

CRS Report for Congress

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Campaign Finance Bills in the 107th Congress: House

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Summary

Thus far in the 107th Congress, 24 bills have been introduced in the House to change the nation's campaign finance laws (primarily under Titles 2 and 26 of the U.S. Code). Many of the bills seek to tighten perceived loopholes in the current system, primarily in the areas of soft money and issue advocacy. Other prominent provisions in bills include adjustments in hard money contribution limits and improvements in enforcement and disclosure functions of the Federal Election Commission (FEC).

This report summarizes each House bill offered in the 107th Congress, arranged in both numerical order and by major issue addressed, with any legislative action shown. The provisions of these bills are grouped into 15 categories, based on type of issue addressed. The categories are reflected in detailed summaries and in a cross-reference section arranged by category, with indications of which bills embody a particular concept. This report is current as of April 20, 2001.

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Campaign Finance Bills in the 107th Congress: House

This report lists House bills introduced in the 107th Congress to amend the nation's campaign finance laws (primarily under Titles 2 and 26 of the U.S. Code, the Federal Election Campaign Act or FECA). The list is current through the Spring District Work Period, which ends April 20, 2001.

The report comprises three chapters and an index:

- ! Chapter I is a checklist of all bills (in numerical order), noting major types of reforms proposed in each, according to 15 categories (including "miscellaneous");
- ! Chapter II arranges all provisions of every bill under the 15 categories noted in the checklist, with a basic description of the issue area, where needed, and further division of proposals into subcategories. Bills whose provisions fall under a specific category or subcategory are noted accordingly (with further detail provided in Chapter III);
- ! Chapter III is a chronological listing and summary of each House bill. For each, it provides the bill number, sponsor, title, a detailed summary of provisions arranged by the 15 categories used in Sections I and II, date introduced, committee referral, and any legislative action; and
- ! Index of bills, listed alphabetically by lead sponsor.

Chapter I. Checklist of Bills and Types of Proposals

Table 1 on the following pages provides easy reference to types of provisions in each of the bills listed in this report. An (X) denotes features in a bill that are broadly applicable and apply without conditions (except in the “spending limits/public benefits” category, which contains many inherently conditional features). For each category, reference is made to the page in this report where a discussion of it and the applicable legislation is found.

Table 1. Checklist of Major Provisions of 107th Congress Bills: House

Bill/ Sponsor	Hard Money					Hard & Soft Money	Soft Money			Spending limits & public benefits	FEC	Adver- tising.	Foreign	Misc.	
	Major contribution sources				In- state/ -district		Indep. Expen.	Coord- ination	Party (and gen.)						Non-party (labor/corp/ tax-exempt)
	Indiv.	PACs	Party	Cand.											
<i>See</i>	<i>p. ?</i>	<i>p. 9</i>	<i>p. 10</i>	<i>p. 10</i>	<i>p. 11</i>	<i>p. 11</i>	<i>p. 12</i>	<i>p. 12</i>	<i>p. 14</i>	<i>p. 15</i>	<i>p. 16</i>	<i>p. 17</i>	<i>p. 19</i>	<i>p. 20</i>	<i>p. 21</i>
HR 27 Bartlett															X
HR 35 Bereuter														X	
HR 150 Petri											X	X			
HR 151 Petri	X	X		X	X					X	X	X			X
HR 156 Price, NC													X		
HR 191 Stump															X
HR 277 Jones, NC									X						
HR 283 Maloney, NY											X	X			
HR 289 Mink								X							

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Bill/ Sponsor	Hard Money					Hard & Soft Money	Soft Money			Spending limits & public benefits	FEC	Adver- tising.	Foreign	Misc.	
	Major contribution sources				In- state/ -district		Indep. Expen.	Coord- ination	Party (and gen.)						Non-party (labor/corp/ tax-exempt)
	Indiv.	PACs	Party	Cand.											
<i>See</i>	<i>p. ?</i>	<i>p. 9</i>	<i>p. 10</i>	<i>p. 10</i>	<i>p. 11</i>	<i>p. 11</i>	<i>p. 12</i>	<i>p. 12</i>	<i>p. 14</i>	<i>p. 15</i>	<i>p. 16</i>	<i>p. 17</i>	<i>p. 19</i>	<i>p. 20</i>	<i>p. 21</i>
HR 355 Jones, NC									X						
HR 365 Moore													X		
HR 380 Shays-Meehan	X			X		X	X	X	X	X		X	X	X	X
HR 449 Gilchrest		X													
HR 450 Gilchrest					X										
HR 527 Vitter										X					
HR 1019 Burton														X	X
HR 1039 Terry	X	X	X					X		X		X			X
HR 1080 Linder								X	X	X					
HR 1150 Hutchinson	X	X	X					X	X	X		X			X

Chapter II. Major Reforms Proposed, by Category

This section of the report is organized into 15 subsections, encompassing 14 major areas of reform that are addressed in proposed 107th Congress House bills, and a “miscellaneous” category for provisions outside that framework. In each subsection, bills containing provisions that address that particular area are noted. Greater detail for each provision and a sense of how a bill’s various provisions might affect each other can be found Chapter III, where bill summaries appear in numerical order. (In some cases, reference is made here to other provisions of the same bill.)

For purposes of classification and easy reference, arbitrary decisions were made as to the primary nature and goal of a particular provision. Many provisions, however, have multiple purposes. For example, a bill that would raise the limit on an individual’s contributions to political parties would empower both the individual and the political party. Such a provision would be listed here under “individual,” as it most directly affects what an individual may do, even though the parties would derive an increased benefit as well.

The first six categories can be examined in the context of *hard money*, as they pertain to types of activity that are regulated under federal election law, which specifies prohibited sources, sets limits on permitted contributions, and requires disclosure. The six hard money categories are shown on the checklist in Chapter I under a larger heading of “hard money,” with the first four—individuals, PACs, parties, and candidates—further grouped to reflect the four principal sources of campaign receipts. The eighth, ninth, and tenth categories comprise provisions dealing with *soft money*; the eighth contains provisions relating to party soft money (and some general provisions); the ninth focuses on non-party soft money—direct activities of unions, corporations, and tax-exempt organizations; and the tenth addresses issue advocacy, election-related communications that fall outside the purview of the Federal Election Campaign Act (FECA).¹

¹ In general, the term “hard money” is used to refer to funds raised and spent according to the source limits and prohibitions and disclosure requirements of federal election law. By contrast, “soft money” can be described as funds raised and spent outside the federal election regulatory framework but which may have at least an indirect impact on federal elections. For further discussion of hard and soft money, see: U.S. Library of Congress, Congressional Research Service, *Soft and Hard Money in Contemporary Elections: What Federal Law Does and Does Not Regulate*, by Joseph E. Cantor, CRS Report 97-91GOV (Washington Feb. 2, 2001).

Individuals (Hard Money)

These bills would change limits and offer incentives to encourage a greater role for individual citizens in federal campaign financing.

Remove Contribution Limits

H.R. 1444 (Doolittle)

Raise Limits on Individual Contributions

To Candidates.

H.R. 1039 (Terry)
H.R. 1150 (Hutchinson)

To Parties.

H.R. 380 (Shays-Meehan) – to state parties
H.R. 1039 (Terry)
H.R. 1150 (Hutchinson)

To PACs/Other Committees.

H.R. 1039 (Terry)

Annual Aggregate Limit.

H.R. 380 (Shays-Meehan)
H.R. 1039 (Terry)
H.R. 1150 (Hutchinson)

Provide Tax Incentives for Individual Contributions

H.R. 151 (Petri)

Index Contribution Limits

H.R. 1039 (Terry)
H.R. 1150 (Hutchinson)

Require Majority of Funds from Individuals

H.R. 1445 (English) – in House and Senate campaigns

PACs (Hard Money)

These bills contain provisions to restrict or empower PACs in their funding role. The term PAC, as used here, generally refers to “nonparty multicandidate committees,” an FECA status that most PACs have. The term “leadership PAC” refers to PACs established by candidates or officials apart from their campaign committees. PACs sponsored by organizations are known as “separate segregated funds;” PACs that are independent of other entities are “nonconnected.”

Prohibit PAC Contributions

H.R. 449 (Gilchrest)

Remove Contribution Limits

H.R. 1444 (Doolittle)

Raise Limits on PAC Contributions

To Candidates.

H.R. 1039 (Terry)
H.R. 1150 (Hutchinson)

To Parties.

H.R. 1039 (Terry)
H.R. 1150 (Hutchinson)

To PACs/Other Committees.

H.R. 1039 (Terry)
H.R. 1150 (Hutchinson)

Lower Limits on PAC Contributions

H.R. 151 (Petri)

Index Contribution Limits

H.R. 1039 (Terry)
H.R. 1150 (Hutchinson)

Ease Trade Association PAC Solicitation Rules

H.R. 1039 (Terry)

Strengthen Prohibition Against Force and Reprisals

H.R. 1150 (Hutchinson)

Expand Corporate Restricted Class Definition

H.R. 1039 (Terry)

Political Parties (Hard Money)

This category should be examined in conjunction with the “party soft money” category, below. “Coordinated expenditures” are a special category of party spending on behalf of, and in coordination with, candidates, subject to federal limits under 2 U.S.C. §441a(d).

Remove Coordinated Expenditure Limits

H.R. 1150 (Hutchinson)

Remove Contribution Limits

H.R. 1444 (Doolittle)

Raise Limits on Party Contributions

To Candidates.

H.R. 1039 (Terry) – including special limit for contributions to Senate candidates

H.R. 1150 (Hutchinson)

To PACs/Other Committees.

H.R. 1039 (Terry)

Index Contribution Limits

H.R. 1039 (Terry)

H.R. 1150 (Hutchinson)

Candidates (Hard Money)

These bills contain provisions that focus on spending and loans by candidates from personal or family wealth, including the issue of repayment of candidate loans from campaign funds after an election.

Constitutional Amendment to Limit Candidate Spending

H.J.Res. 4 (Leach)

Prohibit Personal Use of Campaign Funds

H.R. 380 (Shays-Meehan)

Ban Party Coordinated Spending on Candidate Exceeding Personal Fund Level

H.R. 380 (Shays-Meehan)

Lift Certain Limits if Opponent Exceeds Personal Fund Level

H.R. 151 (Petri)

In-state or In-district (Hard Money)

This category includes bills that would require that at least 50% of candidates' funds to come from residents of that state or district, or in some way seek to encourage a greater role for local residents.

In-state and In-district

H.R. 1445 (English)

In-state

H.R. 151 (Petri) – House and Senate

In-district

H.R. 450 (Gilchrest) – no House funds from non-resident individuals

Independent Expenditures (Hard Money)

Independent expenditures are communications with the public advocating the election or defeat of clearly identified candidates made without any coordination, cooperation, or consultation with affected candidates. They are not subject to limits on amounts spent, although the source restrictions and disclosure requirements of federal law do apply. This hard money activity should not be confused with issue advocacy, which falls completely outside federal election regulation. Issue and express advocacy are described in a later category, below.

Define Independent Expenditure as Containing Express Advocacy and Avoiding Coordination

H.R. 380 (Shays-Meehan)

Prohibit Both Party Coordinated *and* Independent Expenditures for Same Candidate

H.R. 380 (Shays-Meehan)

Increase Disclosure Requirements

H.R. 380 (Shays-Meehan)

Increase Penalties for Independent Expenditure Violations

H.R. 380 (Shays-Meehan)

Coordination (Hard and Soft Money)

These provisions address the issue of what constitutes “coordination” under the FECA, a status which, in turn, triggers an activity’s being treated as a “contribution” or “expenditure,” subject to any relevant limits. In recent years, this issue has come to include issue advocacy as well as express advocacy. Hence it contains both a hard and soft money component.

Define Activities That Constitute Coordination

H.R. 380 (Shays-Meehan)

Add Coordinated Activities to Contribution/Expenditure Definition

H.R. 380 (Shays-Meehan)

Deem All Party Communications Referring to Candidate as Coordinated with Candidate

H.R. 380 (Shays-Meehan)

Soft Money: Party

This term refers to money that may indirectly influence the outcome of federal elections, but that is raised and spent outside the purview of federal election laws and that would be illegal if spent directly in connection with a federal election. Activities

that are exempted from the FECA’s “contribution” and “expenditure” definitions may be paid for with soft money. Three common forms of soft money are party soft money, non-party soft money, and issue advocacy. This section deals with party soft money, including the role played by federal candidates and officials in raising it. Bills which focus on soft money in general, without any further delineation, are also listed here.

Party soft money is raised by national parties from sources and in amounts that are federally impermissible. Most commonly, these funds are transferred to state parties in those states where it is permitted under state election law; the money is used for grassroots and generic party activity, which may benefit the entire party slate. Due to different rules for federal and state elections, parties must use an allocation system for spending money on activities that affect both federal and state elections (*i.e.*, “mixed activities”). Party soft money is also used for a portion of administrative and overhead expenses and, more recently, for issue advocacy.

In General

Ban Soft Money Spending to Influence Federal Elections.

H.R. 289 (Mink)

Party Soft Money

Prohibit National Parties from Raising and Spending Soft Money.

H.R. 380 (Shays-Meehan)

H.R. 1080 (Linder)

H.R. 1150 (Hutchinson)

Limit Soft Money Donations to National Parties.

H.R. 1039 (Terry) – indexed for inflation; contingent upon satisfactory Supreme Court review

Require State Party Hard Money for Specified Activities/Periods.

H.R. 380 (Shays-Meehan) – for *federal election activities*

Prohibit State Party Soft Money Transfers to Other State Parties.

H.R. 1150 (Hutchinson)

Prohibit Use of Soft Money to Raise Funds for Federal Elections.

H.R. 380 (Shays-Meehan)

Prohibit Parties from Raising Money for Tax-Exempt Groups.

H.R. 380 (Shays-Meehan)

Prohibit Federal Candidates/Officials Raising Soft Money.

H.R. 380 (Shays-Meehan)
H.R. 1150 (Hutchinson)

Require Disclosure.

Increase Current Requirements.

H.R. 380 (Shays-Meehan)
H.R. 1444 (Doolittle) – copies of state party reports filed with state officials

Codify Current Regulations.

H.R. 380 (Shays-Meehan)
H.R. 1039 (Terry)
H.R. 1444 (Doolittle) – on national party transfers to state and local parties

Remove Building Fund Exemption.

H.R. 380 (Shays-Meehan)

Soft Money: Non-Party

Non-party soft money pertains to direct spending by and activity of groups, as opposed to their donations to another entity (such as the parties). The term is most commonly used to refer to union and corporate treasury money that federal election law allows for three exempt activities aimed only at specified restricted classes (corporate executives and stockholders and their families, and union members and their families). The three exempt activities are setting up and raising money for a PAC, internal communications (including express advocacy), and voter registration and get-out-the-vote drives. This section also includes provisions dealing with *tax-exempt* organizations, as independent political entities. (Aspects of tax-exempt activity are also included in the party soft money section, with respect to parties and candidates raising money for or giving to tax-exempt groups, and in the issue advocacy section, regarding issue advocacy activity by so-called “section 527” organizations.)

Corporate and Labor

Remove Restricted Class Activity Exemptions from FECA Ban.

H.R. 1080 (Linder)

Added Election Law Disclosure Requirements.

H.R. 380 (Shays-Meehan)

H.R. 1080 (Linder) – for all spending in connection with federal election

Require Approval for Political Use of Union Dues/Agency Fees.

H.R. 380 (Shays-Meehan) – just agency fee payers (per *Beck* decision)

H.R. 1150 (Hutchinson) – just agency fee payers (per *Beck* decision)

H.R. 1444 (Doolittle) – for all workers

Tax-Exempt Organizations

Change Rules for Level of Political Activity Allowed under Internal Revenue Code.

H.R. 277 (Jones, NC)

H.R. 355 (Jones, NC)

Issue Advocacy (Soft Money)

Communications that promote political issues, even if the messages refer to candidates or are made during an election period, are labeled “issue advocacy” if they avoid using specific election advocacy language (*e.g.*, “elect Jones” or “defeat Smith”). By contrast, communications that explicitly promote the election or defeat of clearly identified candidates are called “express advocacy” and are regulated by federal election law. Since the courts have generally construed “express advocacy” communications in a narrow sense (*i.e.*, using explicit phrases), communications that may be widely perceived as constituting thinly-veiled election activity may thus avoid federal disclosure and source regulations.

The bills in this category offer standards for broadening the “express advocacy” definition, so certain activities would be disclosed, and their sources limited, under federal law. Some bills, as noted, require disclosure, but without triggering the source limitations and prohibitions of federal election law.

An additional aspect treated in this section pertains to “political organizations” defined under section 527 of the Internal Revenue Code. In light of reports that some of these groups were engaged in issue advocacy, without any disclosure under either the election or tax laws, Congress, in 2000, enacted P.L. 106-230, to require disclosure through the IRS. Some proposals in the 107th Congress continue to address activities by section 527 groups *per se*.

Broader Standard for Determining Express Advocacy

H.R. 151 (Petri) – discussions of a candidate’s qualifications, views, or fitness for office, or as explicit requests to vote for or against a specified candidate

H.R. 380 (Shays-Meehan) – (1) using either explicit phrases, or words or slogans that in context can have no other reasonable meaning than election advocacy; (2) referring to a candidate in a paid radio or TV broadcast ad that appears in affected state within 60 days of election (or, for President, within 60 days, regardless of where ad appears); or (3) expressing unmistakable, unambiguous election advocacy, when taken as a whole and with limited reference to external events

Amend *Expenditure* to Include Communications Referring to Federal Candidates

H.R. 380 (Shays-Meehan)

Exemptions from Express Advocacy Definition

Voter Guides.

H.R. 380 (Shays-Meehan)

Background Music.

H.R. 380 (Shays-Meehan)

Restrict Coordination of Party Issue Ads with Candidates

H.R. 380 (Shays-Meehan) – publicly funded presidential candidates

Require Disclosure by Spender

H.R. 1080 (Linder) – to FEC, for all public communications by unions, corporations, and non-profit organizations that mention a federal candidate within 90 days of election

H.R. 1150 (Hutchinson) – to House Clerk or Secretary of Senate, for amounts spent on broadcasts referring to federal candidates, above dollar thresholds

Require Disclosure via Broadcaster

H.R. 1039 (Terry) – through public inspection files

Exempt State/Local 527 Groups from IRS Disclosure

H.R. 527 (Vitter)

Spending Limits and Public Benefits

Bills in this category would offer: (1) campaign spending limits for House or Senate candidates on overall campaign or candidate personal spending (or advertising

time restrictions); (2) public, cost-saving benefits to candidates; or (3) both. They are grouped together because many bills embody both concepts, largely because a voluntary system of limits with conditional benefits has been a major response to the *Buckley v. Valeo* ruling [424 U.S. 1 (1976)] which overturned mandatory limits. This grouping should not be construed as an inherent linkage between the two ideas; there are very distinct principles behind spending limits and public benefits (or financing).

Options among spending limit bills include voluntary limits, in response to *Buckley*, with or without participation inducements through public benefits; mandatory limits, through a statute designed to overturn *Buckley* or a constitutional amendment; and “benefits only” provisions without requiring adherence to limits.

Mandatory Limits through Constitutional Amendment

H.J.Res. 2 (Dingell)

FEC (Enforcement & Disclosure)

These bills contain provisions aimed at improving FEC enforcement of election law and requirements for disclosure (supervised by the FEC).

Enforcement

Increase Penalties for Violations.

H.R. 380 (Shays-Meehan)

H.R. 1039 (Terry) – through retroactive indexing

Allow Random Audits.

H.R. 380 (Shays-Meehan)

Eliminate *Ex Officio* Officers.

H.R. 1150 (Hutchinson)

Expedite Enforcement Proceedings.

H.R. 380 (Shays-Meehan)

Allow Referrals to Attorney General at Any Time.

H.R. 380 (Shays-Meehan)

Add Procedures and Penalties for Minor Violations.

H.R. 380 (Shays-Meehan)

H.R. 1150 (Hutchinson) – make new administrative fine schedule permanent

Allow Subpoenas and Notifications Without Chair’s Signature.

H.R. 1150 (Hutchinson)

Allow Written Responses if Law is Unambiguous, with “Safe Harbor” Protection.

H.R. 1150 (Hutchinson)

Provide for Equitable Remedies in Conciliation Agreements.

H.R. 380 (Shays-Meehan)

Change Enforcement Initiation Standard.

H.R. 380 (Shays-Meehan) – to “reason to investigate”

H.R. 1150 (Hutchinson) – to “reason to investigate”

Allow Justice Department to Initiate Criminal Actions.

H.R. 380 (Shays-Meehan)

Allow Candidates to Seek Civil Action if FEC Doesn’t Act Expeditiously.

H.R. 380 (Shays-Meehan)

Require Returned Contributions to be Placed in Escrow Account.

H.R. 380 (Shays-Meehan)

H.R. 1150 (Hutchinson)

Changes Name of FEC.

H.R. 1444 (Doolittle) – to Federal Campaign Regulation Commission

Disclosure

Electronic Filing.

Require by All Committees.

H.R. 1444 (Doolittle)

Require Free, Standardized Software.

H.R. 1150 (Hutchinson)

Require Internet Posting by FEC.

H.R. 1039 (Terry) – all reports within 24 hours
H.R. 1444 (Doolittle) – within 24 hours

Expedited or Increased Disclosure.

H.R. 1039 (Terry)
H.R. 1150 (Hutchinson)
H.R. 1444 (Doolittle) – 24 hour notice of contributions in last 90 days

Remove “Best Efforts” Exemption.

H.R. 380 (Shays-Meehan) – for candidates
H.R. 1444 (Doolittle)

Lower Reporting Threshold for Itemization.

H.R. 380 (Shays-Meehan)

Require All Reports to be Filed at FEC.

H.R. 1039 (Terry) – including Senate candidates
H.R. 1150 (Hutchinson) – including Senate candidates

Require Disclosure of Phone Bank/Push Poll Costs.

H.R. 150 (Petri)
H.R. 151 (Petri)
H.R. 283 (Maloney, NY)

Require Candidate Reports to Aggregate by Local Residents.

H.R. 151 (Petri)

Advertising Issues

Bills in this category would change terms under which candidates communicate their messages, including rates charged and identification (disclaimer) required.

Augment Identification (Disclaimer) Requirements

H.R. 380 (Shays-Meehan)

Identification Requirement for Push Polls/Phone Banks

H.R. 150 (Petri)
H.R. 151 (Petri)

H.R. 283 (Maloney, NY)
H.R. 365 (Moore)

Require Candidate Appearance in Ads Referring to Opponent

H.R. 156 (Price, NC)

Foreign Nationals

Federal law prohibits foreign nationals from directly or indirectly making contributions in any U.S. election, but exempts permanent resident aliens, those with “green cards.” These bills would further restrict the role of foreign nationals. Some refer to “non-citizens;” some make broader reference to persons not eligible to register to vote in U.S. elections (foreign nationals, convicted felons, and minors.)

Prohibit Contributions or Expenditures by Non-Citizens

H.R. 35 (Bereuter) – removes permanent resident alien exemption

Prohibit Foreign National Contributions or Their Solicitation

H.R. 380 (Shays-Meehan) – including soft money

Clearinghouse to Coordinate Foreign Lobbying/Election Disclosure

H.R. 380 (Shays-Meehan)

Prohibit Soft Money from Foreign Nationals

H.R. 380 (Shays-Meehan)

H.R. 1019 (Burton) – donations to parties and independent expenditures

Guarantee All Eligible Voters’ Right to Participate/Contribute

H.R. 380 (Shays-Meehan)

Clarify that U.S. Nationals Are Not Affected by Foreign National Ban

H.R. 380 (Shays-Meehan)

H.R. 1447 (Faleomavega)

Increase Penalties for Violations

H.R. 380 (Shays-Meehan)

Provide for Expulsion of Members in Violation

H.R. 380 (Shays-Meehan) – under House Rules

Prohibit Use of “Willful Blindness” Defense

H.R. 380 (Shays-Meehan)

Miscellaneous

Create Study Commission to Recommend Reforms

H.R. 380 (Shays-Meehan)

Prohibit/Restrict Bundling

H.R. 151 (Petri) – by PACs and lobbyists

H.R. 1445 (English)

Presidential Elections

Abolish Public Funding System.

H.R. 27 (Bartlett) – for nominating conventions only

H.R. 151 (Petri)

H.R. 191 (Stump)

H.R. 1444 (Doolittle)

Require Pledge To Raise No Soft Money for Election.

H.R. 380 (Shays-Meehan)

Add Fines on Candidates Raising Private Funds/Evading Limits.

H.R. 380 (Shays-Meehan)

Regulation of Fundraising on Government Property

Broaden Ban to Include Soft Money.

H.R. 380 (Shays-Meehan)

H.R. 1039 (Terry)

H.R. 1150 (Hutchinson)

Presidential and Vice Presidential Property.

H.R. 380 (Shays-Meehan) – White House meals and accommodations

Air Force/Marine One and Two.

H.R. 380 (Shays-Meehan) – restricts use; party to reimburse at fair market charter value

Full-Cost Reimbursement for Political Travel of Non-Officeholders.

H.R. 380 (Shays-Meehan)

Clarify “Controlling Legal Authority” Prohibition.

H.R. 380 (Shays-Meehan)

Disclosure on Use of Government Aircraft in Campaigns.

H.R. 380 (Shays-Meehan)

Lengthen Pre-election Ban on Franked Mass Mailings

H.R. 380 (Shays-Meehan)

Strengthen Ban on Contributions in Name of Another

H.R. 1019 (Burton)

Restrict/Prohibit Minors’ Contributions

H.R. 380 (Shays-Meehan)

Prohibit Acceptance of Cash Contributions

H.R. 1150 (Hutchinson) – over \$100

Prohibit False Representation in Fundraising

H.R. 380 (Shays-Meehan)

Restrict or Require Use of Candidates’ Names

H.R. 380 (Shays-Meehan)

Combat Voter Fraud and Election Day Abuses

H.R. 380 (Shays-Meehan) – ban “walking around money”

Statement of Findings

H.R. 1444 (Doolittle) – regarding impact of regulation of campaign financing

Chapter III. House Bill Summaries: Numerical Order

H.R. 27 (Bartlett)—Political Convention Reform Act of 2001

Miscellaneous. Repeals public funding of presidential nominating conventions.

Introduced Jan. 3, 2001; referred to Committee on House Administration.

H.R. 35 (Bereuter)—Illegal Foreign Contributions Prohibition Act of 2001

Foreign. Prohibits contributions or expenditures by non-citizens in connection with any U.S. election and by anyone who is neither a U.S. citizen nor national in connection with federal elections (ends permanent resident alien exemption for federal elections).

Introduced Jan. 3, 2001; referred to Committee on House Administration.

H.R. 150 (Petri)

FEC. Requires disclosure by sponsors of push polls whose results are not public, including cost, funding sources, number of households contacted, and questions asked.

Advertising. Requires identification of all push poll sponsors to respondents.

Introduced Jan. 3, 2001; referred to Committee on House Administration.

H.R. 151 (Petri)

Individuals (Hard Money). Establishes a 50% tax credit for contributions to newsletter funds and to candidates, parties, and political committees or organizations seeking to influence federal, state, and local elections, up to \$100 a year (\$200 on joint returns).

PACs (Hard Money). Lowers PAC contribution limit to \$2,000.

Candidates (Hard Money). Removes limits on party contributions to House general election candidates whose opponents spend between \$1,000 and \$150,000 in personal funds, to extent of opponents' expenditure; removes limits on individual contributions and, in the general election, on party contributions, to all candidates in House races if any candidate's personal spending exceeds \$150,000, up to the amount of that candidate's expenditure.

In-state/-district (Hard Money). Requires majority of House and Senate campaign funds from state residents.

Issue Advocacy (Soft Money). Defines “expressly advocating” as discussions of a candidate’s qualifications, views, or fitness for office, or as explicit requests to vote for or against a specified candidate.

FEC. Requires disclosure by sponsors of push polls whose results are not public, including cost, funding sources, number of households contacted, and questions asked; requires candidates to aggregate contributions by local residents.

Advertising. Requires identification of all push poll sponsors to respondents.

Miscellaneous. Abolishes presidential election public funding system; prohibits PACs and lobbyists from being intermediaries or conduits of contributions to federal candidates.

Introduced Jan. 3, 2001; jointly referred to Committees on House Administration and Ways and Means.

H.R. 156 (Price, NC)—Stand by Your Ad Act

Advertising. Augments disclaimer requirements, to include statements of responsibility by candidates in candidate ads and of sponsorship and intent in non-candidate ads, to comprise at least 10% of space in print ads, to be spoken before camera or with voice-over photo in TV ads (full-screen), and be spoken in radio ads.

Introduced Jan. 3, 2001; referred to Committee on House Administration.

H.R. 191 (Stump)

Miscellaneous. Repeals public funding of presidential elections.

Introduced Jan. 3, 2001; referred to Committee on Ways and Means.

H.R. 277 (Jones, NC)

Soft Money: Non-Party. Permits 501(c) tax-exempt organizations to participate in political campaigns, within prescribed limits for political and lobbying activity spending; establishes a level of such spending beyond which the organization would be subject to taxation (depending upon the size of its budget) and a ceiling on such spending, beyond which the organization would lose its tax-exempt status.

Introduced Jan. 30, 2001; referred to Committee on Ways and Means.

H.R. 283 (Maloney, NY)—Voters’ Right to Know Act of 2001

FEC. Regarding federal election phone banks: requires FEC disclosure of costs, receipts, text of questions, and number of households contacted.

Advertising. Requires a disclaimer to identify the sponsor of federal election phone bank communications.

Introduced Jan. 30, 2001; referred to Committee on House Administration.

H.R. 289 (Mink)

Soft Money: Party. Bans any soft money spending to influence federal elections.

Introduced Jan. 30, 2001; referred to Committee on House Administration.

H.R. 355 (Jones, NC)—Nonprofit Political Speech Protection Act

Soft Money: Non-Party. Permits 501(c) tax-exempt organizations to participate in political campaigns, within prescribed limits for political and lobbying activity spending; establishes a level of such spending beyond which the organization would be subject to taxation (depending upon the size of its budget) and a ceiling on such spending, beyond which the organization would lose its tax-exempt status.

Introduced Jan. 31, 2001; referred to Committee on Ways and Means.

H.R. 365 (Moore)—Campaign Telemarketers Disclosure Act of 2001

Advertising. Requires sponsor identification in telephone calls which refer to federal candidates during the last 30 days of a federal election (except if caller is not compensated for making calls or if call's primary purpose is commercial).

Introduced Jan. 31, 2001; referred to Committee on House Administration.

H.R. 380 (Shays-Meehan)—Bipartisan Campaign Finance Reform Act of 2001

Individuals (Hard Money). Raises aggregate individual limit to \$30,000 per year; raises limit on individual contributions to state parties to \$10,000 per year.

Candidates (Hard Money). Specifies permissible uses and bans personal use of campaign funds; prohibits party coordinated expenditures on behalf of House or Senate general election candidates not abiding by voluntary limit of \$50,000 in contributions and loans from personal and family funds (primary or general election).

Independent Expenditures (Hard Money). Defines *independent expenditure* as containing express advocacy and made without coordination with a candidate, agent, or person coordinating with candidate; requires 48 hour notice of independent expenditures of \$10,000 or more, up to 20 days before an election (and 24 hour notice of expenditures above \$1,000 in last 20 days, same as currently); prohibits parties from making both independent and coordinated expenditures for a general election candidate; prohibits conciliation agreements in cases in which FEC

has found probable cause of knowing and willful violations of independent expenditure disclosure requirements.

Coordination (Hard and Soft Money).

- ! Amends contribution definition to include a *coordinated activity*, defined as anything of value provided in connection with a federal candidate's election by anyone who in that election cycle has acted in coordination with that candidate (or agent) in connection with his or her election, regardless of whether express advocacy;
- ! *coordinated activity* includes payments: (1) in cooperation, consultation, or concert with, or at request or suggestion of, or pursuant to an understanding with, a candidate, his or her party, or an agent acting on behalf thereof; (2) for production, dissemination, or republication of material prepared by candidate or agent (excluding news stories and independent expenditures), except for materials republished from candidate's website at cost of less than \$1,000; (3) by a spender who in that election cycle has been an employee, fundraiser, or agent of a candidate in executive or policymaking role, or has participated (on a non-incident basis) in discussions with candidate, agent, or party that is coordinating with candidate, about campaign strategy and tactics (*i.e.*, advertising, message, resource allocation, fundraising, and campaign operations); or (4) by spender who has retained professional services of anyone who in that election cycle has provided those services to the candidate, directly or through his or her party, including for polling, media, fundraising, campaign research, political advice, or direct mail (except for mailhouse services);
- ! declares any party expenditure for a communication referring to a clearly identified candidate in connection with a federal election, regardless of whether express advocacy, to have been made in coordination with that party's candidate, unless party certifies no coordination;
- ! deems a *coordinated activity* a contribution to or expenditure by a candidate.

Soft Money: Party.

- ! Prohibits national party committees from soliciting, receiving, directing, transferring, or spending soft money, including an entity directly or indirectly established, financed, maintained, or controlled by a national party committee and an agent acting on behalf thereof;
- ! prohibits spending of soft money for a *federal election activity* by state and local party committees, including an entity directly or indirectly established, financed, maintained, or controlled by a state or local party committee and an agent acting on behalf thereof, or controlled by and acting on behalf of one or more state or local candidates or officials (permits principal campaign committees of state or local candidates to raise and spend funds under state law, but not for a federal election activity referring to a clearly identified federal candidate);
- ! defines *federal election activity* to include: (1) voter registration drives in last 120 days of a federal election; (2) voter identification, get-out-the-vote drives, and generic activity in connection with an election in which a federal candidate is on the ballot; (3) *public communications* that refer to a clearly identified federal candidate and promote, support, attack, or oppose a

candidate for that office (regardless of whether it expressly advocates a vote for or against); and (4) services by a state or local party employee who spends at least 25% of paid time in a month on activities in connection with a federal election;

- ! *public communications* defined as communications by broadcast, cable, satellite, newspaper, magazine, outdoor advertising, mass mailing (over 500 identical or substantially similar pieces mailed within 30 days of each other), or phone bank (over 500 identical or substantially similar calls made within 30 days of each other);
- ! allows state parties to spend money on activities exclusively devoted to non-federal elections;
- ! prohibits party committees from using soft money to raise funds for use at least in part on federal election activities;
- ! prohibits party committees or agents from raising money for, or giving to, 501(c) or 527 tax-exempt organizations;
- ! prohibits federal candidates, officeholders, agents, or entities directly or indirectly established, maintained, financed, or controlled by them from raising soft money in connection with a federal election (including any *federal election activity*) or money from sources beyond federal limits and prohibitions in non-federal elections;
- ! requires disclosure by national parties of all activity (federal and non-federal) and by state and local parties of federal election activities;
- ! ends building fund exemption.

Soft Money: Non-Party. Requires unions, corporations, and other groups or entities—other than party committees or religious organizations—to disclose all exempt activities (but only internal communications referring to federal candidates), once \$50,000 has been spent; requires unions to give reasonable notice to dues-paying non-members of rights to disallow political use of their funds and to establish and implement an objection procedure regarding such payments.

Issue Advocacy (Soft Money).

- ! Defines “express advocacy” communications as advocating election or defeat of a candidate by: (1) using either explicit phrases, or words or slogans that in context can have no other reasonable meaning than election advocacy; (2) referring to a candidate in a paid radio or TV broadcast ad that appears in affected state within 60 days of election (or, for President, within 60 days, regardless of where ad appears); or (3) expressing unmistakable, unambiguous election advocacy, when taken as a whole and with limited reference to external events;
- ! exempts, from definition, printed or Internet voting guides and records about at least one candidate, which: (1) taken as a whole do not express unambiguous support for candidates (but may include words of agreement or disagreement with candidate positions); (2) are not coordinated with a candidate or party (but allowing questions to candidates and their responses, for the guides); and (3) contain no words or phrases that in context have no reasonable meaning other than election advocacy;
- ! excludes background music (but not lyrics) from determinations of whether an ad constitutes express advocacy;

- ! amends expenditure definition to include payment for communications referring to clearly identified candidates, for purpose of federal election influence (regardless of whether it constitutes express advocacy);
- ! prohibits publicly-funded presidential candidates from coordinating soft money issue advocacy (as defined) with parties.

FEC.

- ! Allows random audits of campaigns within 12 months after election;
- ! increases civil penalties for violations, adds automatic penalties for late filing (requiring that penalty schedule enacted in 2000 be taken into account), and provides for equitable remedies in conciliation agreements;
- ! expedites enforcement procedures in cases where there is clear and convincing evidence that a violation has occurred, is occurring, or is about to occur;
- ! allows FEC to refer suspected violations to Attorney General at any time;
- ! changes standard to begin enforcement proceedings to “reason to investigate” standard;
- ! increases criminal penalties for knowing and willful violations of contribution and expenditure limits to mandatory prison term of one to 10 years;
- ! allows Justice Department to bring criminal actions at any time, without waiting for FEC referral;
- ! allows candidates to institute civil actions for suspected violations in last 90 days of election, with expedited court review;
- ! provides that contributions over \$500 that a committee intends to return (after a specified period) be placed in an FEC escrow account, pending investigation of possible violations, with money used toward fines, penalties, and investigation costs, and contributions returned if no reason to investigate possible violation is found within 180 days of deposit;
- ! prohibits candidates from depositing contributions over \$200 unless required itemized information is complete;
- ! lowers threshold for itemizing contributions to \$50 (to include only name and address).

Advertising. Amends disclaimer requirements to make them more prominent and visible.

Foreign. Bans direct or indirect contributions from foreign nationals (including soft money), or their solicitation or receipt, or any promise to make such donations, in connection with any U.S. election or to a national party committee (but retains permanent resident alien exemption); clarifies that ban does not apply to U.S. nationals; ensures all eligible voters equal rights to contribute and spend money in federal elections, including through a PAC set up by their union or corporate employer; denies “willful blindness” as a defense against charge of violating foreign national fundraising ban, if recipient should have known that contribution was from foreign national; mandates penalties for violating foreign national ban of up to 10 years prison, \$1 million fine, or both; requires House Ethics Committee to report and make a recommendation (including a privileged motion for possible expulsion) regarding Member convicted of violating foreign national ban; creates FEC clearinghouse of information on political and lobbying activities of foreign principals and agents.

Miscellaneous.

- ! Creates temporary commission to propose federal campaign finance reforms, to be considered by Congress under fast-track procedures;
- ! bans false representation to raise funds;
- ! requires candidate name in any authorized committee name and bans non-candidate committee use of candidate name;
- ! bans franked mass mailings within 180 days of Member's general and 90 days of primary election;
- ! bans contributions by minors to candidates or parties;
- ! bans solicitation or receipt of contributions, including soft money, *by* federal officials and *from* anyone, in any federal government building used to discharge official duties;
- ! requires fines of up to \$1 million, up to three years in prison, or both, on publicly-funded presidential and vice presidential candidates who seek to evade spending limits by additional fundraising from private sources;
- ! requires publicly-funded candidates to certify that they will not raise soft money to benefit their elections;
- ! bans use of White House meals or accommodations for political fundraising;
- ! expresses sense of Congress that "controlling legal authority" prohibits use of federal property to raise campaign funds;
- ! prohibits acceptance or solicitation of anything of value to obtain access to Air Force One or Two, Marine One or Two, White House, or Vice President's residence;
- ! requires national party to reimburse Treasury at fair market charter rate for use of Air Force One to raise money for party;
- ! requires federal candidates (not holding federal office) who use federal government vehicles for campaign purposes to reimburse Treasury at full cost;
- ! requires Internet disclosure of non-government passengers on Air Force One or Two within 30 days (or disclosure to leaders of Select Intelligence Committee if national security concerns);
- ! bans political committees' providing currency to encourage voter turnout ("walking around money");
- ! if any provision of Act or statute is held unconstitutional, remainder of Act or statute will be unaffected.

Introduced Jan. 31, 2001; jointly referred to Committees on House Administration, Education and the Workforce, Government Reform, Judiciary, Ways and Means, and Rules.

H.R. 449 (Gilcrest)

PACs (Hard Money). Bans (multicandidate) PAC contributions to federal candidates.

Introduced Feb. 6, 2001; referred to Committee on House Administration.

H.R. 450 (Gilchrest)

In-state/-district (Hard Money). Bans House candidate receipt of contributions from non-resident individuals.

Introduced Feb. 6, 2001; referred to Committee on House Administration.

H.R. 527 (Vitter)

Issue Advocacy (Soft Money). Exempts state and local political organizations which disclose financial activity under state laws from notification and reporting requirements under P.L. 106-230 (mandating disclosure by 527 organizations).

Introduced Feb. 8, 2001; referred to Committee on Ways and Means.

H.R. 1019 (Burton)—Conduit Contribution Prevention Act of 2001

Foreign. Prohibits foreign nationals from donating soft money to political parties or for independent expenditures.

Miscellaneous. Increases civil and criminal penalties for knowing and willful violations of prohibition on contributions in the name of another, with mandatory referral to Attorney General if FEC finds probable cause violation has occurred.

Introduced Mar. 14, 2001; referred to Committee on House Administration.

H.R. 1039 (Terry)—Open and Accountable Campaign Financing Act of 2001

Individuals (Hard Money). Raises limit on contributions to candidates to \$3,000 per election; raises limit on contributions to national party committees to \$60,000 per year; raises limit on contributions to PACs/other committees to \$15,000 per year; raises annual aggregate contribution limit to \$75,000; indexes limits for inflation, as of 2003.

PACs (Hard Money). Raises limit on contributions to candidates to \$7,500 per election; raises limit on contributions to national party committees to \$30,000 per year; raises limit on contributions to other PACs/committees to \$7,500 per year; indexes limits for inflation, as of 2003; allows unlimited number of annual solicitations by trade associations to member corporations' restricted classes; expands definition of *administrative and executive personnel* in a corporation's restricted class.

Parties (Hard Money). Raises limit on contributions to candidates to \$7,500 per election or, for national party committees, a total of \$15,000 per election; raises limit on contributions to PACs/other committees to \$7,500 per year; raises special limit on combined contributions to Senate candidates from national and senatorial party committees to \$90,000 (in general election year); indexes limits for inflation, as of 2003.

Soft Money: Party. Imposes a \$90,000 annual limit on receipt of soft money by a national party committee (or an entity it directly or indirectly establishes, maintains, finances, or controls) from any individual or entity; imposes a \$90,000 annual limit on soft money donations by any individual or entity to all national party committees; indexes limit, based on 2001; makes limit contingent upon satisfactory Supreme Court review; codifies FEC regulations requiring disclosure of national party soft money receipts and disbursements.

Issue Advocacy (Soft Money). Requires broadcasters to maintain and make available for public inspection records of broadcast time requests by candidates or by other entities whose message relates to a political matter of national importance, including about a legally qualified candidate, a federal election, or a legislative issue of public importance; records must include: whether request was accepted; rate charged; date and time message aired; class of time purchased; identification of candidate and office, election, or issue referred to; and identity of purchaser (including officers of any non-candidate entity).

FEC. Indexes penalty amounts, retroactive to years in which they were set; requires candidates to file monthly reports in election years and quarterly reports in non-election years; requires national party committees to file monthly reports in all years; requires FEC to post disclosed information on Internet within 24 hours of receipt; requires Senate candidates to file reports directly with FEC.

Miscellaneous. Adds party soft money to ban on solicitation of political donations from federal government property.

Introduced Mar. 15, 2001; jointly referred to Committees on House Administration, Judiciary, and Energy and Commerce.

H.R. 1080 (Linder)–Federal Election Reform Act of 2001

Soft Money: Party. Prohibits national party committees from soliciting, receiving, spending, or directing soft money.

Soft Money: Non-Party. Removes exemptions for corporate and union treasury political spending aimed at their restricted classes; requires disclosure by corporations, unions, and non-profit organizations of all spending or transfers for activities in connection with federal elections (including for public communications that mention a federal candidate within 90 days of an election).

Issue Advocacy. Requires disclosure by corporations, unions, and non-profit organizations of all spending or transfers for activities in connection with federal elections, including for public communications that mention a federal candidate within 90 days of an election.

Introduced Mar. 15, 2001; referred to Committee on House Administration.

H.R. 1150 (Hutchinson)—Campaign Integrity Act of 2001

Individuals (Hard Money). Raises limit on contributions to candidates to \$3,000 per candidate, per election; raises limit on contributions to national party committees to \$60,000 per year; raises aggregate annual limit to \$100,000; indexes limits, as of 2003.

PACs (Hard Money). Raises limit on contributions to candidates to \$7,500 per candidate, per election; raises limit on contributions to national parties to \$45,000 per year; raises limit on contributions to other PACs to \$7,500 per year; indexes contribution limits, as of 2003; broadens prohibition against force and reprisals by separate segregated funds.

Parties (Hard Money). Raises limit on contributions by national parties to \$15,000 per candidate, per election; repeals coordinated expenditure limits; indexes contribution limits, as of 2003.

Soft Money: Party. Prohibits national party committees from raising, soliciting, directing, or spending soft money; prohibits federal candidates/officeholders from raising soft money in connection with a federal election, money from sources beyond federal limits and prohibitions in non-federal elections, or soft money in connection with, or for a communication that identifies, a federal candidate (exempts home-state party fundraiser attendance); bans inter-state party transfers of non-federal funds.

Soft Money: Non-Party. Requires unions to give reasonable notice to dues-paying non-members of rights to disallow use of their funds for non-collective bargaining purposes and to provide relevant ratios of spending by union; creates objection procedures, imposes penalties for violations, and establishes procedures for civil action by employees.

Issue Advocacy. Requires disclosure (to Clerk of House or Secretary of Senate) of broadcast communications referring to federal candidates—by name, representation, or likeness, including amount spent and identification of spender, once spending exceeds \$25,000 a year for one or \$100,000 for all federal candidates.

FEC.

- ! Changes standard for initiating action from “reason to believe” to “reason to seek additional information” regarding possible violations;
- ! requires FEC to issue written responses to questions where the law is clear and unambiguous;
- ! applies “safe harbor” protection for anyone acting in good faith, relying on written response;
- ! requires FEC to publish requests and responses and to compile an index thereof;
- ! requires standard form for complaints, and requires clear statement by FEC that any complaint filed is under investigation and has not been verified or proven;

- ! provides that contributions over \$500 that a committee intends to return (after 90 days of receipt) be placed in an FEC escrow account, pending investigation of possible violations, with money used toward fines, penalties, and investigation costs and contributions returned if no reason to believe a violation occurred is found within 180 days of deposit;
- ! makes permanent new FEC administrative fine schedule for minor reporting violations;
- ! allows issuance of subpoenas and notifications of intent to seek additional information, with signature of any member of FEC;
- ! abolishes *ex officio* FEC membership of House Clerk and Secretary of Senate;
- ! requires monthly disclosure by candidate committees in all years and by committees in election years;
- ! requires FEC to provide free, standardized software to those filing reports electronically;
- ! requires Senate candidates to file reports directly with FEC.

Miscellaneous. Prohibits solicitation or acceptance in federal buildings of contributions or donations (including of soft money) in connection with an election to federal office, any political committee, or any party committee; prohibits acceptance of cash contributions of over \$100.

Introduced Mar. 21, 2001; jointly referred to Committees on House Administration, Education and the Workforce, and Judiciary.

H.R. 1444 (Doolittle)—Citizen Legislature and Political Freedom Act

Individuals. Abolishes all contribution limits, after 2002.

PACs. Abolishes all contribution limits, after 2002.

Parties. Abolishes all contribution limits, after 2002.

Soft Money: Party. Requires disclosure of all national party transfers of funds to state and local parties; requires state and local parties to file copies with the FEC of any disclosure reports required under state law.

Soft Money: Non-Party. Prohibits unions from using dues or agency fees for political activity, as defined, without prior, written authorization from all workers.

FEC. Changes name of FEC to Federal Campaign Regulation Commission; requires electronic filing of reports by all committees; requires posting of information within 24 hours on Internet; requires all committees to notify FEC within 24 hours of all donations in last 90 days of election; revokes “best efforts” exemption for identifying contributors of over \$200 in a year.

Miscellaneous. Terminates presidential public funding system; states a series of Findings which attribute contemporary problems with campaign financing to the effects of government regulation.

Introduced Apr. 4, 2001; jointly referred to Committees on House Administration, and Ways and Means.

H.R. 1445 (English)

Individuals (Hard Money). Requires that at least 50% of House and Senate campaign contributions come from individuals.

In-state. Requires that at least 50% of House and Senate campaign contributions come from residents of that district or state, respectively.

Miscellaneous. Prohibits bundling of contributions (*i.e.*, those made through intermediaries or conduits).

Introduced Apr. 4, 2001; referred to Committee on House Administration.

H.R. 1447 (Faleomavega)

Foreign. Clarifies that U.S. nationals have the right to contribute money in U.S. elections.

Introduced Apr. 4, 2001; referred to Committee on House Administration.

H.J.Res. 2 (Dingell)

Spending/Benefits (Hard Money). Proposed constitutional amendment to give Congress authority to limit expenditures in federal elections.

H.J.Res. 4 (Leach)

Candidates (Hard Money). Proposed constitutional amendment to give Congress and the states the power to regulate the amounts of expenditures candidates may make from personal and immediate family funds, including personal loans.

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