

106TH CONGRESS
2D SESSION

H. R. 4037

To amend the Federal Election Campaign Act of 1971 to improve the efficiency of the Federal Election Commission, to authorize appropriations for the Commission for fiscal year 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2000

Mr. HOYER (for himself, Mr. FATTAH, and Mr. DAVIS of Florida) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to improve the efficiency of the Federal Election Commission, to authorize appropriations for the Commission for fiscal year 2001, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “FEC Reform and Authorization Act of 2000”.

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

Sec. 1. Short title; table of contents.

Sec. 2. References in act.

TITLE I—PROMOTING DISCLOSURE OF CAMPAIGN INFORMATION

- Sec. 101. Disclosure of transfers of funds by national political parties.
- Sec. 102. Disclosure of non-Federal receipts and disbursements of national political parties.
- Sec. 103. Granting Commission authority to waive reporting requirements or modify deadlines.
- Sec. 104. Prohibiting fraudulent misrepresentation in solicitation of contributions.
- Sec. 105. Regulation of contributions and expenditures of draft committees.
- Sec. 106. Permitting principal campaign committees to file reports on monthly basis.
- Sec. 107. Uniform 15-day deadline for semiannual, year-end, and monthly reports.
- Sec. 108. Clarification of permissible use of facsimile machines and electronic mail to file reports.
- Sec. 109. Requiring actual receipt of certain independent expenditure reports within 24 hours.
- Sec. 110. Requiring monthly filing for certain multicandidate political action committees.
- Sec. 111. 24-hour reporting of all contributions made within 20 days of election.
- Sec. 112. Including report on cumulative contributions and expenditures in post election reports.
- Sec. 113. Clarification of election cycle reporting of certain expenditures.

TITLE II—CONTRIBUTIONS AND EXPENDITURES

- Sec. 201. Application of aggregate contribution limit on calendar year basis during non-election years.
- Sec. 202. Extension of ban on foreign contributions to all campaign-related disbursements; protecting equal participation of eligible voters.
- Sec. 203. Treatment of lines of credit obtained by candidates as commercially reasonable loans.
- Sec. 204. Broader prohibition against force and reprisals.
- Sec. 205. Repeal Secretary of Commerce reports on district-specific population.
- Sec. 206. Technical correction regarding treatment of honoraria.
- Sec. 207. Banning acceptance of cash contributions greater than \$100.

TITLE III—PROMOTING ENFORCEMENT OF CAMPAIGN FINANCE LAWS

- Sec. 301. Authorization of FEC to issue immunity orders.
- Sec. 302. Making alternative procedures permanent for imposition of penalties for reporting violations.
- Sec. 303. Extension of post-election period for audits for cause.
- Sec. 304. Standard for initiation of actions.
- Sec. 305. Signature authority of members of Commission for subpoenas and reason-to-believe notification.
- Sec. 306. Stronger disclaimer language for complaints.
- Sec. 307. Authority to seek injunction.
- Sec. 308. Permitting referral to Attorney General at any stage of enforcement process.

TITLE IV—PUBLIC FINANCING OF PRESIDENTIAL ELECTION
CAMPAIGNS

- Sec. 401. Eligibility threshold for primary matching funds.
 Sec. 402. Elimination of State-specific expenditure limits for primary candidates.
 Sec. 403. Elimination of separate limit on expenditures for fundraising for primary candidates.
 Sec. 404. Eligibility requirements for public financing.
 Sec. 405. Deposit of repayments into presidential election campaign fund.
 Sec. 406. Banning contributions to presidential candidates certified to receive public financing.

TITLE V—OTHER MISCELLANEOUS PROVISIONS

- Sec. 501. Authorization of appropriations for Federal Election Commission.
 Sec. 502. Requiring FEC to update national voting systems standards.
 Sec. 503. Abolition of ex officio membership of Clerk of House of Representatives and Secretary of Senate on Commission.

TITLE VI—EFFECTIVE DATE

- Sec. 601. Effective date.

1 SEC. 2. REFERENCES IN ACT.

2 Except as otherwise specifically provided, whenever in
 3 this Act an amendment is expressed in terms of an amend-
 4 ment to or repeal of a section or other provision, the ref-
 5 erence shall be considered to be made to that section or
 6 other provision of the Federal Election Campaign Act of
 7 1971 .

8 TITLE I—PROMOTING DISCLO-
9 SURE OF CAMPAIGN INFOR-
10 MATION

11 SEC. 101. DISCLOSURE OF TRANSFERS OF FUNDS BY NA-
12 TIONAL POLITICAL PARTIES.

13 Section 304(b)(4) (2 U.S.C. 434(b)(4)) is amended—
 14 (1) by striking “and” at the end of subpara-
 15 graph (H);

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

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

5 “(J) in the case of a political committee of
6 a national political party, all funds transferred
7 to any political committee of a State or local
8 political party, without regard to whether or not
9 the funds are otherwise treated as contributions
10 or expenditures under this title;”.

11 **SEC. 102. DISCLOSURE OF NON-FEDERAL RECEIPTS AND**
12 **DISBURSEMENTS OF NATIONAL POLITICAL**
13 **PARTIES.**

14 Section 304 (2 U.S.C. 434) is amended by adding
15 at the end the following new subsection:

16 “(d)(1) In addition to the information required to be
17 included under subsection (b), in the case of a political
18 committee of a national political party, each report filed
19 under this section shall include the following information
20 with respect to the reporting period and the calendar year:

21 “(A) Each person who donates funds in an ag-
22 gregate amount or value in excess of \$200 during
23 the calendar year to any of the committee’s non-
24 Federal accounts or to the committee’s building
25 fund, together with the date of receipt by the com-

1 mittee and the name, mailing address, and occupa-
2 tion or type of business of the donor.

3 “(B) Each person to whom the committee
4 makes a disbursement of funds in an aggregate
5 amount or value in excess of \$200 during the cal-
6 endar year from any of the committee’s non-Federal
7 accounts or from the committee’s building fund, to-
8 gether with the date of disbursement by the com-
9 mittee and the name, mailing address, and occupa-
10 tion or type of business of the recipient.

11 “(2) The Commission shall ensure that any electronic
12 database maintained by the Commission which contains
13 information on the receipts and disbursements of a polit-
14 ical committee of a national political party permits the
15 users of such database to find information on receipts and
16 disbursements of both the Federal and non-Federal ac-
17 counts of such committee.”.

18 **SEC. 103. GRANTING COMMISSION AUTHORITY TO WAIVE**
19 **REPORTING REQUIREMENTS OR MODIFY**
20 **DEADLINES.**

21 Section 304 (2 U.S.C. 434), as amended by section
22 102, is further amended by adding at the end the following
23 new subsection:

24 “(e) The Commission may relieve any person or cat-
25 egory of persons of the obligation to file any of the reports

1 required by this section, or may change the due dates of
2 any of the reports required by this section, if it determines
3 that such action is consistent with the purposes of this
4 title. During each calendar quarter, the Commission shall
5 publish a list of each waiver granted under this subsection
6 during the previous quarter.”.

7 **SEC. 104. PROHIBITING FRAUDULENT MISREPRESENTA-**
8 **TION IN SOLICITATION OF CONTRIBUTIONS.**

9 Section 322 (2 U.S.C. 441h) is amended—

10 (1) by striking “No person” and inserting “(a)
11 No person”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(b) No person may—

15 “(1) fraudulently misrepresent himself or her-
16 self or any entity under the person’s control as solie-
17 iting contributions for or on behalf of any candidate
18 or political party; or

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

22 **SEC. 105. REGULATION OF CONTRIBUTIONS AND EXPENDI-**
23 **TURES OF DRAFT COMMITTEES.**

24 (a) IN GENERAL.—

1 (1) TREATMENT AS CONTRIBUTIONS.—Section
2 301(8)(A) (2 U.S.C. 431(8)(A)) is amended—

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

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

7 (C) by adding at the end the following new
8 clause:

9 “(iii) any gift, subscription, loan, advance, or
10 deposit of money or anything of value made by any
11 person for the purpose of influencing any clearly
12 identified individual to seek nomination or election
13 to Federal office.”.

14 (2) TREATMENT AS EXPENDITURES.—Section
15 301(9)(A) (2 U.S.C. 431(9)(A)) is amended—

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

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

20 (C) by adding at the end the following new
21 clause:

22 “(iii) any purchase, payment, distribution, loan,
23 advance, deposit, or gift of money or anything of
24 value made by any person for the purpose of influ-

1 encing any clearly identified individual to seek nomi-
2 nation or election to Federal office.”.

3 (b) APPLICATION TO CORPORATIONS AND LABOR OR-
4 GANIZATIONS.—Section 316(b)(2) (2 U.S.C. 441b(b)(2))
5 is amended in the matter preceding subparagraph (A) by
6 inserting after “in this section,” the following: “and shall
7 include any contribution described in section
8 301(8)(A)(iii) and any expenditure described in section
9 301(9)(A)(iii),”.

10 **SEC. 106. PERMITTING PRINCIPAL CAMPAIGN COMMITTEES**
11 **TO FILE REPORTS ON MONTHLY BASIS.**

12 Section 304(a) (2 U.S.C. 434(a)) is amended—

13 (1) in paragraph (2), by striking “If” and in-
14 serting “Except as provided in paragraph (12), if”;
15 and

16 (2) by adding at the end the following new
17 paragraph:

18 “(12)(A) A political committee which is the principal
19 campaign committee of a candidate for the House of Rep-
20 resentatives or for the Senate may file monthly reports
21 in accordance with this paragraph in lieu of the reports
22 required to be filed under paragraph (2), except that—

23 “(i) in addition to such monthly reports, the
24 committee shall file a pre-election report in accord-
25 ance with paragraph (2)(A)(i) with respect to any

1 primary election in which the candidate participates,
2 except that in the case of a primary election occur-
3 ring during the first 20 days of a month, the Com-
4 mission may waive the requirement to file such pre-
5 election report or the requirement to file the report
6 otherwise due under this paragraph during the
7 month, or may revise the deadlines otherwise appli-
8 cable for submitting such reports; and

9 “(ii) in lieu of filing the reports otherwise due
10 under this paragraph in November and December of
11 any year in which a regularly scheduled general elec-
12 tion is held, a pre-general election report shall be
13 filed in accordance with paragraph (2)(A)(i), a post-
14 general election report shall be filed in accordance
15 with paragraph (2)(A)(ii), and a year end report
16 shall be filed no later than January 31 of the fol-
17 lowing calendar year.

18 “(B) Monthly reports under this paragraph shall be
19 filed by the treasurer of the committee no later than the
20 20th day after the last day of the month and shall be com-
21 plete as of the last day of the month.”.

22 **SEC. 107. UNIFORM 15-DAY DEADLINE FOR SEMIANNUAL,**
23 **YEAR-END, AND MONTHLY REPORTS.**

24 (a) SEMIANNUAL REPORTS.—Section 304(a) (2
25 U.S.C. 434(a)) is amended—

1 (1) in paragraphs (2)(B)(i) and (4)(B)(iv), by
2 striking “July 31” and inserting “July 15”; and

3 (2) in paragraphs (2)(B)(ii) and (4)(B)(iv), by
4 striking “January 31” and inserting “January 15”.

5 (b) YEAR-END REPORTS.—

6 (1) FINAL QUARTER REPORT FOR COMMITTEES
7 REPORTING QUARTERLY.—Section 304(a) (2 U.S.C.
8 434(a)) is amended in paragraphs (2)(A)(iii) and
9 (4)(A)(i), by striking “: except that” and all that
10 follows through “year”.

11 (2) REPORTS OF OTHER COMMITTEES.—Section
12 304(a) (2 U.S.C. 434(a)) is amended in paragraphs
13 (3)(A)(i), (4)(B), and (12)(B) by striking “January
14 31” and inserting “January 15”.

15 (c) MONTHLY REPORTS.—Section 304(a) (2 U.S.C.
16 434(a)) is amended in paragraphs (3)(A)(i), (3)(B)(i),
17 (4)(B), and (12)(B) by striking “20th day” and inserting
18 “15th day”.

19 **SEC. 108. CLARIFICATION OF PERMISSIBLE USE OF FAC-**
20 **SIMILE MACHINES AND ELECTRONIC MAIL**
21 **TO FILE REPORTS.**

22 Section 304(a)(11)(A)(i) (2 U.S.C.
23 434(a)(11)(A)(i)), as amended by section 639(a) of the
24 Treasury and General Government Appropriations Act,
25 2000 (Public Law 106–58), is amended by inserting after

1 “computers” the following: “(including by facsimile device
2 or electronic mail in the case of any report required to
3 be filed within 24 hours after the transaction reported has
4 occurred)”.

5 **SEC. 109. REQUIRING ACTUAL RECEIPT OF CERTAIN INDE-**
6 **PENDENT EXPENDITURE REPORTS WITHIN 24**
7 **HOURS.**

8 (a) IN GENERAL.—Section 304(c)(2) (2 U.S.C.
9 434(c)(2)) is amended in the matter following subpara-
10 graph (C)—

11 (1) by striking “shall be reported” and insert-
12 ing “shall be filed”; and

13 (2) by adding at the end the following new sen-
14 tence: “Notwithstanding subsection (a)(5), the time
15 at which the statement under this subsection is re-
16 ceived by the Secretary, the Commission, or any
17 other recipient to whom the notification is required
18 to be sent shall be considered the time of filing of
19 the statement with the recipient.”.

20 (b) CONFORMING AMENDMENT.—Section 304(a)(5)
21 (2 U.S.C. 434(a)(5)) is amended by striking “or
22 (4)(A)(ii)” and inserting “or (4)(A)(ii), or the second sen-
23 tence of subsection (c)(2)”.

1 **SEC. 110. REQUIRING MONTHLY FILING FOR CERTAIN**
2 **MULTICANDIDATE POLITICAL ACTION COM-**
3 **MITTEES.**

4 (a) **IN GENERAL.**—Section 304(a)(3) (2 U.S.C.
5 434(a)(3)) is amended—

6 (1) in the matter preceding subparagraph (A),
7 by striking “President—” and inserting “President
8 or is a multicandidate political committee described
9 in section 315(a)(4)—”;

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

12 (3) in subparagraph (B) in the matter pre-
13 ceding clause (i), by striking “calendar year,” and
14 inserting “calendar year in the case of a committee
15 which is the principal campaign committee of a can-
16 didate for the office of President,”;

17 (4) by striking the period at the end of sub-
18 paragraph (B) and inserting “; and”;

19 (5) by adding at the end the following new sub-
20 paragraph:

21 “(C) in any other calendar year in the case of
22 a multicandidate political committee described in
23 section 315(a)(4), the treasurer shall file reports in
24 accordance with paragraph (4).”.

25 (b) **CONFORMING AMENDMENT.**—Section 304(a)(4)
26 (2 U.S.C. 434(a)(4)) is amended in the matter preceding

1 subparagraph (A) by striking “All political committees”
2 and inserting “Except as otherwise provided in this sub-
3 section, all political committees”.

4 **SEC. 111. 24-HOUR REPORTING OF ALL CONTRIBUTIONS**
5 **MADE WITHIN 20 DAYS OF ELECTION.**

6 Section 304(a)(6)(A) (2 U.S.C. 434(a)(6)(A)) is
7 amended—

8 (1) by striking “after the 20th day, but more
9 than 48 hours before any election” and inserting
10 “during the period which begins on the 20th day be-
11 fore an election and ends at the time the polls close
12 for such election”; and

13 (2) by striking “48 hours” the second place it
14 appears and inserting the following: “24 hours (or,
15 if earlier, by midnight of the day on which the con-
16 tribution is deposited)”.

17 **SEC. 112. INCLUDING REPORT ON CUMULATIVE CONTRIBU-**
18 **TIONS AND EXPENDITURES IN POST ELEC-**
19 **TION REPORTS.**

20 Section 304(a)(7) (2 U.S.C. 434(a)(7)) is amended—

21 (1) by striking “(7)” and inserting “(7)(A)”;
22 and

23 (2) by adding at the end the following new sub-
24 paragraph:

1 “(B) In the case of any report required to be filed
2 by this subsection which is the first report required to be
3 filed after the date of an election, the report shall include
4 a statement of the total contributions received and expend-
5 itures made as of the date of the election.”.

6 **SEC. 113. CLARIFICATION OF ELECTION CYCLE REPORTING**
7 **OF CERTAIN EXPENDITURES.**

8 (a) IN GENERAL.—Section 304(b) (2 U.S.C. 434(b)),
9 as amended by section 641(a) of the Treasury and General
10 Government Appropriations Act, 2000 (Public Law 106–
11 58), is amended—

12 (1) in paragraph (5)(A), by inserting after “cal-
13 endar year” the following: “(or election cycle, in the
14 case of an authorized committee of a candidate for
15 Federal office)”;

16 (2) in paragraph (6)(A), by striking “calendar
17 year (or election cycle, in the case of an authorized
18 committee of a candidate for Federal office)” and
19 inserting “election cycle”; and

20 (3) in paragraphs (6)(B)(iii) and (6)(B)(v), by
21 striking “(or election cycle, in the case of an author-
22 ized committee of a candidate for Federal office)”
23 each place it appears.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to reporting periods
3 beginning after December 31, 2000.

4 **TITLE II—CONTRIBUTIONS AND**
5 **EXPENDITURES**

6 **SEC. 201. APPLICATION OF AGGREGATE CONTRIBUTION**
7 **LIMIT ON CALENDAR YEAR BASIS DURING**
8 **NON-ELECTION YEARS.**

9 Section 315(a)(3) (2 U.S.C. 441a(a)(3)) is amended
10 by striking the second sentence.

11 **SEC. 202. EXTENSION OF BAN ON FOREIGN CONTRIBU-**
12 **TIONS TO ALL CAMPAIGN-RELATED DIS-**
13 **BURSEMENTS; PROTECTING EQUAL PARTICI-**
14 **PATION OF ELIGIBLE VOTERS.**

15 (a) PROHIBITION ON DISBURSEMENTS BY FOREIGN
16 NATIONALS.—Section 319 (2 U.S.C. 441e) is amended—

17 (1) in the heading, by striking “contributions”
18 and inserting “donations and other disbursements”;

19 (2) in subsection (a), by striking “contribution”
20 each place it appears and inserting “donation or
21 other disbursement”; and

22 (3) in subsection (a), by striking the semicolon
23 and inserting the following: “, including any dona-
24 tion or other disbursement to a political committee

1 of a political party and any donation or other dis-
2 bursement for an independent expenditure;”.

3 (b) CODIFICATION OF REGULATIONS PROHIBITING
4 USE OF FOREIGN FUNDS BY MULTICANDIDATE POLIT-
5 ICAL COMMITTEES; PROTECTING EQUAL PARTICIPATION
6 OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS.—

7 Section 319 (2 U.S.C. 441e) is amended—

8 (1) by redesignating subsection (b) as sub-
9 section (d); and

10 (2) by inserting after subsection (a) the fol-
11 lowing new subsections:

12 “(b) It shall be unlawful for any person organized
13 under or created by the laws of the United States or of
14 any State or other place subject to the jurisdiction of the
15 United States to make any donation or other disbursement
16 to any candidate for political office in connection with an
17 election for any political office, or to make any donation
18 or other disbursement to any political committee or to any
19 organization or account created or controlled by any
20 United States political party, unless such donation or dis-
21 bursement is derived solely from funds generated from
22 such person’s own business activities in the United States.

23 “(c) Nothing in this Act may be construed to prohibit
24 any individual eligible to vote in an election for Federal
25 office from making contributions or expenditures in sup-

1 port of a candidate for such an election (including vol-
2 untary contributions or expenditures made through a sep-
3 arate segregated fund established by the individual’s em-
4 ployer or labor organization) or otherwise participating in
5 any campaign for such an election in the same manner
6 and to the same extent as any other individual eligible to
7 vote in an election for such office.”.

8 (b) **EFFECTIVE DATE.**—The amendments made by
9 this section shall apply with respect to contributions, do-
10 nations, and other disbursements made on or after the
11 date of the enactment of this Act.

12 **SEC. 203. TREATMENT OF LINES OF CREDIT OBTAINED BY**
13 **CANDIDATES AS COMMERCIALY REASON-**
14 **ABLE LOANS.**

15 Section 301(8)(B) (2 U.S.C. 431(8)(B)) is
16 amended—

17 (1) by striking “and” at the end of clause (xiii);

18 (2) by striking the period at the end of clause
19 (xiv) and inserting “; and”; and

20 (3) by adding at the end the following new
21 clause:

22 “(xv) any loan of money derived from an ad-
23 vance on a candidate’s brokerage account, credit
24 card, home equity line of credit, or other line of
25 credit available to the candidate, if such loan is

1 made in accordance with applicable law and under
2 commercially reasonable terms and if the person
3 making such loan makes loans in the normal course
4 of the person’s business.”.

5 **SEC. 204. BROADER PROHIBITION AGAINST FORCE AND RE-**
6 **PRISALS.**

7 Section 316(b)(3) (2 U.S.C. 441b(b)(3)) is
8 amended—

9 (1) by redesignating subparagraphs (A) through
10 (C) as subparagraphs (B) through (D); and

11 (2) by inserting before subparagraph (B) (as so
12 redesignated) the following new subparagraph:

13 “(A) for such a fund to cause another person
14 to make a contribution or expenditure by physical
15 force, job discrimination, financial reprisals, or the
16 threat of force, job discrimination, or financial re-
17 prisal;”.

18 **SEC. 205. REPEAL SECRETARY OF COMMERCE REPORTS ON**
19 **DISTRICT-SPECIFIC POPULATION.**

20 (a) REPEAL REPORT BY SECRETARY OF COMMERCE
21 ON DISTRICT-SPECIFIC VOTING AGE POPULATION.—Sec-
22 tion 315(e) (2 U.S.C. 441a(e)) is amended by striking
23 “States, of each State, and of each congressional district”
24 and inserting “States and of each State”.

1 (b) DEADLINE FOR REPORTING OF CERTAIN AN-
2 NUAL ESTIMATES TO COMMISSION.—

3 (1) PRICE INDEX.—Section 315(c)(1) (2 U.S.C.
4 441a(c)(1)) is amended—

5 (A) by striking “At the beginning” and in-
6 serting “Not later than February 15”; and

7 (B) by striking “as there become available
8 necessary data from the Bureau of Labor Sta-
9 tistics of the Department of Labor,”.

10 (2) VOTING AGE POPULATION.—Section 315(e)
11 (2 U.S.C. 441a(e)) is amended by striking “During
12 the first week of January 1975, and every subse-
13 quent year,” and inserting “Not later than February
14 15 of 1975 and each subsequent year,”.

15 **SEC. 206. TECHNICAL CORRECTION REGARDING TREAT-**
16 **MENT OF HONORARIA.**

17 Section 301(8)(B) (2 U.S.C. 431(8)(B)), as amended
18 by section 203, is further amended—

19 (1) by adding “and” at the end of clause (xiii);

20 (2) by striking clause (xiv); and

21 (3) by redesignating clause (xv) as clause (xiv).

22 **SEC. 207. BANNING ACCEPTANCE OF CASH CONTRIBU-**
23 **TIONS GREATER THAN \$100.**

24 Section 315 (2 U.S.C. 441a) is amended by adding
25 at the end the following new subsection:

1 “(i) No candidate or political committee may accept
2 any contributions of currency of the United States or cur-
3 rency of any foreign country from any person which, in
4 the aggregate, exceed \$100.”.

5 **TITLE III—PROMOTING EN-**
6 **FORCEMENT OF CAMPAIGN**
7 **FINANCE LAWS**

8 **SEC. 301. AUTHORIZATION OF FEC TO ISSUE IMMUNITY OR-**
9 **DERS.**

10 Section 6001(1) of title 18, United States Code, is
11 amended by inserting “the Federal Election Commission,”
12 after “the Federal Deposit Insurance Corporation,”.

13 **SEC. 302. MAKING ALTERNATIVE PROCEDURES PERMA-**
14 **NENT FOR IMPOSITION OF PENALTIES FOR**
15 **REPORTING VIOLATIONS.**

16 (a) **IN GENERAL.**—Section 640(c) of the Treasury
17 and General Government Appropriations Act, 2000 (Pub-
18 lic Law 106–58), is amended by striking “between Janu-
19 ary 1, 2000 and December 31, 2001” and inserting “on
20 or after January 1, 2000”.

21 (b) **EFFECTIVE DATE.**—The amendment made by
22 subsection (a) shall take effect as if included in the enact-
23 ment of the Treasury and General Government Appropria-
24 tions Act, 2000.

1 **SEC. 303. EXTENSION OF POST-ELECTION PERIOD FOR AU-**
2 **DITS FOR CAUSE.**

3 The sixth sentence of section 311(b) (2 U.S.C.
4 438(b)) is amended by striking “6 months” and inserting
5 “12 months”.

6 **SEC. 304. STANDARD FOR INITIATION OF ACTIONS.**

7 (a) IN GENERAL.—Section 309(a)(2) (2 U.S.C.
8 437g(a)(2)) is amended by striking “it has reason to be-
9 lieve” and all that follows through “of 1954,” and insert-
10 ing the following: “it has a reason to seek additional infor-
11 mation regarding a possible violation of this Act or of
12 chapter 95 or chapter 96 of the Internal Revenue Code
13 of 1986 that has occurred or is about to occur (based on
14 the same criteria applicable under this paragraph prior to
15 the enactment of the FEC Reform and Reauthorization
16 Act of 2000),”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall apply with respect to complaints filed
19 on or after January 1, 2001.

20 **SEC. 305. SIGNATURE AUTHORITY OF MEMBERS OF COM-**
21 **MISSION FOR SUBPOENAS AND REASON-TO-**
22 **BELIEVE NOTIFICATION.**

23 (a) ISSUANCE OF SUBPOENAS.—Section 307(a)(3) (2
24 U.S.C. 437d(a)(3)) is amended by striking “signed by the
25 chairman or the vice chairman” and inserting “signed by
26 any member of the Commission”.

1 (b) NOTIFICATIONS OF ALLEGED VIOLATION.—Sec-
2 tion 309(a)(2) (2 U.S.C. 437g(a)(2)) is amended by strik-
3 ing “through its chairman or vice chairman” and inserting
4 “through any of its members”.

5 **SEC. 306. STRONGER DISCLAIMER LANGUAGE FOR COM-**
6 **PLAINTS.**

7 Section 309(a)(1) (2 U.S.C. 437g(a)(1)) is
8 amended—

9 (1) by striking “(a)(1)” and inserting
10 “(a)(1)(A)”; and

11 (2) by adding at the end the following new sub-
12 paragraph:

13 “(B) The written notice of a complaint provided by
14 the Commission under subparagraph (A) to a person al-
15 leged to have committed a violation referred to in the com-
16 plaint shall include a cover letter (in a form prescribed
17 by the Commission) and the following statement: ‘The en-
18 closed complaint has been filed against you with the Fed-
19 eral Election Commission. The Commission has simply re-
20 ceived this complaint and will make no decision to pursue
21 or dismiss the complaint for a period of at least 15 days
22 from your receipt of this complaint. You may, if you wish,
23 submit a written statement to the Commission explaining
24 why the Commission should take no action against you
25 based on this complaint. If the Commission should decide

1 to seek additional information, you will be notified and be
2 given further opportunity to respond.’”.

3 **SEC. 307. AUTHORITY TO SEEK INJUNCTION.**

4 (a) IN GENERAL.—Section 309(a) (2 U.S.C.
5 437g(a)) is amended by adding at the end the following
6 new paragraph:

7 “(13) AUTHORITY TO SEEK INJUNCTION.—

8 “(A) IN GENERAL.—At any time in a pro-
9 ceeding described in paragraph (1), (2), (3), or (4),
10 the Commission may initiate a civil action for a tem-
11 porary restraining order or preliminary injunction
12 pending the outcome of such proceeding if the Com-
13 mission believes that—

14 “(i) there is a substantial likelihood that a
15 violation of this Act is occurring or is about to
16 occur;

17 “(ii) the failure to act expeditiously will re-
18 sult in irreparable harm to a party affected by
19 the potential violation;

20 “(iii) expeditious action will not cause
21 undue harm or prejudice to the interests of oth-
22 ers; and

23 “(iv) the public interest would be best
24 served by the issuance of an injunction;

1 “(B) VENUE.—An action under subparagraph
2 (A) shall be brought in the United States district
3 court for the district in which the defendant resides,
4 transacts business, or may be found, or in which the
5 violation is occurring, has occurred, or is about to
6 occur.”.

7 (b) CONFORMING AMENDMENTS.—Section 309(a) (2
8 U.S.C. 437g(a)) is amended—

9 (1) in paragraph (7), by striking “(5) or (6)”
10 and inserting “(5), (6), or (13)”; and

11 (2) in paragraph (11), by striking “(6)” and in-
12 serting “(6) or (13)”.

13 **SEC. 308. PERMITTING REFERRAL TO ATTORNEY GENERAL**
14 **AT ANY STAGE OF ENFORCEMENT PROCESS.**

15 Section 309(a)(5) (2 U.S.C. 437g(a)(5)) is amended
16 by striking subparagraph (C) and inserting the following:

17 “(C) The Commission may at any time, by an affirm-
18 ative vote of at least 4 of its members, refer a possible
19 violation of this Act or chapter 95 or 96 of the Internal
20 Revenue Code of 1986, to the Attorney General of the
21 United States, without regard to any limitation set forth
22 in this section.”.

1 **TITLE IV—PUBLIC FINANCING**
2 **OF PRESIDENTIAL ELECTION**
3 **CAMPAIGNS**

4 **SEC. 401. ELIGIBILITY THRESHOLD FOR PRIMARY MATCH-**
5 **ING FUNDS.**

6 Section 9033(b)(3) of the Internal Revenue Code of
7 1986 (26 U.S.C. 9033(b)(3)) is amended by striking “20
8 States” and inserting “30 States”.

9 **SEC. 402. ELIMINATION OF STATE-SPECIFIC EXPENDITURE**
10 **LIMITS FOR PRIMARY CANDIDATES.**

11 Section 315(b)(1)(A) (2 U.S.C. 441a(b)(1)(A)) is
12 amended by striking “, except the aggregate” and all that
13 follows through “\$200,000”.

14 **SEC. 403. ELIMINATION OF SEPARATE LIMIT ON EXPENDI-**
15 **TURES FOR FUNDRAISING FOR PRIMARY**
16 **CANDIDATES.**

17 (a) IN GENERAL.—Section 301(9)(B)(vi) (2 U.S.C.
18 431(9)(B)(vi)) is amended—

19 (1) by inserting “with respect to a general elec-
20 tion” after “such a candidate”; and

21 (2) by striking “section 315(b)” and inserting
22 “section 315(b)(1)(B)”.

23 (b) ESTABLISHMENT OF UNIFIED EXPENDITURE
24 LIMITATION.—Section 315(b)(1)(A) (2 U.S.C.

1 441a(b)(1)(A)) is amended by striking “\$10,000,000”
2 and inserting “\$12,000,000”.

3 **SEC. 404. ELIGIBILITY REQUIREMENTS FOR PUBLIC FI-**
4 **NANCING.**

5 (a) **ELIGIBILITY FOR GENERAL ELECTION.**—Section
6 9003 of the Internal Revenue Code of 1986 (26 U.S.C.
7 9003) is amended by adding at the end the following new
8 subsection:

9 “(f) **INELIGIBILITY OF CERTAIN CANDIDATES.**—A
10 candidate shall not be eligible to receive payments under
11 section 9006 if—

12 “(1) the candidate has been convicted of will-
13 fully violating any provision of this chapter or chap-
14 ter 96;

15 “(2) the candidate has failed to make any re-
16 payment required under section 9007 or section
17 9038; or

18 “(3) the candidate would not be eligible to serve
19 as President if elected.”.

20 (b) **ELIGIBILITY FOR PRIMARY ELECTIONS.**—Section
21 9033 of such Code (26 U.S.C. 9033) is amended by add-
22 ing at the end the following new subsection:

23 “(d) **INELIGIBILITY OF CERTAIN CANDIDATES.**—A
24 candidate shall not be eligible to receive payments under
25 section 9037 if—

1 “(1) the candidate has been convicted of will-
2 fully violating any provision of this chapter or chap-
3 ter 95;

4 “(2) the candidate has failed to make any re-
5 payment required under section 9007 or section
6 9038; or

7 “(3) the candidate would not be eligible to serve
8 as President if elected.”.

9 **SEC. 405. DEPOSIT OF REPAYMENTS INTO PRESIDENTIAL**
10 **ELECTION CAMPAIGN FUND.**

11 Section 9007(d) of the Internal Revenue Code of
12 1986 (26 U.S.C. 9007(d)) is amended by striking “in the
13 general fund of the Treasury” and inserting “in the fund”.

14 **SEC. 406. BANNING CONTRIBUTIONS TO PRESIDENTIAL**
15 **CANDIDATES CERTIFIED TO RECEIVE PUBLIC**
16 **FINANCING.**

17 Section 315 (2 U.S.C. 441a), as amended by section
18 207, is further amended by adding at the end the following
19 new subsection:

20 “(j) Except to the extent permitted under sections
21 9003(b)(2) and 9003(c)(2) of the Internal Revenue Code
22 of 1986, no person may make any contribution to a can-
23 didate for election for President who is eligible to receive
24 benefits with respect to such election under chapter 95

1 of such Code by making a certification described in section
2 9003(b) and section 9003(e) of such Code.”.

3 **TITLE V—OTHER**
4 **MISCELLANEOUS PROVISIONS**

5 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR FED-**
6 **ERAL ELECTION COMMISSION.**

7 The second sentence of section 314 (2 U.S.C. 439c)
8 is amended—

9 (1) by striking “and” after “1978”; and

10 (2) by striking the period at the end and insert-
11 ing the following: “, and \$40,960,000 for the fiscal
12 year ending September 30, 2001.”.

13 **SEC. 502. REQUIRING FEC TO UPDATE NATIONAL VOTING**
14 **SYSTEMS STANDARDS.**

15 Upon the request of the National Voting System
16 Board, the Federal Election Commission shall (directly or
17 by contract) update the current national voting systems
18 standards and conduct ongoing analyses of the techno-
19 logical advances to the equipment, and shall publish the
20 updated standards for such equipment.

21 **SEC. 503. ABOLITION OF EX OFFICIO MEMBERSHIP OF**
22 **CLERK OF HOUSE OF REPRESENTATIVES**
23 **AND SECRETARY OF SENATE ON COMMIS-**
24 **SION.**

25 Section 306(a) (2 U.S.C. 437c(a)) is amended—

1 (1) in paragraph (1), by striking “the Secretary
2 of the Senate and the Clerk” and all that follows
3 through “right to vote, and”; and

4 (2) in paragraphs (3), (4), and (5), by striking
5 “(other than the Secretary of the Senate and the
6 Clerk of the House of Representatives)” each place
7 it appears.

8 **TITLE VI—EFFECTIVE DATE**

9 **SEC. 601. EFFECTIVE DATE.**

10 Except as otherwise provided, the amendments made
11 by this Act shall apply with respect to elections occurring
12 after January 2001.

○