

104TH CONGRESS
1ST SESSION

H. R. 2072

To amend the Federal Election Campaign Act of 1971 to ban contributions to candidates in elections for Federal office by persons other than individuals and political party committees, to amend the Rules of the House of Representatives to ban gifts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 1995

Mrs. SMITH of Washington (for herself, Mr. BROWNBACK, Mr. FOX, Mr. METCALF, and Mr. TATE) introduced the following bill; which was referred to the Committee on House Oversight, and in addition to the Committees on Rules, Government Reform and Oversight, and Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Election Campaign Act of 1971 to ban contributions to candidates in elections for Federal office by persons other than individuals and political party committees, to amend the Rules of the House of Representatives to ban gifts, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Congress Act
5 of 1995”.

1 **SEC. 2. BAN ON CONTRIBUTIONS TO CANDIDATES IN ELEC-**
2 **TIONS FOR FEDERAL OFFICE BY PERSONS**
3 **OTHER THAN INDIVIDUALS AND POLITICAL**
4 **PARTY COMMITTEES.**

5 Title III of the Federal Election Campaign Act of
6 1971 (2 U.S.C. 431 et seq.) is amended by adding at the
7 end the following new section:

8 “BAN ON CONTRIBUTIONS TO CANDIDATES BY PERSONS
9 OTHER THAN INDIVIDUALS AND POLITICAL PARTY
10 COMMITTEES

11 “SEC. 323. Notwithstanding any other provision of
12 this Act, no person other than an individual or a political
13 committee of a political party may make contributions to
14 any candidate and the authorized political committees of
15 such candidate with respect to any election for Federal
16 office.”.

17 **SEC. 3. CONGRESSIONAL ELECTION BAN ON CONTRIBU-**
18 **TIONS FROM PERSONS OTHER THAN POLITI-**
19 **CAL PARTY COMMITTEES AND IN-STATE INDI-**
20 **VIDUAL RESIDENTS.**

21 Section 315 of the Federal Election Campaign Act
22 of 1971 (2 U.S.C. 441a), is amended by adding at the
23 end the following new subsection:

24 “(i)(1) A candidate for the office of Senator or Rep-
25 resentative in, or Delegate or Resident Commissioner to,
26 the Congress may not accept contributions from persons

1 other than political committees of political parties and in-
2 State individual residents.

3 “(2) As used in this subsection, the term ‘in-State
4 individual resident’ means an individual who resides in the
5 State in which the election is held.”.

6 **SEC. 4. ELIMINATION OF MULTICANDIDATE POLITICAL**
7 **COMMITTEES AS A SEPARATE CATEGORY OF**
8 **POLITICAL COMMITTEE FOR CONTRIBUTION**
9 **LIMITATION PURPOSES.**

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

12 (1) by striking out paragraph (2);

13 (2) by redesignating paragraphs (3) through
14 (8) as paragraphs (2) through (7), respectively;

15 (3) in the first sentence of paragraph (3), as so
16 redesignated by paragraph (2) of this section, by
17 striking out “paragraphs (1) and (2)” and inserting
18 in lieu thereof “paragraph (1)”;

19 (4) by striking out the second sentence of para-
20 graph (3), as so redesignated by paragraph (2) of
21 this section;

22 (5) in paragraph (4), as so redesignated by
23 paragraph (2) of this section, by striking out “para-
24 graph (2)” each place it appears; and

1 (6) in paragraph (5), as so redesignated by
2 paragraph (2) of this section, by striking out “para-
3 graphs (1) and (2)” and inserting in lieu thereof
4 “paragraph (1)”.

5 **SEC. 5. LIMITATION ON PERSONAL LOANS BY CANDIDATES**
6 **FOR FEDERAL OFFICE TO THEIR CAMPAIGNS.**

7 Section 315 of the Federal Election Campaign Act
8 of 1971 (2 U.S.C. 441a), as amended by section 2, is fur-
9 ther amended by adding at the end the following new sub-
10 section:

11 “(j) A candidate for Federal office may not, with re-
12 spect to an election, make personal loans to the authorized
13 committees of the candidate that total more than
14 \$5,000.”.

15 **SEC. 6. EXTENSION OF BAN ON FRANKED MASS MAILINGS**
16 **BY MEMBERS OF CONGRESS FROM 60 DAYS**
17 **TO 90 DAYS BEFORE AN ELECTION.**

18 Section 3210(a)(6)(A) and section 3210(a)(6)(C) of
19 title 39, United States Code, are each amended by striking
20 out “60 days” each place it appears and inserting in lieu
21 thereof “90 days”.

1 **SEC. 7. EXTENSION OF ANNUAL LIMITATION ON CONTRIBU-**
2 **TIONS TO ALL PERSONS OTHER THAN POLIT-**
3 **ICAL PARTY COMMITTEES.**

4 The first sentence of section 315(a)(3) of the Federal
5 Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is
6 amended by striking out “individual” and inserting in lieu
7 thereof “person, other than a political committee of a po-
8 litical party,”.

9 **SEC. 8. BAN ON GIFTS TO MEMBERS, OFFICERS, AND EM-**
10 **PLOYEES OF THE HOUSE OF REPRESENTA-**
11 **TIVES.**

12 (a) IN GENERAL.—Clause 4 of rule XLIII of the
13 Rules of the House of Representatives is amended to read
14 as follows:

15 “4. (a)(1) No Member, officer, or employee may ac-
16 cept a gift, whether made directly or indirectly, from any-
17 one.

18 “(2) For purposes of this rule, the following are not
19 defined gifts subject to the prohibition in subparagraph
20 (1):

21 “(A) Gifts from a relative, including a fiancée.

22 “(B) A gift given by an individual which is mo-
23 tivated by a personal friendship rather than the po-
24 sition of the Member, officer, or employee. In deter-
25 mining if a gift is motivated by a personal friend-
26 ship, the history of the relationship shall be consid-

1 ered and whether the gift giver personally paid for
2 the gift. If the gift exceeds \$250, the Committee on
3 Standards of Official Conduct must grant a waiver.

4 “(C) Gifts of personal hospitality from an indi-
5 vidual, not a corporation or organization, for a non-
6 business purpose on facilities owned by that individ-
7 ual or the individual’s family.

8 “(D) Anything for which the recipient pays the
9 market value or does not use and promptly returns
10 to the donor.

11 “(E) Items of little intrinsic value.

12 “(F) Bequests, inheritances, and other trans-
13 fers at death.

14 “(G) Political contributions as defined by the
15 Federal Election Commission and otherwise reported
16 as required by law.

17 “(H) Food, lodging, transportation, and enter-
18 tainment provided on an official basis by Federal,
19 State, and local governments or political subdivisions
20 thereof.

21 “(I) Informational materials sent to a Member’s
22 office, including newspapers, magazines and other
23 periodicals, books, audio tapes, videotapes, and other
24 forms of communication.

1 “(J) Nonmonetary awards, trophies, mementos,
2 or honorary degrees presented to a Member, officer,
3 or employee.

4 “(K) Consumable products provided to a Mem-
5 ber’s office by a home-State business which are pri-
6 marily intended for consumption by persons other
7 than the Member or staff.

8 “(L) Awards and prizes given to competitors in
9 contests or events open to the public, including ran-
10 dom drawings.

11 “(M) Opportunities and benefits which are
12 available to the public or to Federal employees.

13 “(N) Opportunities and benefits offered to
14 members of a group or class in which membership
15 is unrelated to congressional employment.

16 “(O) Opportunities and benefits based on out-
17 side business or employment activities which it is
18 clear that such opportunities and benefits have not
19 been offered or enhanced because of a Member’s, of-
20 ficer’s, or employee’s official status.

21 “(b)(1) No Member, officer, or employee may accept
22 payment or reimbursement for meals or entertainment.

23 “(2) For purposes of this rule, the following are not
24 meals or entertainment subject to the prohibition in sub-
25 paragraph (1):

1 “(A) Meals and entertainment provided by a
2 relative, including a fiancée.

3 “(B) Meals or entertainment or both from a
4 friend, given under circumstances which make it
5 clear that the meal or entertainment is provided
6 based on a personal friendship rather than the posi-
7 tion of the Member, officer, or employee. Relevant
8 factors in making such a determination include the
9 history of the relationship and whether the friend
10 personally pays for the meal or entertainment.

11 “(C) Meals, food, and entertainment provided
12 at widely attended gatherings, including conventions,
13 charity events, conferences, symposiums, retreats,
14 dinners, receptions, viewings, or similar events if the
15 meals, food, and entertainment are not solicited by
16 the Member, officer, or employee.

17 “(c) No Member, officer, or employee may accept
18 payment or reimbursement for travel expenses (including
19 associated transportation, lodging, or entertainment) from
20 anyone (including a foreign government in a foreign coun-
21 try) unless such travel expenses were paid by a relative
22 or personal friend.”.

23 (b) SANCTION.—Clause 4(e)(1)(B) of rule X of the
24 Rules of the House of Representatives is amended by in-
25 serting before the semicolon the following: “except that if

1 a Member, officer, or employee violated clause 4 of rule
2 XLIII, such Member, officer, or employee shall be subject
3 to disciplinary action by the committee, including a fine
4 of a value not less than the value of the gift, meals, food,
5 and entertainment, or travel expenses received in violation
6 of such clause and of a value not to exceed three times
7 the value of such gift, meals, food, and entertainment, or
8 travel expenses”.

