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

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. McCain (for himself, Mr. Feingold, Mr. Cochran, Mr. Levin, Mr. Thompson, Mr. Lieberman, Ms. Collins, Mr. Schumer, Ms. Snowe, Mr. Wellstone, Mr. Jeffords, Mr. Reed, Mr. Durbin, Mr. Wyden, Mr. Kohl, Mrs. Boxer, Mr. Harkin, and Ms. Stabenow) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Bipartisan Campaign Reform Act of 2001”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE
Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. 103. Reporting requirements.

TITLE II—NON-CANDIDATE CAMPAIGN EXPENDITURES

Subtitle A—Electioneering Communications
Sec. 201. Disclosure of electioneering communications.
Sec. 202. Coordinated communications as contributions.
Sec. 203. Prohibition of corporate and labor disbursements for electioneering communications.

Subtitle B—Independent and Coordinated Expenditures
Sec. 211. Definition of independent expenditure.
Sec. 212. Reporting requirements for certain independent expenditures.
Sec. 213. Independent versus coordinated expenditures by party.
Sec. 214. Coordination with candidates.

TITLE III—MISCELLANEOUS
Sec. 301. Use of contributed amounts for certain purposes.
Sec. 302. Prohibition of fundraising on Federal property.
Sec. 303. Strengthening foreign money ban.
Sec. 304. Codification of Beck decision.

TITLE IV—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE
Sec. 401. Severability.
Sec. 402. Effective date.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE
SEC. 101. SOFT MONEY OF POLITICAL PARTIES.
(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 323. 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 so-
licit, receive, or direct to another person a contribu-
tion, donation, or transfer of funds or any other
thing of value, or spend any funds, that are not sub-
ject to the limitations, prohibitions, and reporting
requirements of this Act.

“(2) APPLICABILITY.— The prohibition estab-
lished by paragraph (1) applies to any such national
committee, any officer or agent of such a national
committee, and any entity that is directly or indi-
directly established, financed, maintained, or con-
trolled by such a national committee.

“(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—
An amount that is expended or disbursed for Federal elec-
tion activity by a State, district, or local committee of a
political party (including an entity that is directly or indi-
directly 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 entity directly or indirectly established,
financed, maintained, or controlled by or acting on behalf
of 1 or more candidates for State or local office, or individ-
uals holding State or local office, shall be made from funds
subject to the limitations, prohibitions, and reporting re-
quirements of this Act. Nothing in this subsection shall
prevent a principal campaign committee of a candidate for
State or local office from raising and spending funds permitted under applicable State law other than for a Federal election activity that refers to another clearly identified candidate for election to Federal office.

“(c) FUNDRAISING COSTS.—An amount spent by a person described in subsection (a) or (b) to raise funds that are used, in whole or in part, to pay the costs of 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 the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application for determination of tax exempt status under such section); or
(2) an organization described in section 527 of such Code (other than a political committee).

“(e) 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) and (2) of section 315(a);

and

“(ii) are not from sources prohibited
by this Act from making contributions in
connection with an election for Federal of-

“(2) STATE LAW.—Paragraph (1) does not
apply to the solicitation, receipt, or spending of
funds by an individual who is a candidate for a
State or local office in connection with such election
for State or local office if the solicitation, receipt,
or spending of funds is permitted under State law
for any activity other than for a Federal election ac-
tivity that refers to another clearly identified can-
didate for election to Federal office.

“(3) FUNDRAISING EVENTS.—Notwithstanding
paragraph (1), 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.”.

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

“(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); and
“(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 or used to pay for a Federal election activity described in subparagraph (A);

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

“(v) the cost of constructing or purchasing an office facility or equipment for a State, district, or local committee.

“(21) GENERIC CAMPAIGN ACTIVITY.—The term ‘generic campaign activity’ means an 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 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 within
any 30-day period of an identical or substantially
similar nature.”.

SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE
COMMITTEES OF POLITICAL PARTIES AND
AGGREGATE CONTRIBUTION LIMIT FOR INDVI-
DUALS.

(a) CONTRIBUTION LIMIT FOR STATE COMMITTEES
OF POLITICAL PARTIES.—Section 315(a)(1) of the Fed-
eral Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1))
is amended—

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

(2) in subparagraph (C)—

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

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

(3) by adding at the end the following:
“(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.”.

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

SEC. 103. REPORTING REQUIREMENTS.

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

“(d) 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 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in section 301(20)(A).

“(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from 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).

“(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).”.

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

TITLE II—NON-CANDIDATE CAMPAIGN EXPENDITURES
Subtitle A—Electioneering Communications

SEC. 201. DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.

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

“(d) ADDITIONAL STATEMENTS ON ELECTIONEERING COMMUNICATIONS.—
“(1) STATEMENT REQUIRED.—Every person who makes a disbursement for 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 entity 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 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 section 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 organization 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.—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—

“(I) 60 days before a general, special, or runoff election for such Federal office; or

“(II) 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 such Federal office; and

“(iii) is made to an audience that includes members of the electorate for such election, convention, or caucus.

“(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; or

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

“(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 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 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.”
SEC. 202. COORDINATED COMMUNICATIONS AS CONTRIBUTIONS.

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

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

“(C) if—

“(i) any person makes, or contracts to make, any disbursement for any electioneering communication (within the meaning of section 304(d)(3)); 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 and as an expenditure by that candidate; and”.

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SEC. 203. PROHIBITION OF CORPORATE AND LABOR DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by inserting “or for any applicable electioneering communication” before “, but shall not include”.

(b) APPLICABLE ELECTIONEERING COMMUNICATION.—Section 316 of such Act is amended by adding at the end the following:

“(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 304(d)(3)) 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 an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 or a political organization (as defined in section 527(e)(1) of such Code) made
under section 304(d)(2) (E) or (F) of this Act if the communication is paid for exclusively by funds provided directly by individuals. 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.—For purposes of paragraph (1), the following rules shall apply:

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

“(i) an entity described in subsection (a) directly or indirectly disburses any amount for any of the costs of the communication; or

“(ii) any amount is disbursed for the communication by a corporation or labor organization or a State or local political party or committee thereof that receives anything of value from an entity described in subsection (a), except that this clause shall not apply to any communication the costs of which are defrayed entirely out of
a segregated account to which only individuals can contribute, as described in section 304(d)(2)(E).

“(B) A section 501(c)(4) organization that derives amounts from business activities or receives funds from any entity described in subsection (a) 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 304(d)(2)(E).

“(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 the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; 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 internal revenue code.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 from carrying out any activity which is prohibited under such Code.”.

Subtitle B—Independent and Coordinated Expenditures

SEC. 211. DEFINITION OF INDEPENDENT EXPENDITURE.

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

“(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 a coordinated activity with such candidate or such candidate’s agent or a person who has engaged in coordinated activity with such candidate or such candidate’s agent.”.

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SEC. 212. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

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

(1) in subsection (c)(2), by striking the undesigned matter after subparagraph (C); and

(2) by adding at the end the following:

“(e) 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 after that amount of independent expenditures has been made.

“(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 independent 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 after that amount of independent expenditures has been made.

“(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), including the name...
of each candidate whom an expenditure is intended to support or oppose.”.

SEC. 213. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

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

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

(2) by adding at the end the following:

“(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

“(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

“(B) CERTIFICATION.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee, on or after the date described in subparagraph (A), has not
and shall not make any independent expenditure with respect to the candidate during the same election cycle.

“(C) 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.

“(D) TRANSFERS.—A committee of a political party that submits a certification under subparagraph (B) 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.”.

SEC. 214. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—
(1) Section 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking “or” at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting “; or”; and

(iii) by adding at the end the following:

“(iii) coordinated activity (as defined in subparagraph (C)).”; and

(B) by adding at the end the following:

“(C) ‘Coordinated activity’ means anything of value provided by a person in connection with a Federal candidate’s election who is or previously has been within the same election cycle acting in coordination with that candidate, or an agent of that candidate on any campaign activity in connection with a Federal election in which such candidate seeks nomination or election to Federal office (regardless of whether the value being provided is in the form of a communication that expressly advocates a vote for or
against a candidate) and includes any of the following:

“(i) A payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate’s authorized committee, the political party of the candidate, or an agent acting on behalf of a candidate, authorized committee, or the political party of the candidate.

“(ii) A payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate’s authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate’s defeat), except materials published on a candidate’s website and republished at a cost of less than $1,000.
“(iii) A payment made by a person if, in the same election cycle in which the payment is made, the person making the payment—

“(I) is serving or previously has served as—

“(a) an employee;

“(b) a fundraiser; or

“(c) an agent of the candidate or the candidate’s authorized committee in an executive or policymaking capacity; or

“(II) has previously participated in discussions (other than on an incidental basis) that have been—

“(a) with the candidate, an agent of the candidate or the candidate’s authorized committee, or with a political party that is coordinating with the candidate; and

“(b) about the candidate’s campaign strategy and tactics, including a discussion about advertising, message, allocation of
resources, fundraising, or campaign operations.

“(iv) A payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person who has provided those services in the same election cycle to a candidate (including services provided through a political committee of the candidate’s political party) in connection with the candidate’s pursuit of nomination for election, or election, to Federal office, including services relating to the candidate’s decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate’s campaign.

“(D) For purposes of subparagraph (C), the term ‘professional services’ means polling, media advice, fundraising, campaign research, political advice, or direct mail services (except for mailhouse services) in support of a candidate’s pursuit of nomination for election, or election, to Federal office.
“(E) For purposes of subparagraph (C), 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.

“(F) COORDINATION BY A POLITICAL PARTY.—When a political party committee makes any expenditure that refers to a clearly identified candidate of that party, or to the opponent of a candidate of that party, in connection with a Federal election, regardless of whether the communication expressly advocates a vote for or against the candidate, the expenditure is deemed to be made in coordination with the candidate of that party, unless the party certifies under penalty of perjury that there has been no coordination by the party.”.

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

“(B) a coordinated activity, as described in section 301(8)(C), shall be considered to be a
contribution to the candidate and an expendi-
ture by the candidate.”.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by striking “shall include” and inserting “includes a contribution or expenditure, as those terms are defined in section 301, and also includes”.

TITLE III—MISCELLANEOUS

SEC. 301. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

“SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

“(a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an indi-

vidual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

“(1) for expenditures in connection with the campaign for Federal office of the candidate or indi-

vidual;
“(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 the Internal Revenue Code of 1986; or

“(4) for transfers to a national, State, or local committee of a political party.

“(b) PROHIBITED USE.—

“(1) IN GENERAL.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

“(2) CONVERSION.—For the purposes of paragraph (1), a contribution or amount 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-re-
lated trip;
“(F) a household food item;
“(G) a tuition payment;
“(H) admission to a sporting event, con-
cert, 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.”.

SEC. 302. PROHIBITION OF FUNDRAISING ON FEDERAL
PROPERTY.

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

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

“(a) PROHIBITION.—

“(1) IN GENERAL.—It shall be unlawful for any
person to solicit or receive a donation of money or
other thing of value in connection with a Federal,
State, or local election from a person who is located
in a room or building occupied in the discharge of
official duties by an officer or employee of the
United States. It shall be unlawful for an individual
who is an officer or employee of the Federal Govern-
ment, including the President, Vice President, and Members of Congress, to solicit a donation of money or other thing of value in connection with a Federal, State, or local election, while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

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

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

SEC. 303. STRENGTHENING FOREIGN MONEY BAN.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: “CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS”; and

(2) by striking subsection (a) and inserting the following:

“(a) PROHIBITION.—It shall be unlawful for—

“(1) a foreign national, directly or indirectly, to make—

“(A) a donation of money or other thing of value, or to make an express or implied promise
to make a donation, in connection with a Federal, State, or local election; or

“(B) a contribution or donation to a committee of a political party; or

“(2) for a person to solicit, accept, or receive such contribution or donation from a foreign national.”.

SEC. 304. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

“(h) NONUNION MEMBER PAYMENTS TO LABOR ORGANIZATION.—

“(1) IN GENERAL.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

“(2) OBJECTION PROCEDURE.—The objection procedure required under paragraph (1) shall meet the following requirements:
“(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

“(i) reasonable personal notice of the objection procedure, the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

“(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

“(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

“(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization’s expenditures supporting political activities unrelated to
collective bargaining bears to such organization’s total expenditures; and

“(ii) provide such employee with a reasonable explanation of the organization’s calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

“(3) DEFINITION.—In this subsection, the term ‘expenditures supporting political activities unrelated to collective bargaining’ means expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.”.

TITLE IV—SEVERABILITY; EFFECTIVE DATE

SEC. 401. SEVERABILITY.

If any provision of this Act 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.
SEC. 402. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 30 days after the date of its enactment.