

103^D CONGRESS
1ST SESSION

H. R. 612

To reform campaign practices for elections to the House of Representatives by limiting contributions from political action committees, establishing tax credits for individual campaign contributions, providing matching funds for individual small contributions, limiting the use of personal funds in a campaign, offsetting independent expenditures, encouraging the use of longer campaign commercials, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1993

Mr. KANJORSKI introduced the following bill; which was referred jointly to the Committees on House Administration, Ways and Means, and Energy and Commerce

A BILL

To reform campaign practices for elections to the House of Representatives by limiting contributions from political action committees, establishing tax credits for individual campaign contributions, providing matching funds for individual small contributions, limiting the use of personal funds in a campaign, offsetting independent expenditures, encouraging the use of longer campaign commercials, 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 “House of Representa-
3 tives Election Campaign Reform Act of 1990”.

4 **SEC. 2. LIMITATION ON CONTRIBUTIONS TO HOUSE OF**
5 **REPRESENTATIVES CANDIDATES BY POLITI-**
6 **CAL ACTION COMMITTEES.**

7 Section 315(a)(2)(A) of the Federal Election Cam-
8 paign Act of 1971 (2 U.S.C. 441a(a)(2)(A)) is amended
9 by striking out “\$5,000” and inserting in lieu thereof
10 “\$2,000”.

11 **SEC. 3. CREDIT FOR CONTRIBUTIONS TO CONGRESSIONAL**
12 **CAMPAIGNS.**

13 (a) GENERAL RULE.—Part IV of subchapter A of
14 chapter 1 of the Internal Revenue Code of 1986 is amend-
15 ed by inserting a new section 24 as follows:

16 **“SEC. 24. CONTRIBUTIONS TO CONGRESSIONAL CAM-**
17 **PAIGNS.**

18 “(a) GENERAL RULE.—In the case of an individual,
19 there shall be allowed, subject to the limitations of sub-
20 section (b), as a credit against the tax imposed by this
21 chapter, an amount equal to 100 percent of any congres-
22 sional contribution which is made by such individual with-
23 in the taxable year, as defined in subsection (c)(1).

24 “(b) LIMITATIONS.—

25 “(1) The credit allowed by subsection (a) for a
26 taxable year shall not exceed an aggregate of \$200

1 (\$400 in the case of a joint return) for all congres-
2 sional contributions by an individual in said year.

3 “(2) The credit under subsection (a) shall not
4 be allowed with respect to a congressional contribu-
5 tion, if the contribution is transmitted to the can-
6 didate or a campaign committee of the candidate
7 through an intermediary group, organization, or
8 committee.

9 “(c) DEFINITIONS.—For purposes of this sub-
10 section—

11 “(1) The term ‘congressional contribution’
12 means a contribution or gift of money, payment of
13 which is made during the taxable year, to an individ-
14 ual who is a candidate for nomination or election to
15 the office of Representative in, or Delegate or Resi-
16 dent Commissioner to, the Congress of the United
17 States in any primary, general, or special election,
18 and which—

19 “(A) is from a taxpayer (or either spouse
20 in the case of a joint return) who is a resident
21 of the State in which the election is held; and

22 “(B) is solely for the use by the recipient
23 to further his candidacy for nomination or elec-
24 tion to such office.

1 “(2) The term ‘candidate’ means an individual
2 who—

3 “(A) publicly announces before the close of
4 the calendar year in which the contribution or
5 gift is made that he is a candidate for nomina-
6 tion or election to one of the offices specified in
7 paragraph (1); and

8 “(B) meets the qualifications prescribed by
9 law to hold such office.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 for part IV of subchapter A of chapter 1 of such code
12 is amended by inserting after the item relating to section
13 23 the following new item:

 “Sec. 24. Contributions to Congressional Campaigns.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to contributions made after De-
16 cember 31, 1990, in taxable years ending after that date.

17 (d) The Federal Election Commission shall issue reg-
18 ulations providing for the biennial indexing of the tax
19 credit established under this section.

20 **SEC. 4. DESIGNATION OF INCOME TAX PAYMENTS TO THE**
21 **HOUSE OF REPRESENTATIVES CAMPAIGN**
22 **TRUST FUND.**

23 (a) IN GENERAL.—Subchapter A of chapter 61 of the
24 Internal Revenue Code of 1986 (relating to returns and

1 records) is amended by adding at the end the following
2 new part:

3 **“PART IX—DESIGNATION OF INCOME TAX PAY-**
4 **MENTS TO BE USED FOR THE HOUSE OF**
5 **REPRESENTATIVES CAMPAIGN TRUST FUND**

“Sec. 6097. Designation by individuals.

6 **“SEC. 6097. DESIGNATION BY INDIVIDUALS.**

7 “(a) IN GENERAL.—Every individual whose adjusted
8 income tax liability for the taxable year is \$2 or more may
9 designate that \$2 shall be paid over to the House of Rep-
10 resentatives Campaign Trust Fund.

11 “(b) ADJUSTED INCOME TAX LIABILITY.—For pur-
12 poses of this section, the adjusted income tax liability of
13 an individual is the tax liability of such individual (as de-
14 termined under subsection (b) of section 6096) for the tax-
15 able year reduced by the amount designated under section
16 6096 (relating to designation of income tax payments to
17 Presidential Election Campaign Fund) for such taxable
18 year.

19 “(c) JOINT RETURNS.—In the case of a joint return
20 showing adjusted income tax liability of \$2 or more, each
21 spouse may designate that \$2 shall be paid over to the
22 House of Representatives Campaign Trust Fund.

1 “(d) MANNER AND TIME OF DESIGNATION.—Sub-
 2 section (c) of section 6096 shall apply to the manner and
 3 time of the designation under this section.”.

4 (b) CLERICAL AMENDMENT.—The table of parts for
 5 such subchapter A is amended by adding at the end the
 6 following new item:

“Part IX. Designation of income tax payments to be used for the
 House of Representatives Campaign Trust Fund.”.

7 (c) EFFECTIVE DATE.—The amendments made by
 8 this section shall apply to taxable years beginning
 9 after December 31, 1992.

10 **SEC. 5. ESTABLISHMENT OF THE HOUSE OF REPRESENTA-**
 11 **TIVES CAMPAIGN TRUST FUND.**

12 (a) IN GENERAL.—Subchapter A of chapter 98 of the
 13 Internal Revenue Code of 1986 (relating to Trust Fund
 14 Code) is amended by adding at the end the following new
 15 section:

16 **“SEC. 9511. HOUSE OF REPRESENTATIVES CAMPAIGN**
 17 **TRUST FUND.**

18 “(a) CREATION OF TRUST FUND.—There is estab-
 19 lished in the Treasury of the United States a trust fund
 20 to be known as the ‘House of Representatives Campaign
 21 Trust Fund’, consisting of such amounts as may be appro-
 22 priated or credited to such trust fund as provided in this
 23 section or section 9602(b).

1 “(b) TRANSFER TO FUND OF AMOUNTS DESIGNATED
2 BY INDIVIDUALS.—There is hereby appropriated to the
3 House of Representatives Campaign Trust Fund amounts
4 equivalent to the amounts designated under section 6097.

5 “(c) EXPENDITURE FROM FUND.—Amounts in the
6 House of Representatives Campaign Trust Fund shall be
7 available to provide matching payments in accordance with
8 section 325 of the Federal Election Campaign Act of
9 1971. Expenditures from the Fund shall be made, in such
10 manner as the Federal Election Commission may pre-
11 scribe by regulation, to each candidate who certifies to the
12 Commission that—

13 “(1) the candidate and the authorized commit-
14 tees of the candidate have received contributions to-
15 taling not less than \$25,000, in contributions of
16 \$200 or less from individual contributors who are
17 residents of the State from which the candidate is
18 running for nomination or election to the office of
19 Representative in, or Delegate or Resident Commis-
20 sioner to, the Congress of the United States.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 for such subchapter A is amended by adding at the end
23 the following new item:

“Sec. 9511. House of Representatives Campaign Trust Fund.”.

1 **SEC. 6. AMENDMENT TO THE FEDERAL ELECTION CAM-**
2 **PAIGN ACT OF 1971 RELATING TO REPORTING**
3 **OF INDIVIDUAL RESIDENT CONTRIBUTIONS**
4 **IN ELECTIONS FOR THE OFFICE OF**
5 **REPRESENTATIVE.**

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

9 “REPORTING OF INDIVIDUAL RESIDENT CONTRIBUTIONS
10 IN ELECTIONS FOR THE OFFICE OF REPRESENTATIVE

11 “SEC. 324. (a) Each primary election or general elec-
12 tion candidate for the office of Representative in, or Dele-
13 gate or Resident Commissioner to, the Congress of the
14 United States who desires to receive matching payments
15 under section 325 shall report to the Commission all con-
16 tributions received by the candidate and the authorized
17 committees of the candidate totaling not less than
18 \$25,000, in contributions of \$200 or less from individual
19 contributors who are residents of the State from which
20 the candidate is running for nomination or election to the
21 office of Representative in, or Delegate or Resident Com-
22 missioner to, the Congress of the United States.

23 “(b) For purposes of making matching payments
24 from the House of Representatives Campaign Trust Fund,
25 the Commission shall certify to the Secretary of the Treas-
26 ury the amounts reported under subsection (a).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to elections taking place after
3 December 31, 1992.

4 **SEC. 7. AMENDMENT TO THE FEDERAL ELECTION CAM-**
5 **PAIGN ACT OF 1971 RELATING TO MATCHING**
6 **PAYMENTS FROM THE HOUSE OF REP-**
7 **RESENTATIVES CAMPAIGN TRUST FUND.**

8 (a) IN GENERAL.—Title III of the Federal Election
9 Campaign Act of 1971 (2 U.S.C. 301 et seq.), as amended
10 by section 6, is further amended by adding at the end the
11 following new section:

12 “MATCHING PAYMENTS FROM THE HOUSE OF
13 REPRESENTATIVES CAMPAIGN TRUST FUND

14 “SEC. 325. (a) ELIGIBILITY FOR MATCHING
15 FUNDS.—A primary election or general election candidate
16 for the office of Representative who, under section 324,
17 reports to the Commission that the candidate and the au-
18 thorized committees of the candidate have received con-
19 tributions totaling at least \$25,000, in contributions of
20 \$200 or less from individual contributors who are resi-
21 dents of the State from which the candidate is running,
22 shall be entitled to matching payments from the House
23 of Representatives Campaign Trust Fund under section
24 9511 of the Internal Revenue Code of 1986 in an amount
25 equal to the aggregate total of the first \$200 in contribu-

1 tions from individuals who are residents of the State from
2 which the candidate is running.

3 “(b) MAXIMUM MATCHING BENEFIT.—The aggre-
4 gate total of matching payments a primary election or gen-
5 eral election candidate may receive as provided under sub-
6 section (a) shall not exceed \$300,000 in any election.

7 “(c) RESTRICTION ON ELIGIBILITY FOR MATCHING
8 FUNDS.—

9 “(1) A primary election or general election can-
10 didate for the office of Representative who, under
11 subsection (a) would qualify for matching funds
12 must certify to the Commission, under penalty of
13 perjury, that neither the candidate nor any members
14 of the candidate’s family, will furnish (by contribu-
15 tion, loan, or otherwise) from the personal funds of
16 the candidate or the candidate’s family an aggregate
17 amount exceeding \$100,000 with respect to the elec-
18 tion.

19 “(2) Any person who violates the provisions of
20 paragraph (1) shall be fined not more than \$25,000,
21 or imprisoned not more than five years, or both. Any
22 officer, employee, or agent of any political committee
23 who knowingly consents to any expenditure in viola-
24 tion of the provisions of paragraph (1) shall be fined

1 not more than \$25,000, or imprisoned not more
2 than five years, or both.

3 “(3) For the purposes of paragraph (1), the
4 term ‘candidate’s family’ means an individual who is
5 related to the candidate as father, mother, son,
6 daughter, brother, sister, grandfather, grandmother,
7 grandson, granddaughter, uncle, aunt, first cousin,
8 nephew, niece, husband, wife, father-in-law, mother-
9 in-law, son-in-law, daughter-in-law, brother-in-law,
10 sister-in-law, grandfather-in-law, grandmother-in-
11 law, stepfather, stepmother, stepson, stepdaughter,
12 stepbrother, stepsister, half brother, or half sister.

13 “(d) ADDITIONAL MATCHING FUNDS.—If a can-
14 didate refuses to make the certification required under
15 subsection (c), all other candidates eligible under sub-
16 section (a), with respect to that primary or general elec-
17 tion, shall be entitled to matching payments from the
18 House of Representatives Campaign Trust Fund under
19 section 9511 of the Internal Revenue Code of 1986 in an
20 amount equal to the total of all contributions they receive
21 from individuals regardless of State of residence of the
22 contributors and for amounts up to \$1,000.

23 “(e) COMPENSATION TO OPPONENTS OF CAN-
24 DIDATES WHO VIOLATE THE PERSONAL FUNDS LIMITA-
25 TION CERTIFICATION.—If a candidate is found under sub-

1 section (c)(2) to have violated the provisions of subsection
2 (c)(1), all other candidates eligible under subsection (a),
3 with respect to that primary or general election, shall be
4 entitled to payments from the House of Representatives
5 Campaign Trust Fund under section 9511 of the Internal
6 Revenue Code of 1986 in an amount equal to the amount
7 in excess of \$100,000 as provided under subsection (c)(1).

8 “(f) INDEPENDENT EXPENDITURES OFFSET.—

9 “(1) If a candidate certified under subsection
10 (c) is notified by the Commission, as provided under
11 section 304 (d) or (e) of the Federal Election Cam-
12 paign Act (2 U.S.C. 434) that independent expendi-
13 tures are made during an election cycle by one or
14 more person or entity aggregating an amount in ex-
15 cess of \$10,000 in opposition to such certified can-
16 didate or for an opponent of such candidate, the no-
17 tified candidate shall be entitled to payments from
18 the House of Representatives Campaign Trust Fund
19 under section 9511 of the Internal Revenue Code of
20 1986 in an amount equal to 300 percent of the
21 amount of such independent expenditures.

22 “(2) Any person or entity found by the Com-
23 mission to have willfully or intentionally sought to
24 subvert the intent of this subsection shall be fined

1 not more than \$25,000, or imprisoned not more
2 than five years, or both.

3 “(g) REPAYMENT OF TRUST FUND FROM EXCESS
4 FUNDS.—

5 “(1) If at the conclusion of a primary election
6 or general election in which a candidate who has re-
7 ceived payments from the House of Representatives
8 Campaign Trust Fund under section 9511 of the In-
9 ternal Revenue Code of 1986 has excess campaign
10 funds attributable to that election, such candidate
11 shall within thirty days refund to the trust fund the
12 amount of the excess campaign funds which equals
13 the pro rata share that payments provided to such
14 candidate from the trust fund accounted for of such
15 candidate’s total aggregated receipts from all
16 sources with respect to such election.

17 “(2) In no case shall the amount of refund re-
18 quired under paragraph (1) exceed the total aggre-
19 gated payments provided to such candidate from the
20 trust fund with respect to that election.

21 “(h) INDEXING REGULATION.—The Federal Election
22 Commission shall issue regulations providing for the bien-
23 nial indexing of the provisions of subsections (a) and (b).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to elections taking place after
3 December 31, 1992.

4 **SEC. 8. AMENDMENTS TO SECTION 304 OF THE FEDERAL**
5 **ELECTION CAMPAIGN ACT OF 1971 WITH RE-**
6 **SPECT TO INDEPENDENT EXPENDITURES.**

7 Section 304 of the Federal Election Campaign Act
8 of 1971 (2 U.S.C. 434) is amended by adding at the end
9 the following:

10 “(d)(1) Any independent expenditures made, or obli-
11 gated to be made, by any person or entity in an election
12 for the office of Representative in, or Delegate or Resident
13 Commissioner to, the Congress which in the aggregate
14 total more than \$10,000 shall be reported by such person
15 or entity to the Commission within twenty-four hours after
16 such independent expenditures are made. Thereafter, any
17 independent expenditures by such person or entity in the
18 same election cycle shall be reported by such person or
19 entity to the Commission within twenty-four hours after
20 such expenditures are made or obligated.

21 “(2) Such statements shall be filed with the Commis-
22 sion and the Secretary of State for the State involved and
23 shall contain a statement under penalty of perjury by the
24 person or entity making the independent expenditures, or
25 by the person or entity incurring the obligation to make

1 such expenditures, as the case may be, indicating whom
2 the independent expenditures are actually intended to help
3 elect or defeat. The Commission shall notify each can-
4 didate in the election of each such report within twenty-
5 four hours after the report is made.

6 “(3) Notwithstanding the reporting requirements es-
7 tablished in this paragraph, the Commission may make
8 its own determination that a person or entity has made,
9 or has incurred obligations to make, independent expendi-
10 tures with respect to any election for the office of Rep-
11 resentative in, or Delegate or Resident Commissioner to,
12 the Congress which in the aggregate totals more than
13 \$10,000.

14 “(4) The Commission shall notify each candidate in
15 the election about each such determination within twenty-
16 four hours after each such determination is made.

17 “(5) For purposes of this section, an expenditure will
18 be deemed to be made when it is incurred.

19 “(e) When two or more persons or entities, in co-
20 operation, consultation, or concert with each other, make,
21 or obligate to make, independent expenditures during any
22 general, primary, or runoff election period for the office
23 of Representative in, or Delegate or Resident Commis-
24 sioner to, the Congress each such person or entity shall
25 report to the Commission, under subsection (d), the

1 amount of such expenditure or expenditures made by each
2 such person or entity in coordination, consultation, or con-
3 cert with such other person, persons, entity, or entities
4 when the total amount of all expenditures made by such
5 persons or entities in coordination, consultation, or concert
6 with each other exceeds the applicable amount provided
7 in such subsection.”.

8 **SEC. 9. AMENDMENTS RELATING TO BROADCAST MEDIA**
9 **RATES AND DISCLOSURES.**

10 (a) Section 315(b) of the Communications Act of
11 1934 (47 U.S.C. 315(b)) is amended by inserting at the
12 end thereof the following: “*Provided, however,* That in the
13 case of a candidate who has made the certification re-
14 quired under section 325(c) of the Federal Election Cam-
15 paign Act of 1971, paragraph (1)(A) shall be applied with-
16 out regard to the phrase ‘class and’ if the unit is at least
17 one but not more than five minutes in length”.

18 (b) Section 318(a) of the Federal Election Campaign
19 Act of 1971 (2 U.S.C. 441d(a)), is amended by—

20 (1) striking out the period at the end of para-
21 graph 3 and inserting in lieu thereof; “;”; and

22 (2) adding at the end thereof the following:

23 “(4) if paid for or authorized by a candidate in
24 an election for the office of Representative in, or
25 Delegate or Resident Commissioner to, the Congress

1 who is a candidate, or the authorized committee of
2 such candidate, who has not made the certification
3 required under section 325(c) of the Federal Elec-
4 tion Campaign Act of 1971, such communication
5 shall also contain—

6 “(A) in the case of a radio broadcast sta-
7 tion the following oral, or

8 “(B) in the case of a television broadcast
9 state the following oral and printed, or

10 “(C) in the case of a newspaper, magazine,
11 outdoor advertising facility, direct mailing, or
12 any other type of general public political adver-
13 tising the following printed
14 sentence: “This candidate has not agreed to abide by
15 the spending limits for this congressional election
16 campaign set forth in the Federal Campaign Act.’”.

17 **SEC. 10. PENALTIES.**

18 (a) It is unlawful for any person knowingly and will-
19 fully—

20 (1) to furnish any false, fictitious, or fraudulent
21 evidence, books, or information (including any cer-
22 tification, verification, notice, or report) to the Com-
23 mission under this Act, or to include in any evi-
24 dence, books, or information so furnished any mis-
25 representation of a material fact, or to falsify or

1 conceal any evidence, books, or information relevant
2 to a certification by the Commission under this Act;
3 or,

4 (2) to fail to furnish to the Commission any
5 records, books, or information requested by it for
6 purposes of this Act.

7 (b) Any person who violates the provisions of para-
8 graph (a)(1) shall be fined not more than \$10,000, or im-
9 prisoned not more than five years, or both.

10 **SEC. 11. RESTRICTIONS ON CONTROL OF CERTAIN TYPES**
11 **OF POLITICAL COMMITTEES BY CANDIDATES.**

12 Section 303 of the Federal Election Campaign Act
13 of 1971 (2 U.S.C. 432) is amended by adding at the end
14 the following:

15 “(j) A candidate for the office of Representative in,
16 or Delegate or Resident Commissioner to, the Congress
17 of the United States may not establish, maintain, or con-
18 trol a political committee, other than an authorized com-
19 mittee of the candidate or a committee of a political
20 party.”.

21 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to the Com-
23 mission such sums as may be necessary for the purpose
24 of carrying out its functions under this Act.

1 **SEC. 13. EFFECTIVE DATE.**

2 Except as otherwise provided in this Act, this Act
3 shall take effect after December 31, 1990.

4 **SEC. 14. SEVERABILITY.**

5 If any provision of this Act or any amendment made
6 to this Act, or the application of any such provision to
7 any person or circumstances is held invalid, the validity
8 of any other such provision, and the application of such
9 provision to other persons and circumstances shall not be
10 affected thereby.

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