

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4180

To amend the Federal Election Campaign Act of 1971 to require communications which consist of prerecorded telephone calls to meet the disclosure and disclaimer requirements applicable to general public campaign communications transmitted through radio, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2005

Mrs. SCHMIDT (for herself and Mr. SHAYS) introduced the following bill;  
which was referred to the Committee on House Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to require communications which consist of prerecorded telephone calls to meet the disclosure and disclaimer requirements applicable to general public campaign communications transmitted through radio, 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 “Identification and Dis-  
5 closure Act”.

1 **SEC. 2. DISCLOSURE REQUIREMENTS AND OTHER RE-**  
2 **STRICTIONS FOR COMMUNICATIONS MADE**  
3 **THROUGH PRERECORDED TELEPHONE**  
4 **CALLS.**

5 (a) APPLICATION OF GENERAL DISCLOSURE RE-  
6 QUIREMENTS.—Section 318(a) of the Federal Election  
7 Campaign Act of 1971 (2 U.S.C. 441d(a)) is amended by  
8 striking “(as defined in section 304(f)(3)),” and inserting  
9 “(as defined in section 304(f)(3)) or for any communica-  
10 tion which is a telephone call consisting in substantial part  
11 of a prerecorded audio message (other than a call placed  
12 to a customer or employee of the person making the dis-  
13 bursement),”.

14 (b) METHOD OF DISCLOSURE; OTHER RESTRIC-  
15 TIONS.—Section 318(d) of such Act (2 U.S.C. 441d(d))  
16 is amended by adding at the end the following new para-  
17 graph:

18 “(3) SPECIAL RULES FOR PRERECORDED TELE-  
19 PHONE CALLS.—Any communication which is sub-  
20 ject to the requirements of subsection (a) and which  
21 is a telephone call consisting in substantial part of  
22 a prerecorded audio message shall meet the following  
23 requirements:

24 “(A) The communication shall meet the re-  
25 quirements for a communication which is trans-  
26 mitted through radio which are applicable

1 under paragraph (1)(A) (in the case of a com-  
2 munication described in paragraph (1) or (2) of  
3 subsection (a)) or under paragraph (2) (in the  
4 case of a communication described in paragraph  
5 (3) of subsection (a)), except that—

6 “(i) the audio statement required  
7 shall clearly state the name and permanent  
8 street address of the person making the  
9 disbursement for the call; and

10 “(ii) the audio statement required  
11 shall be made at the beginning of the tele-  
12 phone call.

13 “(B) The telephone number which will ap-  
14 pear in the caller identification device of the re-  
15 cipient of the telephone call shall be the tele-  
16 phone number of the person making the dis-  
17 bursement for the call which is used in the per-  
18 son’s regular course of business, without regard  
19 to whether or not the person placed the tele-  
20 phone call itself.”.

21 **SEC. 3. EFFECTIVE DATE.**

22 The amendments made by this Act shall apply with  
23 respect to communications made on or after the date of  
24 the enactment of this Act.

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