

103^D CONGRESS
1ST SESSION

H. R. 330

To amend the Federal Election Campaign Act of 1971 to further restrict contributions to candidates by multicandidate political committees, require full disclosure of attempts to influence Federal elections through “soft money” and independent expenditures, correct inequities resulting from personal financing of campaigns, strengthen the role of political parties, and contain the cost of political campaigns.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. ROBERTS introduced the following bill; which was referred jointly to the Committees on House Administration and Energy and Commerce

A BILL

To amend the Federal Election Campaign Act of 1971 to further restrict contributions to candidates by multicandidate political committees, require full disclosure of attempts to influence Federal elections through “soft money” and independent expenditures, correct inequities resulting from personal financing of campaigns, strengthen the role of political parties, and contain the cost of political campaigns.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Congressional Cam-
4 paign Reform Act of 1993”.

1 RESTRICTIONS ON POLITICAL ACTION COMMITTEES

2 SEC. 2. (a) Section 315(a)(1)(C), section
3 315(a)(2)(A), and section 315(a)(2)(C) of the Federal
4 Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(C),
5 441a(a)(2)(A), and 441a(a)(2)(C)) are each amended by
6 striking out “\$5,000” and inserting in lieu thereof
7 “\$1,000”.

8 (b) Section 315 of the Federal Election Campaign
9 Act of 1971 (2 U.S.C. 441a) is amended by adding at
10 the end thereof the following:

11 “(i) Notwithstanding any other provision of this Act,
12 each multicandidate political committee and separate reg-
13 ulated funds established pursuant to the provisions of this
14 Act shall—

15 “(1) provide a method so that each person con-
16 tributing to such committee or fund may specify to
17 which Federal candidate or candidates or which na-
18 tional political party organization or organizations
19 such contribution is being made; and

20 “(2) provide each contributor with a list of the
21 names and addresses of the authorized committee of
22 every candidate for Federal office and for each na-
23 tional political party organization.”.

24 LIMITATIONS ON INDIVIDUAL CONTRIBUTIONS

25 SEC. 3. Section 315(a)(1)(A) of the Federal Election
26 Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is

1 amended by striking out “\$1,000” and inserting in lieu
2 thereof “\$2,000”.

3 FULL DISCLOSURE OF ELECTION-RELATED

4 EXPENDITURES

5 SEC. 4. Section 301(9)(B) of the Federal Election
6 Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amend-
7 ed—

8 (1) in clause (ii) by inserting before the semi-
9 colon at the end thereof the following: “, except that
10 any payment, services, or other benefit furnished or
11 otherwise made available by a corporation or by a
12 labor organization directly attributable to a registra-
13 tion or get-out-the-vote campaign, shall, if the aggre-
14 gate of such payments and the fair market value of
15 such services or other benefit exceed \$2,000 for any
16 election, be reported to the Commission in accord-
17 ance with section 304(a)(4)(A)(i), and in accordance
18 with section 304(a)(4)(A)(ii) with respect to any
19 general election”; and

20 (2) in clause (iii) by striking out “(other than
21 a communication primarily devoted to subjects other
22 than the express advocacy of the election or defeat
23 of a clearly identified candidate)”.

24 DISCLOSURE OF INDEPENDENT EXPENDITURES

25 SEC. 5. Section 318(a)(3) of the Federal Election
26 Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended

1 by striking out the period at the end thereof and inserting
2 in lieu thereof the following:

3 “, except that whenever any person makes an inde-
4 pendent expenditure through (A) a broadcast com-
5 munication on any radio or television station, the
6 broadcast communication shall include a state-
7 ment—

8 “(i) in such television broadcast, that is
9 clearly readable to the viewer and appears con-
10 tinuously during the entire length of such com-
11 munication; or

12 “(ii) in such radio broadcast, that is clear-
13 ly audible to the viewer and is aired at the be-
14 ginning and ending of such broadcast,

15 setting forth the name of such person and in the
16 case of a political committee, the name of any con-
17 nected or affiliated organization, or (B) a news-
18 paper, magazine, outdoor advertising facility, direct
19 mailing or other type of general public political ad-
20 vertising, the communication shall include, in addi-
21 tion to the other information required by this sub-
22 section, the following sentence: ‘The cost of present-
23 ing this communication is not subject to any cam-
24 paign contribution limits.’, and a statement setting
25 forth the name of the person who paid for the com-

1 munication and, in the case of a political committee,
2 the name of any connected or affiliated organization
3 and the name of the president or treasurer of such
4 organization.

5 “(4) The person making an independent ex-
6 penditure described in paragraph (3) shall furnish,
7 by certified mail, return receipt requested, the fol-
8 lowing information, to each candidate and to the
9 Commission, not later than the date and time of
10 the first public transmission (e.g. first aired,
11 mailed, published, or displayed):

12 “(A) effective notice that the person plans
13 to make an independent expenditure for the
14 purpose of financing a communication which ex-
15 pressly advocates the election or defeat of a
16 clearly identified candidate;

17 “(B) an exact copy of the intended com-
18 munication, or a complete description of the
19 contents of the intended communication, includ-
20 ing the entirety of any texts to be used in con-
21 junction with such communication, and a com-
22 plete description of any photographs, films, or
23 any other visual devices to be used in conjunc-
24 tion with such communication;

1 “(C) all approximate dates and times when
2 such communication will be publicly transmit-
3 ted; and

4 “(D) each specific location, media channel,
5 and publication through which the communica-
6 tion will be publicly transmitted.”.

7 INDEPENDENT EXPENDITURES

8 SEC. 6. (a) Section 301(17) of the Federal Election
9 Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by
10 adding the following: “An expenditure shall constitute an
11 expenditure in coordination, consultation, or concert with
12 a candidate and shall not constitute an ‘independent ex-
13 penditure’ where—

14 “(A) there is any arrangement, coordination, or
15 direction with respect to the expenditure between the
16 candidate or the candidate’s agent and the person
17 (including any officer, director, employee or agent of
18 such person) making the expenditure;

19 “(B) in the same election cycle, the person
20 making the expenditure (including any officer, direc-
21 tor, employee or agent of such person) is or has
22 been—

23 “(i) authorized to raise or expend funds on
24 behalf of the candidate or the candidate’s au-
25 thorized committees;

1 “(ii) serving as an officer of the can-
2 didate’s authorized committees; or

3 “(iii) receiving any form of compensation
4 or reimbursement from the candidate, the can-
5 didate’s authorized committees, or the can-
6 didate’s agent;

7 “(C) the person making the expenditure (in-
8 cluding any officer, director, employee or agent of
9 such person) has communicated with, advised, or
10 counseled the candidate or the candidate’s agents at
11 any time on the candidate’s plans, projects, or needs
12 relating to the candidate’s pursuit of nomination for
13 election, or election to Federal office, in the same
14 election cycle, including any advice relating to the
15 candidate’s decision to seek Federal office;

16 “(D) the person making the expenditure retains
17 the professional services of any individual or other
18 person also providing those services to the candidate
19 in connection with the candidate’s pursuit of nomi-
20 nation for election, or election to Federal office, in
21 the same election cycle, including any services relat-
22 ing to the candidate’s decision to seek Federal office;

23 “(E) the person making the expenditure (in-
24 cluding any officer, director, employee or agent of
25 such person) has communicated or consulted at any

1 time during the same election cycle about the can-
2 didate's plans, projects, or needs relating to the can-
3 didate's pursuit of election to Federal office, with:
4 (i) any officer, director, employee or agent of a party
5 committee that has made or intends to make ex-
6 penditures or contributions, pursuant to subsection
7 (a), (d), or (h) of section 315 in connection with the
8 candidate's campaign; or (ii) any person whose pro-
9 fessional services have been retained by a political
10 party committee that has made or intends to make
11 expenditures or contributions pursuant to subsection
12 (a), (d), or (h) of section 315 in connection with the
13 candidate's campaign; and

14 “(F) the expenditure is based on information
15 provided to the person making the expenditure di-
16 rectly or indirectly by the candidate or the can-
17 didate's agents about the candidate's plans, projects,
18 or needs, provided that the candidate or the can-
19 didate's agent is aware that the other person has
20 made or is planning to make expenditures expressly
21 advocating the candidate's election.”.

22 (b) Section 309(a) of the Federal Election Campaign
23 Act of 1971 (2 U.S.C. 437g(a)) is amended by adding at
24 the end thereof the following:

1 “(13) Within 3 days after the Commission re-
2 ceives a complaint, filed pursuant to this section,
3 which alleges that an independent expenditure was
4 made with the cooperation or consultation of a can-
5 didate, or an authorized committee or agent of such
6 candidate, or was made in concert with or at the re-
7 quest or suggestion of an authorized committee or
8 agent of such candidate, the Commission shall pro-
9 vide for a hearing to determine such matter.”.

10 CANDIDATE EXPENDITURES FROM PERSONAL FUNDS

11 SEC. 7. (a) Section 315 of the Federal Election Cam-
12 paign Act of 1971 (2 U.S.C. 441a), as amended by section
13 2(b) of this Act, is further amended by adding at the end
14 thereof the following:

15 “(j)(1)(A) Within 15 days after a candidate qualifies
16 for the primary election ballot, under applicable State law,
17 such candidate shall file with the Commission and each
18 other candidate who has qualified for such ballot, a dec-
19 laration stating whether or not such candidate intends to
20 expend funds and incur personal loans for the primary and
21 general election a total amount, in the aggregate of
22 \$250,000 or more from the following sources: (i) his per-
23 sonal funds, (ii) the funds of his immediate family, and
24 (iii) personal loans incurred in connection with his cam-
25 paign for such office.

1 “(B) The statement required by this subsection shall
2 be in such form, and contain such information, as the
3 Commission may, by regulation, require.

4 “(2) Notwithstanding any other provision of law, in
5 any election in which a candidate declares that he intends
6 to expend or incur, in the aggregate, \$250,000 or more
7 by expending from personal funds and funds of his imme-
8 diate family and incurring personal loans for his cam-
9 paign, or does expend funds and incur loans in a total
10 in excess of such amount, or fails to file the declarations
11 required by this subsection, the limitations on contribu-
12 tions in subsection (a) of this section, as they apply to
13 all other individuals running for such office, shall be in-
14 creased for such election as follows:

15 “(A) The limitations provided in subsection
16 (a)(1)(A) shall be increased to \$10,000.

17 “(B) The limitations provided in subsection
18 (a)(3) shall be increased to an amount equal to 150
19 percent of such limitation, but only to the extent
20 that contributions above such limitation are made to
21 candidates affected by the increased level provided
22 in subparagraph (A).

23 “(3) If the limitations in this section are increased
24 pursuant to paragraph (2) for a convention or a primary
25 election as they relate to an individual candidate, and if

1 such individual candidate is not a candidate in any subse-
2 quent election in such campaign, including the general
3 election, the provisions of subparagraph (A) of paragraph
4 (2) shall cease to apply.

5 “(4) Any candidate who—

6 “(A) declares, pursuant to paragraph (1) that
7 he does not intend to expend and incur, by expend-
8 ing from his personal funds and the funds of his im-
9 mediate family and incurring personal loans in con-
10 nection with his campaign an amount which in the
11 aggregate totals \$250,000 or more; and

12 “(B) subsequently does spend funds or incur
13 loans in excess of such amount, or intends to spend
14 funds or incur loans in excess of such amount;

15 shall notify and file an amended declaration with the Com-
16 mission and shall notify all other candidates for such office
17 within 24 hours after changing such declaration or exceed-
18 ing such limits, whichever first occurs, by sending such
19 notice by certified mail, return receipt requested.

20 “(5) Any candidate who makes expenditures from his
21 personal funds or the personal funds of his immediate
22 family, or incurs personal loans in connection with his
23 campaign for election to office may repay such loan for
24 such expenditures, to himself or to his immediate family,
25 from contributions made to such candidate or any author-

1 ized committee of such candidate, except that such loan
2 shall be repaid only to the extent of the actual amount
3 of the loan. Notwithstanding any other provision of law,
4 repayment of any such loan shall not include any interest
5 on the principal amount of such loan.

6 “(6) Notwithstanding any other provision of law, no
7 candidate may make expenditures from his personal funds
8 or the personal funds of his immediate family, or incur
9 personal loans in connection with his campaign for election
10 to such office at any time after 60 days before the date
11 of such election. The provisions of this paragraph shall
12 apply to all candidates regardless of whether such can-
13 didate has reached the limits provided in this subsection.

14 “(7) The Commission shall take such action as it
15 deems necessary under the enforcement provisions of this
16 Act to assure compliance with the provisions of this sub-
17 section.

18 “(k) Notwithstanding any other provision of this Act,
19 no candidate who, in connection with his campaign for
20 election to Federal office, makes expenditures from his
21 personal funds or the personal funds of his immediate
22 family to his campaign committee, or makes a loan from
23 such funds to such committee, shall use any other con-
24 tributions which are made by any other person, after the
25 election, to such candidate or the principal campaign com-

1 mittee of such candidate to repay any such expenditure
2 or loan.

3 “(l) For purposes of this section, ‘immediate family’
4 means a candidate’s spouse, and any child, stepchild, par-
5 ent, grandparent, brother, half-brother, sister or half-sis-
6 ter of the candidate, and the spouse of any such person
7 and any child, stepchild, parent, grandparent, brother,
8 half-brother, sister or half-sister of the candidate’s spouse,
9 and any spouse of any such person.”.

10 (b) Section 313 of the Federal Election Campaign
11 Act of 1971 (2 U.S.C. 439a) is amended by inserting be-
12 fore the period the following: “, and except that no can-
13 didate for the office of President or Vice President may
14 use any contributions in a manner prohibited by section
15 315(k)”.

16 ROLE OF POLITICAL PARTIES

17 SEC. 8. Section 315(d)(3) of the Federal Election
18 Campaign Act of 1971 (2 U.S.C. 441a(d)(3)) is amended
19 by—

20 (1) striking out “2 cents” in subparagraph
21 (A)(i) and inserting in lieu thereof “5 cents”; and
22 (2) striking out “\$10,000” in subparagraph (B)
23 and inserting in lieu thereof “\$25,000”.

1 DEFINITION OF NATIONAL COMMITTEE

2 SEC. 9. Section 301(14) of the Federal Election Cam-
3 paign Act of 1971 (2 U.S.C. 431(14)) is amended to read
4 as follows:

5 “(14) The term ‘national committee’ means the orga-
6 nization or organizations which, by virtue of the bylaws
7 of a political party, are responsible for the day-to-day op-
8 eration of such political party at the national level, includ-
9 ing the Democratic National Committee, the Democratic
10 Senatorial Campaign Committee, the Democratic Con-
11 gressional Campaign Committee, the Republican National
12 Committee, the National Republican Senatorial Commit-
13 tee, and the National Republican Congressional Commit-
14 tee, and any other such committees as determined by the
15 Commission.”.

16 REPORTING BY POLITICAL PARTY COMMITTEES

17 SEC. 10. (a) Section 304(b)(2) of the Federal Elec-
18 tion Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is
19 amended—

20 (1) in subparagraph (J), by striking out “and”
21 after the semicolon;

22 (2) in subparagraph (K), by inserting “and”
23 after the semicolon; and

24 (3) by adding at the end the following new sub-
25 paragraph:

1 “(L) for a national committee of a political
2 party, all contributions, loans, transfers, and
3 other receipts from any source to the committee
4 and to any account financed, established, main-
5 tained, or controlled by such national commit-
6 tee, regardless of whether such account is a po-
7 litical committee;”.

8 (b) Section 304(b)(3) of the Federal Election Cam-
9 paign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

10 (1) in subparagraph (F), by striking out “and”
11 after the semicolon;

12 (2) in subparagraph (G), by inserting “and”
13 after the semicolon; and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 “(H) person who provides any contribu-
17 tion, loan, transfer, service, or any other benefit
18 or thing of value to a national committee of a
19 political party or to any account financed, es-
20 tablished, maintained, or controlled by such na-
21 tional committee, regardless of whether such ac-
22 count is a political committee, in an aggregate
23 amount or value in excess of \$200 within the
24 calendar year, together with the date and
25 amount or value of such contribution, loan,

1 transfer, service, or other benefit or thing of
2 value;”.

3 (c) Section 304(b)(4) of the Federal Election Cam-
4 paign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

5 (1) in subparagraph (H), by striking out “and”
6 after the semicolon at the end thereof;

7 (2) in subparagraph (I), by inserting “and”
8 after the semicolon; and

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(J) for a national committee of a political
12 party, all disbursements made by the committee
13 or from any account financed, established,
14 maintained, or controlled by such national com-
15 mittee, regardless of whether such account is a
16 political committee;”.

17 COMMUNICATIONS

18 SEC. 11. Section 315 of the Communications Act of
19 1934 (47 U.S.C. 315) is amended—

20 (1) in subsection (b)(1), by striking out “class
21 and”;

22 (2) by redesignating subsections (c) and (d) as
23 subsections (d) and (e), respectively; and

24 (3) by inserting immediately after subsection
25 (b) the following new subsection:

1 “(c) A licensee shall not preempt the use, dur-
2 ing any period specified in subsection (b)(1), of a
3 broadcasting station by a legally qualified candidate
4 for public office who has purchased such use pursu-
5 ant to the provisions of subsection (b)(1).”.

6 INTERMEDIARY OR CONDUIT

7 SEC. 12. (a) Section 315(a)(8) of the Federal Elec-
8 tion Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is
9 amended to read as follows:

10 “(8) For purposes of this subsection—

11 “(A) contributions made by a person, either di-
12 rectly or indirectly, to or on behalf of a particular
13 candidate, including contributions which are in any
14 way earmarked or otherwise directed through an
15 intermediary or conduit to such candidate, shall be
16 treated as contributions from such person to such
17 candidate; and

18 “(B) contributions made by a person either di-
19 rectly or indirectly, to or on behalf of a particular
20 candidate, through an intermediary or conduit, in-
21 cluding all contributions delivered or arranged to be
22 delivered by such intermediary or conduit, shall also
23 be treated as contributions from the intermediary or
24 conduit, if—

25 “(i) the contributions made through the
26 intermediary or conduit are in the form of a

1 check or other negotiable instrument made pay-
2 able to the conduit or intermediary rather than
3 the intended recipient; or

4 “(ii) the conduit or intermediary is (I) a
5 political committee, other than an authorized
6 committee of a candidate, within the meaning
7 of section 301(4), or an officer, employee or
8 other agent of such a political committee or
9 candidate, or a national political party commit-
10 tee, or (II) an officer, employee or other agent
11 of a connected organization, within the meaning
12 of section 301(7), acting in its behalf.

13 In all cases where contributions are made by a person ei-
14 ther directly or indirectly to or on behalf of a particular
15 candidate through an intermediary or conduit, the
16 intermediary or conduit shall report the original source
17 and the intended recipient of such contribution to the
18 Commission and to the intended recipient.”.

19 (b) Section 315(a) of the Federal Election Campaign
20 Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at
21 the end thereof the following:

22 “(9) When any person, political committee, or
23 national committee of a political party—



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