

CONSTITUTIONALITY

For information regarding constitutionality of section 316 of Pub. L. 92-225, as added by section 112(2) of Pub. L. 94-283 and amended by section 203 of Pub. L. 107-155, see Congressional Research Service, *The Constitution of the United States of America: Analysis and Interpretation*, Appendix 1, Acts of Congress Held Unconstitutional in Whole or in Part by the Supreme Court of the United States.

PRIOR PROVISIONS

A prior section 316 of Pub. L. 92-225 was renumbered section 312, and is classified to section 439 of this title.

Another prior section 316 of Pub. L. 92-225 was renumbered section 311, and is classified to section 438 of this title.

AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107-155, §§ 203(a), 214(d), substituted “‘contribution or expenditure’ includes a contribution or expenditure, as those terms are defined in section 431 of this title, and also includes” for “‘contribution or expenditure’ shall include” and inserted “or for any applicable electioneering communication” before “, but shall not include (A)”.

Subsec. (c). Pub. L. 107-155, § 203(b), added subsec. (c). Subsec. (c)(6). Pub. L. 107-155, § 204, added par. (6).

1980—Subsec. (b)(4)(B). Pub. L. 96-187, § 112(d), substituted “It” for “it”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-155 effective Nov. 6, 2002, but not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107-155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96-187, set out as a note under section 431 of this title.

§ 441c. Contributions by government contractors**(a) Prohibition**

It shall be unlawful for any person—

(1) who enters into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (A) the completion of performance under; or (B) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

(2) knowingly to solicit any such contribution from any such person for any such purpose during any such period.

(b) Separate segregated funds

This section does not prohibit or make unlawful the establishment or administration of, or

the solicitation of contributions to, any separate segregated fund by any corporation, labor organization, membership organization, cooperative, or corporation without capital stock for the purpose of influencing the nomination for election, or election, of any person to Federal office, unless the provisions of section 441b of this title prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, such fund. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate segregated fund under section 441b of this title applies to a corporation, labor organization, or separate segregated fund to which this subsection applies.

(c) “Labor organization” defined

For purposes of this section, the term “labor organization” has the meaning given it by section 441b(b)(1) of this title.

(Pub. L. 92-225, title III, § 317, formerly § 322, as added Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 492; renumbered § 317, Pub. L. 96-187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354.)

REFERENCES IN TEXT

Section 441b of this title, referred to in subsecs. (b) and (c), was in the original “section 321” meaning section 321 of Pub. L. 92-225 which is classified to section 441g of this title. In view of the renumbering of section 321 as section 316 by section 105(5) of Pub. L. 96-187, the reference has been translated as reading “section 316” to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 317 of Pub. L. 92-225 was renumbered section 313, and is classified to section 439a of this title.

Another prior section 317 of Pub. L. 92-225 was renumbered section 312, and is classified to section 439 of this title.

§ 441d. Publication and distribution of statements and solicitations**(a) Identification of funding and authorizing sources**

Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever any person makes a disbursement for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising or makes a disbursement for an electioneering communication (as defined in section 434(f)(3) of this title), such communication—

(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or¹

(2) if paid for by other persons but authorized by a candidate, an authorized political

¹ So in original. The word “or” probably should appear at the end of par. (2).

committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;¹

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

(b) Charge for newspaper or magazine space

No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.

(c) Specification

Any printed communication described in subsection (a) of this section shall—

(1) be of sufficient type size to be clearly readable by the recipient of the communication;

(2) be contained in a printed box set apart from the other contents of the communication; and

(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

(d) Additional requirements

(1) Communications by candidates or authorized persons

(A) By radio

Any communication described in paragraph (1) or (2) of subsection (a) of this section which is transmitted through radio shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

(B) By television

Any communication described in paragraph (1) or (2) of subsection (a) of this section which is transmitted through television shall include, in addition to the requirements of that paragraph, a statement that identifies the candidate and states that the candidate has approved the communication. Such statement—

(i) shall be conveyed by—

(I) an unobscured, full-screen view of the candidate making the statement, or

(II) the candidate in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate; and

(ii) shall also appear in writing at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

(2) Communications by others

Any communication described in paragraph (3) of subsection (a) of this section which is

transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following audio statement: “_____ is responsible for the content of this advertising.” (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall be conveyed by an unobscured, full-screen view of a representative of the political committee or other person making the statement, or by a representative of such political committee or other person in voice-over, and shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

(Pub. L. 92-225, title III, §318, formerly §323, as added Pub. L. 94-283, title I, §112(2), May 11, 1976, 90 Stat. 493; renumbered §318 and amended Pub. L. 96-187, title I, §§105(5), 111, Jan. 8, 1980, 93 Stat. 1354, 1365; Pub. L. 107-155, title III, §311, Mar. 27, 2002, 116 Stat. 105.)

PRIOR PROVISIONS

A prior section 318 of Pub. L. 92-225 was classified to section 439b of this title, prior to repeal by Pub. L. 96-187.

Another prior section 318 of Pub. L. 92-225 was renumbered section 313, and is classified to section 439a of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-155, §311(1)(A)(iv), which directed insertion of “or makes a disbursement for an electioneering communication (as defined in section 434(f)(3) of this title)” after “public political advertising” in introductory provisions, was executed by making the insertion after those words the second time appearing, to reflect the probable intent of Congress.

Pub. L. 107-155, §311(1)(A)(i)-(iii), in introductory provisions, substituted “Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever any person makes a disbursement” for “Whenever any person makes an expenditure” and struck out “direct” before “mailing,” the second time appearing.

Subsec. (a)(3). Pub. L. 107-155, §311(1)(B), inserted “and permanent street address, telephone number, or World Wide Web address” after “name”.

Subsecs. (c), (d). Pub. L. 107-155, §311(2), added subsecs. (c) and (d).

1980—Subsec. (a). Pub. L. 96-187, §111, designated existing provisions as subsec. (a), and in revising text, provided for solicitation of contributions; prescribed three categories of communications: (1) paid for and authorized by the candidate, (2) paid for by others but authorized by the candidate, and (3) not authorized by the candidate for prior two categories where (1) authorized and (2) not authorized by the candidate; struck out requirement for statement in accordance with regulations of Commission and in a conspicuous manner; and struck out from the communication not authorized by the candidate statement of name of affiliated or connected organization required to be disclosed under section 433 (b)(2) of this title.

Subsec. (b). Pub. L. 96-187, §111, added subsec. (b).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-155 effective Nov. 6, 2002, but not applicable with respect to runoff elections, re-

counts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107-155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96-187, set out as a note under section 431 of this title.

§ 441e. Contributions and donations by foreign nationals

(a) Prohibition

It shall be unlawful for—

(1) a foreign national, directly or indirectly, to make—

(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election;

(B) a contribution or donation to a committee of a political party; or

(C) an expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 434(f)(3) of this title); or

(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.

(b) “Foreign national” defined

As used in this section, the term “foreign national” means—

(1) a foreign principal, as such term is defined by section 611(b) of title 22, except that the term “foreign national” shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States or a national of the United States (as defined in section 1101(a)(22) of title 8) and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.

(Pub. L. 92-225, title III, § 319, formerly § 324, as added Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 493; renumbered § 319, Pub. L. 96-187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; amended Pub. L. 107-155, title III, §§ 303, 317, Mar. 27, 2002, 116 Stat. 96, 109.)

PRIOR PROVISIONS

A prior section 319 of Pub. L. 92-225 was renumbered section 314, and is classified to section 439c of this title.

Another prior section 319 of Pub. L. 92-225 was renumbered section 318, and was classified to section 439b of this title, prior to repeal by Pub. L. 96-187.

AMENDMENTS

2002—Pub. L. 107-155, § 303(1), substituted “Contributions and donations by foreign nationals” for “Contributions by foreign nationals” in section catchline.

Subsec. (a). Pub. L. 107-155, § 303(2), added subsec. (a) and struck out former subsec. (a) which read as follows: “It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.”

Subsec. (b)(2). Pub. L. 107-155, § 317, inserted “or a national of the United States (as defined in section 1101(a)(22) of title 8)” after “United States”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-155 effective Nov. 6, 2002, see section 402 of Pub. L. 107-155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 441f. Contributions in name of another prohibited

No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.

(Pub. L. 92-225, title III, § 320, formerly § 325, as added Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 494; renumbered § 320, Pub. L. 96-187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354.)

PRIOR PROVISIONS

A prior section 320 of Pub. L. 92-225 was renumbered section 315, and is classified to section 441a of this title.

Another prior section 320 of Pub. L. 92-225 was classified to section 441 of this title, prior to repeal by Pub. L. 94-283.

Another prior section 320 of Pub. L. 92-225 was renumbered section 314, and is classified to section 439c of this title.

§ 441g. Limitation on contribution of currency

No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed \$100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.

(Pub. L. 92-225, title III, § 321, formerly § 326, as added Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 494; renumbered § 321, Pub. L. 96-187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354.)

PRIOR PROVISIONS

A prior section 321 of Pub. L. 92-225 was renumbered section 316, and is classified to section 441b of this title.

Another prior section 321 of Pub. L. 92-225 was renumbered section 320, and was classified to section 441 of this title, prior to repeal by Pub. L. 94-283.

§ 441h. Fraudulent misrepresentation of campaign authority

(a) In general

No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

(1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).