Subtitle C—Duty to Report Offers of Other Unlawful Assistance

SEC. 121. REPORTING BY CAMPAIGNS OF OFFERS OF OTHER UNLAWFUL ASSISTANCE.

(a) INITIAL NOTICE.—

(1) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104), as amended by section 101(a)(1), is further amended by adding at the end the following new subsection:

“(k) DISCLOSURE OF OFFERS OF UNLAWFUL ASSISTANCE.—

“(1) COMMITTEE OBLIGATION TO NOTIFY.—

Not later than 1 week after receiving an offer of unlawful assistance, each political committee shall notify the Federal Bureau of Investigation and the Commission of the offer and provide a summary of the circumstances with respect to such offer.
“(2) INDIVIDUAL OBLIGATION TO NOTIFY.—
Not later than 3 days after receiving an offer of un-
lawful assistance—

“(A) each candidate shall notify the treas-
urer or other designated official of the principal
campaign committee of such candidate of the
offer and provide a summary of the cir-
cumstances with respect to such offer; and

“(B) each official, employee, or agent of a
political committee shall notify the treasurer or
other designated official of the committee of the
offer and provide a summary of the cir-
cumstances with respect to such offer.

“(3) OFFER OF UNLAWFUL ASSISTANCE DE-
FINED.—In this subsection, the term ‘offer of unlaw-
ful assistance’ means, with respect to a candidate or
a political committee, an offer by a person to provide
direct assistance to the candidate or committee
which consists of providing information (including
polling information, opposition research, or similar
information) that the candidate, committee, or indi-
vidual knows or reasonably should know was ob-
tained by such person through illicit means.”.

(2) EFFECTIVE DATE.—The amendment made
by paragraph (1) shall apply with respect to offers
of unlawful assistance which occur on or after the
date of the enactment of this Act.

(b) INFORMATION INCLUDED ON REPORT.—

(1) IN GENERAL.—Section 304(b) of such Act
(52 U.S.C. 30104(b)), as amended by section
101(b), is further amended—

(A) by striking “and” at the end of para-
graph (8);

(B) by striking the period at the end of
paragraph (9) and inserting “; and”; and

(C) by adding at the end the following new
paragraph:

“(10) for any offer of unlawful assistance (as
defined in subsection (k)(3))—

“(A) the date, time, and location of the
offer;

“(B) the date and time of when a des-
ignated official of the committee was notified of
the offer;

“(C) the identity of individuals involved;

and

“(D) a description of the offer, including
the nature of the assistance involved.”.

(2) EFFECTIVE DATE.—The amendment made
by paragraph (1) shall apply with respect to reports
filed on or after the expiration of the 60-day period which begins on the date of the enactment of this Act.

SEC. 122. FEDERAL CAMPAIGN REPORTING COMPLIANCE SYSTEM FOR OFFERS OF UNLAWFUL ASSISTANCE.

(a) IN GENERAL.—Section 302 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102), as amended by section 102(a), is further amended by adding at the end the following new subsection:

“(k) COMPLIANCE POLICY FOR REPORTING OFFERS OF UNLAWFUL ASSISTANCE.—

“(1) REPORTING.—Each political committee shall establish a policy that requires all officials, employees, and agents of such committee to notify the treasurer or other appropriate designated official of the committee of any offer of unlawful assistance (as defined in section 304(k)) not later than 3 days after such offer was made.

“(2) RETENTION AND PRESERVATION OF RECORDS.—Each political committee shall establish a policy that provides for the retention and preservation of records and information related to offers of unlawful assistance (as so defined) for a period of not less than 3 years.
“(3) Certification.—

“(A) In general.—Upon filing its statement of organization under section 303(a), and with each report filed under section 304(a), the treasurer of each political committee (other than an authorized committee) shall certify that—

“(i) the committee has in place policies that meet the requirements of paragraphs (1) and (2);

“(ii) the committee has designated an official to monitor compliance with such policies; and

“(iii) not later than 1 week after the beginning of any formal or informal affiliation with the committee, all officials, employees, and agents of such committee will—

“(I) receive notice of such policies; and

“(II) sign a certification affirming their understanding of such policies and prohibitions.

“(B) Authorized committees.—With respect to an authorized committee, the can-
didate shall make the certification required under subparagraph (A).”.

(b) Effective Date.—

(1) In General.—The amendment made by subsection (a) shall apply with respect to political committees which file a statement of organization under section 303(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30103(a)) on or after the date of the enactment of this Act.

(2) Transition Rule for Existing Committees.—Not later than 30 days after the date of the enactment of this Act, each political committee under the Federal Election Campaign Act of 1971 shall file a certification with the Federal Election Commission that the committee is in compliance with the requirements of section 302(k) of such Act (as added by subsection (a)).

SEC. 123. CRIMINAL PENALTIES.

Section 309(d)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(d)(1)), as amended by section 103, is further amended by adding at the end the following new subparagraphs:

“(G) Any person who knowingly and willfully commits a violation of subsection (k) or (b)(10) of section 304
or section 302(j) shall be fined not more than $500,000, imprisoned not more than 5 years, or both.

“(H) Any person who knowingly and willfully conceals or destroys any materials relating to an offer of unlawful assistance (as defined in section 304(k)) shall be fined not more than $1,000,000, imprisoned not more than 5 years, or both.”.

SEC. 124. PROHIBITING POLITICAL COMMITTEES FROM PAYING FINES AND PENALTIES ASSESSED FOR VIOLATIONS BY OTHER PERSONS.

Section 309 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109) is amended by adding at the end the following new subsection:

“(e)(1) A political committee may not pay a fine or penalty (whether directly or by reimbursement) assessed against any individual or other person (other than the committee itself) for a violation of subsection (k) or (b)(10) of section 304 or section 302(k).

“(2) An individual who is affiliated with a campaign may not pay a fine or penalty (whether directly or by reimbursement) assessed against any person other than such individual for a violation of subsection (k) or (b)(10) of section 304 or section 302(k) which relates to the campaign. In this paragraph, the term ‘individual affiliated with a campaign’ means, with respect to a candidate, an
employee of any authorized committee of the candidate or any other organization legally authorized under Federal, State, or local law to support the candidate’s campaign for election, as well as any independent contractor of such a committee or organization and any individual who performs services on behalf of the committee or organization, whether paid or unpaid, and any individual who made a contribution to such a committee.”.

Page 15, line 23, strike “(k)(3)” and insert “(l)(3)”.

Page 21, line 8, strike “section 101(a),” and insert “section 101(a) and section 121(a),”.

Page 21, line 10, strike “(k)” and insert “(l)”.

Page 25, line 13, strike “304(k)” and insert “304(l)”.

Page 25, line 23, strike “304(k)” and insert “304(l)”.

Page 26, line 4, strike “304(k)” and insert “304(l)”.

Page 27, line 2, strike “304(k)(3)” and insert “304(l)(3)”.
Page 36, line 5, strike “304(k)(3)” and insert “304(l)(3)”.