

107TH CONGRESS  
1ST SESSION

# H. R. 2252

To amend the Federal Election Campaign Act of 1971 to increase the penalties imposed for making or accepting contributions in the name of another and to prohibit foreign nationals from making any campaign-related disbursements, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2001

Mr. BURTON of Indiana (for himself, Mr. GILMAN, Mr. SHAYS, Mr. MCHUGH, Mr. HORN, Mr. MICA, Mr. TOM DAVIS of Virginia, Mr. SOUDER, Mr. SCARBOROUGH, Mr. LATOURETTE, Mr. BARR of Georgia, Mr. OSE, Mr. PUTNAM, Mr. SCHROCK, Mr. GOSS, Mr. SENSENBRENNER, Mr. SPENCE, Mr. HALL of Texas, Mr. DEAL of Georgia, Mr. RADANOVICH, Mr. COX, Mr. HUTCHINSON, Mr. DUNCAN, Mr. LEWIS of Kentucky, Mrs. MYRICK, Mr. SESSIONS, Mr. VITTER, Mr. GUTKNECHT, Mr. DOOLITTLE, Mr. WALDEN, Mr. WELDON of Florida, Mr. BASS, Mr. ISAKSON, Mr. WELDON of Pennsylvania, Mr. TERRY, and Mr. OTTER) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to increase the penalties imposed for making or accepting contributions in the name of another and to prohibit foreign nationals from making any campaign-related disbursements, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Conduit Contribution  
3 Prevention Act of 2001”.

4 **SEC. 2. INCREASE IN PENALTIES IMPOSED FOR VIOLA-**  
5 **TIONS OF CONDUIT CONTRIBUTION BAN.**

6 (a) INCREASE IN CIVIL MONEY PENALTY FOR KNOW-  
7 ING AND WILLFUL VIOLATIONS.—Section 309(a) of the  
8 Federal Election Campaign Act of 1971 (2 U.S.C.  
9 437g(a)) is amended—

10 (1) in paragraph (5)(B), by inserting before the  
11 period at the end the following: “(or, in the case of  
12 a violation of section 320, which is not less than 300  
13 percent of the amount involved in the violation and  
14 is not more than the greater of \$50,000 or 1000  
15 percent of the amount involved in the violation)”;  
16 and

17 (2) in paragraph (6)(C), by inserting before the  
18 period at the end the following: “(or, in the case of  
19 a violation of section 320, which is not less than 300  
20 percent of the amount involved in the violation and  
21 is not more than the greater of \$50,000 or 1000  
22 percent of the amount involved in the violation)”.

23 (b) INCREASE IN CRIMINAL PENALTY.—

24 (1) IN GENERAL.—Section 309(d)(1) of such  
25 Act (2 U.S.C. 437g(d)(1)) is amended by adding at  
26 the end the following new subparagraph:

1       “(D) Any person who knowingly and willfully com-  
2 mits a violation of section 320 involving an amount aggre-  
3 gating \$1,000 or more during a calendar year shall be  
4 fined, or imprisoned for not more than 2 years, or both.  
5 The amount of the fine shall not be less than 300 percent  
6 of the amount involved in the violation and shall not be  
7 more than the greater of \$50,000 or 1000 percent of the  
8 amount involved in the violation.”.

9               (2) GUIDELINES BY UNITED STATES SEN-  
10 TENCING COMMISSION.—

11               (A) IN GENERAL.—The United States Sen-  
12 tencing Commission shall

13                       (i) promulgate a guideline, or amend  
14 an existing guideline under section 994 of  
15 title 28, United States Code, in accordance  
16 with subparagraph (B), for penalties for  
17 violations of section 320 of the Federal  
18 Election Campaign Act of 1971; and

19                       (ii) submit to Congress an explanation  
20 of any guidelines promulgated or amended  
21 under clause (i).

22               (B) CONSIDERATION OF AMOUNT IN-  
23 VOLVED.—In promulgating the guideline for  
24 penalties for violations of section 320 of the  
25 Federal Election Campaign Act of 1971 pursu-

1 ant to subparagraph (A), the United States  
2 Sentencing Commission shall account for vari-  
3 ations in the amount of the contribution made  
4 in violation of such section.

5 (C) EFFECTIVE DATE; EMERGENCY AU-  
6 THORITY TO PROMULGATE GUIDELINE.—The  
7 United States Sentencing Commission shall  
8 promulgate the guideline required under this  
9 paragraph not later than 90 days after the date  
10 of enactment of this Act. The Commission shall  
11 promulgate such guideline in accordance with  
12 the procedures set forth in section 21(a) of the  
13 Sentencing Reform Act of 1987, as though the  
14 authority under such Act had not expired.

15 (3) CONFORMING AMENDMENT.—Section  
16 309(d)(1)(A) of such Act (2 U.S.C. 437g(d)(1)(A))  
17 is amended by inserting “(other than section 320)”  
18 after “this Act”.

19 (c) MANDATORY REFERRAL TO ATTORNEY GEN-  
20 ERAL.—Section 309(a)(5)(C) of such Act (2 U.S.C.  
21 437(a)(5)(C)) is amended by inserting “(or, in the case  
22 of a violation of section 320, shall refer such apparent vio-  
23 lation to the Attorney General of the United States)” after  
24 “United States”.

1 (d) STATUTE OF LIMITATIONS.—Section 406(a) of  
2 the Federal Election Campaign Act of 1971 (2 U.S.C.  
3 455(a)) is amended by inserting after “3 years” the fol-  
4 lowing: “(or 5 years, in the case of a violation of section  
5 320)”.

6 (e) EFFECTIVE DATE.—The amendments made by  
7 this section shall apply with respect to violations occurring  
8 on or after the date of the enactment of this Act.

9 **SEC. 3. EXTENSION OF BAN ON FOREIGN CONTRIBUTIONS**  
10 **TO ALL CAMPAIGN-RELATED DISBURSE-**  
11 **MENTS.**

12 (a) PROHIBITION ON DISBURSEMENTS BY FOREIGN  
13 NATIONALS.—Section 319 of the Federal Election Cam-  
14 paign Act of 1971 (2 U.S.C. 441e) is amended—

15 (1) in the heading, by striking “CONTRIBU-  
16 TIONS” and inserting “DISBURSEMENTS”;

17 (2) in subsection (a), by striking “contribution”  
18 each place it appears and inserting “disbursement”;  
19 and

20 (3) in subsection (a), by striking the semicolon  
21 and inserting the following: “, including any dis-  
22 bursement to a political committee of a political  
23 party and any disbursement for an independent ex-  
24 penditure;”.

1       (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to disbursements  
3 made on or after the date of the enactment of this Act.

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