prior to the date on which presidential and vice-presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as it may prescribe, of the sources from which it derived its funds, and the purpose for which such funds were expended.

(Pub. L. 92–225, title III, § 305, formerly § 307, Feb. 7, 1972, 86 Stat. 16; Pub. L. 93–443, title II, § 208(c)(6), Oct. 15, 1974, 88 Stat. 1286; renumbered § 305 and amended Pub. L. 96–187, title I, §§ 105(2), 112(a), Jan. 8, 1980, 93 Stat. 1354, 1366.)

PRIOR PROVISIONS

A prior section 305 of Pub. L. 92–225 was classified to section 435 of this title, prior to repeal by Pub. L. 96–187.

AMENDMENTS

1980—Pub. L. 96–187 substituted ''60'' and ''20'' for ''sixty'' and ''twenty'', respectively, and struck out ''Federal Election'' before ''Commission''.

1974—Pub. L. 93–443 substituted ''Federal Election Commission'' and ''it'' for ''Comptroller General of the United States'' and ''he'', respectively.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

§ 437a. Repealed. Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481

Section, Pub. L. 92–225, title III, § 308, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1279, required the filing of reports with the Commission by certain named persons other than individuals who act to influence others to vote for or against political candidates. See section 441d et seq. of this title.

SAVINGS PROVISION

Repeal by Pub. L. 94–283 not to release or extinguish any penalty, forfeiture, or liability incurred under this section, with this section or penalty to be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any penalty, forfeiture, or liability, see section 114 of Pub. L. 94–283, set out as a note under section 441 of this title.

§ 437b. Repealed. Pub. L. 96–187, title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354

Section, Pub. L. 92–225, title III, § 308, formerly § 309, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1280; renumbered § 308 and amended Pub. L. 94–283, title I, §§ 105, 106, 115(i), May 11, 1976, 90 Stat. 481, 496, set forth provisions respecting designation, etc., of campaign depositories.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as an Effective Date of 1980 Amendment note under section 431 of this title.

§ 437c. Federal Election Commission

(a) Establishment; membership; term of office; vacancies; qualifications; compensation; chairman and vice chairman

(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate. No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.

(2)(A) Members of the Commission shall serve for a single term of 6 years, except that of the members first appointed—

(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.

(B) A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.

(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.

(D) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.

(3) Members shall be chosen on the basis of their experience, integrity, impartiality, and good judgment and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government. Such members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.

(4) Members of the Commission (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall receive compensation equivalent to the compensation paid at level IV of the Executive Schedule (5 U.S.C. 5315).

(5) The Commission shall elect a chairman and a vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is appointed. The chairman and the vice chairman shall not be affiliated with the same political party. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in such office.

(b) Administration, enforcement, and formulation of policy; exclusive jurisdiction of civil enforcement; Congressional authorities or functions with respect to elections for Federal office

(1) The Commission shall administer, seek to obtain compliance with, and formulate policy with respect to, this Act and chapter 95 and chapter 96 of title 26. The Commission shall have exclusive jurisdiction with respect to the civil enforcement of such provisions.

(2) Nothing in this Act shall be construed to limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Congress

or any committee of the Congress with respect to elections for Federal office.

(c) Voting requirements; delegation of authorities

All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission. A member of the Commission may not delegate to any person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 437d(a) of this title or with chapter 95 or chapter 96 of title 26.

(d) Meetings

The Commission shall meet at least once each month and also at the call of any member.

(e) Rules for conduct of activities; judicial notice of seal; principal office

The Commission shall prepare written rules for the conduct of its activities, shall have an official seal which shall be judicially noticed, and shall have its principal office in or near the District of Columbia (but it may meet or exercise any of its powers anywhere in the United States).

(f) Staff director and general counsel; appointment and compensation; appointment and compensation of personnel and procurement of intermittent services by staff director; use of assistance, personnel, and facilities of Federal agencies and departments; counsel for defense of actions

(1) The Commission shall have a staff director and a general counsel who shall be appointed by the Commission. The staff director shall be paid at a rate not to exceed the rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315). The general counsel shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316). With the approval of the Commission, the staff director may appoint and fix the pay of such additional personnel as he or she considers desirable without regard to the provisions of title 5 governing appointments in the competitive service.

(2) With the approval of the Commission, the staff director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–15 of the General Schedule (5 U.S.C. 5332).

(3) In carrying out its responsibilities under this Act, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities of other agencies and departments of the United States. The heads of such agencies and departments may make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

(4) Notwithstanding the provisions of paragraph (2), the Commission is authorized to appear in and defend against any action instituted under this Act, either (A) by attorneys employed in its office, or (B) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5 governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.

(Pub. L. 92–225, title III, § 306, formerly § 310, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1280; renumbered § 309 and amended Pub. L. 94–283, title I, §§ 101(a)–(d), 105, May 11, 1976, 90 Stat. 475, 476, 481; renumbered § 306 and amended Pub. L. 96–187, title I, §§ 105(3), (6), 112(b), Jan. 8, 1980, 93 Stat. 1354, 1366; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 105–61, title V, § 512(a), Oct. 10, 1997, 111 Stat. 1305.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b), (c), and (f)(3), (4), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (f)(1), (4), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 306 of Pub. L. 92–225 was classified to section 436 of this title, prior to repeal by Pub. L. 96–187.

AMENDMENTS

1997—Subsec. (a)(2)(A). Pub. L. 105–61 substituted ''for a single term of 6 years'' for ''for terms of 6 years'' in introductory provisions.

1986—Subsec. (c). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Subsec. (a). Pub. L. 96–187, § 105(6), in par. (1) inserted ''or their designees,'' before ''ex officio'', and struck out ''of the United States'' after ''President''; in par. (2)(B) inserted ''or her'' after ''his'' in two places; in par. (2)(C) inserted ''or she'' after ''he''; in par. (3) struck out ''maturity'' before ''experience'', substituted ''and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission'' for ''and shall be chosen from among individuals who, at the time of their appointment'', substituted ''Such members of the Commission'' for ''Members of the Commission'' and substituted ''of his or her appointment to the Commission'' for ''such individual begins to serve as a member of the Commission''; and in par. (5) substituted ''A member may serve as Chairman only once'' for ''No member may serve as Chairman more often than once''.

Subsec. (b)(1). Pub. L. 96–187, § 105(6), substituted ''exclusive jurisdiction'' for ''exclusive primary jurisdiction''.

Subsec. (c). Pub. L. 96–187, § 105(6), substituted ''provisions of this Act'' for ''provisions of this subchapter'' in first sentence, and substituted ''A member of the Commission may not delegate to any person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this Act, except that

the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 437d(a) of this title or with chapter 95 or chapter 96 of title 26.'' for ''except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to establish guidelines for compliance with the provisions of this Act or with chapter 95 or chapter 96 of title 26, or for the Commission to take any action in accordance with paragraph (6), (7), (8), or (10) of section 437d(a) of this title. A member of the Commission may not delegate to any person his vote or any decisionmaking authority or duty vested in the Commission by the provisions of this subchapter''.

Pub. L. 96–187, § 112(b), purported to substitute ''section 307(a)'' for ''section 310(a)'', referred to in text as ''section 437d(a) of this title''. However, that substitution had been made in the general amendment of the subsection by section 105(6) of Pub. L. 96–187. See preceding paragraph.

Subsec. (f). Pub. L. 96–187, § 105(6), in par. (1) inserted ''or she'' after ''as he''; in par. (3) struck out ''Government'' after ''United States''; and added par. (4).

1976—Subsec. (a)(1). Pub. L. 94–283, § 101(a), changed provisions covering the appointment and confirmation of the six members of the Commission other than the Secretary of the Senate and the Clerk of the House of Representatives by substituting a requirement that they be appointed by the President of the United States, by and with the advice and consent of the Senate, for a requirement that appointment be made by the President, the President pro tempore of the Senate, and the Speaker of the House, with confirmation by a majority of both Houses of the Congress, and made technical changes in the provisions covering the political affiliation of the six appointees so as to accommodate the changed appointment and confirmation procedures.

Subsec. (a)(2). Pub. L. 94–283, § 101(b), provided that members of the Commission serve for terms of 6 years, except that members first appointed serve for staggered terms as designated by the President, and inserted provision that a member may serve on the Commission after the expiration of his term until his successor has taken office as a member of the Commission.

Subsec. (a)(3). Pub. L. 94–283, § 101(c)(1), inserted provisions that Commission members may not engage in other businesses, vocations, or employment, but allowed appointees one year after beginning service as members of the Commission to terminate or liquidate other businesses, vocations, or employment which they may be engaged in when they begin their service as Commission members.

Subsec. (b). Pub. L. 94–283, § 101(c)(2), designated existing provisions as par. (1), substituted ''chapter 95 and chapter 96 of title 26'' for ''sections 608, 610, 611, 613, 614, 615, 616, and 617 of Title 18'' and ''shall have exclusive primary jurisdiction'' for ''has primary jurisdiction'', and added par. (2).

Subsec. (c). Pub. L. 94–283, § 101(c)(3), provided that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to establish guidelines for compliance with the provisions of this Act or with chapter 95 or chapter 96 of title 26, or for the Commission to take any action in accordance with paragraph (6), (7), (8), or (10) of section 437d(a) of this title.

Subsec. (f)(1). Pub. L. 94–283, § 101(d), provided that the appointment and the fixing of pay of additional personnel by the staff director may be done without regard to the provisions of title 5 governing appointments in the competitive service.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 512(b) of Pub. L. 105–61, as amended by Pub. L. 105–119, title VI, § 631, Nov. 26, 1997, 111 Stat. 2523, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to individuals nominated by the President to be members of the Federal Election Commission after December 31, 1997 unless the President announced his intent to nominate the individual prior to November 30, 1997.''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

OPERATION OF FEDERAL ELECTION COMMISSION AFTER 1976 AMENDMENT OF FEDERAL ELECTION CAMPAIGN ACT; APPOINTMENT OF COMMISSION MEMBERS; TRANSFER OF PERSONNEL, LIABILITIES, CONTRACTS, PROPERTY, AND RECORDS, OF COMMISSION; REFERENCES TO COMMISSION PRIOR TO AMENDMENT DEEMED REFERENCES TO COMMISSION AS CONSTITUTED AFTER 1976 AMENDMENT OF FEDERAL ELECTION CAMPAIGN ACT

Section 101(e)–(g) of Pub. L. 94–283 provided for the transition of the Federal Election Commission as it was reconstituted under the Federal Election Campaign Act of 1971 as amended by Pub. L. 94–283 by providing for appointment of members, transfer of personnel, liabilities, contracts, property, and records, and savings provisions for orders, determinations, rules opinions, and proceedings issued, pending, or commenced before such amendments.

TRANSITIONAL PROVISION PENDING APPOINTMENT AND QUALIFICATION OF MEMBERS AND GENERAL COUNSEL OF FEDERAL ELECTION COMMISSION AND TRANSFER OF RECORDS, DOCUMENTS, MEMORANDUMS, AND OTHER PAPERS

Section 208(b) of Pub. L. 93–443 provided transitional authority for the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives pending the appointment and qualification of the members and general counsel of the Federal Election Commission and authority for transfer of records, documents, memorandums, and other papers to the Commission.

§ 437d. Powers of Commission

(a) Specific authorities

The Commission has the power—

(1) to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Commission may prescribe;

(2) to administer oaths or affirmations;

(3) to require by subpena, signed by the chairman or the vice chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 437g(a)(8) of this title) or appeal any civil action in the name of the

Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of title 26, through its general counsel;

(7) to render advisory opinions under section 437f of this title;

(8) to develop such prescribed forms and to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, as are necessary to carry out the provisions of this Act and chapter 95 and chapter 96 of title 26; and

(9) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities.

(b) Judicial orders for compliance with subpenas and orders of Commission; contempt of court

Upon petition by the Commission, any United States district court within the jurisdiction of which any inquiry is being carried on may, in case of refusal to obey a subpena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) Civil liability for disclosure of information

No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

(d) Concurrent transmissions to Congress or Member of budget estimates, etc.; prior submission of legislative recommendations, testimony, or comments on legislation

(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.

(2) Whenever the Commission submits any legislative recommendation, or testimony, or comments on legislation, requested by the Congress or by any Member of the Congress, to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(e) Exclusive civil remedy for enforcement

Except as provided in section 437g(a)(8) of this title, the power of the Commission to initiate civil actions under subsection (a)(6) of this section shall be the exclusive civil remedy for the enforcement of the provisions of this Act.

(Pub. L. 92–225, title III, § 307, formerly § 311, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1282; renumbered § 310 and amended Pub. L. 94–283, title I, §§ 105, 107, 115(b), May 11, 1976, 90 Stat. 481, 495; renumbered § 307 and amended Pub. L. 96–187, title I, §§ 105(3), 106, Jan. 8, 1980, 93 Stat. 1354, 1356; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(6), (8), and (e), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

A prior section 307 of Pub. L. 92–225 was renumbered section 305, and is classified to section 437 of this title.

AMENDMENTS

1986—Subsec. (a)(6), (8). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Subsec. (a). Pub. L. 96–187, § 106, in par. (1) substituted ''under oath, such written reports and answers to questions as the Commission may prescribe'' for ''in writing such reports and answers to questions as the Commission may prescribe'' and struck out provision that such submission be made within such reasonable time and under oath as determined by the Commission; in par. (4) struck out ''of this subsection'' after ''paragraph (3)''; in par. (6) substituted ''section 437g(a)(8)'' for ''section 437g(a)(9)'', and substituted ''to enforce the provisions of this Act'' for ''for the purpose of enforcing the provisions of this Act''; struck out par. (9) relating to formulation of general policy respecting administration of this Act and chapters 95 and 96 of title 26; and redesignated former par. (10) as (9).

Subsec. (b). Pub. L. 96–187, § 106, reworded subsec. (b) without substantive changes.

Subsec. (c). Pub. L. 96–187, § 106, reenacted subsec. (c) without change.

Subsec. (d). Pub. L. 96–187, § 106, struck out ''of the United States'' after ''President'' in pars. (1) and (2).

Subsec. (e). Pub. L. 96–187, § 106, substituted ''section 437g(a)(8)'' for ''section 437g(a)(9)''.

1976—Subsec. (a)(6). Pub. L. 94–283, § 107(b)(1), substituted ''civil actions'' for ''civil proceedings'' and inserted ''(in the case of any civil action brought under section 437g(a) (9) of this title)'' after ''defend'' and ''and chapter 95 and chapter 96 of title 26'' after ''this Act''.

Subsec. (a)(7). Pub. L. 94–283, § 115(b), substituted ''section 312'' for ''section 313'' in the original to accommodate the renumbering of section 313 of Pub. L. 92–225 as section 312 of Pub. L. 92–225 by section 105 of Pub. L. 94–283. Since both the original and substituted references translate as ''section 437f of this title'' no change in text was required.

Subsec. (a)(8). Pub. L. 94–283, § 107(a)(1), inserted ''to develop such prescribed forms and to'' before ''to make, amend, and repeal'' and inserted ''and chapter 95 and chapter 96 of title 26'' after ''provisions of this Act''.

Subsec. (a)(9). Pub. L. 94–283, § 107(a)(2), substituted ''and chapter 95 and chapter 96 of title 26; and'' for ''and sections 608, 610, 611, 613, 614, 615, 616, and 617 of title 18;''.

Subsecs. (a)(10), (11). Pub. L. 94–283, § 107(a)(3), redesignated par. (11) as par. (10). Former par. (10), which covered the development of prescribed forms under subsection (a)(1) of this section, was struck out.

Subsec. (e). Pub. L. 94–283, § 107(b)(2), added subsec. (e).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

§ 437e. Repealed. Pub. L. 96–187, title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354

Section, Pub. L. 92–225, title III, § 311, formerly § 312, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88

Stat. 1283; renumbered § 311, Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481, related to reports to the President and Congress.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as an Effective Date of 1980 Amendment note under section 431 of this title.

§ 437f. Advisory opinions

(a) Requests by persons, candidates, or authorized committees; subject matter; time for response

(1) Not later than 60 days after the Commission receives from a person a complete written request concerning the application of this Act, chapter 95 or chapter 96 of title 26, or a rule or regulation prescribed by the Commission, with respect to a specific transaction or activity by the person, the Commission shall render a written advisory opinion relating to such transaction or activity to the person.

(2) If an advisory opinion is requested by a candidate, or any authorized committee of such candidate, during the 60-day period before any election for Federal office involving the requesting party, the Commission shall render a written advisory opinion relating to such request no later than 20 days after the Commission receives a complete written request.

(b) Procedures applicable to initial proposal of rules or regulations, and advisory opinions

Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of title 26 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 438(d) of this title. No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

(c) Persons entitled to rely upon opinions; scope of protection for good faith reliance

(1) Any advisory opinion rendered by the Commission under subsection (a) of this section may be relied upon by—

(A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Notwithstanding any other provisions of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (1) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of title 26.

(d) Requests made public; submission of written comments by interested public

The Commission shall make public any request made under subsection (a) of this section for an advisory opinion. Before rendering an advisory opinion, the Commission shall accept written comments submitted by any interested party within the 10-day period following the date the request is made public.

(Pub. L. 92–225, title III, § 308, formerly § 313, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1283; renumbered § 312 and amended Pub. L. 94–283, title I, §§ 105, 108(a), May 11, 1976, 90 Stat. 481, 482; renumbered § 308 and amended Pub. L. 96–187, title I, §§ 105(4), 107(a), Jan. 8, 1980, 93 Stat. 1354, 1357; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1), (b), and (c)(2), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

A prior section 308 of Pub. L. 92–225 was classified to section 437b of this title, prior to repeal by Pub. L. 96–187.

Another prior section 308 of Pub. L. 92–225 was classified to section 437a of this title, prior to repeal by Pub. L. 94–283.

Another prior section 308 of Pub. L. 92–225 was renumbered section 311, and is classified to section 438 of this title.

AMENDMENTS

1986—Subsecs. (a)(1), (b), (c)(2). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Subsec. (a). Pub. L. 96–187, § 107, redesignated existing provisions as par. (1), substituted provisions requiring the Commission to render a written advisory opinion no later than 60 days after receiving a written request concerning the application of this Act, chapters 95 or 96 of title 26, or a rule or regulation for provisions requiring a written advisory opinion within a reasonable time in response to a written request by any individual holding Federal office, candidate for Federal office, any political committee or the national committee of a political party, provisions requiring promulgation of a rule or regulation pursuant to procedures established by section 438(c) of this title, and prohibiting issuance of advisory opinions except in accordance with the provisions of this section, and added par. (2).

Subsec. (b). Pub. L. 96–187, § 107, struck out the par. (1) and (2) designations and substituted provisions requiring any rule of law not stated in this Act or chapter 95 or 96 of title 26 be initially proposed as a rule or regulation pursuant to the procedures of section 438(d) of this title, and provisions prohibiting issuance of an advisory opinion except in accordance with the provisions of this section for provisions holding any person relying upon an advisory opinion free from any sanction provided by this Act or chapter 95 or 96 of title 26, and provisions allowing reliance on an advisory opinion by any person involved in the specific transaction and any person involved in a transaction indistinguishable from the transaction with respect to which such opinion was rendered.

Subsec. (c). Pub. L. 96–187, § 107, redesignated existing provisions as par. (1), substituted provisions allowing reliance on any advisory opinion by any person involved in the specific transaction or activity to which such opinion was rendered and any person involved in a transaction or activity indistinguishable from the transaction with respect to which such opinion was rendered for provisions mandating that any request for an advisory opinion be made public and allowing any interested party to transmit written comments to the Commission prior to the rendering of its opinion, and added par. (2).

Subsec. (d). Pub. L. 96–187, § 107, added subsec. (d).

1976—Subsec. (a). Pub. L. 94–283, § 108(a), added national committees of political parties to the enumera-

tion of persons and political bodies authorized to request advisory opinions, substituted the application of general rules of law as stated in the Act or in chapter 95 or 96 of title 26 or as prescribed by rules or regulations of the Commission to specific factual situations for the resolution of the question of whether or not any specific transaction or activity by an individual, candidate, or political committee would constitute a violation of the Act as the subject matter of advisory opinions, and inserted requirement that rules or regulations forming the basis for rules of law be rules or regulations proposed pursuant to section 438(c) of this title and that advisory opinions be issued only in accordance with the provisions of this section.

Subsec. (b). Pub. L. 94–283, § 108(a), designated existing provisions as par. (1), substituted provisions that any person who relies upon any finding or provision of an advisory opinion in accordance with the provisions of paragraph (2) and who acts in good faith in accordance with the provisions and findings of the advisory opinion shall not, as a result of that act, be subject to any sanctions provided by the Act or by chapter 95 or 96 of title 26 for provisions that any person with respect to whom an advisory opinion was rendered under subsection (a) who acted in good faith in accordance with the provisions and findings of an advisory opinion would be presumed to be in compliance with the Act, and added par. (2).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

CONFORMANCE OF ADVISORY OPINIONS ISSUED PRIOR TO MAY 11, 1976, TO REQUIREMENTS IMPOSED UNDER 1976 AMENDMENTS

Section 108(b) of Pub. L. 94–283 provided that: ''The Commission shall, no later than 90 days after the date of the enactment of this Act [May 11, 1976], conform the advisory opinions issued before such date of enactment to the requirements established by section 312 (a) of the Act [subsec. (a) of this section], as amended by subsection (a) of this section. The provisions of section 312(b) of the Act [subsec. (b) of this section], as amended by subsection (a) of this section, shall apply with respect to all advisory opinions issued before the date of the enactment of this Act as conformed to meet the requirements of section 312(a) of the Act, as amended by subsection (a) of this section.''

§ 437g. Enforcement

(a) Administrative and judicial practice and procedure

(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of title 26 has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18. Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such a violation. Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the complaint. The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

(2) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, determines, by an affirmative vote of 4 of its members, that it has reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of title 26, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section.

(3) The general counsel of the Commission shall notify the respondent of any recommendation to the Commission by the general counsel to proceed to a vote on probable cause pursuant to paragraph (4)(A)(i). With such notification, the general counsel shall include a brief stating the position of the general counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, respondent may submit a brief stating the position of such respondent on the legal and factual issues of the case, and replying to the brief of general counsel. Such briefs shall be filed with the Secretary of the Commission and shall be considered by the Commission before proceeding under paragraph (4).

(4)(A)(i) Except as provided in clauses[1] (ii) and subparagraph (C), if the Commission determines, by an affirmative vote of 4 of its members, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of title 26, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the Commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to an affirmative vote of 4 of its members. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).

(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).

(B)(i) No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under subparagraph (A) may be made public by the Commission without the written consent of the respondent and the Commission.

[1] So in original. Probably should be ''clause''.

(ii) If a conciliation agreement is agreed upon by the Commission and the respondent, the Commission shall make public any conciliation agreement signed by both the Commission and the respondent. If the Commission makes a determination that a person has not violated this Act or chapter 95 or chapter 96 of title 26, the Commission shall make public such determination.

(C)(i) Notwithstanding subparagraph (A), in the case of a violation of any requirement of section 434(a) of this title, the Commission may—

(I) find that a person committed such a violation on the basis of information obtained pursuant to the procedures described in paragraphs (1) and (2); and

(II) based on such finding, require the person to pay a civil money penalty in an amount determined under a schedule of penalties which is established and published by the Commission and which takes into account the amount of the violation involved, the existence of previous violations by the person, and such other factors as the Commission considers appropriate.

(ii) The Commission may not make any determination adverse to a person under clause (i) until the person has been given written notice and an opportunity to be heard before the Commission.

(iii) Any person against whom an adverse determination is made under this subparagraph may obtain a review of such determination in the district court of the United States for the district in which the person resides, or transacts business, by filing in such court (prior to the expiration of the 30-day period which begins on the date the person receives notification of the determination) a written petition requesting that the determination be modified or set aside.

(5)(A) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of title 26 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation.

(B) If the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of title 26 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation (or, in the case of a violation of section 441f of this title, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1,000 percent of the amount involved in the violation).

(C) If the Commission by an affirmative vote of 4 of its members, determines that there is probable cause to believe that a knowing and willful violation of this Act which is subject to subsection (d) of this section, or a knowing and willful violation of chapter 95 or chapter 96 of title 26, has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in paragraph (4)(A).

(D) In any case in which a person has entered into a conciliation agreement with the Commission under paragraph (4)(A), the Commission may institute a civil action for relief under paragraph (6)(A) if it believes that the person has violated any provision of such conciliation agreement. For the Commission to obtain relief in any civil action, the Commission need only establish that the person has violated, in whole or in part, any requirement of such conciliation agreement.

(6)(A) If the Commission is unable to correct or prevent any violation of this Act or of chapter 95 or chapter 96 of title 26, by the methods specified in paragraph (4), the Commission may, upon an affirmative vote of 4 of its members, institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order (including an order for a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation) in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

(B) In any civil action instituted by the Commission under subparagraph (A), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 or chapter 96 of title 26.

(C) In any civil action for relief instituted by the Commission under subparagraph (A), if the court determines that the Commission has established that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of title 26, the court may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation (or, in the case of a violation of section 441f of this title, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1,000 percent of the amount involved in the violation).

(7) In any action brought under paragraph (5) or (6), subpenas for witnesses who are required to attend a United States district court may run into any other district.

(8)(A) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure of the Commission to act on such complaint during the 120-day period beginning on the date the complaint is filed, may file a petition with the United States District Court for the District of Columbia.

(B) Any petition under subparagraph (A) shall be filed, in the case of a dismissal of a complaint

by the Commission, within 60 days after the date of the dismissal.

(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.

(9) Any judgment of a district court under this subsection may be appealed to the court of appeals, and the judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(10) Repealed. Pub. L. 98–620, title IV, § 402(1)(A), Nov. 8, 1984, 98 Stat. 3357.

(11) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (6), it may petition the court for an order to hold such person in civil contempt, but if it believes the violation to be knowing and willful it may petition the court for an order to hold such person in criminal contempt.

(12)(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than $5,000.

(b) Notice to persons not filing required reports prior to institution of enforcement action; publication of identity of persons and unfiled reports

Before taking any action under subsection (a) of this section against any person who has failed to file a report required under section 434(a)(2)(A)(iii) of this title for the calendar quarter immediately preceding the election involved, or in accordance with section 434(a)(2)(A)(i) of this title, the Commission shall notify the person of such failure to file the required reports. If a satisfactory response is not received within 4 business days after the date of notification, the Commission shall, pursuant to section 438(a)(7) of this title, publish before the election the name of the person and the report or reports such person has failed to file.

(c) Reports by Attorney General of apparent violations

Whenever the Commission refers an apparent violation to the Attorney General, the Attorney General shall report to the Commission any action taken by the Attorney General regarding the apparent violation. Each report shall be transmitted within 60 days after the date the Commission refers an apparent violation, and every 30 days thereafter until the final disposition of the apparent violation.

(d) Penalties; defenses; mitigation of offenses

(1)(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure—

(i) aggregating $25,000 or more during a calendar year shall be fined under title 18, or imprisoned for not more than 5 years, or both; or

(ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than 1 year, or both.

(B) In the case of a knowing and willful violation of section 441b(b)(3) of this title, the penalties set forth in this subsection shall apply to a violation involving an amount aggregating $250 or more during a calendar year. Such violation of section 441b(b)(3) of this title may incorporate a violation of section 441c(b), 441f, or 441g of this title.

(C) In the case of a knowing and willful violation of section 441h of this title, the penalties set forth in this subsection shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of $1,000 or more is involved.

(D) Any person who knowingly and willfully commits a violation of section 441f of this title involving an amount aggregating more than $10,000 during a calendar year shall be—

(i) imprisoned for not more than 2 years if the amount is less than $25,000 (and subject to imprisonment under subparagraph (A) if the amount is $25,000 or more);

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

(I) $50,000; or

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

(iii) both imprisoned under clause (i) and fined under clause (ii).

(2) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of title 26, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Commission under subsection (a)(4)(A) of this section which specifically deals with the act or failure to act constituting such violation and which is still in effect.

(3) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of title 26, the court before which such action is brought shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under subparagraph (a)(4)(A);

(B) the conciliation agreement is in effect; and

(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.

(Pub. L. 92–225, title III, § 309, formerly § 314, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1284; renumbered § 313 and amended Pub. L. 94–283, title I, §§ 105, 109, May 11, 1976, 90 Stat. 481, 483; renumbered § 309 and amended Pub. L. 96–187, title I, §§ 105(4), 108, Jan. 8, 1980, 93 Stat. 1354, 1358; Pub. L. 98–620, title IV, § 402(1)(A), Nov. 8, 1984, 98 Stat. 3357; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 106–58, title VI, § 640(a), (b), Sept. 29, 1999, 113 Stat. 476, 477; Pub. L. 107–155, title III, §§ 312(a), 315(a), (b), Mar. 27, 2002, 116 Stat. 106, 108.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (d), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (a) of this section were contained in section 308(d) of Pub. L. 92–225, title III, Feb. 7, 1972, 86 Stat. 18 (section 438(d) of this title), prior to amendment of section 308 of Pub. L. 92–225 by Pub. L. 93–443.

A prior section 309 of Pub. L. 92–225 was renumbered section 306, and is classified to section 437c of this title.

Another prior section 309 of Pub. L. 92–225 was renumbered section 308, and was classified to section 437b of this title, prior to repeal by Pub. L. 96–187.

Another prior section 309 of Pub. L. 92–225 was renumbered section 312, and is classified to section 439 of this title.

AMENDMENTS

2002—Subsec. (a)(5)(B). Pub. L. 107–155, § 315(a)(1), inserted before period at end ''(or, in the case of a violation of section 441f of this title, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1,000 percent of the amount involved in the violation)''.

Subsec. (a)(6)(C). Pub. L. 107–155, § 315(a)(2), inserted before period at end ''(or, in the case of a violation of section 441f of this title, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1,000 percent of the amount involved in the violation)''.

Subsec. (d)(1)(A). Pub. L. 107–155, § 312(a), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution or expenditure aggregating $2,000 or more during a calendar year shall be fined, or imprisoned for not more than one year, or both. The amount of this fine shall not exceed the greater of $25,000 or 300 percent of any contribution or expenditure involved in such violation.''

Subsec. (d)(1)(D). Pub. L. 107–155, § 315(b), added subpar. (D).

1999—Subsec. (a)(4)(A)(i). Pub. L. 106–58, § 640(a)(1), substituted ''clauses (ii) and subparagraph (C)'' for ''clause (ii)''.

Subsec. (a)(4)(C). Pub. L. 106–58, § 640(a)(2), added subpar. (C).

Subsec. (a)(6)(A). Pub. L. 106–58, § 640(b), substituted ''paragraph (4)'' for ''paragraph (4)(A)''.

1986—Subsecs. (a)(1), (2), (4)(A)(i), (B)(ii), (5)(A) to (C), (6), (d)(2), (3). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1984—Subsec. (a)(10). Pub. L. 98–620 struck out par. (10) which provided that any action brought under subsec. (a) be advanced on the docket of the court in which filed and put ahead of all other actions (other than other actions brought under this subsec. or under section 437h of this title).

1980—Pub. L. 96–187, § 108, substantially revised provisions of this section in order to facilitate the Commission's more expeditious handling of complaints, and implementation of enforcement proceedings.

1976—Subsec. (a). Pub. L. 94–283, § 109, generally revised provisions of subsec. (a) to reflect enactment of sections 441a to 441j of this title and repeal of sections 608 and 610 to 617 of title 18 and to update the operations of the Commission.

Subsecs. (b), (c). Pub. L. 94–283, § 109, reenacted subsec. (b) without change and added subsec. (c).

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–155, title III, § 312(b), Mar. 27, 2002, 116 Stat. 106, provided that: ''The amendment made by this section [amending this section] shall apply to violations occurring on or after the effective date of this Act [for general effective date of Pub. L. 107–155, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title].''

Pub. L. 107–155, title III, § 315(c), Mar. 27, 2002, 116 Stat. 108, provided that: ''The amendments made by this section [amending this section] shall apply with respect to violations occurring on or after the effective date of this Act [for general effective date of Pub. L. 107–155, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title].''

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–58, title VI, § 640(c), Sept. 29, 1999, 113 Stat. 477, as amended by Pub. L. 107–67, title VI, § 642, Nov. 12, 2001, 115 Stat. 555; Pub. L. 108–199, div. F, title VI, § 639, Jan. 23, 2004, 118 Stat. 359; Pub. L. 109–115, div. A, title VII, § 721. Nov. 30, 2005, 119 Stat. 2493, provided that: ''The amendments made by this section [amending this section] shall apply with respect to violations that relate to reporting periods that begin on or after January 1, 2000, and that end on or before December 31, 2008.''

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98–620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

§ 437h. Judicial review

The Commission, the national committee of any political party, or any individual eligible to vote in any election for the office of President may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this Act. The district court immediately shall certify all questions of constitutionality of this Act to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(Pub. L. 92–225, title III, § 310, formerly § 315, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1285; renumbered § 314 and amended

Pub. L. 94–283, title I, §§105, 115(e), May 11, 1976, 90 Stat. 481, 496; renumbered §310 and amended Pub. L. 96–187, title I, §§105(4), 112(c), Jan. 8, 1980, 93 Stat. 1354, 1366; Pub. L. 98–620, title IV, §402(1)(B), Nov. 8, 1984, 98 Stat. 3357; Pub. L. 100–352, §6(a), June 27, 1988, 102 Stat. 663.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

A prior section 310 of Pub. L. 92–225 was renumbered section 307, and is classified to section 437d of this title.

Another prior section 310 of Pub. L. 92–225 was renumbered section 306, and is classified to section 437c of this title.

Another prior section 310 of Pub. L. 92–225 was classified to section 440 of this title, prior to repeal by Pub. L. 93–443.

AMENDMENTS

1988—Pub. L. 100–352 struck out ''(a)'' before ''The Commission'' and struck out subsec. (b) which read as follows: ''Notwithstanding any other provision of law, any decision on a matter certified under subsection (a) of this section shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought no later than 20 days after the decision of the court of appeals.''

1984—Subsec. (c). Pub. L. 98–620 struck out subsec. (c) which provided for advancement on appellate docket and expedited disposition of any matter certified under subsec. (a) of this section.

1980—Subsec. (a). Pub. L. 96–187, §112(c), struck out ''of the United States'' after ''office of President''.

1976—Subsec. (a). Pub. L. 94–283, §115(e), struck out references to sections 608, 610, 611, 613, 614, 615, 616, and 617 of title 18.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–352 effective ninety days after June 27, 1988, except that such amendment not to apply to cases pending in Supreme Court on such effective date or affect right to review or manner of reviewing judgment or decree of court which was entered before such effective date, see section 7 of Pub. L. 100–352, set out as a note under section 1254 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98–620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

JUDICIAL REVIEW

Pub. L. 107–155, title IV, §403, Mar. 27, 2002, 116 Stat. 113, provided that:

''(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act [see Short Title of 2002 Amendment note set out under section 431 of this title] or any amendment made by this Act, the following rules shall apply:

''(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

''(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

''(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

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

''(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

''(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

''(d) APPLICABILITY.—

''(1) INITIAL CLAIMS.—With respect to any action initially filed on or before December 31, 2006, the provisions of subsection (a) shall apply with respect to each action described in such section.

''(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2006, the provisions of subsection (a) shall not apply to any action described in such section unless the person filing such action elects such provisions to apply to the action.''

§ 438. Administrative provisions

(a) Duties of Commission

The Commission shall—

(1) prescribe forms necessary to implement this Act;

(2) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;

(3) develop a filing, coding, and cross-indexing system consistent with the purposes of this Act;

(4) within 48 hours after the time of the receipt by the Commission of reports and statements filed with it, make them available for public inspection, and copying, at the expense of the person requesting such copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. A political committee may submit 10 pseudonyms on each report filed in order to

protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Secretary or the Commission shall exclude these lists from the public record;

(5) keep such designations, reports, and statements for a period of 10 years from the date of receipt, except that designations, reports, and statements that relate solely to candidates for the House of Representatives shall be kept for 5 years from the date of their receipt;

(6)(A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, which index shall be published at regular intervals and made available for purchase directly or by mail;

(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multi-candidate committees, including in such index a list of multi-candidate committees; and

(C) compile and maintain a list of multi-candidate committees, which shall be revised and made available monthly;

(7) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act;

(8) prescribe rules, regulations, and forms to carry out the provisions of this Act, in accordance with the provisions of subsection (d) of this section; and

(9) transmit to the President and to each House of the Congress no later than June 1 of each year, a report which states in detail the activities of the Commission in carrying out its duties under this Act, and any recommendations for any legislative or other action the Commission considers appropriate.

(b) Audits and field investigations

The Commission may conduct audits and field investigations of any political committee required to file a report under section 434 of this title. All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter 95 or chapter 96 of title 26 shall be given priority. Prior to conducting any audit under this subsection, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Commission. The Commission may, upon an affirmative vote of 4 of its members, conduct an audit and field investigation of any committee which does meet the threshold requirements established by the Commission. Such audit shall be commenced within 30 days of such vote, except that any audit of an authorized committee of a candidate, under the provisions of this subsection, shall be commenced within 6 months of the election for which such committee is authorized.

(c) Statutory provisions applicable to forms and information-gathering activities

Any forms prescribed by the Commission under subsection (a)(1) of this section, and any information-gathering activities of the Commission under this Act, shall not be subject to the provisions of section 3512[1] of title 44.

(d) Rules, regulations, or forms; issuance, procedures applicable, etc.

(1) Before prescribing any rule, regulation, or form under this section or any other provision of this Act, the Commission shall transmit a statement with respect to such rule, regulation, or form to the Senate and the House of Representatives, in accordance with this subsection. Such statement shall set forth the proposed rule, regulation, or form, and shall contain a detailed explanation and justification of it.

(2) If either House of the Congress does not disapprove by resolution any proposed rule or regulation submitted by the Commission under this section within 30 legislative days after the date of the receipt of such proposed rule or regulation or within 10 legislative days after the date of receipt of such proposed form, the Commission may prescribe such rule, regulation, or form.

(3) For purposes of this subsection, the term ''legislative day'' means, with respect to statements transmitted to the Senate, any calendar day on which the Senate is in session, and with respect to statements transmitted to the House of Representatives, any calendar day on which the House of Representatives is in session.

(4) For purposes of this subsection, the terms ''rule'' and ''regulation'' mean a provision or series of interrelated provisions stating a single, separable rule of law.

(5)(A) A motion to discharge a committee of the Senate from the consideration of a resolution relating to any such rule, regulation, or form or a motion to proceed to the consideration of such a resolution, is highly privileged and shall be decided without debate.

(B) Whenever a committee of the House of Representatives reports any resolution relating to any such form, rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and is not in order to move to reconsider the vote by which the motion is agreed to or disagreed with.

(e) Scope of protection for good faith reliance upon rules or regulations

Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of title 26.

(f) Promulgation of rules, regulations, and forms by Commission and Internal Revenue Service; report to Congress on cooperative efforts

In prescribing such rules, regulations, and forms under this section, the Commission and the Internal Revenue Service shall consult and

[1] See References in Text note below.

work together to promulgate rules, regulations, and forms which are mutually consistent. The Commission shall report to the Congress annually on the steps it has taken to comply with this subsection.

(Pub. L. 92–225, title III, §311, formerly §308, Feb. 7, 1972, 86 Stat. 16; renumbered §316 and amended Pub. L. 93–443, title II, §§208(a), (c)(7)–(10), 209(a)(1), (b), Oct. 15, 1974, 88 Stat. 1279, 1286, 1287; renumbered §315 and amended Pub. L. 94–283, title I, §§105, 110, May 11, 1976, 90 Stat. 481, 486; renumbered §311 and amended Pub. L. 96–187, title I, §§105(4), 109, Jan. 8, 1980, 93 Stat. 1354, 1362; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 104–79, §3(c), Dec. 28, 1995, 109 Stat. 792; Pub. L. 107–252, title VIII, §801(b), Oct. 29, 2002, 116 Stat. 1726.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

Section 3512 of title 44, referred to in subsec. (c), which related to requirements for the collection of information by independent Federal regulatory agencies, was a part of chapter 35 of Title 44, Public Printing and Documents. Chapter 35 was amended generally by the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and subsequently by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

PRIOR PROVISIONS

A prior section 311 of Pub. L. 92–225 was classified to section 437e of this title, prior to repeal by Pub. L. 96–187.

Another prior section 311 of Pub. L. 92–225 was renumbered section 307, and is classified to section 437d of this title.

Another prior section 311 of Pub. L. 92–225 was renumbered section 320, and was classified to section 441 of this title, prior to repeal by Pub. L. 94–283.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–252 inserted ''and'' at end of par. (8), substituted a period for ''; and'' at end of par. (9), and struck out par. (10) and concluding sentences which read as follows: ''serve as a national clearinghouse for the compilation of information and review of procedures with respect to the administration of Federal elections. The Commission may enter into contracts for the purpose of conducting studies under this paragraph. Reports or studies made under this paragraph shall be available to the public upon the payment of the cost thereof, except that copies shall be made available without cost, upon request, to agencies and branches of the Federal Government.''

1995—Subsec. (a)(4). Pub. L. 104–79 substituted ''Secretary'' for ''Clerk, Secretary,''.

1986—Subsecs. (b), (e). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Subsec. (a). Pub. L. 96–187, §109, substituted in introductory clause ''The Commission shall'' for ''It shall be the duty of the Commission''.

Subsec. (a)(1). Pub. L. 96–187, §109, substituted ''prescribe forms necessary to implement this Act'' for ''to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with it under this subchapter''.

Subsec. (a)(2). Pub. L. 96–187, §109, substituted ''prepare, publish, and furnish to all persons required to file reports and statements under this Act'' for ''to prepare, publish, and furnish to the person required to file such reports and statements''.

Subsec. (a)(3). Pub. L. 96–187, §109, struck out ''to'' before ''develop'' and substituted ''consistent with the purposes of this Act'' for ''consonant with the purposes of this subchapter''.

Subsec. (a)(4). Pub. L. 96–187, §109, substituted provisions making available for inspection and copying reports and statements within 48 hours after receipt and prohibiting the sale or use of any information for soliciting contributions or for commercial purposes other than using names and addresses of any political committee and allowing a political committee to submit 10 pseudonyms on each report to protect against illegal use of names and addresses of contributors, such lists to be excluded from the public record, for provisions making available for public inspection and copying reports and statements as soon as practicable but no later than the end of the second day following the day during which it was received, and to permit copying by hand or duplicating machine at the person's own expense, provided that no information so copied be sold or utilized for purposes of soliciting contributions or for commercial purposes.

Subsec. (a)(5). Pub. L. 96–187, §109, substituted ''keep such designations, reports'' for ''to preserve such reports'', ''except that designations, reports, and statements that relate'' for ''except that reports and statements relating'' and ''shall be kept'' for ''shall be preserved''.

Subsec. (a)(6). Pub. L. 96–187, §109, redesignated existing provisions as subpar. (A), added subpars. (B) and (C), and in subpar. (A) as so designated substituted provisions for the compilation and maintenance of a cumulative index of designations, reports, and statements filed under this Act, to be published at regular intervals and made available for direct or mail purchase for provisions for compilation and maintenance of such index to be published in the Federal Register at regular intervals to be made available for direct or mail purchase at reasonable prices, and for compilation and maintenance of a separate cumulative index of reports and statements of political committees supporting more than one candidate including a listing of the date of registration of such committee and the date of qualification to make expenditures under section 441a(a)(2), to be revised on the same basis as the other cumulative indices.

Subsec. (a)(7). Pub. L. 96–187, §109, substituted provisions requiring preparation and publication periodically lists of committees failing to file reports as required by this Act for provisions requiring preparation and publication from time to time of special reports listing candidates for whom reports were filed as required and candidates for whom reports were not filed.

Subsec. (a)(8). Pub. L. 96–187, §109, substituted provisions for rules, regulations and forms to carry out the provisions of this Act in accordance with subsec. (d) for provisions mandating audits and field investigations with respect to reports and statements and failure to file such and giving priority to auditing and field investigation verification and receipt and use of payments received by a candidate.

Subsec. (a)(9). Pub. L. 96–187, §109, substituted provisions for transmittal to the President and Congress no later than June 1 of each year a report of Commission activities and recommendations for legislation for provisions for reporting apparent violations of law to appropriate law enforcement authorities.

Subsec. (a)(10). Pub. L. 96–187, §109, substituted provisions authorizing the Commission to serve as a national clearinghouse for compilation of information and review procedures with respect to administration of Federal elections, and to enter into contracts to conduct studies, to be made available to the public upon payment of costs except that copies be made available without cost to agencies and branches of the Federal Government for provisions for prescription of rules and regulations to carry out the provisions of this subchapter in accordance with the provisions of subsec. (c) of this section.

Subsec. (b). Pub. L. 96–187, §109, substituted provisions for the conduct of audits and field investigations

with priority to verification for, and receipt and use of payments received by a candidate or committee under chapter 95 or 96 of title 26, and performance of internal review of reports of selected committees to determine compliance with threshold requirements of this Act, such requirements to be established by the Commission, audits and investigations to be undertaken upon affirmative vote of 4 members within 30 days of such vote except audits of an authorized committee of a candidate to be commenced within 6 months of the election for which such committee was authorized, for provisions declaring it the duty of the Commission to act as a national clearinghouse for information in respect to administration of elections, to enter into contracts to conduct independent studies of administration of elections, such studies to be published by the Commission and copies made available to the general public.

Subsec. (c). Pub. L. 96–187, § 109, substituted provisions exempting from the provisions of section 3512 of title 44 any forms prescribed by the Commission and any information-gathering activities of the Commission for provisions of pars. (1) to (5) relating to prescribing of rules and regulations and approval thereof by either the Senate or the House of Representatives, and definition of ''legislative days'' and ''rule or regulation''.

Subsec. (d)(1). Pub. L. 96–187, § 109, substituted provisions for transmittal to Congress of a statement with respect to any rule, regulation or form prior to its prescription, such statement setting forth such rule, etc., and a detailed explanation and justification, for provisions of subpars. (A) to (C) prescribing rules and regulations to carry out the provisions of this subchapter including rules and regulations relating to reports and statements to be filed by a candidate or delegate or Resident Commissioner to Congress, candidate for office of Senator, such reports to be made available to the public by the Clerk and Secretary of the House of Representatives and Senate, respectively.

Subsec. (d)(2). Pub. L. 96–187, § 109, substituted provisions permitting the Commission to prescribe a rule or regulation in the absence of disapproval by resolution of either House of Congress within 30 legislative days after the date of receipt of such proposed rule or regulation or within 10 legislative days after receipt of such proposed form for provisions that it is the duty of the Clerk and Secretary of the House of Representatives and Senate, respectively, to cooperate with the Commission in carrying out its duties under this Act and to furnish such services and facilities as may be required.

Subsec. (d)(3), (4). Pub. L. 96–187, § 109, added pars. (3) and (4).

Subsecs. (e), (f). Pub. L. 96–187, § 109, added subsecs. (e) and (f).

1976—Subsec. (a)(6). Pub. L. 94–283, § 110(a)(1), inserted provisions covering and index of reports and statements filed by committees supporting more than one candidate.

Subsec. (a)(8). Pub. L. 94–283, § 110(a)(2), inserted provisions giving priority to auditing and field investigating of the verification for, and the receipt and use of, any payments received by a candidate under chapter 95 or 96 of title 26.

Subsec. (c)(2). Pub. L. 94–283, § 110(b)(1), inserted provision for priority consideration by the House of Representatives of a motion to consider resolutions relating to a rule or regulation reported by a committee of the House.

Subsec. (c)(5). Pub. L. 94–283, § 110(b)(2), added par. (5).

1974—Subsec. (a). Pub. L. 93–443, § 208(c)(8), substituted ''Commission'' for ''supervisory officer'' in introductory provision.

Subsec. (a)(1), (4). Pub. L. 93–443, § 208(c)(9)(A), (B), substituted ''him'' for ''it'' in pars. (1) and (4).

Subsec. (a)(6). Pub. L. 93–443, § 209(a)(1), substituted provisions respecting index of reports and statements and publication thereof in Federal Register for provisions respecting compilation and maintenance of current list of candidate statements.

Subsec. (a)(7). Pub. L. 93–443, § 209(a)(1), substituted provision for preparation and publication of special reports listing candidates for whom reports were filed as required by this subchapter and those candidates for whom such reports were not filed as so required for provisions respecting publication of annual reports and compilations of data.

Subsec. (a)(8). Pub. L. 93–443, § 209(a)(1), redesignated par. (11) as (8) and struck out former par. (8) provision for preparation and publication of special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections.

Subsec. (a)(9). Pub. L. 93–443, § 209(a)(1), redesignated par. (12) as (9) and struck out former par. (9) provision for preparation and publication of other reports.

Subsec. (a)(10). Pub. L. 93–443, § 209(a)(1), (b)(1), redesignated par. (13) as (10), inserted end text reading '', in accordance with the provisions of subsection (c) of this section'', and struck out former par. (10) provision for dissemination of information.

Subsec. (a)(11) to (13). Pub. L. 93–443, § 209(a)(1), redesignated pars. (11) to (13) as (8) to (10), respectively.

Subsec. (b). Pub. L. 93–443, §§ 208(c)(10)(A), (B), 209(b)(2)(A), substituted ''Commission'' for ''Comptroller General'' wherever appearing and ''its'' for ''his'' in second sentence and struck out provision that ''Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.'', redesignated subsec. (c) as (b) and struck out former subsec. (b) provisions respecting Federal and State filing of reports, including procedures for Federal copies in satisfaction of State requirements to eliminate multiple filings.

Subsec. (c). Pub. L. 93–443, § 209(b)(2)(A), (B), added subsec. (c) and redesignated former subsec. (c) as (b).

Subsec. (d). Pub. L. 93–443, § 209(b)(2)(A), (B), added subsec. (d) and struck out former subsec. (d) provisions respecting violations, the paragraphs relating to: (1) complaints, investigations, notice and hearing, Federal civil actions for injunction, restraining orders, or other appropriate orders, venue, and bond; (2) subpenas; (3) review by court of appeals and time for petition of review; (4) finality of appellate judgment and review by Supreme Court; and (5) docket advancement and priorities, provisions now covered by section 437g(a) of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–252 effective upon appointment of all members of the Election Assistance Commission under section 15323 of Title 42, The Public Health and Welfare, see section 15534(a) of Title 42.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–79 applicable with respect to reports, designations, and statements required to be filed after Dec. 31, 1995, see section 3(d) of Pub. L. 104–79, set out as a note under section 432 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsecs. (a)(9) and (f) of this section relating to submittal of annual reports to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 168 of House Document No. 103–7.

TRANSITION PROVISIONS

Disapproval of rules and regulations by either House of Congress under subsec. (d) of this section within 30 legislative days after receipt to be deemed to allow such disapproval within 15 days with respect to rules and regulations implementing Pub. L. 96–187 proposed under section 303(a) of Pub. L. 96–187, see section 303(b)

of Pub. L. 96–187, set out as a note under section 431 of this title.

ANNUAL REPORTS FOR CALENDAR YEARS BEGINNING AFTER DEC. 31, 1972

Section 209(a)(2) of Pub. L. 93–443 provided that: ''Notwithstanding section 308(a)(7) of the Federal Election Campaign Act of 1971 [subsec. (a)(7) of this section] (relating to an annual report by the supervisory officer), as in effect on the day before the effective date of the amendments made by paragraph (1) of this subsection, no such annual report shall be required with respect to any calendar year beginning after December 31, 1972.''

§ 438a. Maintenance of website of election reports

(a) In general

The Federal Election Commission shall maintain a central site on the Internet to make accessible to the public all publicly available election-related reports and information.

(b) Election-related report

In this section, the term ''election-related report'' means any report, designation, or statement required to be filed under the Federal Election Campaign Act of 1971.

(c) Coordination with other agencies

Any Federal executive agency receiving election-related information which that agency is required by law to publicly disclose shall cooperate and coordinate with the Federal Election Commission to make such report available through, or for posting on, the site of the Federal Election Commission in a timely manner.

(Pub. L. 107–155, title V, § 502, Mar. 27, 2002, 116 Stat. 115.)

REFERENCES IN TEXT

The Federal Election Campaign Act of 1971, referred to in subsec. (b), is Pub. L. 92–225, Feb. 7, 1972, 86 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 431 of this title and Tables.

CODIFICATION

Section was enacted as part of the Bipartisan Campaign Reform Act of 2002, and not as a part of the Federal Election Campaign Act of 1971 which comprises this chapter.

EFFECTIVE DATE

Section effective Nov. 6, 2002, but not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 439. Statements filed with State officers; "appropriate State" defined; duties of State officers; waiver of duplicate filing requirement for States with electronic access

(a) Statements filed; "appropriate State" defined

(1) A copy of each report and statement required to be filed by any person under this Act shall be filed by such person with the Secretary of State (or equivalent State officer) of the appropriate State, or, if different, the officer of such State who is charged by State law with maintaining State election campaign reports. The chief executive officer of such State shall designate any such officer and notify the Commission of any such designation.

(2) For purposes of this subsection, the term ''appropriate State'' means—

(A) for statements and reports in connection with the campaign for nomination for election of a candidate to the office of President or Vice President, each State in which an expenditure is made on behalf of the candidate; and

(B) for statements and reports in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, the State in which the candidate seeks election; except that political committees other than authorized committees are only required to file, and Secretaries of State required to keep, that portion of the report applicable to candidates seeking election in that State.

(b) Duties of State officers

The Secretary of State (or equivalent State officer), or the officer designated under subsection (a)(1) of this section, shall—

(1) receive and maintain in an orderly manner all reports and statements required by this Act to be filed therewith;

(2) keep such reports and statements (either in original filed form or in facsimile copy by microfilm or otherwise) for 2 years after their date of receipt;

(3) make each report and statement filed therewith available as soon as practicable (but within 48 hours of receipt) for public inspection and copying during regular business hours, and permit copying of any such report or statement by hand or by duplicating machine at the request of any person, except that such copying shall be at the expense of the person making the request; and

(4) compile and maintain a current list of all reports and statements pertaining to each candidate.

(c) Waiver; electronic access

Subsections (a) and (b) of this section shall not apply with respect to any State that, as determined by the Commission, has a system that permits electronic access to, and duplication of, reports and statements that are filed with the Commission.

(Pub. L. 92–225, title III, § 312, formerly § 309, Feb. 7, 1972, 86 Stat. 18; renumbered § 317 and amended Pub. L. 93–443, title II, § 208(a), (c)(11), Oct. 15, 1974, 88 Stat. 1279, 1287; renumbered § 316, Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481; renumbered § 312 and amended Pub. L. 96–187, title I, §§ 105(4), 110, Jan. 8, 1980, 93 Stat. 1354, 1364; Pub. L. 104–79, § 2, Dec. 28, 1995, 109 Stat. 791.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1) and (b)(1), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

A prior section 312 of Pub. L. 92–225 was renumbered section 308, and is classified to section 437f of this title.

Another prior section 312 of Pub. L. 92–225 was renumbered section 311, and was classified to section 437e of this title, prior to repeal by Pub. L. 96–187.

AMENDMENTS

1995—Subsec. (c). Pub. L. 104–79 added subsec. (c).

1980—Subsec. (a). Pub. L. 96–187, § 110, in revising text, added par. (1), incorporating part of first sentence reading ''A copy of each statement required to be filed with the Commissioner by this subchapter shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the appropriate State.''; and reenacted as par. (2) definition provision of second sentence, redesignating as cl. (A) prior cl. (1) provisions, inserting reference to statements respecting the campaign, striking out reference to campaign for election and provision for expenditure by the candidate, and redesignating as cl. (B) prior cl. (2), inserting reference to statements respecting the campaign and requirement only for political committees other than authorized committees to file and Secretaries of State to keep that portion of report applicable to candidates seeking election in that State.

Subsec. (b). Pub. L. 96–187, § 110, in revising text, provided for performance of the prescribed duties by the officer designated under subsec. (a)(1); substituted in cl. (1) ''reports and statements required by this Act to be filed therewith'' for ''reports and statements required by this subchapter to be filed with him''; substituted in cl. (2) requirement of a 2 year retention period for reports and statements after receipt in original form or in facsimile copy by microfilm for ten year retention period after such receipt and five year period when relating to House of Representatives candidates; required in cl. (3) that filed reports and statements be available within 48 hours of receipt rather than no later than end of day of receipt; and provided in cl. (4) for inclusion of reports in current list and exclusion of parts of statements.

1974—Subsec. (a). Pub. L. 93–443, § 208(c)(11), substituted ''the Commission'' for ''a supervisory officer''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

§ 439a. Use of contributed amounts for certain purposes

(a) Permitted uses

A contribution accepted by a candidate, and any other donation received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

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

(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

(3) for contributions to an organization described in section 170(c) of title 26;

(4) for transfers, without limitation, to a national, State, or local committee of a political party;

(5) for donations to State and local candidates subject to the provisions of State law; or

(6) for any other lawful purpose unless prohibited by subsection (b) of this section.

(b) Prohibited use

(1) In general

A contribution or donation described in subsection (a) of this section shall not be converted by any person to personal use.

(2) Conversion

For the purposes of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office, including—

(A) a home mortgage, rent, or utility payment;

(B) a clothing purchase;

(C) a noncampaign-related automobile expense;

(D) a country club membership;

(E) a vacation or other noncampaign-related trip;

(F) a household food item;

(G) a tuition payment;

(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

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

(c) Restrictions on use of campaign funds for flights on noncommercial aircraft

(1) In general

Notwithstanding any other provision of this Act, a candidate for election for Federal office (other than a candidate who is subject to paragraph (2)), or any authorized committee of such a candidate, may not make any expenditure for a flight on an aircraft unless—

(A) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

(B) the candidate, the authorized committee, or other political committee pays to the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size by the number of candidates on the flight) within a commercially reasonable time frame after the date on which the flight is taken.

(2) House candidates

Notwithstanding any other provision of this Act, in the case of a candidate for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, an authorized committee and a leadership PAC of the candidate may not make any expenditure for a flight on an aircraft unless—

(A) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

(B) the aircraft is operated by an entity of the Federal government or the government of any State.

(3) Exception for aircraft owned or leased by candidate

(A) In general

Paragraphs (1) and (2) do not apply to a flight on an aircraft owned or leased by the candidate involved or an immediate family member of the candidate (including an aircraft owned by an entity that is not a public corporation in which the candidate or an immediate family member of the candidate has an ownership interest), so long as the candidate does not use the aircraft more than the candidate's or immediate family member's proportionate share of ownership allows.

(B) Immediate family member defined

In this subparagraph (A), the term ''immediate family member'' means, with respect to a candidate, a father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.

(4) Leadership PAC defined

In this subsection, the term ''leadership PAC'' has the meaning given such term in section 434(i)(8)(B) of this title.

(Pub. L. 92–225, title III, § 313, as added Pub. L. 107–155, title III, § 301, Mar. 27, 2002, 116 Stat. 95; amended Pub. L. 108–447, div. H, title V, § 532, Dec. 8, 2004, 118 Stat. 3272; Pub. L. 110–81, title VI, § 601(a), Sept. 14, 2007, 121 Stat. 774.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c)(1), (2), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

A prior section 439a, Pub. L. 92–225, title III, § 313, formerly § 318, as added Pub. L. 93–443, title II, § 210, Oct. 15, 1974, 88 Stat. 1288; renumbered § 317, Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481; renumbered § 313 and amended Pub. L. 96–187, title I, §§ 105(4), 113, Jan. 8, 1980, 93 Stat. 1354, 1366; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101–194, title V, § 504(a), Nov. 30, 1989, 103 Stat. 1755, also related to use of contributed amounts for certain purposes, prior to repeal by Pub. L. 107–155, title III, § 301, Mar. 27, 2002, 116 Stat. 95.

A prior section 313 of Pub. L. 92–225 was renumbered section 309, and is classified to section 437g of this title.

Another prior section 313 of Pub. L. 92–225 was renumbered section 308, and is classified to section 437f of this title.

AMENDMENTS

2007—Subsec. (c). Pub. L. 110–81 added subsec. (c).

2004—Subsec. (a)(5), (6). Pub. L. 108–447, which directed the amendment of section 312a(a) of the Federal Election Campaign Act of 1971 by adding pars. (5) and (6), was executed by making the amendments to this section, which is section 313 of the Federal Election Campaign Act of 1971, to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110–81, title VI, § 601(b), Sept. 14, 2007, 121 Stat. 775, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to flights taken on or after the date of the enactment of this Act [Sept. 14, 2007].''

EFFECTIVE DATE

Section effective Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 439b. Repealed. Pub. L. 96–187, title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354

Section, Pub. L. 92–225, title III, § 318, formerly § 319, as added Pub. L. 93–443, title II, § 210, Oct. 15, 1974, 88 Stat. 1289; renumbered § 318, Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481, set forth prohibitions respecting franked solicitations.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as an Effective Date of 1980 Amendment note under section 431 of this title.

§ 439c. Authorization of appropriations

There are authorized to be appropriated to the Commission for the purpose of carrying out its functions under this Act, and under chapters 95 and 96 of title 26, not to exceed $5,000,000 for the fiscal year ending June 30, 1975. There are authorized to be appropriated to the Commission $6,000,000 for the fiscal year ending June 30, 1976, $1,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, $6,000,000 for the fiscal year ending September 30, 1977, $7,811,500 for the fiscal year ending September 30, 1978, and $9,400,000 (of which not more than $400,000 are authorized to be appropriated for the national clearinghouse function described in section 438(a)(10)[1] of this title) for the fiscal year ending September 30, 1981.

(Pub. L. 92–225, title III, § 314, formerly § 320, as added Pub. L. 93–443, title II, § 210, Oct. 15, 1974, 88 Stat. 1289; renumbered § 319 and amended Pub. L. 94–283, title I, §§ 105, 113, May 11, 1976, 90 Stat. 481, 495; Pub. L. 95–127, Oct. 12, 1977, 91 Stat. 1110; renumbered § 314, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; Pub. L. 96–253, May 29, 1980, 94 Stat. 398; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

Section 438(a)(10) of this title, referred to in text, was repealed by Pub. L. 107–252, title VIII, § 801(b)(3), Oct. 29, 2002, 116 Stat. 1726.

PRIOR PROVISIONS

A prior section 314 of Pub. L. 92–225 was renumbered section 310, and is classified to section 437h of this title.

Another prior section 314 of Pub. L. 92–225 was renumbered section 309, and is classified to section 437g of this title.

[1] See References in Text note below.

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Pub. L. 96–253 inserted provisions authorizing appropriations of $9,400,000 for fiscal year ending Sept. 30, 1981.

1977—Pub. L. 95–127 inserted provisions authorizing appropriations of $7,811,500 for fiscal year ending Sept. 30, 1978.

1976—Pub. L. 94–283, § 113, inserted provisions authorizing appropriations through fiscal year ending Sept. 30, 1977.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

§ 440. Repealed. Pub. L. 93–443, title I, § 101(f)(4), Oct. 15, 1974, 88 Stat. 1268

Section, Pub. L. 92–225, title III, § 310, Feb. 7, 1972, 86 Stat. 19, related to prohibition of contributions in the name of another. See section 441f of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

§ 441. Repealed. Pub. L. 94–283, title I, § 112(1), May 11, 1976, 90 Stat. 486

Section, Pub. L. 92–225, title III, § 320, formerly § 311, Feb. 7, 1972, 86 Stat. 19; renumbered § 321, Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1279; renumbered § 320, Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481, provided penalties of not more than $1,000 fine or not more than 1 year imprisonment, or both for violations of this subchapter. See section 441j of this title.

SAVINGS PROVISION

Section 114 of Pub. L. 94–283 provided that: ''Except as otherwise provided by this Act [see Short Title of 1976 Amendment note set out under section 431 of this title], the repeal by this Act of any section or penalty shall not have the effect of releasing or extinguishing any penalty, forfeiture, or liability incurred under such section or penalty, and such section or penalty shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any penalty, forfeiture, or liability.''

§ 441a. Limitations on contributions and expenditures

(a) Dollar limits on contributions

(1) Except as provided in subsection (i) of this section and section 441a–1 of this title, no person shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $2,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $25,000;

(C) to any other political committee (other than a committee described in subparagraph (D)) in any calendar year which, in the aggregate, exceed $5,000; or

(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.

(2) No multicandidate political committee shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year, which, in the aggregate, exceed $15,000; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

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

(A) $37,500, in the case of contributions to candidates and the authorized committees of candidates;

(B) $57,500, in the case of any other contributions, of which not more than $37,500 may be attributable to contributions to political committees which are not political committees of national political parties.

(4) The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, State, district, or local committees (including any subordinate committee thereof) of the same political party. For purposes of paragraph (2), the term ''multicandidate political committee'' means a political committee which has been registered under section 433 of this title for a period of not less than 6 months, which has received contributions from more than 50 persons, and, except for any State political party organization, has made contributions to 5 or more candidates for Federal office.

(5) For purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fund raising efforts; (B) for purposes of the limitations provided by paragraph (1) and paragraph (2) all contributions made by a single political committee established or financed or maintained or controlled by a national committee of a political party and by a single political committee established or financed or maintained or controlled by the State committee of a political party shall not be considered to have been made by a single political committee; and (C) nothing in this section shall limit the transfer of funds between the principal campaign committee of a candidate seeking nomination or

election to a Federal office and the principal campaign committee of that candidate for nomination or election to another Federal office if (i) such transfer is not made when the candidate is actively seeking nomination or election to both such offices; (ii) the limitations contained in this Act on contributions by persons are not exceeded by such transfer; and (iii) the candidate has not elected to receive any funds under chapter 95 or chapter 96 of title 26. In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2).

(6) The limitations on contributions to a candidate imposed by paragraphs (1) and (2) of this subsection shall apply separately with respect to each election, except that all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.

(7) For purposes of this subsection—

(A) contributions to a named candidate made to any political committee authorized by such candidate to accept contributions on his behalf shall be considered to be contributions made to such candidate;

(B)(i) expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate;

(ii) expenditures made by any person (other than a candidate or candidate's authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of, a national, State, or local committee of a political party, shall be considered to be contributions made to such party committee; and

(iii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered to be an expenditure for purposes of this paragraph; and[1]

(C) if—

(i) any person makes, or contracts to make, any disbursement for any electioneering communication (within the meaning of section 434(f)(3) of this title); and

(ii) such disbursement is coordinated with a candidate or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee;

such disbursement or contracting shall be treated as a contribution to the candidate supported by the electioneering communication or that candidate's party and as an expenditure by that candidate or that candidate's party; and

(D) contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contributions made to or for the benefit of the candidate of such party for election to the office of President of the United States.

(8) For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

(b) Dollar limits on expenditures by candidates for office of President of United States

(1) No candidate for the office of President of the United States who is eligible under section 9003 of title 26 (relating to condition for eligibility for payments) or under section 9033 of title 26 (relating to eligibility for payments) to receive payments from the Secretary of the Treasury may make expenditures in excess of—

(A) $10,000,000, in the case of a campaign for nomination for election to such office, except the aggregate of expenditures under this subparagraph in any one State shall not exceed the greater of 16 cents multiplied by the voting age population of the State (as certified under subsection (e) of this section), or $200,000; or

(B) $20,000,000 in the case of a campaign for election to such office.

(2) For purposes of this subsection—

(A) expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States; and

(B) an expenditure is made on behalf of a candidate, including a vice presidential candidate, if it is made by—

(i) an authorized committee or any other agent of the candidate for purposes of making any expenditure; or

(ii) any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate, to make the expenditure.

(c) Increases on limits based on increases in price index

(1)(A) At the beginning of each calendar year (commencing in 1976), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such cal-

[1] So in original. The word "and" probably should not appear.

endar year and the price index for the base period.

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

(i) a limitation established by subsections (a)(1)(A), (a)(1)(B), (a)(3), (b), (d), or (h) of this section shall be increased by the percent difference determined under subparagraph (A);

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

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

(C) In the case of limitations under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of this section, increases shall only be made in odd-numbered years and such increases shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election.

(2) For purposes of paragraph (1)—

(A) the term ''price index'' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(B) the term ''base period'' means—

(i) for purposes of subsections (b) and (d) of this section, calendar year 1974; and

(ii) for purposes of subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of this section, calendar year 2001.

(d) Expenditures by national committee, State committee, or subordinate committee of State committee in connection with general election campaign of candidates for Federal office

(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection.

(2) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section). Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.

(3) The national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, may not make any expenditure in connection with the general election campaign of a candidate for Federal office in a State who is affiliated with such party which exceeds—

(A) in the case of a candidate for election to the office of Senator, or of Representative from a State which is entitled to only one Representative, the greater of—

(i) 2 cents multiplied by the voting age population of the State (as certified under subsection (e) of this section); or

(ii) $20,000; and

(B) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.

(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, no committee of the political party may make—

(i) any coordinated expenditure under this subsection with respect to the candidate during the election cycle at any time after it makes any independent expenditure (as defined in section 431(17) of this title) with respect to the candidate during the election cycle; or

(ii) any independent expenditure (as defined in section 431(17) of this title) with respect to the candidate during the election cycle at any time after it makes any coordinated expenditure under this subsection with respect to the candidate during the election cycle.

(B) APPLICATION.—For purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

(C) TRANSFERS.—A committee of a political party that makes coordinated expenditures under this subsection with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.

(e) Certification and publication of estimated voting age population

During the first week of January 1975, and every subsequent year, the Secretary of Commerce shall certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district as of the first day of July next preceding the date of certification. The term ''voting age population'' means resident population, 18 years of age or older.

(f) Prohibited contributions and expenditures

No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate,

or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

(g) Attribution of multi-State expenditures to candidate's expenditure limitation in each State

The Commission shall prescribe rules under which any expenditure by a candidate for presidential nominations for use in 2 or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

(h) Senatorial candidates

Notwithstanding any other provision of this Act, amounts totaling not more than $35,000 may be contributed to a candidate for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate, by the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees.

(i) Increased limit to allow response to expenditures from personal funds

(1) Increase

(A) In general

Subject to paragraph (2), if the opposition personal funds amount with respect to a candidate for election to the office of Senator exceeds the threshold amount, the limit under subsection (a)(1)(A) of this section (in this subsection referred to as the ''applicable limit'') with respect to that candidate shall be the increased limit.

(B) Threshold amount

(i) State-by-State competitive and fair campaign formula

In this subsection, the threshold amount with respect to an election cycle of a candidate described in subparagraph (A) is an amount equal to the sum of—

(I) $150,000; and

(II) $0.04 multiplied by the voting age population.

(ii) Voting age population

In this subparagraph, the term ''voting age population'' means in the case of a candidate for the office of Senator, the voting age population of the State of the candidate (as certified under subsection (e) of this section).

(C) Increased limit

Except as provided in clause (ii), for purposes of subparagraph (A), if the opposition personal funds amount is over—

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

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

(II) the limit under subsection (a)(3) of this section shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution;

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

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

(II) the limit under subsection (a)(3) of this section shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

(iii) 10 times the threshold amount—

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

(II) the limit under subsection (a)(3) of this section shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

(III) the limits under subsection (d) of this section with respect to any expenditure by a State or national committee of a political party shall not apply.

(D) Opposition personal funds amount

The opposition personal funds amount is an amount equal to the excess (if any) of—

(i) the greatest aggregate amount of expenditures from personal funds (as defined in section 434(a)(6)(B) of this title) that an opposing candidate in the same election makes; over

(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.

(E) Special rule for candidate's campaign funds

(i) In general

For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the gross receipts advantage of the candidate's authorized committee.

(ii) Gross receipts advantage

For purposes of clause (i), the term ''gross receipts advantage'' means the excess, if any, of—

(I) the aggregate amount of 50 percent of gross receipts of a candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50 percent of gross receipts of the opposing candidate's authorized committee during

any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.

(2) Time to accept contributions under increased limit

(A) In general

Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

(i) until the candidate has received notification of the opposition personal funds amount under section 434(a)(6)(B) of this title; and

(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 110 percent of the opposition personal funds amount.

(B) Effect of withdrawal of an opposing candidate

A candidate and a candidate's authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

(3) Disposal of excess contributions

(A) In general

The aggregate amount of contributions accepted by a candidate or a candidate's authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

(B) Return to contributors

A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.

(j) Limitation on repayment of personal loans

Any candidate who incurs personal loans made after the effective date of the Bipartisan Campaign Reform Act of 2002 in connection with the candidate's campaign for election shall not repay (directly or indirectly), to the extent such loans exceed $250,000, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of such election.

(Pub. L. 92–225, title III, § 315, formerly § 320, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 486; renumbered § 315, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; amended Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 107–155, title I, § 102, title II, §§ 202, 213, 214(a), title III, §§ 304(a), 307(a)–(d), 316, 319(b), Mar. 27, 2002, 116 Stat. 86, 90, 94, 97, 102, 103, 108, 112.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(5) and (h), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

For effective date of the Bipartisan Campaign Reform Act of 2002, referred to in subsec. (j), see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

PRIOR PROVISIONS

A prior section 315 of Pub. L. 92–225 was renumbered section 311, and is classified to section 438 of this title.

Another prior section 315 of Pub. L. 92–225 was renumbered section 310, and is classified to section 437h of this title.

AMENDMENTS

2002—Subsec. (a)(1). Pub. L. 107–155, §§ 304(a)(1), 319(b), substituted "Except as provided in subsection (i) of this section and section 441a–1 of this title, no person" for "No person" in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 107–155, § 307(a)(1), substituted "$2,000" for "$1,000".

Subsec. (a)(1)(B). Pub. L. 107–155, §§ 102(1), 307(a)(2), substituted "$25,000;" for "$20,000; or".

Subsec. (a)(1)(C). Pub. L. 107–155, § 102(2), inserted "(other than a committee described in subparagraph (D))" after "committee" and substituted "; or" for period at end.

Subsec. (a)(1)(D). Pub. L. 107–155, § 102(3), added subpar. (D).

Subsec. (a)(3). Pub. L. 107–155, § 307(b), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "No individual shall make contributions aggregating more than $25,000 in any calendar year. For purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held."

Subsec. (a)(7)(B)(ii), (iii). Pub. L. 107–155, § 214(a), added cl. (ii) and redesignated former cl. (ii) as (iii).

Subsec. (a)(7)(C), (D). Pub. L. 107–155, § 202, added subpar. (C) and redesignated former subpar. (C) as (D).

Subsec. (c)(1). Pub. L. 107–155, § 307(d)(1), redesignated existing provisions as subpar. (A), struck out at end "Each limitation established by subsection (b) of this section and subsection (d) of this section shall be increased by such percent difference. Each amount so increased shall be the amount in effect for such calendar year.", and added subpars. (B) and (C).

Subsec. (c)(2)(B). Pub. L. 107–155, § 307(d)(2), substituted "means—" for "means the calendar year 1974" and added cls. (i) and (ii).

Subsec. (d)(1). Pub. L. 107–155, § 213(1), substituted "paragraphs (2), (3), and (4)" for "paragraphs (2) and (3)".

Subsec. (d)(4). Pub. L. 107–155, § 213(2), added par. (4).

Subsec. (h). Pub. L. 107–155, § 307(c), substituted "$35,000" for "$17,500".

Subsec. (i). Pub. L. 107–155, § 304(a)(2), added subsec. (i).

Subsec. (i)(1)(E). Pub. L. 107–155, § 316, added subpar. (E).

Subsec. (j). Pub. L. 107–155, § 304(a)(2), added subsec. (j).

1986—Subsecs. (a)(5), (b)(1). Pub. L. 99–514 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954", which for purposes of codification was translated as "title 26" thus requiring no change in text.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–155, title III, § 307(e), Mar. 27, 2002, 116 Stat. 103, provided that: ''The amendments made by this section [amending this section] shall apply with respect to contributions made on or after January 1, 2003.''

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, except that amendments by sections 102 and 307 of the Act applicable with respect to contributions made on or after Jan. 1, 2003, and amendments by sections 202, 213, 214(a), 304(a), 316, and 319(b) of the Act not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

REGULATIONS BY THE FEDERAL ELECTION COMMISSION

Pub. L. 107–155, title II, § 214(c), Mar. 27, 2002, 116 Stat. 95, provided that: ''The Federal Election Commission shall promulgate new regulations on coordinated communications paid for by persons other than candidates, authorized committees of candidates, and party committees. The regulations shall not require agreement or formal collaboration to establish coordination. In addition to any subject determined by the Commission, the regulations shall address—

''(1) payments for the republication of campaign materials;

''(2) payments for the use of a common vendor;

''(3) payments for communications directed or made by persons who previously served as an employee of a candidate or a political party; and

''(4) payments for communications made by a person after substantial discussion about the communication with a candidate or a political party.''

§ 441a–1. Modification of certain limits for House candidates in response to personal fund expenditures of opponents

(a) Availability of increased limit

(1) In general

Subject to paragraph (3), if the opposition personal funds amount with respect to a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress exceeds $350,000—

(A) the limit under subsection (a)(1)(A)[1] with respect to the candidate shall be tripled;

(B) the limit under subsection (a)(3)[1] shall not apply with respect to any contribution made with respect to the candidate if the contribution is made under the increased limit allowed under subparagraph (A) during a period in which the candidate may accept such a contribution; and

(C) the limits under subsection (d)[1] with respect to any expenditure by a State or national committee of a political party on behalf of the candidate shall not apply.

(2) Determination of opposition personal funds amount

(A) In general

The opposition personal funds amount is an amount equal to the excess (if any) of—

(i) the greatest aggregate amount of expenditures from personal funds (as defined in subsection (b)(1) of this section) that an opposing candidate in the same election makes; over

(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.

(B) Special rule for candidate's campaign funds

(i) In general

For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (A), such amount shall include the gross receipts advantage of the candidate's authorized committee.

(ii) Gross receipts advantage

For purposes of clause (i), the term ''gross receipts advantage'' means the excess, if any, of—

(I) the aggregate amount of 50 percent of gross receipts of a candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50 percent of gross receipts of the opposing candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.

(3) Time to accept contributions under increased limit

(A) In general

Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

(i) until the candidate has received notification of the opposition personal funds amount under subsection (b)(1) of this section; and

(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 100 percent of the opposition personal funds amount.

(B) Effect of withdrawal of an opposing candidate

A candidate and a candidate's authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

(4) Disposal of excess contributions

(A) In general

The aggregate amount of contributions accepted by a candidate or a candidate's au-

[1] See References in Text note below.

thorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

(B) Return to contributors

A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.

(b) Notification of expenditures from personal funds

(1) In general

(A) Definition of expenditure from personal funds

In this paragraph, the term ''expenditure from personal funds'' means—

(i) an expenditure made by a candidate using personal funds; and

(ii) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate's authorized committee.

(B) Declaration of intent

Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed $350,000.

(C) Initial notification

Not later than 24 hours after a candidate described in subparagraph (B) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of $350,000 in connection with any election, the candidate shall file a notification.

(D) Additional notification

After a candidate files an initial notification under subparagraph (C), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceeds $10,000. Such notification shall be filed not later than 24 hours after the expenditure is made.

(E) Contents

A notification under subparagraph (C) or (D) shall include—

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

(ii) the date and amount of each expenditure; and

(iii) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

(F) Place of filing

Each declaration or notification required to be filed by a candidate under subparagraph (C), (D), or (E) shall be filed with—

(i) the Commission; and

(ii) each candidate in the same election and the national party of each such candidate.

(2) Notification of disposal of excess contributions

In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under subsection (a) of this section) and the manner in which the candidate or the candidate's authorized committee used such funds.

(3) Enforcement

For provisions providing for the enforcement of the reporting requirements under this subsection, see section 437g of this title.

(Pub. L. 92–225, title III, § 315A, as added Pub. L. 107–155, title III, § 319(a), Mar. 27, 2002, 116 Stat. 109.)

REFERENCES IN TEXT

Subsections (a)(1)(A), (3), and (d), referred to in subsec. (a)(1), probably mean subsections (a)(1)(A), (3), and (d) of section 441a of this title.

EFFECTIVE DATE

Section effective Nov. 6, 2002, but not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 441b. Contributions or expenditures by national banks, corporations, or labor organizations

(a) In general

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.

(b) Definitions; particular activities prohibited or allowed

(1) For the purposes of this section the term ''labor organization'' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(2) For purposes of this section and section 79*l*(h) of title 15,[1] the term ''contribution or expenditure'' includes a contribution or expenditure, as those terms are defined in section 431 of this title, and also includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section or for any applicable electioneering communication, but shall not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and (C) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

(3) It shall be unlawful—

(A) for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction;

(B) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and

(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

(4)(A) Except as provided in subparagraphs (B), (C), and (D), it shall be unlawful—

(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families, and

(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

(B) It shall not be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation or the families of such persons. A solicitation under this subparagraph may be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so designed that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution of $50 or less as a result of such solicitation and who does not make such a contribution.

(C) This paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by a membership organization, cooperative, or corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.

(D) This paragraph shall not prevent a trade association or a separate segregated fund established by a trade association from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel to the extent that such solicitation of such stockholders and personnel, and their families, has been separately and specifically approved by the member corporation involved, and such member corporation does not approve any such solicitation by more than one such trade association in any calendar year.

(5) Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

(6) Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contributions, shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions, and affiliates.

(7) For purposes of this section, the term ''executive or administrative personnel'' means individuals employed by a corporation who are

[1] See References in Text note below.

paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional, or supervisory responsibilities.

(c) Rules relating to electioneering communications

(1) Applicable electioneering communication

For purposes of this section, the term ''applicable electioneering communication'' means an electioneering communication (within the meaning of section 434(f)(3) of this title) which is made by any entity described in subsection (a) of this section or by any other person using funds donated by an entity described in subsection (a) of this section.

(2) Exception

Notwithstanding paragraph (1), the term ''applicable electioneering communication'' does not include a communication by a section 501(c)(4) organization or a political organization (as defined in section 527(e)(1) of title 26) made under section 434(f)(2)(E) or (F) of this title if the communication is paid for exclusively by funds provided directly by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 1101(a)(20) of title 8). For purposes of the preceding sentence, the term ''provided directly by individuals'' does not include funds the source of which is an entity described in subsection (a) of this section.

(3) Special operating rules

(A) Definition under paragraph (1)

An electioneering communication shall be treated as made by an entity described in subsection (a) of this section if an entity described in subsection (a) of this section directly or indirectly disburses any amount for any of the costs of the communication.

(B) Exception under paragraph (2)

A section 501(c)(4) organization that derives amounts from business activities or receives funds from any entity described in subsection (a) of this section shall be considered to have paid for any communication out of such amounts unless such organization paid for the communication out of a segregated account to which only individuals can contribute, as described in section 434(f)(2)(E) of this title.

(4) Definitions and rules

For purposes of this subsection—

(A) the term ''section 501(c)(4) organization'' means—

(i) an organization described in section 501(c)(4) of title 26 and exempt from taxation under section 501(a) of such title; or

(ii) an organization which has submitted an application to the Internal Revenue Service for determination of its status as an organization described in clause (i); and

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

(5) Coordination with title 26

Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of title 26 to carry out any activity which is prohibited under such title.

(6) Special rules for targeted communications

(A) Exception does not apply

Paragraph (2) shall not apply in the case of a targeted communication that is made by an organization described in such paragraph.

(B) Targeted communication

For purposes of subparagraph (A), the term ''targeted communication'' means an electioneering communication (as defined in section 434(f)(3) of this title) that is distributed from a television or radio broadcast station or provider of cable or satellite television service and, in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

(C) Definition

For purposes of this paragraph, a communication is ''targeted to the relevant electorate'' if it meets the requirements described in section 434(f)(3)(C) of this title.

(Pub. L. 92–225, title III, § 316, formerly § 321, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 490; renumbered § 316 and amended Pub. L. 96–187, title I, §§ 105(5), 112(d), Jan. 8, 1980, 93 Stat. 1354, 1366; Pub. L. 107–155, title II, §§ 203, 204, 214(d), Mar. 27, 2002, 116 Stat. 91, 92, 95.)

REFERENCES IN TEXT

Section 79*l* of title 15, referred to in subsec. (b)(2), was repealed by Pub. L. 109–58, title XII, § 1263, Aug. 8, 2005, 119 Stat. 974.

PRIOR PROVISIONS

A prior section 316 of Pub. L. 92–225 was renumbered section 312, and is classified to section 439 of this title.

Another prior section 316 of Pub. L. 92–225 was renumbered section 311, and is classified to section 438 of this title.

AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107–155, §§ 203(a), 214(d), substituted '''contribution or expenditure' includes a contribution or expenditure, as those terms are defined in section 431 of this title, and also includes'' for '''contribution or expenditure' shall include'' and inserted ''or for any applicable electioneering communication'' before '', but shall not include (A)''.

Subsec. (c). Pub. L. 107–155, § 203(b), added subsec. (c).

Subsec. (c)(6). Pub. L. 107–155, § 204, added par. (6).

1980—Subsec. (b)(4)(B). Pub. L. 96–187, § 112(d), substituted ''It'' for ''it''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, but not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

§ 441c. Contributions by government contractors

(a) Prohibition

It shall be unlawful for any person—

(1) who enters into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (A) the completion of performance under; or (B) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

(2) knowingly to solicit any such contribution from any such person for any such purpose during any such period.

(b) Separate segregated funds

This section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any separate segregated fund by any corporation, labor organization, membership organization, cooperative, or corporation without capital stock for the purpose of influencing the nomination for election, or election, of any person to Federal office, unless the provisions of section 441b of this title prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, such fund. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate segregated fund under section 441b of this title applies to a corporation, labor organization, or separate segregated fund to which this subsection applies.

(c) "Labor organization" defined

For purposes of this section, the term ''labor organization'' has the meaning given it by section 441b(b)(1) of this title.

(Pub. L. 92–225, title III, §317, formerly §322, as added Pub. L. 94–283, title I, §112(2), May 11, 1976, 90 Stat. 492; renumbered §317, Pub. L. 96–187, title I, §105(5), Jan. 8, 1980, 93 Stat. 1354.)

REFERENCES IN TEXT

Section 441b of this title, referred to in subsecs. (b) and (c), was in the original ''section 321'' meaning section 321 of Pub. L. 92–225 which is classified to section 441g of this title. In view of the renumbering of section 321 as section 316 by section 105(5) of Pub. L. 96–187, the reference has been translated as reading ''section 316'' to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 317 of Pub. L. 92–225 was renumbered section 313, and is classified to section 439a of this title.

Another prior section 317 of Pub. L. 92–225 was renumbered section 312, and is classified to section 439 of this title.

§441d. Publication and distribution of statements and solicitations

(a) Identification of funding and authorizing sources

Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever any person makes a disbursement for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising or makes a disbursement for an electioneering communication (as defined in section 434(f)(3) of this title), such communication—

(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or[1]

(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;[1]

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

(b) Charge for newspaper or magazine space

No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.

(c) Specification

Any printed communication described in subsection (a) of this section shall—

(1) be of sufficient type size to be clearly readable by the recipient of the communication;

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

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

(d) Additional requirements

(1) Communications by candidates or authorized persons

(A) By radio

Any communication described in paragraph (1) or (2) of subsection (a) of this sec-

[1] So in original. The word ''or'' probably should appear at the end of par. (2).

tion which is transmitted through radio shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

(B) By television

Any communication described in paragraph (1) or (2) of subsection (a) of this section which is transmitted through television shall include, in addition to the requirements of that paragraph, a statement that identifies the candidate and states that the candidate has approved the communication. Such statement—

(i) shall be conveyed by—

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

(II) the candidate in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate; and

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

(2) Communications by others

Any communication described in paragraph (3) of subsection (a) of this section which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following audio statement: ''_____ is responsible for the content of this advertising.'' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall be conveyed by an unobscured, full-screen view of a representative of the political committee or other person making the statement, or by a representative of such political committee or other person in voice-over, and shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

(Pub. L. 92–225, title III, § 318, formerly § 323, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 493; renumbered § 318 and amended Pub. L. 96–187, title I, §§ 105(5), 111, Jan. 8, 1980, 93 Stat. 1354, 1365; Pub. L. 107–155, title III, § 311, Mar. 27, 2002, 116 Stat. 105.)

PRIOR PROVISIONS

A prior section 318 of Pub. L. 92–225 was classified to section 439b of this title, prior to repeal by Pub. L. 96–187.

Another prior section 318 of Pub. L. 92–225 was renumbered section 313, and is classified to section 439a of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–155, § 311(1)(A)(iv), which directed insertion of ''or makes a disbursement for an electioneering communication (as defined in section 434(f)(3) of this title)'' after ''public political advertising'' in introductory provisions, was executed by making the insertion after those words the second time appearing, to reflect the probable intent of Congress.

Pub. L. 107–155, § 311(1)(A)(i)–(iii), in introductory provisions, substituted ''Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever any person makes a disbursement'' for ''Whenever any person makes an expenditure'' and struck out ''direct'' before ''mailing,'' the second time appearing.

Subsec. (a)(3). Pub. L. 107–155, § 311(1)(B), inserted ''and permanent street address, telephone number, or World Wide Web address'' after ''name''.

Subsecs. (c), (d). Pub. L. 107–155, § 311(2), added subsecs. (c) and (d).

1980—Subsec. (a). Pub. L. 96–187, § 111, designated existing provisions as subsec. (a), and in revising text, provided for solicitation of contributions; prescribed three categories of communications: (1) paid for and authorized by the candidate, (2) paid for by others but authorized by the candidate, and (3) not authorized by the candidate for prior two categories where (1) authorized and (2) not authorized by the candidate; struck out requirement for statement in accordance with regulations of Commission and in a conspicuous manner; and struck out from the communication not authorized by the candidate statement of name of affiliated or connected organization required to be disclosed under section 433 (b)(2) of this title.

Subsec. (b). Pub. L. 96–187, § 111, added subsec. (b).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, but not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

§ 441e. Contributions and donations by foreign nationals

(a) Prohibition

It shall be unlawful for—

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

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

(B) a contribution or donation to a committee of a political party; or

(C) an expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 434(f)(3) of this title); or

(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.

(b) "Foreign national" defined

As used in this section, the term ''foreign national'' means—

(1) a foreign principal, as such term is defined by section 611(b) of title 22, except that

the term ''foreign national'' shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States or a national of the United States (as defined in section 1101(a)(22) of title 8) and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.

(Pub. L. 92–225, title III, § 319, formerly § 324, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 493; renumbered § 319, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; amended Pub. L. 107–155, title III, §§ 303, 317, Mar. 27, 2002, 116 Stat. 96, 109.)

PRIOR PROVISIONS

A prior section 319 of Pub. L. 92–225 was renumbered section 314, and is classified to section 439c of this title.

Another prior section 319 of Pub. L. 92–225 was renumbered section 318, and was classified to section 439b of this title, prior to repeal by Pub. L. 96–187.

AMENDMENTS

2002—Pub. L. 107–155, § 303(1), substituted ''Contributions and donations by foreign nationals'' for ''Contributions by foreign nationals'' in section catchline.

Subsec. (a). Pub. L. 107–155, § 303(2), added subsec. (a) and struck out former subsec. (a) which read as follows: '' It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.''

Subsec. (b)(2). Pub. L. 107–155, § 317, inserted ''or a national of the United States (as defined in section 1101(a)(22) of title 8)'' after ''United States''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 441f. Contributions in name of another prohibited

No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.

(Pub. L. 92–225, title III, § 320, formerly § 325, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 494; renumbered § 320, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354.)

PRIOR PROVISIONS

A prior section 320 of Pub. L. 92–225 was renumbered section 315, and is classified to section 441a of this title.

Another prior section 320 of Pub. L. 92–225 was classified to section 441 of this title, prior to repeal by Pub. L. 94–283.

Another prior section 320 of Pub. L. 92–225 was renumbered section 314, and is classified to section 439c of this title.

§ 441g. Limitation on contribution of currency

No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed $100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.

(Pub. L. 92–225, title III, § 321, formerly § 326, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 494; renumbered § 321, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354.)

PRIOR PROVISIONS

A prior section 321 of Pub. L. 92–225 was renumbered section 316, and is classified to section 441b of this title.

Another prior section 321 of Pub. L. 92–225 was renumbered section 320, and was classified to section 441 of this title, prior to repeal by Pub. L. 94–283.

§ 441h. Fraudulent misrepresentation of campaign authority

(a) In general

No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

(1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

(b) Fraudulent solicitation of funds

No person shall—

(1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

(Pub. L. 92–225, title III, § 322, formerly § 327, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 494; renumbered § 322, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; amended Pub. L. 107–155, title III, § 309, Mar. 27, 2002, 116 Stat. 104.)

PRIOR PROVISIONS

A prior section 322 of Pub. L. 92–225 was renumbered section 317, and is classified to section 441c of this title.

AMENDMENTS

2002—Pub. L. 107–155 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 441i. Soft money of political parties

(a) National committees

(1) In general

A national committee of a political party (including a national congressional campaign

committee of a political party) may not solicit, receive, or direct to another person a contribution, donation, or transfer of funds or any other thing of value, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) Applicability

The prohibition established by paragraph (1) applies to any such national committee, any officer or agent acting on behalf of such a national committee, and any entity that is directly or indirectly established, financed, maintained, or controlled by such a national committee.

(b) State, district, and local committees

(1) In general

Except as provided in paragraph (2), an amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an association or similar group of candidates for State or local office or of individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) Applicability

(A) In general

Notwithstanding clause (i) or (ii) of section 431(20)(A) of this title, and subject to subparagraph (B), paragraph (1) shall not apply to any amount expended or disbursed by a State, district, or local committee of a political party for an activity described in either such clause to the extent the amounts expended or disbursed for such activity are allocated (under regulations prescribed by the Commission) among amounts—

(i) which consist solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act (other than amounts described in subparagraph (B)(iii)); and

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

(B) Conditions

Subparagraph (A) shall only apply if—

(i) the activity does not refer to a clearly identified candidate for Federal office;

(ii) the amounts expended or disbursed are not for the costs of any broadcasting, cable, or satellite communication, other than a communication which refers solely to a clearly identified candidate for State or local office;

(iii) the amounts expended or disbursed which are described in subparagraph (A)(ii) are paid from amounts which are donated in accordance with State law and which meet the requirements of subparagraph (C), except that no person (including any person established, financed, maintained, or controlled by such person) may donate more than $10,000 to a State, district, or local committee of a political party in a calendar year for such expenditures or disbursements; and

(iv) the amounts expended or disbursed are made solely from funds raised by the State, local, or district committee which makes such expenditure or disbursement, and do not include any funds provided to such committee from—

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

(II) the national committee of a political party (including a national congressional campaign committee of a political party),

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

(IV) any entity directly or indirectly established, financed, maintained, or controlled by any committee described in subclause (I) or (II).

(C) Prohibiting involvement of national parties, Federal candidates and officeholders, and State parties acting jointly

Notwithstanding subsection (e) of this section (other than subsection (e)(3)), amounts specifically authorized to be spent under subparagraph (B)(iii) meet the requirements of this subparagraph only if the amounts—

(i) are not solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of this section; and

(ii) are not solicited, received, or directed through fundraising activities conducted jointly by 2 or more State, local, or district committees of any political party or their agents, or by a State, local, or district committee of a political party on behalf of the State, local, or district committee of a political party or its agent in one or more other States.

(c) Fundraising costs

An amount spent by a person described in subsection (a) or (b) of this section to raise funds that are used, in whole or in part, for expenditures and disbursements for a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

(d) Tax-exempt organizations

A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to—

(1) an organization that is described in section 501(c) of title 26 and exempt from taxation under section 501(a) of such title (or has submitted an application for determination of tax

exempt status under such section) and that makes expenditures or disbursements in connection with an election for Federal office (including expenditures or disbursements for Federal election activity); or

(2) an organization described in section 527 of such title (other than a political committee, a State, district, or local committee of a political party, or the authorized campaign committee of a candidate for State or local office).

(e) Federal candidates

(1) In general

A candidate, individual holding Federal office, agent of a candidate or an individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or individuals holding Federal office, shall not—

(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—

(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1), (2), and (3) of section 441a(a) of this title; and

(ii) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.

(2) State law

Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual described in such paragraph who is or was also a candidate for a State or local office solely in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law and refers only to such State or local candidate, or to any other candidate for the State or local office sought by such candidate, or both.

(3) Fundraising events

Notwithstanding paragraph (1) or subsection (b)(2)(C) of this section, a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

(4) Permitting certain solicitations

(A) General solicitations

Notwithstanding any other provision of this subsection, an individual described in paragraph (1) may make a general solicitation of funds on behalf of any organization that is described in section 501(c) of title 26 and exempt from taxation under section 501(a) of such title (or has submitted an application for determination of tax exempt status under such section) (other than an entity whose principal purpose is to conduct activities described in clauses (i) and (ii) of section 431(20)(A) of this title) where such solicitation does not specify how the funds will or should be spent.

(B) Certain specific solicitations

In addition to the general solicitations permitted under subparagraph (A), an individual described in paragraph (1) may make a solicitation explicitly to obtain funds for carrying out the activities described in clauses (i) and (ii) of section 431(20)(A) of this title, or for an entity whose principal purpose is to conduct such activities, if—

(i) the solicitation is made only to individuals; and

(ii) the amount solicited from any individual during any calendar year does not exceed $20,000.

(f) State candidates

(1) In general

A candidate for State or local office, individual holding State or local office, or an agent of such a candidate or individual may not spend any funds for a communication described in section 431(20)(A)(iii) of this title unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) Exception for certain communications

Paragraph (1) shall not apply to an individual described in such paragraph if the communication involved is in connection with an election for such State or local office and refers only to such individual or to any other candidate for the State or local office held or sought by such individual, or both.

(Pub. L. 92–225, title III, §323, as added Pub. L. 107–155, title I, §101(a), Mar. 27, 2002, 116 Stat. 82.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

A prior section 441i, Pub. L. 92–225, title III, §323, formerly §328, as added Pub. L. 94–283, title I, §112(2), May 11, 1976, 90 Stat. 494; amended Pub. L. 95–216, title V, §502(a), Dec. 20, 1977, 91 Stat. 1565; renumbered §323, Pub. L. 96–187, title I, §105(5), Jan. 8, 1980, 93 Stat. 1354; amended Pub. L. 97–51, §130(a), Oct. 1, 1981, 95 Stat. 966; Pub. L. 98–63, title I, §908(g), July 30, 1983, 97 Stat. 338; Pub. L. 101–194, title VI, §601(b)(1), Nov. 30, 1989, 103 Stat. 1762; Pub. L. 101–280, §7(b)(1) [(d)(1)], May 4, 1990, 104 Stat. 161, related to acceptance of excessive honorariums, prior to repeal by Pub. L. 102–90, title I, §6(d), Aug. 14, 1991, 105 Stat. 451.

A prior section 323 of Pub. L. 92–225 was renumbered section 318, and is classified to section 441d of this title.

EFFECTIVE DATE

Section effective Nov. 6, 2002, except that subsec. (b) of this section not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, with transitional rules for the spending of soft money of national political parties, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 441j. Repealed. Pub. L. 96–187, title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354

Section, Pub. L. 92–225, title III, § 329, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 494, set forth provisions respecting penalties for violations of the Federal Election Campaign Act of 1971.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as an Effective Date of 1980 Amendment note under section 431 of this title.

§ 441k. Prohibition of contributions by minors

An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.

(Pub. L. 92–225, title III, § 324, as added Pub. L. 107–155, title III, § 318, Mar. 27, 2002, 116 Stat. 109.)

PRIOR PROVISIONS

A prior section 324 of Pub. L. 92–225 was renumbered section 319, and is classified to section 441e of this title.

EFFECTIVE DATE

Section effective Nov. 6, 2002, but not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 442. Authority to procure technical support and other services and incur travel expenses; payment of such expenses

For the purpose of carrying out his duties under the Federal Election Campaign Act of 1971, the Secretary of the Senate is authorized, from and after July 1, 1972, (1) to procure technical support services, (2) to procure the temporary or intermittent services of individual technicians, experts, or consultants, or organizations thereof, in the same manner and under the same conditions, to the extent applicable, as a standing committee of the Senate may procure such services under section 72a(i) of this title, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to incur official travel expenses. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation ''Miscellaneous Items'' under the heading ''Contingent Expenses of the Senate'' upon vouchers approved by the Secretary of the Senate. All sums received by the Secretary under authority of the Federal Election Campaign Act of 1971 shall be covered into the Treasury as miscellaneous receipts.

(Pub. L. 92–342, § 101, July 10, 1972, 86 Stat. 435.)

REFERENCES IN TEXT

The Federal Election Campaign Act of 1971, referred to in text, is Pub. L. 92–225, Feb. 7, 1972, 86 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 431 of this title and Tables.

CODIFICATION

Section was enacted as part of Legislative Branch Appropriation Act, 1973 and not as a part of Federal Election Campaign Act of 1971 which comprises this chapter.

SUBCHAPTER II—GENERAL PROVISIONS

§ 451. Extension of credit by regulated industries; regulations

The Secretary of Transportation, the Federal Communications Commission, and the Surface Transportation Board shall each maintain,[1] its own regulations with respect to the extension of credit, without security, by any person regulated by the Secretary under subpart II of part A of subtitle VII of title 49, or such Commission or Board, to any candidate for Federal office, or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

(Pub. L. 92–225, title IV, § 401, Feb. 7, 1972, 86 Stat. 19; Pub. L. 93–443, title II, § 201(b)(1), Oct. 15, 1974, 88 Stat. 1275; Pub. L. 103–272, § 4(a), July 5, 1994, 108 Stat. 1360; Pub. L. 104–88, title III, § 313, Dec. 29, 1995, 109 Stat. 948; Pub. L. 104–287, § 6(g), Oct. 11, 1996, 110 Stat. 3399.)

REFERENCES IN TEXT

Subpart II of part A of subtitle VII of title 49, referred to in text, is set out in section 41101 et seq. of Title 49, Transportation.

AMENDMENTS

1996—Pub. L. 104–287 substituted ''the Secretary'' for ''such Secretary''.

1995—Pub. L. 104–88 inserted ''or Board'' after ''or such Commission'' and substituted ''Surface Transportation Board shall each maintain'' for ''Interstate Commerce Commission shall each promulgate, within ninety days after February 7, 1972''.

1994—Pub. L. 103–272 substituted ''Secretary of Transportation'' for ''Civil Aeronautics Board'' and ''Secretary under subpart II of part A of subtitle VII of title 49, or such Commission,'' for ''Board or Commission''.

1974—Pub. L. 93–443 struck out ''(as such term is defined in section 431(c) of this title)'' after ''Federal office''.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of Title 49, Transportation.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

§ 452. Prohibition against use of certain Federal funds for election activities

No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 [42 U.S.C. 2701 et seq.] shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity.

(Pub. L. 92–225, title IV, § 402, Feb. 7, 1972, 86 Stat. 19; Pub. L. 93–443, title II, § 201(b)(2), Oct. 15, 1974, 88 Stat. 1275.)

[1] So in original. The comma probably should not appear.

REFERENCES IN TEXT

The Economic Opportunity Act of 1964, referred to in text, is Pub. L. 88–452, Aug. 20, 1964, 78 Stat. 508, as amended, which was classified generally to chapter 34 (§ 2701 et seq.) of Title 42, The Public Health and Welfare, prior to repeal, except for titles VIII and X, by Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519. Titles VIII and X of the Act are classified generally to subchapters VIII (§ 2991 et seq.) and X (§ 2996 et seq.) of chapter 34 of Title 42. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1974—Pub. L. 93–443 struck out reference to section 431(a) and (c) of this title for definition of ''election'' and ''Federal office''.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

OFFICE OF ECONOMIC OPPORTUNITY

Pub. L. 93–644, § 9(a), Jan. 4, 1975, 88 Stat. 2310 [42 U.S.C. 2941], amended the Economic Opportunity Act of 1964 [42 U.S.C. 2701 et seq.] to create the Community Services Administration, an independent agency in the executive branch, as the successor authority to the Office of Economic Opportunity, and provided that references to the Office of Economic Opportunity or to its Director were deemed to refer to the Community Services Administration or to its Director. The Community Services Administration was terminated when the Economic Opportunity Act of 1964, except for titles VIII and X, was repealed, effective Oct. 1, 1981, by section 683(a) of Pub. L. 97–35, title VI, Aug. 13, 1981, 95 Stat. 519, which is classified to 42 U.S.C. 9912(a). An Office of Community Services, headed by a Director, was established in the Department of Health and Human Services by section 676 of Pub. L. 97–35, which is classified to 42 U.S.C. 9905.

§ 453. State laws affected

(a) In general

Subject to subsection (b) of this section, the provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office.

(b) State and local committees of political parties

Notwithstanding any other provision of this Act, a State or local committee of a political party may, subject to State law, use exclusively funds that are not subject to the prohibitions, limitations, and reporting requirements of the Act for the purchase or construction of an office building for such State or local committee.

(Pub. L. 92–225, title IV, § 403, Feb. 7, 1972, 86 Stat. 20; Pub. L. 93–443, title III, § 301, Oct. 15, 1974, 88 Stat. 1289; Pub. L. 107–155, title I, § 103(b)(2), Mar. 27, 2002, 116 Stat. 87.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

AMENDMENTS

2002—Pub. L. 107–155 designated existing provisions as subsec. (a), inserted heading, substituted ''Subject to subsection (b) of this section, the provisions of this Act'' for ''The provisions of this Act'', and added subsec. (b).

1974—Pub. L. 93–443 substituted provision for Pub. L. 92–225 and rules thereunder to supersede and preempt any provision of State law with respect to election to Federal office for prior provisions which in former subsec. (a) stated that nothing in Pub. L. 92–225 shall be deemed to invalidate or make inapplicable any provision of State law, except where compliance with such provision would result in a violation of Pub. L. 92–225 and in former subsec. (b) stated that no provision of State law shall be construed to prohibit any person from taking any action authorized by Pub. L. 92–225 or from making any expenditure which he could lawfully make under Pub. L. 92–225.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Oct. 15, 1974, see section 410(b) of Pub. L. 93–443, set out as a note under section 431 of this title.

§ 454. Partial invalidity

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 92–225, title IV, § 404, Feb. 7, 1972, 86 Stat. 20.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by, section 431 of this title.

SEVERABILITY

Pub. L. 107–155, title IV, § 401, Mar. 27, 2002, 116 Stat. 112, provided that: ''If any provision of this Act [see Short Title of 2002 Amendment note set out under section 431 of this title] or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.''

§ 455. Period of limitations

(a) No person shall be prosecuted, tried, or punished for any violation of subchapter I of this chapter, unless the indictment is found or the information is instituted within 5 years after the date of the violation.

(b) Notwithstanding any other provision of law—

(1) the period of limitations referred to in subsection (a) of this section shall apply with respect to violations referred to in such subsection committed before, on, or after the effective date of this section; and

(2) no criminal proceeding shall be instituted against any person for any act or omission which was a violation of any provision of subchapter I of this chapter, as in effect on December 31, 1974, if such act or omission does not constitute a violation of any such provision, as amended by the Federal Election Campaign Act Amendments of 1974.

Nothing in this subsection shall affect any proceeding pending in any court of the United States on January 1, 1975.

(Pub. L. 92–225, title IV, § 406, as added Pub. L. 93–443, title III, § 302, Oct. 15, 1974, 88 Stat. 1289; amended Pub. L. 94–283, title I, § 115(f), May 11, 1976, 90 Stat. 496; Pub. L. 107–155, title III, § 313(a), Mar. 27, 2002, 116 Stat. 106.)

REFERENCES IN TEXT

The Federal Election Campaign Act Amendments of 1974, referred to in subsec. (b)(2), is Pub. L. 93–433, Oct. 15, 1974, 88 Stat. 1263, as amended. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 431 of this title and Tables.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–155 substituted ''5 years'' for ''3 years''.

1976—Subsec. (a). Pub. L. 94–283, § 115(f)(1), struck out references to sections 608, 610, 611, 613, 614, 615, 616, and 617 of title 18.

Subsec. (b)(2). Pub. L. 94–283, § 115(f)(2), struck out references to sections 608, 610, 611, and 613 of title 18.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–155, title III, § 313(b), Mar. 27, 2002, 116 Stat. 106, provided that: ''The amendment made by this section [amending this section] shall apply to violations occurring on or after the effective date of this Act [for general effective date of Pub. L. 107–155, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title].''

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

§ 456. Repealed. Pub. L. 94–283, title I, § 111, May 11, 1976, 90 Stat. 486

Section, Pub. L. 92–225, title IV, § 407, as added Pub. L. 93–443, title III, § 302, Oct. 15, 1974, 88 Stat. 1290, gave Commission additional enforcement authority by providing for disqualification of candidates for Federal office from elections for Federal office for a period of time following a finding by Commission that candidate failed to file a required report.

SAVINGS PROVISION

Repeal by Pub. L. 94–283 not to release or extinguish any penalty, forfeiture, or liability incurred under this section or penalty, with this section or penalty to be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any penalty, forfeiture, or liability, see section 114 of Pub. L. 94–283, set out as a note under section 441 of this title.

§ 457. Collection and use of conference fees

(a) The Federal Election Commission may charge and collect fees for attending or otherwise participating in a conference sponsored by the Commission, and notwithstanding section 3302 of title 31, any amounts received from such fees during a fiscal year shall be credited to and merged with the amounts appropriated or otherwise made available to the Commission during the year, and shall be available for use during the year for the costs of sponsoring such conferences.

(b) This section shall apply with respect to fiscal year 2007 and each succeeding fiscal year.

(Pub. L. 109–289, div. B, title II, § 21078, as added Pub. L. 110–5, § 2, Feb. 15, 2007, 121 Stat. 59.)

CODIFICATION

Section was enacted as part of the Continuing Appropriations Resolution, 2007, and not as part of the Federal Election Campaign Act of 1971 which comprises this chapter.

CHAPTER 15—OFFICE OF TECHNOLOGY ASSESSMENT

Sec.
471. Congressional findings and declaration of purpose.
472. Office of Technology Assessment.
473. Technology Assessment Board.
474. Director of Office of Technology Assessment.
475. Powers of Office of Technology Assessment.
476. Technology Assessment Advisory Council.
477. Utilization of services of Library of Congress.
478. Utilization of the Government Accountability Office.
479. Coordination of activities with National Science Foundation.
480. Omitted.
481. Authorization of appropriations; availability of appropriations.

§ 471. Congressional findings and declaration of purpose

The Congress hereby finds and declares that:

(a) As technology continues to change and expand rapidly, its applications are—

(1) large and growing in scale; and

(2) increasingly extensive, pervasive, and critical in their impact, beneficial and adverse, on the natural and social environment.

(b) Therefore, it is essential that, to the fullest extent possible, the consequences of technological applications be anticipated, understood, and considered in determination of public policy on existing and emerging national problems.

(c) The Congress further finds that:

(1) the Federal agencies presently responsible directly to the Congress are not designed to provide the legislative branch with adequate and timely information, independently developed, relating to the potential impact of technological applications, and

(2) the present mechanisms of the Congress do not and are not designed to provide the legislative branch with such information.

(d) Accordingly, it is necessary for the Congress to—

(1) equip itself with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects of such applications; and

(2) utilize this information, whenever appropriate, as one factor in the legislative assessment of matters pending before the Congress, particularly in those instances where the Federal Government may be called upon to consider support for, or management or regulation of, technological applications.

(Pub. L. 92–484, § 2, Oct. 13, 1972, 86 Stat. 797.)

SHORT TITLE

Section 1 of Pub. L. 92–484 provided: ''That this Act [enacting this chapter and amending section 1862 of Title 42, The Public Health and Welfare] may be cited as the 'Technology Assessment Act of 1972'.''

TERMINATION OF OFFICE OF TECHNOLOGY ASSESSMENT

Pub. L. 104–53, title I, §§ 113, 114, Nov. 19, 1995, 109 Stat. 526, provided that: