

112TH CONGRESS
1ST SESSION

H. R. 2038

To amend the Federal Election Campaign Act of 1971 to provide for limitations on expenditures in elections for the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Mr. HIGGINS introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to provide for limitations on expenditures in elections for the House of Representatives.

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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Restoring Confidence Through Smarter Campaigns
6 Act”.

7 (b) FINDINGS.—Congress finds the following:

8 (1) The Supreme Court decision in *Buckley v.*
9 *Valeo* failed to recognize that unlimited spending on
10 elections has a corrosive effect on the electoral proc-

1 ess and on public confidence in the integrity of the
2 electoral process.

3 (2) Restoring Congress’s regulatory power over
4 campaign expenditures will level the playing field by
5 creating a realistic opportunity for more Americans
6 to seek Federal office and by encouraging elections
7 that are more competitive.

8 (3) Limiting the need for incessant fundraising
9 by Members of Congress may restore the public’s
10 confidence in both the electoral process and in the
11 accountability of Members to the constituents who
12 elect them.

13 **SEC. 2. EXPENDITURE LIMITATIONS IN HOUSE ELECTIONS.**

14 (a) ESTABLISHMENT OF LIMITATIONS.—Section 315
15 of the Federal Election Campaign Act of 1971 (2 U.S.C.
16 441a) is amended by adding at the end the following new
17 subsection:

18 “(k) EXPENDITURE LIMITATIONS IN HOUSE ELEC-
19 TIONS.—

20 “(1) LIMITATIONS.—

21 “(A) IN GENERAL.—A candidate for elec-
22 tion for the office of Representative in, or Dele-
23 gate or Resident Commissioner to, the Congress
24 and the authorized committees of the candidate
25 may not make expenditures which in the aggre-

1 gate exceed \$500,000 during the election cycle,
2 of which—

3 “(i) not more than \$250,000 may be
4 attributable to expenditures made with re-
5 spect to a primary election; and

6 “(ii) not more than \$250,000 may be
7 attributable to expenditures made with re-
8 spect to a general election.

9 “(B) INCREASE IN LIMITATIONS FOR RUN-
10 OFF ELECTIONS.—In the case of a candidate in
11 a runoff election, the candidate and the author-
12 ized committees of the candidate may make an
13 additional amount of expenditures which in the
14 aggregate do not exceed \$250,000, of which—

15 “(i) not more than \$125,000 may be
16 attributable to expenditures made with re-
17 spect to a primary runoff election; and

18 “(ii) not more than \$125,000 may be
19 attributable to expenditures made with re-
20 spect to a general runoff election.

21 “(2) EXCLUSION OF EXPENDITURES FOR
22 LEGAL SERVICES.—In determining the amount of
23 expenditures made for purposes of this subsection,
24 there shall be excluded any expenditures made for
25 legal services in connection with the campaign.

1 “(3) PENALTIES.—Any candidate who makes
2 expenditures in an election in excess of the limit ap-
3 plicable to the election under paragraph (1) shall
4 pay to the Commission a civil money penalty in an
5 amount determined as follows:

6 “(A) If the amount of expenditures in ex-
7 cess of the limit is equal to or less than 2.5 per-
8 cent of the amount of the limit, the penalty
9 shall be equal to the amount of the excess ex-
10 penditures.

11 “(B) If the amount of expenditures in ex-
12 cess of the limit is greater than 2.5 percent but
13 equal to or less than 5 percent of the amount
14 of the limit, the penalty shall be equal to 300
15 percent of the amount of the excess expendi-
16 tures.

17 “(C) If the amount of expenditures in ex-
18 cess of the limit is greater than 5 percent of the
19 amount of the limit, the penalty shall be equal
20 to the sum of 300 percent of the amount of the
21 excess expenditures plus an additional penalty
22 determined by the Commission.”.

23 (b) INDEXING OF AMOUNTS.—

1 (1) APPLICATION OF INDEXING.—Section
2 315(c)(1) of such Act (2 U.S.C. 441a(c)(1)) is
3 amended—

4 (A) in subparagraph (B)(i), by striking “or
5 (h)” and inserting “(h), or (k)”; and

6 (B) in subparagraph (C), by striking “and
7 (h)” and inserting “(h), and (k)”.

8 (2) DETERMINATION OF BASE YEAR.—Section
9 315(c)(2)(B) of such Act (2 U.S.C. 441a(c)(2)(B))
10 is amended—

11 (A) by striking “and” at the end of clause
12 (i);

13 (B) by striking the period at the end of
14 clause (ii) and inserting “; and”; and

15 (C) by adding at the end the following new
16 clause:

17 “(iii) for purposes of subsection (k),
18 calendar year 2013.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply with respect to elections held on
21 or after January 1, 2013.

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