

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2356, AS REPORTED  
OFFERED BY MR. NEY OF OHIO OR MR. WYNN OF  
MARYLAND**

Strike all after the enacting clause and insert the following:

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Campaign Reform and Citizen Participation Act of  
4 2001”.

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

Sec. 1. Short title; table of contents.

**TITLE I—SOFT MONEY OF NATIONAL PARTIES**

Sec. 101. Restrictions on soft money of national political parties.

**TITLE II—MODIFICATION OF CONTRIBUTION LIMITS**

Sec. 201. Increase in limits on certain contributions.

Sec. 202. Increase in limits on contributions to State parties.

Sec. 203. Treatment of contributions to national party under aggregate annual limit on individual contributions.

Sec. 204. Exemption of costs of volunteer campaign materials produced and distributed by parties from treatment as contributions and expenditures.

Sec. 205. Indexing.

**TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS**

Sec. 301. Disclosure of information on communications broadcast prior to election.

Sec. 302. Disclosure of information on targeted mass communications.

**TITLE IV—EFFECTIVE DATE**

Sec. 401. Effective date.



**TITLE I—SOFT MONEY OF  
NATIONAL PARTIES**

**SEC. 101. RESTRICTIONS ON SOFT MONEY OF NATIONAL  
POLITICAL PARTIES.**

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

“SOFT MONEY OF NATIONAL POLITICAL PARTIES

“SEC. 323. (a) PROHIBITING USE OF SOFT MONEY FOR FEDERAL ELECTION ACTIVITY.—A national committee of a political party (including a national congressional campaign committee of a political party) may not solicit, receive, or direct to another person a contribution, donation, or transfer of funds or any other thing of value for Federal election activity, or spend any funds for Federal election activity, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

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



1       “(c) APPLICABILITY.— This subsection shall apply to  
2 any political committee established and maintained by a  
3 national political party, any officer or agent of such a com-  
4 mittee acting on behalf of the committee, and any entity  
5 that is directly or indirectly established, maintained, or  
6 controlled by such a national committee.

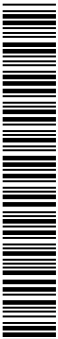
7       “(d) DEFINITIONS.—

8           “(1) FEDERAL ELECTION ACTIVITY.—

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

11           “(i) voter registration activity during  
12 the period that begins on the date that is  
13 120 days before the date a regularly sched-  
14 uled Federal election is held and ends on  
15 the date of the election, unless the activity  
16 constitutes generic campaign activity;

17           “(ii) voter identification or get-out-  
18 the-vote activity conducted in connection  
19 with an election in which a candidate for  
20 Federal office appears on the ballot (re-  
21 gardless of whether a candidate for State  
22 or local office also appears on the ballot),  
23 unless the activity constitutes generic cam-  
24 paign activity;



1 “(iii) any public communication that  
2 refers to or depicts a clearly identified can-  
3 didate for Federal office (regardless of  
4 whether a candidate for State or local of-  
5 fice is also mentioned or identified) and  
6 that promotes or supports a candidate for  
7 that office, or attacks or opposes a can-  
8 didate for that office (regardless of wheth-  
9 er the communication expressly advocates  
10 a vote for or against a candidate); or

11 “(iv) any public communication made  
12 by means of any broadcast, cable, or sat-  
13 ellite communication.

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

24 “(2) GENERIC CAMPAIGN ACTIVITY.—The term  
25 ‘generic campaign activity’ means any activity that



1 does not mention, depict, or otherwise promote a  
2 clearly identified Federal candidate.

3 “(3) PUBLIC COMMUNICATION.—The term  
4 ‘public communication’ means a communication by  
5 means of any broadcast, cable, or satellite commu-  
6 nication, newspaper, magazine, outdoor advertising  
7 facility, or direct mail.

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

## 11 **TITLE II—MODIFICATION OF** 12 **CONTRIBUTION LIMITS**

### 13 **SEC. 201. INCREASE IN LIMITS ON CERTAIN CONTRIBU-** 14 **TIONS.**

15 (a) CONTRIBUTIONS BY INDIVIDUALS TO NATIONAL  
16 PARTIES.—Section 315(a)(1)(B) of the Federal Election  
17 Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(B)) is  
18 amended by striking “\$20,000” and inserting “\$30,000”.

19 (b) CONTRIBUTIONS BY COMMITTEES TO NATIONAL  
20 PARTIES.—Section 315(a)(2)(B) of such Act (2 U.S.C.  
21 441a(a)(2)(B)) is amended by striking “\$15,000” and in-  
22 serting “\$30,000”.

23 (c) AGGREGATE ANNUAL LIMIT ON CONTRIBUTIONS  
24 BY INDIVIDUALS.—Section 315(a)(3) of such Act (2



1 U.S.C. 441a(a)(3)) is amended by striking “\$25,000” and  
2 inserting “\$37,500”.

3 **SEC. 202. INCREASE IN LIMITS ON CONTRIBUTIONS TO**  
4 **STATE PARTIES.**

5 (a) CONTRIBUTIONS BY INDIVIDUALS.—Section  
6 315(a)(1) of the Federal Election Campaign Act of 1971  
7 (2 U.S.C. 441a(a)(1)) is amended—

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

10 (2) in subparagraph (C)—

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

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

16 (3) by adding at the end the following:

17 “(D) to a political committee established and  
18 maintained by a State committee of a political party  
19 in any calendar year which, in the aggregate, exceed  
20 \$10,000.”.

21 (b) CONTRIBUTIONS BY COMMITTEES.—Section  
22 315(a)(2) of the Federal Election Campaign Act of 1971  
23 (2 U.S.C. 441a(a)(2)) is amended—

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



1 (2) in subparagraph (C)—

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

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

7 (3) by adding at the end the following:

8 “(D) to a political committee established and  
9 maintained by a State committee of a political party  
10 in any calendar year which, in the aggregate, exceed  
11 \$10,000.”.

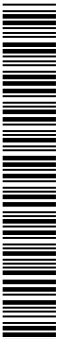
12 **SEC. 203. TREATMENT OF CONTRIBUTIONS TO NATIONAL**  
13 **PARTY UNDER AGGREGATE ANNUAL LIMIT**  
14 **ON INDIVIDUAL CONTRIBUTIONS.**

15 Section 315(a)(3) of the Federal Election Campaign  
16 Act of 1971 (2 U.S.C. 441(a)(3)) is amended—

17 (1) by striking “(3)” and inserting “(3)(A)”;  
18 and

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

21 “(B) Subparagraph (A) shall not apply with respect  
22 to any contribution made to any political committee estab-  
23 lished and maintained by a national political party which  
24 is not the authorized political committee of any can-  
25 didate.”.



1 **SEC. 204. EXEMPTION OF COSTS OF VOLUNTEER CAMPAIGN**  
2 **MATERIALS PRODUCED AND DISTRIBUTED**  
3 **BY PARTIES FROM TREATMENT AS CON-**  
4 **TRIBUTIONS AND EXPENDITURES.**

5 (a) TREATMENT AS CONTRIBUTIONS.—Section  
6 301(8)(B)(x) of the Federal Election Campaign Act of  
7 1971 (2 U.S.C. 431(8)(B)(x)) is amended by striking “a  
8 State or local committee of a political party of the costs  
9 of” and inserting “a national, State, or local committee  
10 of a political party of the costs of producing and distrib-  
11 uting”.

12 (b) TREATMENT AS EXPENDITURES.—Section  
13 301(9)(B)(viii) of the Federal Election Campaign Act of  
14 1971 (2 U.S.C. 431(9)(B)(viii)) is amended by striking  
15 “a State or local committee of a political party of the costs  
16 of” and inserting “a national, State, or local committee  
17 of a political party of the costs of producing and distrib-  
18 uting”.

19 **SEC. 205. INDEXING.**

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

22 (1) in paragraph (1)—

23 (A) by striking the second and third sen-  
24 tences;

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





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

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

4 “(i) a limitation established by subsections (a),  
5 (b), (d), or (h) shall be increased by the percent dif-  
6 ference determined under subparagraph (A);

7 “(ii) each amount so increased shall remain in  
8 effect for the calendar year; and

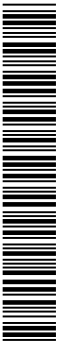
9 “(iii) if any amount after adjustment under  
10 clause (i) is not a multiple of \$100, such amount  
11 shall be rounded to the nearest multiple of \$100.

12 “(C) In the case of limitations under subsections (a)  
13 and (h), increases shall only be made in odd-numbered  
14 years and such increases shall remain in effect for the 2-  
15 year period beginning on the first day following the date  
16 of the last general election in the year preceding the year  
17 in which the amount is increased and ending on the date  
18 of the next general election.”; and

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

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

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



1 **TITLE III—DISCLOSURE OF**  
2 **ELECTION-RELATED COMMU-**  
3 **NICATIONS**

4 **SEC. 301. DISCLOSURE OF INFORMATION ON COMMUNICA-**  
5 **TIONS BROADCAST PRIOR TO ELECTION.**

6 Section 304 of the Federal Election Campaign Act  
7 of 1971 (2 U.S.C. 434), as amended by section 502(a)  
8 of the Department of Transportation and Related Agen-  
9 cies Act, 2001 (as enacted into law by reference under  
10 section 101(a) of Public Law 106–346), is amended by  
11 adding at the end the following new subsection:

12 “(e) DISCLOSURE OF INFORMATION ON CERTAIN  
13 COMMUNICATIONS BROADCAST PRIOR TO ELECTIONS.—

14 “(1) IN GENERAL.—Any person who makes a  
15 disbursement for a communication described in  
16 paragraph (3) shall, not later than 24 hours after  
17 making the disbursement, file with the Commission  
18 a statement containing the information required  
19 under paragraph (2).

20 “(2) CONTENTS OF STATEMENT.—Each state-  
21 ment required to be filed under this subsection shall  
22 be made under penalty of perjury and shall contain  
23 the following information:

24 “(A) The identification of the person mak-  
25 ing the disbursement, of any individual or enti-



1 ty sharing or exercising direction or control  
2 over the activities of such person, and of the  
3 custodian of the books and accounts of the per-  
4 son making the disbursement.

5 “(B) The principal place of business and  
6 phone number of the person making the dis-  
7 bursement, if not an individual.

8 “(C) The amount of the disbursement.

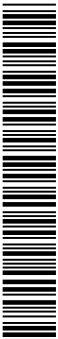
9 “(D) The clearly identified candidate or  
10 candidates to which the communication pertains  
11 and the names (if known) of the candidates  
12 identified or to be identified in the communica-  
13 tion.

14 “(E) The text of the communication in-  
15 volved.

16 “(3) COMMUNICATIONS DESCRIBED.—

17 “(A) IN GENERAL.—A communication de-  
18 scribed in this paragraph is any  
19 communication—

20 “(i) which is disseminated to the pub-  
21 lic by means of any broadcast, cable, or  
22 satellite communication during the 120-day  
23 period ending on the date of a Federal  
24 election; and



1 “(ii) which mentions a clearly identi-  
2 fied candidate for such election (by name,  
3 image, or likeness).

4 “(B) EXCEPTION.—A communication is  
5 not described in this paragraph if—

6 “(i) the communication appears in a  
7 news story, commentary, or editorial dis-  
8 tributed through the facilities of any  
9 broadcasting station, unless such facilities  
10 are owned or controlled by any political  
11 party, political committee, or candidate; or

12 “(ii) the communication constitutes an  
13 expenditure under this Act.

14 “(4) COORDINATION WITH OTHER REQUIRE-  
15 MENTS.—Any requirement to file a statement under  
16 this subsection shall be in addition to any other re-  
17 porting requirement under this Act.

18 “(5) CLARIFICATION OF TREATMENT OF VEN-  
19 DORS.—A person shall not be considered to have  
20 made a disbursement for a communication under  
21 this subsection if the person made the disbursement  
22 solely as a vendor acting pursuant to a contractual  
23 agreement with the person responsible for spon-  
24 soring the communication.”.



1 **SEC. 302. DISCLOSURE OF INFORMATION ON TARGETED**  
2 **MASS COMMUNICATIONS.**

3 Section 304 of the Federal Election Campaign Act  
4 of 1971 (2 U.S.C. 434), as amended by section 301, is  
5 further amended by adding at the end the following new  
6 subsection:

7 “(f) DISCLOSURE OF INFORMATION ON TARGETED  
8 MASS COMMUNICATIONS.—

9 “(1) IN GENERAL.—Any person who makes a  
10 disbursement for targeted mass communications in  
11 an aggregate amount in excess of \$50,000 during  
12 any calendar year shall, within 24 hours of each dis-  
13 closure date, file with the Commission a statement  
14 containing the information described in paragraph  
15 (2).

16 “(2) CONTENTS OF STATEMENT.—Each state-  
17 ment required to be filed under this subsection shall  
18 be made under penalty of perjury and shall contain  
19 the following information:

20 “(A) The identification of the person mak-  
21 ing the disbursement, of any individual or enti-  
22 ty sharing or exercising direction or control  
23 over the activities of such person, and of the  
24 custodian of the books and accounts of the per-  
25 son making the disbursement.



1           “(B) The principal place of business and  
2           phone number of the person making the dis-  
3           bursement, if not an individual.

4           “(C) The amount of each such disburse-  
5           ment of more than \$200 made by the person  
6           during the period covered by the statement and  
7           the identification of the person to whom the  
8           disbursement was made.

9           “(D) The clearly identified candidate or  
10          candidates to which the communication pertains  
11          and the names (if known) of the candidates  
12          identified or to be identified in the communica-  
13          tion.

14          “(E) The text of the communication in-  
15          volved.

16          “(3) TARGETED MASS COMMUNICATION DE-  
17          FINED.—

18                 “(A) IN GENERAL.—In this subsection, the  
19                 term ‘targeted mass communication’ means any  
20                 communication—

21                         “(i) which is disseminated during the  
22                         120-day period ending on the date of a  
23                         Federal election;



1 “(ii) which refers to or depicts a clear-  
2 ly identified candidate for such election (by  
3 name, image, or likeness); and

4 “(iii) which is targeted to the relevant  
5 electorate.

6 “(B) TARGETING TO RELEVANT ELEC-  
7 TORATE.—

8 “(i) BROADCAST COMMUNICATIONS.—  
9 For purposes of this paragraph, a commu-  
10 nication disseminated to the public by  
11 means of any broadcast, cable, or satellite  
12 communication which refers to or depicts a  
13 clearly identified candidate for Federal of-  
14 fice is ‘targeted to the relevant electorate’  
15 if the communication is disseminated by a  
16 broadcaster whose audience includes—

17 “(I) a substantial number of resi-  
18 dents of the district the candidate  
19 seeks to represent (as determined in  
20 accordance with regulations of the  
21 Commission), in the case of a can-  
22 didate for Representative in, or Dele-  
23 gate or Resident Commissioner to, the  
24 Congress; or



1 “(II) a substantial number of  
2 residents of the State the candidate  
3 seeks to represent (as determined in  
4 accordance with regulations of the  
5 Commission), in the case of a can-  
6 didate for Senator.

7 “(ii) OTHER COMMUNICATIONS.—For  
8 purposes of this paragraph, a communica-  
9 tion which is not described in clause (i)  
10 which refers to or depicts a clearly identi-  
11 fied candidate for Federal office is ‘tar-  
12 geted to the relevant electorate’ if—

13 “(I) more than 10 percent of the  
14 total number of intended recipients of  
15 the communication are members of  
16 the electorate involved with respect to  
17 such Federal office; or

18 “(II) more than 10 percent of  
19 the total number of members of the  
20 electorate involved with respect to  
21 such Federal office receive the com-  
22 munication.

23 “(C) EXCEPTIONS.—The term ‘targeted  
24 mass communication’ does not include—





1 “(i) a communication appearing in a  
2 news story, commentary, or editorial dis-  
3 tributed through the facilities of any  
4 broadcasting station, newspaper, magazine,  
5 or other periodical publication, unless such  
6 facilities are owned or controlled by any  
7 political party, political committee, or can-  
8 didate;

9 “(ii) a communication made by any  
10 membership organization (including a  
11 labor organization) or corporation solely to  
12 its members, stockholders, or executive or  
13 administrative personnel, if such member-  
14 ship organization or corporation is not or-  
15 ganized primarily for the purpose of influ-  
16 encing the nomination for election, or elec-  
17 tion, of any individual to Federal office; or

18 “(iii) a communication which con-  
19 stitutes an expenditure under this Act.

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

22 “(A) the first date during any calendar  
23 year by which a person has made disbursements  
24 for targeted mass communications aggregating  
25 in excess of \$50,000; and



1           “(B) any other date during such calendar  
2           year by which a person has made disbursements  
3           for targeted mass communications aggregating  
4           in excess of \$50,000 since the most recent dis-  
5           closure date for such calendar year.

6           “(5) COORDINATION WITH OTHER REQUIRE-  
7           MENTS.—Any requirement to report under this sub-  
8           section shall be in addition to any other reporting  
9           requirement under this Act.

10          “(6) CLARIFICATION OF TREATMENT OF VEN-  
11          DORS.—A person shall not be considered to have  
12          made a disbursement for a communication under  
13          this subsection if the person made the disbursement  
14          solely as a vendor acting pursuant to a contractual  
15          agreement with the person responsible for spon-  
16          soring the communication.”.

## 17       **TITLE IV—EFFECTIVE DATE**

### 18       **SEC. 401. EFFECTIVE DATE.**

19          The amendments made by this Act shall apply with  
20       respect to elections occurring after December 2002.

