

106TH CONGRESS
2D SESSION

H. R. 4621

To amend the Federal Election Campaign Act of 1971 and the Communications Act of 1934 to require sponsors of certain election-related communications to provide information regarding their identities and sources of funds used to make the communications, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2000

Mr. CASTLE (for himself, Mr. LEACH, Mr. BOEHLERT, Mrs. MORELLA, Mr. HORN, Mr. BILBRAY, Mr. GANSKE, Mr. GILCHREST, Mr. BASS, Mr. SHAYS, Mr. UPTON, Mr. GREENWOOD, Mr. FRANKS of New Jersey, Mrs. JOHNSON of Connecticut, and Mr. RAMSTAD) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Commerce, 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 and the Communications Act of 1934 to require sponsors of certain election-related communications to provide information regarding their identities and sources of funds used to make the communications, 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 “Accountability and
3 Disclosure Act of 2000”.

4 **SEC. 2. DISCLOSURE REQUIREMENTS FOR CERTAIN CAM-
5 PAIGN-RELATED COMMUNICATIONS.**

6 (a) PRINT COMMUNICATIONS.—Section 318 of the
7 Federal Election Campaign Act of 1971 (2 U.S.C. 441d)
8 is amended by adding at the end the following new sub-
9 section:

10 “(c)(1) In addition to any other information required
11 to be reported under this Act, any person who makes any
12 payments described in paragraph (2) during a calendar
13 year shall meet the following requirements with respect
14 to any communication described in such paragraph which
15 is disseminated on or after the date on which the aggre-
16 gate amount or value of such communications made by
17 the person during the year equals or exceeds \$10,000:

18 “(A) The person shall include in the commu-
19 nication involved (in a reasonably legible manner)—

20 “(i) the person’s name, address, and day-
21 time telephone number; or

22 “(ii) the person’s Internet site which con-
23 tains the information described in clause (i) and
24 any information required to be provided under
25 subparagraph (B).

1 “(B) Beginning on the date the communication
2 is disseminated, the person shall provide to any per-
3 son on request not later than 24 hours after the re-
4 quest is made or post on the person’s Internet site
5 the following information:

6 “(i) If the person is an entity with officers
7 or directors, the name, address, and daytime
8 telephone number of such officers or directors.

9 “(ii) If the person is an entity without offi-
10 cers or directors, the name, address, and day-
11 time telephone number of any person respon-
12 sible for the communication involved.

13 “(iii) The identification of each person who
14 provided funds to the person during the cal-
15 endar year in an amount equal to or greater
16 than \$1,000, together with the amount the per-
17 son provided.

18 “(2) A payment described in this paragraph is a pay-
19 ment for any communication disseminated through any
20 method other than through a radio or television broadcast
21 which mentions an individual holding Federal office or a
22 clearly identified candidate for election for Federal office
23 (including any individual who has formed an exploratory
24 committee for such election) or the political party of such
25 an individual or candidate, or which contains the likeness

1 of such an individual or candidate, (other than a payment
2 which would be described in clause (i), (iii), or (v) of sec-
3 tion 301(9)(B) if the payment were an expenditure under
4 such section).”.

5 (b) RADIO AND TELEVISION COMMUNICATIONS.—
6 Section 317 of the Communications Act of 1934 (47
7 U.S.C. 317) is amended—

8 (1) by striking “radio station” each place it ap-
9 pears and inserting “broadcast station”; and

10 (2) by adding at the end of subsection (a) the
11 following new paragraph:

12 “(3)(A) Each person who provides a broadcast sta-
13 tion with any communication described in subparagraph
14 (E) for broadcast shall provide the station with the fol-
15 lowing information:

16 “(i) If the person is an entity with officers
17 or directors, the name, address, and daytime
18 telephone number of such officers or directors.

19 “(ii) If the person is an entity without offi-
20 cers or directors, the name, address, and day-
21 time telephone number of any person respon-
22 sible for the communication involved.

23 “(iii) The identification of each person who
24 provided funds to the person during the cal-
25 endar year in an amount equal to or greater

1 than \$1,000, together with the amount the per-
2 son provided.

3 “(B) In addition to any other records required to be
4 kept under this subsection, each broadcast station which
5 broadcasts any communication described in subparagraph
6 (E) shall—

7 “(i) retain the information provided to the sta-
8 tion pursuant to subparagraph (A);

9 “(ii) if the station has a site on the Internet,
10 post such information on the site;

11 “(iii) provide the information described in
12 clause (i) or clause (ii) of subparagraph (A) upon re-
13 quest to any person by telephone, electronic mail, or
14 facsimile device; and

15 “(iv) in addition to the methods described in
16 clauses (ii) and (iii), make the information provided
17 to the station pursuant to subparagraph (A) avail-
18 able for public inspection through such other meth-
19 ods as the station considers appropriate.

20 “(C)(i) In addition to any other announcements re-
21 quired to be made under this subsection, each communica-
22 tion described in subparagraph (E) shall include, in a
23 clearly spoken manner, the following statement:
24 ‘ _____ is responsible for the content of this
25 advertisement.’ (with the blank to be filled in with the

1 name of each person responsible for the communication).
2 If transmitted through television, the statement shall also
3 appear in a clearly readable manner with a reasonable de-
4 gree of color contrast between the background and the
5 printed statement, for a period of at least 4 seconds.

6 “(ii) For purposes of clause (i)—

7 “(I) the person who provides the broadcast sta-
8 tion with the communication shall be deemed to be
9 a person responsible for the communication; and

10 “(II) if 3 or fewer persons provided a portion
11 of the funds used for the communication equal to or
12 greater than 90 percent of the total amount used,
13 each such person shall be deemed to be a person re-
14 sponsible for the communication.

15 “(D)(i) Any person who violates subparagraph (A) or
16 subparagraph (C) shall be subject to a civil money penalty
17 of not more than \$5,000 or the aggregate amount spent
18 on the communication involved (whichever is greater) for
19 each such violation.

20 “(ii) Any person who knowingly and willfully violates
21 subparagraph (A) or subparagraph (C) shall be subject
22 to a civil money penalty of not more than \$10,000 or 200
23 percent of the aggregate amount spent on the communica-
24 tion involved (whichever is greater) for each such violation.

1 “(iii) The Commission may refer a knowing and will-
2 ful violation of subparagraph (A) or subparagraph (C) to
3 the Attorney General, who may bring a criminal action
4 against the person involved. If the person is convicted in
5 any such action, the person shall be fined not more than
6 \$25,000 or 300 percent of the aggregate amount spent
7 on the communication involved (whichever is greater) for
8 each such violation, imprisoned for not more than one
9 year, or both.

10 “(E)(i) A communication described in this subpara-
11 graph is any communication which mentions an individual
12 holding Federal office or a clearly identified candidate for
13 election for Federal office (including any individual who
14 has formed an exploratory committee for such election)
15 or the political party of such an individual or candidate,
16 or which contains the likeness of such an individual or
17 candidate, (other than a payment which would be de-
18 scribed in clause (i), (iii), or (v) of section 301(9)(B) of
19 the Federal Election Campaign Act of 1971 if the pay-
20 ment were an expenditure under such section).

21 “(ii) In clause (i), the term ‘Federal office’ has the
22 meaning given such term in section 301(3) of the Federal
23 Election Campaign Act of 1971.

24 “(F) This paragraph does not apply with respect to
25 a communication if (prior to spending funds on the com-

1 munication) the person providing the communication to
2 the broadcast station has not spent an aggregate amount
3 or value of \$10,000 or more on all such communications
4 during the calendar year involved.

5 “(G) This paragraph shall apply with respect to a
6 video programmer and a multi-channel video program dis-
7 tributor in the same manner as it applies to a broadcast
8 station.”.

9 **SEC. 3. EFFECTIVE DATE.**

10 This Act and the amendments made by this Act shall
11 take effect January 1, 2001.

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