

107TH CONGRESS  
1ST SESSION

# H. R. 2473

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2001

Mr. ROGERS of Michigan introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Federal Campaign Financing Reform Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—PROMOTING DISCLOSURE OF INFORMATION

- Sec. 101. Additional monthly and quarterly disclosure reports.  
 Sec. 102. Internet availability of all reports.  
 Sec. 103. Disclosure of transfers of funds by national political parties.  
 Sec. 104. Disclosure of electioneering communications.

## TITLE II—RESTRICTIONS ON SOFT MONEY

- Sec. 201. Restrictions on soft money of national political parties.  
 Sec. 202. Prohibition fundraising of any campaign funds on Federal property.  
 Sec. 203. Limit on amount of funds provided by corporations and labor organizations to certain organizations.

## TITLE III—TREATMENT OF CONTRIBUTIONS

- Sec. 301. Indexing of contribution limits.  
 Sec. 302. Limitation on amount of personal funds of candidate which may be reimbursed by campaign committees.

## TITLE IV—PROMOTING ENFORCEMENT

- Sec. 401. Indexing of penalty amounts.

## TITLE V—MISCELLANEOUS

- Sec. 501. Expedited judicial review.  
 Sec. 502. Nonseverability of provisions.  
 Sec. 503. Effective date.

1                   **TITLE I—PROMOTING**  
 2                   **DISCLOSURE OF INFORMATION**  
 3                   **SEC. 101. ADDITIONAL MONTHLY AND QUARTERLY DISCLO-**  
 4                   **SURE REPORTS.**

5                   (a) PRINCIPAL CAMPAIGN COMMITTEES.—

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

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

1           monthly reports shall not be required under this  
2           clause in November and December and a year  
3           end report shall be filed not later than January  
4           31 of the following calendar year.”.

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

16          (b)          NATIONAL          COMMITTEE          OF          A          POLITICAL  
17          PARTY.—Section 304(a)(4) of such Act (2 U.S.C.  
18          434(a)(4)) is amended by adding at the end the following  
19          flush sentence: “Notwithstanding the preceding sentence,  
20          a national committee of a political party shall file the re-  
21          ports required under subparagraph (B).”.

22          (c)          CONFORMING AMENDMENTS.—

23                  (1)          SECTION 304.—Section 304(a) of such Act  
24                  (2 U.S.C. 434(a)) is amended—

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

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

9 (2) SECTION 309.—Section 309(b) of such Act  
10 (2 U.S.C. 437g(b)) is amended by striking “calendar  
11 quarter” and inserting “month”.

12 **SEC. 102. INTERNET AVAILABILITY OF ALL REPORTS.**

13 (a) IN GENERAL.—Section 304 of the Federal Elec-  
14 tion Campaign Act of 1971 (2 U.S.C. 434), as amended  
15 by section 502(a) of the Department of Transportation  
16 and Related Agencies Act, 2001 (as enacted into law by  
17 reference under section 101(a) of Public Law 106–346),  
18 is amended by adding at the end the following new sub-  
19 section:

20 “(e) INTERNET AVAILABILITY.—The Commission  
21 shall make the information contained in the designations,  
22 statements, and reports filed with the Commission under  
23 this Act available on the Internet and publicly available  
24 at the offices of the Commission as soon as practicable

1 (but in no case later than 24 hours) after the information  
2 is received by the Commission.”.

3 (b) REQUIRING SENATE REPORTS TO BE FILED  
4 WITH THE COMMISSION.—

5 (1) SECTION 302 AMENDMENT.—Section 302 of  
6 such Act (2 U.S.C. 432) is amended by striking sub-  
7 section (g) and inserting the following:

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

11 (2) CONFORMING AMENDMENTS.—Title III of  
12 the Federal Election Campaign Act of 1971 is  
13 amended—

14 (A) in section 304 (2 U.S.C. 434)—

15 (i) in subsection (a)(6)(A), by striking  
16 “Secretary or the Commission” through  
17 “as appropriate” and inserting “Commis-  
18 sion and Secretary of State”,

19 (ii) in the third sentence of subsection  
20 (c)(2), by striking “the Secretary or”, and

21 (iii) in the fourth sentence of sub-  
22 section (c)(2), by striking “the Secretary,  
23 the Commission,” and inserting “the Com-  
24 mission”; and

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

3 (c) CONFORMING AMENDMENT.—Section 304(a)(11)  
4 of such Act (2 U.S.C. 434(a)(11)) is amended by striking  
5 subparagraph (B).

6 **SEC. 103. DISCLOSURE OF TRANSFERS OF FUNDS BY NA-**  
7 **TIONAL POLITICAL PARTIES.**

8 Section 304(b)(4) of the Federal Election Campaign  
9 Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

10 (1) by striking “and” at the end of subpara-  
11 graph (H);

12 (2) by adding “and” at the end of subpara-  
13 graph (I); and

14 (3) by adding at the end the following new sub-  
15 paragraph:

16 “(J) in the case of a political committee of  
17 a national political party, all funds transferred  
18 to any political committee of a State or local  
19 political party, without regard to whether or not  
20 the funds are otherwise treated as contributions  
21 or expenditures under this title;”.

22 **SEC. 104. DISCLOSURE OF ELECTIONEERING COMMUNICA-**  
23 **TIONS.**

24 Section 304 of the Federal Election Campaign Act  
25 of 1971 (2 U.S.C. 434), as amended by section 102(a),

1 is amended by adding at the end the following new sub-  
2 section:

3 “(f) ADDITIONAL STATEMENTS ON ELECTIONEERING  
4 COMMUNICATIONS.—

5 “(1) STATEMENT REQUIRED.—Every person  
6 who makes a disbursement for electioneering com-  
7 munications in an aggregate amount in excess of  
8 \$10,000 during any calendar year shall, within 24  
9 hours of each disclosure date, file with the Commis-  
10 sion a statement containing the information de-  
11 scribed in paragraph (2).

12 “(2) CONTENTS OF STATEMENT.—Each state-  
13 ment required to be filed under this subsection shall  
14 be made under penalty of perjury and shall contain  
15 the following information:

16 “(A) The identification of the person mak-  
17 ing the disbursement, of any entity sharing or  
18 exercising direction or control over the activities  
19 of such person, and of the custodian of the  
20 books and accounts of the person making the  
21 disbursement.

22 “(B) The principal place of business of the  
23 person making the disbursement, if not an indi-  
24 vidual.

1           “(C) The amount of each disbursement of  
2 more than \$200 during the period covered by  
3 the statement and the identification of the per-  
4 son to whom the disbursement was made.

5           “(D) The elections to which the election-  
6 eering communications pertain and the names  
7 (if known) of the candidates identified or to be  
8 identified.

9           “(E) If the disbursements were paid out of  
10 a segregated bank account which consists of  
11 funds contributed solely by individuals directly  
12 to this account for electioneering communica-  
13 tions, the names and addresses of all contribu-  
14 tors who contributed an aggregate amount of  
15 \$1,000 or more to that account during the pe-  
16 riod beginning on the first day of the preceding  
17 calendar year and ending on the disclosure  
18 date. Nothing in this subparagraph is to be  
19 construed as a prohibition on the use of funds  
20 in such a segregated account for a purpose  
21 other than electioneering communications.

22           “(F) If the disbursements were paid out of  
23 funds not described in subparagraph (E), the  
24 names and addresses of all contributors who  
25 contributed an aggregate amount of \$1,000 or

1 more to the organization during the period be-  
2 ginning on the first day of the preceding cal-  
3 endar year and ending on the disclosure date.

4 “(3) ELECTIONEERING COMMUNICATION.—

5 “(A) IN GENERAL.—The term ‘election-  
6 eering communication’ means any broadcast,  
7 cable, or satellite communication which—

8 “(i) refers to a clearly identified can-  
9 didate for Federal office; and

10 “(ii) is made to an audience that in-  
11 cludes members of the electorate for the  
12 election for such office.

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

15 “(i) a communication appearing in a  
16 news story, commentary, or editorial dis-  
17 tributed through the facilities of any  
18 broadcasting station, unless such facilities  
19 are owned or controlled by any political  
20 party, political committee, or candidate; or

21 “(ii) a communication which con-  
22 stitutes an expenditure or an independent  
23 expenditure under this Act.

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

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

5           “(B) any other date during such calendar  
6 year by which a person has made disbursements  
7 for electioneering communications aggregating  
8 in excess of \$10,000 since the most recent dis-  
9 closure date for such calendar year.

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

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

## 18           **TITLE II—RESTRICTIONS ON** 19           **SOFT MONEY**

### 20           **SEC. 201. RESTRICTIONS ON SOFT MONEY OF NATIONAL** 21           **POLITICAL PARTIES.**

22           Title III of the Federal Election Campaign Act of  
23 1971 (2 U.S.C. 431 et seq.) is amended by adding at the  
24 end the following new section:

1 “LIMIT ON SOFT MONEY OF NATIONAL POLITICAL PARTY  
2 COMMITTEES

3 “SEC. 323. (a) PROHIBITING USE OF SOFT MONEY  
4 FOR FEDERAL ELECTION ACTIVITY.—A national com-  
5 mittee of a political party (including a national congres-  
6 sional campaign committee of a political party) may not  
7 solicit, receive, or direct to another person a contribution,  
8 donation, or transfer of funds or any other thing of value  
9 for Federal election activity, or spend any funds for Fed-  
10 eral election activity, that are not subject to the limita-  
11 tions, prohibitions, and reporting requirements of this Act.

12 “(b) LIMIT ON AMOUNT OF NONFEDERAL FUNDS  
13 PROVIDED TO PARTY BY ANY PERSON FOR ANY PUR-  
14 POSE.—No person shall make contributions, donations, or  
15 transfers of funds which are not subject to the limitations  
16 and prohibitions of this Act to a political committee estab-  
17 lished and maintained by a national political party in any  
18 calendar year in an aggregate amount equal to or greater  
19 than \$75,000.

20 “(c) APPLICABILITY.— This subsection shall apply to  
21 any political committee established and maintained by a  
22 national political party, any officer or agent of such a com-  
23 mittee acting on behalf of the committee, and any entity  
24 that is directly or indirectly established, maintained, or  
25 controlled by such a national committee.

1 “(d) DEFINITIONS.—

2 “(1) FEDERAL ELECTION ACTIVITY.—

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

5 “(i) voter registration activity during  
6 the period that begins on the date that is  
7 120 days before the date a regularly sched-  
8 uled Federal election is held and ends on  
9 the date of the election, unless the activity  
10 constitutes generic campaign activity;

11 “(ii) voter identification or get-out-  
12 the-vote activity conducted in connection  
13 with an election in which a candidate for  
14 Federal office appears on the ballot (re-  
15 gardless of whether a candidate for State  
16 or local office also appears on the ballot),  
17 unless the activity constitutes generic cam-  
18 paign activity;

19 “(iii) any public communication that  
20 refers to or depicts a clearly identified can-  
21 didate for Federal office (regardless of  
22 whether a candidate for State or local of-  
23 fice is also mentioned or identified) and  
24 that promotes or supports a candidate for  
25 that office, or attacks or opposes a can-

1 candidate for that office (regardless of wheth-  
2 er the communication expressly advocates  
3 a vote for or against a candidate); or

4 “(iv) any public communication made  
5 by means of any broadcast, cable, or sat-  
6 ellite communication.

7 “(B) EXCEPTION FOR CERTAIN ADMINIS-  
8 TRATIVE ACTIVITIES.—The term ‘Federal elec-  
9 tion activity’ does not include any activity relat-  
10 ing to establishment, administration, or sollicita-  
11 tion costs of a political committee established  
12 and maintained by a national political party, so  
13 long as the funds used to carry out the activity  
14 are derived from funds or payments made to  
15 the committee which are segregated and used  
16 exclusively to defray the costs of such activities.

17 “(2) GENERIC CAMPAIGN ACTIVITY.—The term  
18 ‘generic campaign activity’ means any activity that  
19 does not mention, depict, or otherwise promote a  
20 clearly identified Federal candidate.

21 “(3) PUBLIC COMMUNICATION.—The term  
22 ‘public communication’ means a communication by  
23 means of any broadcast, cable, or satellite commu-  
24 nication, newspaper, magazine, outdoor advertising  
25 facility, or direct mail.

1           “(4) DIRECT MAIL.—The term ‘direct mail’  
2 means a mailing by a commercial vendor or any  
3 mailing made from a commercial list.”.

4 **SEC. 202. PROHIBITION FUNDRAISING OF ANY CAMPAIGN**  
5 **FUNDS ON FEDERAL PROPERTY.**

6 Section 607 of title 18, United States Code, is  
7 amended—

8           (1) by striking subsection (a) and inserting the  
9 following:

10       “(a) PROHIBITION.—

11           “(1) IN GENERAL.—It shall be unlawful for any  
12 person to solicit or receive a donation of money or  
13 other thing of value in connection with a Federal,  
14 State, or local election from a person who is located  
15 in a room or building occupied in the discharge of  
16 official duties by an officer or employee of the  
17 United States. It shall be unlawful for an individual  
18 who is an officer or employee of the Federal Govern-  
19 ment, including the President, Vice President, and  
20 Members of Congress, to solicit or receive a donation  
21 of money or other thing of value in connection with  
22 a Federal, State, or local election, while in any room  
23 or building occupied in the discharge of official du-  
24 ties by an officer or employee of the United States,  
25 from any person.

1           “(2) PENALTY.—A person who violates this sec-  
2           tion shall be fined not more than \$5,000, imprisoned  
3           more than 3 years, or both.”; and

4           (2) in subsection (b), by inserting “or Executive  
5           Office of the President” after “Congress” .

6   **SEC. 203. LIMIT ON AMOUNT OF FUNDS PROVIDED BY COR-**  
7                           **PORATIONS AND LABOR ORGANIZATIONS TO**  
8                           **CERTAIN ORGANIZATIONS.**

9           Section 316 of the Federal Election Campaign Act  
10          of 1971 (2 U.S.C. 441b) is amended by adding at the end  
11          the following new subsection:

12          “(c) It shall be unlawful for any corporation or labor  
13          organization described in this section to provide funds in  
14          an aggregate amount which exceeds \$20,000 during any  
15          calendar year to—

16                 “(1) any organization that is described in sec-  
17                 tion 501(c)(4) of the Internal Revenue Code of 1986  
18                 and exempt from taxation under section 501(a) of  
19                 such Code and that makes expenditures or disburse-  
20                 ments in connection with an election for Federal of-  
21                 fice; or

22                 “(2) any organization described in section 527  
23                 of such Code (other than a political committee, a  
24                 State, district, or local committee of a political

1 party, or the authorized campaign committee of a  
2 candidate for State or local office).”.

3 **TITLE III—TREATMENT OF**  
4 **CONTRIBUTIONS**

5 **SEC. 301. INDEXING OF CONTRIBUTION LIMITS.**

6 Section 315(c) of the Federal Election Campaign Act  
7 of 1971 (2 U.S.C. 441a(c)) is amended—

8 (1) in paragraph (1)—

9 (A) by striking the second and third sen-  
10 tences;

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

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

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

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

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

21 “(C) In the case of limitations under subsection (a),  
22 each amount increased under subparagraph (B) shall re-  
23 main in effect for the 2-year period beginning on the first  
24 day following the date of the last general election in the

1 year preceding the year in which the amount is increased  
 2 and ending on the date of the next general election.”; and

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

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

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

9 **SEC. 302. LIMITATION ON AMOUNT OF PERSONAL FUNDS**  
 10 **OF CANDIDATE WHICH MAY BE REIMBURSED**  
 11 **BY CAMPAIGN COMMITTEES.**

12 (a) IN GENERAL.—Title III of the Federal Election  
 13 Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended  
 14 by section 201, is further amended by adding at the end  
 15 the following new section:

16 “LIMITATION ON AMOUNT OF CANDIDATE’S PERSONAL  
 17 FUNDS REIMBURSED BY COMMITTEES OF CANDIDATE

18 “SEC. 324. (a) IN GENERAL.—The aggregate  
 19 amount of contributions consisting of personal funds of  
 20 a candidate which may be reimbursed by authorized com-  
 21 mittees of the candidate with respect to an election cycle  
 22 may not exceed—

23 “(1) \$100,000, in the case of a candidate for  
 24 Representative in, or Delegate or Resident Commis-  
 25 sioner to, the House of Representatives; or

1           “(2) \$250,000, in the case of a candidate for  
2           Senator.

3           “(b) INDEXING.—In the case of any calendar year  
4 after 2001—

5           “(1) each amount specified under subsection (a)  
6 shall be increased based on the increase in the price  
7 index determined under section 315(c), except that  
8 the base period shall be calendar year 2001;

9           “(2) each amount so increased shall be the  
10 amount in effect for the calendar year; and

11           “(3) the amount applicable under this section  
12 with respect to an election cycle shall be the amount  
13 in effect for the final calendar year occurring within  
14 the cycle.

15           “(c) PERSONAL FUNDS OF A CANDIDATE DE-  
16 FINED.—In this section, ‘personal funds of a candidate’  
17 includes any funds derived from personal funds of the can-  
18 didate or any member of the candidate’s immediate family  
19 (including personal loans by the candidate or any member  
20 of the candidate’s immediate family).”.

1                   **TITLE IV—PROMOTING**  
2                   **ENFORCEMENT**

3 **SEC. 401. INDEXING OF PENALTY AMOUNTS.**

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

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

9                   “(1) each amount specified under subsection (a)  
10           or the second sentence of subsection (d)(1)(A) shall  
11           be increased based on the increase in the price index  
12           determined under section 315(c), except that the  
13           base period shall be calendar year 2001; and

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

16                   **TITLE V—MISCELLANEOUS**

17 **SEC. 501. EXPEDITED JUDICIAL REVIEW.**

18           If any person who is aggrieved by any of the provi-  
19 sions of this Act or any amendment made by this Act (or  
20 who would be aggrieved by any such provision or amend-  
21 ment when the provision or amendment becomes effective)  
22 brings an action which names the United States as the  
23 defendant for declaratory or injunctive relief to challenge  
24 the constitutionality of the provision or amendment within

1 the 90-day period which begins on the date of the enact-  
2 ment of this Act, the following rules shall apply:

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

8 (2) A copy of the complaint shall be delivered  
9 promptly to the Clerk of the House of Representa-  
10 tives and the Secretary of the Senate.

11 (3) A final decision in the action shall be re-  
12 viewable only by appeal directly to the United States  
13 Supreme Court. Such appeal shall be taken by the  
14 filing of a notice of appeal within 10 days, and the  
15 filing of a jurisdictional statement within 30 days, of  
16 the entry of the final decision.

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

22 **SEC. 502. NONSEVERABILITY OF PROVISIONS.**

23 If any provision of this Act or any amendment made  
24 by this Act, or the application thereof to any person or  
25 circumstance, is held invalid, the remaining provisions of

1 this Act or any amendment made by this Act shall be  
2 treated as invalid.

3 **SEC. 503. EFFECTIVE DATE.**

4       The amendments made by this Act shall take effect  
5 January 1, 2003.

