

HR 2356

Bipartisan Campaign Reform Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Jun 28, 2001

Current Status: Became Public Law No: 107-155.

Latest Action: Became Public Law No: 107-155. (Mar 27, 2002)

Law: 107-155 (Enacted Mar 27, 2002)

Official Text: https://www.congress.gov/bill/107th-congress/house-bill/2356

Sponsor

Name: Rep. Shays, Christopher [R-CT-4]

Party: Republican • State: CT • Chamber: House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Meehan, Martin T. [D-MA-5]	D · MA		Jun 28, 2001

Committee Activity

Committee	Chamber	Activity	Date
Committee on House Administration	House	Reported By	Jul 11, 2001
Energy and Commerce Committee	House	Referred to	Jul 9, 2001
Judiciary Committee	House	Discharged From	Jul 11, 2001

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
107 HCONRES 361	Related bill	Mar 25, 2002: Message on Senate action sent to the House.
107 HRES 203	Procedurally related	Feb 12, 2002: Pursuant to the provisions of H. Res. 344, H. Res. 203 is laid on the table.
107 HRES 344	Procedurally related	Feb 12, 2002: Motion to reconsider laid on the table Agreed to without objection.
107 HRES 188	Procedurally related	Jul 12, 2001: On agreeing to the resolution Failed by the Yeas and Nays: 203 - 228 (Roll no. 228). (text: CR H3980)
107 HR 2360	Related bill	Jul 10, 2001: Placed on the Union Calendar, Calendar No. 74.
107 S 27	Related bill	Jun 18, 2001: Referred to the Subcommittee on Telecommunications and the Internet, for a period to be subsequently determined by the Chairman.
107 HR 380	Related bill	Mar 15, 2001: Referred to the Subcommittee on Employer-Employee Relations.

Bipartisan Campaign Reform Act of 2002 - **Title I: Reduction of Special Interest Influence** - Amends the Federal Election Campaign Act of 1971 (FECA) to prohibit: (1) national political party committees (including any officer, agent, or entity they directly or indirectly establish, finance, maintain, or control) (officer, agent, or entity) from soliciting, receiving, directing, transferring, or spending money that is subject to FECA limitations, prohibitions, and reporting requirements; (2) soft money spending (not currently subject to FECA) for a Federal election activity, in general, by State, district, and local political party committees (including any officer, agent, or entity) or by an association or similar group of candidates for State or local office or State or local officials; (3) soft money spending for fundraising costs by any such committee, officer, agent, or entity; (4) national, State, district, or local political party committees (including national political party congressional campaign committees, entities, officers, or agents) from soliciting, any funds for, or making or directing any donations to certain tax-exempt organizations; and (5) candidates for Federal office, Federal office holders, or their agents from soliciting, receiving, directing, transferring, or spending funds in connection with a Federal election, including funds for any Federal election activity, unless they are subject to FECA limitations, prohibitions, and reporting requirements, or in connection with any non-Federal election unless such funds meet specified requirements.

(Sec. 101) Prohibits any funds for soft money accounts from being solicited, received, directed, transferred, or spent in the name of national political parties, Federal candidates or officials, or by joint fundraising activities by two or more party committees.

Defines Federal election activity to include: (1) voter registration activity in the last 120 days of a Federal election; (2) voter identification, get-out-the-vote, or generic campaign activity conducted 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 Federal office (regardless of whether they expressly advocate a vote for or against); or (4) services by a State, district, or local political party employee who spends at least 25 percent of paid time per month on activities in connection with a Federal election.

Defines generic campaign activity as a campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate.

Defines public communications as communications by means of any broadcast, cable, satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing (over 500 identical or substantially similar pieces mailed within any 30-day period), or phone bank (over 500 identical or substantially similar telephone calls made within any 30-day period) to the general public, or any other form of general public political advertising.

(Sec. 102) Increases limit on individual contributions to a State committee of a political party from \$5,000 to \$10,000 per year.

(Sec. 103) Codifies Federal Election Commission (FEC) regulations on disclosure of all national political party committee activity, both Federal and non-Federal.

Requires disclosure by State and local parties of spending on Federal election activities, including any soft money permitted to be used for such activities.

Terminates the building fund exception to the definition of contribution.

Title II: Noncandidate Campaign Expenditures - Subtitle A: Electioneering Communications - Amends FECA to require disclosure to the FEC of electioneering communications by any spender exceeding an aggregate of \$10,000 per

year in disbursements for them (including contracts to disburse), within 24 hours of each specified disbursement date (disclosure date).

(Sec. 201) Requires such disclosure to include: (1) identification of spender, of any person with control over the activities of such person, and of the custodian of the spender's books and accounts; (2) the spender's principal place of business (if the spender is not an individual); (3) amount of disbursements of over \$200 and identification of recipient; (4) the election and candidates to which communications pertain; and (5) identification of all contributors of \$1,000 or more (either to a separate segregated fund or, if none, to the spender).

Defines electioneering communication as any broadcast, cable, or satellite communication that refers to a clearly identified Federal candidate, made within 60 days of a general, special, or runoff election, or within 30 days of a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office the candidate seeks, and, in the case of a communication that refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate. Provides an alternative definition of the term if the first definition is held to be constitutionally insufficient. Lists exceptions to the definition of electioneering communication. Provides that a communication that refers to a clearly identified candidate for Federal office is "targeted to the relevant electorate" if the communication can be received by 50,000 or more persons in the district the candidate seeks to represent, in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, Congress or in the State the candidate seeks to represent, in the case of a candidate for Senator.

Directs the Federal Communications Commission (FCC) to compile, maintain, and publicize on its website any information the FEC may require to carry out these requirements.

(Sec. 202) Treats an electioneering communication that 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 as a contribution to, and expenditure by, such candidate or such party.

(Sec. 203) Bans disbursements for electioneering communications from union or certain corporate funds, except certain tax-exempt corporations making electioneering communications: (1) paid for exclusively with funds provided directly by individuals who are citizens or permanent resident aliens; and (2) which are not targeted electioneering communications.

Subtitle B: Independent and Coordinated Expenditures - Amends FECA to define independent expenditure as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate, and that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate's authorized political committee, or their agents, or a political party committee or its agents.

(Sec. 212) Outlines reporting requirements for certain independent expenditures, including the time frame for filing reports with the FEC on independent expenditures aggregating \$1,000 or more and \$10,000 or more.

(Sec. 213) Prohibits a committee of a political party from making both independent and coordinated expenditures for a general election candidate.

(Sec. 214) Provides that expenditures made by any person (other than a candidate or candidate's authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of, a national, State, or local committee of a political party, shall be considered to be contributions made to such party committee.

Repeals current FEC regulations, and directs the FEC to promulgate new regulations on coordinated communications

paid for by persons other than candidates, authorized committees of candidates, and party committees. Prohibits such regulations from requiring agreement or formal collaboration to establish coordination.

Title III: Miscellaneous - Amends FECA to codify FEC regulations on permissible uses for contributions and donations, while retaining the ban on the conversion of a contribution or donation to personal use.

(Sec. 302) Revises the ban under the Federal criminal code against solicitation or receipt of campaign contributions by Federal officials and from anyone located in any Federal government building used to discharge official duties. Extends the ban to: (1) specify State and local as well as Federal elections; and (2) cover soft money.

(Sec. 303) Amends FECA to revise the ban on campaign contributions from foreign nationals to include donations, expenditures, independent expenditures, disbursements for an electioneering communication, as well as contributions or donations to any political party committee.

(Sec. 304) Specifies formulae for increasing the limits on individual and political party committee contributions for a Senate candidate whose opponent exceeds the threshold level of spending from personal funds in the campaign, whose basic formula shall be \$150,000 plus \$0.04 times the voting age population.

Limits repayment of a candidate's personal loans incurred in connection with his or her campaign to \$250,000 from contributions made to the candidate or any authorized committee of the candidate after the election.

(Sec. 305) Declares that a candidate for Federal office shall not be entitled to the lowest unit rate broadcast time unless he or she certifies to the broadcast station that the candidate (or any of his or her authorized committees) will not refer directly to another candidate for the same office unless a broadcast ad includes the candidate's photo or image on TV and a statement of the candidate's approval printed for display on TV and spoken by the candidate on radio.

(Sec. 306) Amends FECA to require: (1) the FEC to promulgate standards for and to provide standardized software for filing FEC reports electronically; (2) candidates' use of such software; and (3) the FEC to post any information received electronically on the Internet as soon as practicable.

(Sec. 307) Raises: (1) the limit on aggregate individual contributions to national political party committees from \$20,000 to \$25,000 per year; (2) the limit on annual aggregate individual contributions to Federal candidates, political action committees (PACs), and parties from \$25,000 to \$37,500 in the case of contributions to candidates and the authorized committees of candidates, and to \$57,500 in the case of any other contributions, of which not more than \$37,500 may be attributable to contributions to political committees which are not political committees of national political parties during a specified period; and (3) the special limit on combined contributions to Senate candidates by national and senatorial party committees \$17,500 to \$35,000 in year of election.

Provides for indexing for inflation of limits on certain contributions and expenditures.

(Sec. 308) Amends Federal law on presidential inaugural ceremonies to require disclosure to the FEC by Presidential Inaugural Committees of any donation made to them in an aggregate amount equal to or greater than \$200. Bans foreign national donations to a Presidential Inaugural Committee. Directs the FEC to make any report filed by such a Committee accessible to the public at FEC offices and on the Internet.

(Sec. 309) Amends FECA to prohibit fraudulent misrepresentation in the solicitation of campaign funds.

(Sec. 310) Directs the Comptroller General to study and report to Congress on statistics for and effects of public financing

(clean money clean elections) of the 2000 elections in Arizona and Maine.

(Sec. 311) Amends FECA to require: (1) sponsorship identification on all election-related advertising (including on electioneering communications) by the political committee or other person paying for the communication and the name of any connected organization of the payor; and (2) enhanced visibility or other disclosure of such identification in the communication.

(Sec. 312) Increases criminal penalties for knowing and willful violations involving: (1) contributions, expenditures, or donations in amounts aggregating from \$2,000 to \$25,000 per year; and (2) contributions, expenditures, or donations in amounts aggregating \$25,000 or more per year.

(Sec. 313) Changes from three to five years the statute of limitations for criminal violations of Federal election law.

(Sec. 314) Directs the United States Sentencing Commission to promulgate penalty guidelines and to make legislative or administrative recommendations to Congress regarding enforcement of Federal election law.

(Sec. 315) Imposes specific civil money and criminal penalties for knowing and willful violations of the ban on contributions made in the name of another person (conduit contribution ban).

(Sec. 316) Provides that: (1) for purposes of determining the aggregate amount of expenditures from a candidate's personal funds used in determining the opposition personal funds amount in Senate elections, such aggregate amount shall include the gross receipts advantage of the candidate's authorized committee; and (2) the ban on contributions and donations from foreign nationals does not include U.S. nationals.

(Sec. 318) Prohibits contributions to candidates and donations to political party committees by individuals age 17 or younger.

(Sec. 319) Amends FECA to provide that if the opposition personal funds amount with respect to a candidate for election to Congress exceeds \$350,000: (1) the individual contribution limit with respect to the House of Representatives candidate shall be tripled (from \$1,000 to \$3,000); (2) the aggregate annual individual contribution limit (\$25,000) shall not apply with respect to any contribution made with respect to the candidate if the contribution is made under such increased limit; and (3) the limits on any expenditure by a State or national committee of a political party on behalf of the candidate shall not apply.

Title IV: Severability; Effective Date - Sets forth severability, effective date, and judicial review provisions.

Title V: Additional Disclosure Provisions - Amends FECA to require all designations, statements, reports, and notifications filed with the FEC to be available for public inspection in FEC offices and to be accessible to the public on the Internet within 48 hours after FEC receipt. (Retains the current law requirement that such disclosure materials filed electronically with FEC be accessible to the public on the Internet within 24 hours after FEC receipt).

(Sec. 502) Directs the FEC to maintain a central site on the Internet to make accessible to the public all publicly available election-related reports and information.

(Sec. 503) Amends FECA to require: (1) principal campaign committees of candidates for the House or for the Senate to file additional quarterly reports in non-election years; and (2) national committees of a political party to file monthly reports in all years.

(Sec. 504) Amends the Communications Act of 1934 to require a licensee to maintain, and make available for public

in an action, records of broadcast time numbers requests by an an babalt condidates, or to communicate massages
inspection, records of broadcast time purchase requests by or on behalf candidates, or to communicate messages relating to any political matter of national importance.

Actions Timeline

- Mar 27, 2002: Signed by President.
- Mar 27, 2002: Signed by President.
- Mar 27, 2002: Became Public Law No: 107-155.
- Mar 27, 2002: Became Public Law No: 107-155.
- Mar 26, 2002: Presented to President.
- Mar 26, 2002: Presented to President.
- Mar 22, 2002: Pursuant to the provisions of H. Con. Res. 361, enrollment corrections on H.R. 2356 have been made.
- Mar 20, 2002: Considered by Senate. (consideration: CR S2096-2161)
- Mar 20, 2002: Cloture on the measure invoked in Senate by Yea-Nay Vote. 68 32. Record Vote Number: 53.
- Mar 20, 2002: Passed/agreed to in Senate: Passed Senate without amendment by Yea-Nay Vote. 60 40. Record Vote Number: 54.
- Mar 20, 2002: Passed Senate without amendment by Yea-Nay Vote. 60 40. Record Vote Number: 54.
- Mar 20, 2002: Message on Senate action sent to the House.
- Mar 19, 2002: Considered by Senate. (consideration: CR S2018)
- Mar 18, 2002: Measure laid before Senate by unanimous consent.
- Mar 18, 2002: Cloture motion on the measure presented in Senate.
- Mar 14, 2002: Cloture motion on the motion to proceed to the measure withdrawn by unanimous consent in Senate.
- Mar 13, 2002: Motion to proceed to consideration of measure made in Senate. (consideration: CR S1840-1841)
- Mar 13, 2002: Cloture motion on the motion to proceed to the measure presented in Senate.
- Mar 13, 2002: Motion to proceed to consideration of measure withdrawn in Senate.
- Feb 27, 2002: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 318.
- Feb 26, 2002: Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- Feb 14, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Kingston amendment.
- Feb 14, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Ney amendment.
- Feb 14, 2002: The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2356.
- Feb 14, 2002: The previous question was ordered pursuant to the rule.
- Feb 14, 2002: Mr. Meehan moved to recommit with instructions to House Administration.
- Feb 14, 2002: DEBATE The House proceeded with 10 minutes of debate on the Meehan motion to recommit with instructions. The instructions contained in the motion require the Committee on House Administration to report the bill back to the House forthwith with an amendment to clarify language regarding expenditures of funds prior to January 1, 2003.
- Feb 14, 2002: The previous question on the motion to recommit with instructions was ordered without objection.
- Feb 14, 2002: On motion to recommit with instructions Agreed to by voice vote. (consideration: CR 2/13/2002 H465; text: CR 2/13/2002 H465)
- Feb 14, 2002: Passed/agreed to in House: On passage Passed by recorded vote: 240 189 (Roll no. 34).
- Feb 14, 2002: On passage Passed by recorded vote: 240 189 (Roll no. 34).
- Feb 14, 2002: Motion to reconsider laid on the table Agreed to without objection.
- Feb 13, 2002: Considered under the provisions of rule H. Res. 344. (consideration: CR H339-364, H369-466; text of measure as reported in House: CR H355-364)
- Feb 13, 2002: Rule provides for consideration of H.R. 2356 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. House Resolution 203 is laid on the table.
- Feb 13, 2002: House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 344 and Rule XXIII.
- Feb 13, 2002: The Speaker designated the Honorable Ray LaHood to act as Chairman of the Committee.
- Feb 13, 2002: GENERAL DEBATE The Committee of the Whole proceeded with one hour of general debate on H.R. 2356.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with forty

minutes of debate on the Armey amendment in the nature of a substitute.

- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with forty minutes of debate on the Ney amendment in the nature of a substitute.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 40 minutes of debate on the Shays amendment in the nature of a substitute.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Hyde amendment.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Green (TX) amendment.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Pickering amendment.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Watts (OK) amendment.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Capito (WV) amendment.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Sam Johnson (TX) amendment.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Combest (TX) amendment.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Wamp (TN) amendment.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Emerson amendment.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Wicker amendment.
- Feb 13, 2002: DEBATE Pursuant to the provisions of H. Res. 344, the Committee of the Whole proceeded with 20 minutes of debate on the Reynolds amendment.
- Feb 12, 2002: Rule H. Res. 344 passed House.
- Feb 12, 2002: ORDER OF PROCEDURE Mr. Reynolds asked unanimous consent that during consideration of H.R. 2356 in the Committee of the Whole pursuant to H. Res. 344, the Chair shall alternate recognition to offer the amendments specified in section 3 between the Majority Leader or a designee of the Majority Leader and Representatives Shays or Meehan or a designee of either Member only as follows: The Majority Leader for one amendment; Representative Shays or Meehan for one amendment; the Majority Leader for two amendments in sequence; Representatives Shays or Meehan for one amendment; the Majority Leader for two amendments in sequence; Representatives Shays or Meehan for one amendment; the Majority Leader for two amendments in sequence; Representatives Shays or Meehan for one amendment; the Majority Leader for two amendments in sequence; Representatives Shays or Meehan for one amendment; and the Majority Leader for one amendment. Agreed to without
- Feb 12, 2002: ORDER OF PROCEDURE (CONTINUED) Further, Mr. Reynolds asked unanimous consent that under section 3(a) of House Resolution 344, a Member listed in section 3(b) may designate another Member to announce, in accordance with section 3(c), the intention to offer any amendment allotted to him under section 3(b). Agreed to without objection.
- Feb 7, 2002: Rules Committee Resolution H. Res. 344 Reported to House. Rule provides for consideration of H.R. 2356 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. H. Res. 203 is laid on the table.
- Jul 12, 2001: Rules Committee Resolution H. Res. 188 Reported to House. Rule provides for consideration of H.R. 2356 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Waives points of order against consideration of the bill. Measure will be considered read. Specified amendments are in order. Makes in order only those amendments printed in H. Rept. 107-135. Waives points of order against the amendments. After passage of the bill, it shall be in order to consider S. 27 and waives all points of order against the Senate bill. Makes in order a motion to strike all after the eanacting clause of the Senate bill and insert in lieu thereof the provisions of H.R. 2356 as passed the House. Provides that if the motion to strike and insert is adopted and the Senate bill, as amended, is passed it shall be in order to move that the House insist on its amendment and request a conference with the Senate thereon.

Jul 12, 2001: Rule H. Res. 188 failed passage of House. (On January 24, 2002, a motion to discharge committee filed by Mr. Turner received the requisite 218 signatures. The Rules Committee was discharged from consideration of H. Res. 203. Discharge petition text with signatures.)

- Jul 10, 2001: Reported adversely by the Committee on House Administration. H. Rept. 107-131, Part I.
- Jul 10, 2001: Reported adversely by the Committee on House Administration. H. Rept. 107-131, Part I.
- Jul 10, 2001: House Committee on Energy and Commerce Granted an extension for further consideration ending not later than July 10, 2001.
- Jul 10, 2001: House Committee on Judiciary Granted an extension for further consideration ending not later than July 10, 2001.
- Jul 10, 2001: Committee on Energy and Commerce discharged.
- Jul 10, 2001: Committee on Energy and Commerce discharged.
- Jul 10, 2001: Committee on Judiciary discharged.
- Jul 10, 2001: Committee on Judiciary discharged.
- Jul 10, 2001: Placed on the Union Calendar, Calendar No. 73.
- Jul 9, 2001: Referred to the Subcommittee on Telecommunications and the Internet, for a period to be subsequently determined by the Chairman.
- Jun 28, 2001: Introduced in House
- Jun 28, 2001: Introduced in House
- Jun 28, 2001: Referred to the Committee on House Administration, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
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