

## HR 5175

DISCLOSE Act

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Government Operations and Politics

**Introduced:** Apr 29, 2010

**Current Status:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 448.

**Latest Action:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 448. (Jun 29, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/5175>

### Sponsor

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**Name:** Rep. Van Hollen, Chris [D-MD-8]

**Party:** Democratic • **State:** MD • **Chamber:** Senate

**Cosponsors** (114 total)

<b>Cosponsor</b>	<b>Party / State</b>	<b>Role</b>	<b>Date Joined</b>
Rep. Brady, Robert A. [D-PA-1]	D · PA		Apr 29, 2010
Rep. Castle, Michael N. [R-DE-At Large]	R · DE		Apr 29, 2010
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Apr 29, 2010
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		May 11, 2010
Rep. Andrews, Robert E. [D-NJ-1]	D · NJ		May 11, 2010
Rep. Arcuri, Michael A. [D-NY-24]	D · NY		May 11, 2010
Rep. Becerra, Xavier [D-CA-31]	D · CA		May 11, 2010
Rep. Berkley, Shelley [D-NV-1]	D · NV		May 11, 2010
Rep. Bishop, Timothy H. [D-NY-1]	D · NY		May 11, 2010
Rep. Blumenauer, Earl [D-OR-3]	D · OR		May 11, 2010
Rep. Boccieri, John A. [D-OH-16]	D · OH		May 11, 2010
Rep. Boswell, Leonard L. [D-IA-3]	D · IA		May 11, 2010
Rep. Braley, Bruce L. [D-IA-1]	D · IA		May 11, 2010
Rep. Capps, Lois [D-CA-23]	D · CA		May 11, 2010
Rep. Chandler, Ben [D-KY-6]	D · KY		May 11, 2010
Rep. Chu, Judy [D-CA-32]	D · CA		May 11, 2010
Rep. Clyburn, James E. [D-SC-6]	D · SC		May 11, 2010
Rep. Cohen, Steve [D-TN-9]	D · TN		May 11, 2010
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		May 11, 2010
Rep. Courtney, Joe [D-CT-2]	D · CT		May 11, 2010
Rep. DeLauro, Rosa L. [D-CT-3]	D · CT		May 11, 2010
Rep. Deutch, Theodore E. [D-FL-19]	D · FL		May 11, 2010
Rep. Dingell, John D. [D-MI-15]	D · MI		May 11, 2010
Rep. Edwards, Donna F. [D-MD-4]	D · MD		May 11, 2010
Rep. Ellison, Keith [D-MN-5]	D · MN		May 11, 2010
Rep. Ellsworth, Brad [D-IN-8]	D · IN		May 11, 2010
Rep. Farr, Sam [D-CA-17]	D · CA		May 11, 2010
Rep. Filner, Bob [D-CA-51]	D · CA		May 11, 2010
Rep. Foster, Bill [D-IL-14]	D · IL		May 11, 2010
Rep. Garamendi, John [D-CA-10]	D · CA		May 11, 2010
Rep. Giffords, Gabrielle [D-AZ-8]	D · AZ		May 11, 2010
Rep. Hall, John J. [D-NY-19]	D · NY		May 11, 2010
Rep. Hare, Phil [D-IL-17]	D · IL		May 11, 2010
Rep. Harman, Jane [D-CA-36]	D · CA		May 11, 2010
Rep. Heinrich, Martin [D-NM-1]	D · NM		May 11, 2010
Rep. Hinchey, Maurice D. [D-NY-22]	D · NY		May 11, 2010
Rep. Hirono, Mazie K. [D-HI-2]	D · HI		May 11, 2010
Rep. Holt, Rush [D-NJ-12]	D · NJ		May 11, 2010
Rep. Israel, Steve [D-NY-2]	D · NY		May 11, 2010
Rep. Jackson, Jesse L., Jr. [D-IL-2]	D · IL		May 11, 2010
Rep. Kagen, Steve [D-WI-8]	D · WI		May 11, 2010

Cosponsor	Party / State	Role	Date Joined
Rep. Kilroy, Mary Jo [D-OH-15]	D · OH		May 11, 2010
Rep. Kind, Ron [D-WI-3]	D · WI		May 11, 2010
Rep. Kissell, Larry [D-NC-8]	D · NC		May 11, 2010
Rep. Larsen, Rick [D-WA-2]	D · WA		May 11, 2010
Rep. Larson, John B. [D-CT-1]	D · CT		May 11, 2010
Rep. Levin, Sander M. [D-MI-12]	D · MI		May 11, 2010
Rep. Lipinski, Daniel [D-IL-3]	D · IL		May 11, 2010
Rep. Loebsack, David [D-IA-2]	D · IA		May 11, 2010
Rep. Lofgren, Zoe [D-CA-16]	D · CA		May 11, 2010
Rep. Lujan, Ben Ray [D-NM-3]	D · NM		May 11, 2010
Rep. Maloney, Carolyn B. [D-NY-14]	D · NY		May 11, 2010
Rep. Matsui, Doris O. [D-CA-5]	D · CA		May 11, 2010
Rep. McCollum, Betty [D-MN-4]	D · MN		May 11, 2010
Rep. McDermott, Jim [D-WA-7]	D · WA		May 11, 2010
Rep. McGovern, James P. [D-MA-3]	D · MA		May 11, 2010
Rep. Miller, George [D-CA-7]	D · CA		May 11, 2010
Rep. Mollohan, Alan B. [D-WV-1]	D · WV		May 11, 2010
Rep. Murphy, Patrick J. [D-PA-8]	D · PA		May 11, 2010
Rep. Nadler, Jerrold [D-NY-8]	D · NY		May 11, 2010
Rep. Pallone, Frank, Jr. [D-NJ-6]	D · NJ		May 11, 2010
Rep. Perriello, Thomas S.P. [D-VA-5]	D · VA		May 11, 2010
Rep. Polis, Jared [D-CO-2]	D · CO		May 11, 2010
Rep. Pomeroy, Earl [D-ND-At Large]	D · ND		May 11, 2010
Rep. Reyes, Silvestre [D-TX-16]	D · TX		May 11, 2010
Rep. Rothman, Steven R. [D-NJ-9]	D · NJ		May 11, 2010
Rep. Roybal-Allard, Lucille [D-CA-34]	D · CA		May 11, 2010
Rep. Salazar, John T. [D-CO-3]	D · CO		May 11, 2010
Rep. Sánchez, Linda T. [D-CA-39]	D · CA		May 11, 2010
Rep. Sarbanes, John P. [D-MD-3]	D · MD		May 11, 2010
Rep. Schauer, Mark H. [D-MI-7]	D · MI		May 11, 2010
Rep. Schiff, Adam B. [D-CA-29]	D · CA		May 11, 2010
Rep. Schrader, Kurt [D-OR-5]	D · OR		May 11, 2010
Rep. Serrano, Jose E. [D-NY-16]	D · NY		May 11, 2010
Rep. Shea-Porter, Carol [D-NH-1]	D · NH		May 11, 2010
Rep. Shuler, Heath [D-NC-11]	D · NC		May 11, 2010
Rep. Skelton, Ike [D-MO-4]	D · MO		May 11, 2010
Rep. Slaughter, Louise McIntosh [D-NY-28]	D · NY		May 11, 2010
Rep. Smith, Adam [D-WA-9]	D · WA		May 11, 2010
Rep. Stark, Fortney Pete [D-CA-13]	D · CA		May 11, 2010
Rep. Sutton, Betty [D-OH-13]	D · OH		May 11, 2010
Rep. Teague, Harry [D-NM-2]	D · NM		May 11, 2010
Rep. Titus, Dina [D-NV-3]	D · NV		May 11, 2010

Cosponsor	Party / State	Role	Date Joined
Rep. Tonko, Paul [D-NY-21]	D · NY		May 11, 2010
Rep. Visclosky, Peter J. [D-IN-1]	D · IN		May 11, 2010
Rep. Walz, Timothy J. [D-MN-1]	D · MN		May 11, 2010
Rep. Wasserman Schultz, Debbie [D-FL-20]	D · FL		May 11, 2010
Rep. Waters, Maxine [D-CA-35]	D · CA		May 11, 2010
Rep. Waxman, Henry A. [D-CA-30]	D · CA		May 11, 2010
Rep. Welch, Peter [D-VT-At Large]	D · VT		May 11, 2010
Rep. Yarmuth, John A. [D-KY-3]	D · KY		May 11, 2010
Resident Commissioner Pierluisi, Pedro R. [D-PR-At Large]	D · PR		May 11, 2010
Rep. Davis, Susan A. [D-CA-53]	D · CA		May 12, 2010
Rep. Himes, James A. [D-CT-4]	D · CT		May 12, 2010
Rep. Sanchez, Loretta [D-CA-47]	D · CA		May 12, 2010
Rep. Inslee, Jay [D-WA-1]	D · WA		May 13, 2010
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		May 13, 2010
Rep. Speier, Jackie [D-CA-12]	D · CA		May 13, 2010
Rep. Tierney, John F. [D-MA-6]	D · MA		May 13, 2010
Rep. Etheridge, Bob [D-NC-2]	D · NC		May 14, 2010
Rep. Ackerman, Gary L. [D-NY-5]	D · NY		May 18, 2010
Rep. Meek, Kendrick B. [D-FL-17]	D · FL		May 18, 2010
Rep. Hodes, Paul W. [D-NH-2]	D · NH		May 19, 2010
Rep. Price, David E. [D-NC-4]	D · NC		May 19, 2010
Rep. Carnahan, Russ [D-MO-3]	D · MO		May 20, 2010
Rep. Castor, Kathy [D-FL-11]	D · FL		May 20, 2010
Rep. McCarthy, Carolyn [D-NY-4]	D · NY		May 20, 2010
Rep. Moran, James P. [D-VA-8]	D · VA		May 20, 2010
Rep. Clarke, Yvette D. [D-NY-11]	D · NY		May 24, 2010
Rep. Moore, Gwen [D-WI-4]	D · WI		May 24, 2010
Rep. Eshoo, Anna G. [D-CA-14]	D · CA		May 25, 2010
Rep. Langevin, James R. [D-RI-2]	D · RI		May 25, 2010
Rep. Sherman, Brad [D-CA-27]	D · CA		May 25, 2010
Rep. Thompson, Mike [D-CA-1]	D · CA		May 25, 2010

## Committee Activity

Committee	Chamber	Activity	Date
Committee on House Administration	House	Reported By	May 25, 2010
Judiciary Committee	House	Discharged From	May 25, 2010

## Subjects & Policy Tags

### Policy Area:

Government Operations and Politics

## Related Bills

Bill	Relationship	Last Action
111 S 3628	Related bill	<b>Sep 23, 2010:</b> Upon reconsideration, cloture on the motion to proceed to the bill (S.3628) not invoked in Senate by Yea-Nay Vote. 59 - 39. Record Vote Number: 240.
111 HRES 1468	Procedurally related	<b>Jun 24, 2010:</b> Motion to reconsider laid on the table Agreed to without objection.
111 S 3295	Related bill	<b>May 3, 2010:</b> Sponsor introductory remarks on measure. (CR S3029-3031)

Democracy is Strengthened by Casting Light on Spending in Elections Act or DISCLOSE Act - **Title I: Regulation of Certain Political Spending** - (Sec. 101) Amends the Federal Election Campaign Act of 1971 (FECA) to prohibit: (1) independent expenditures and payments for electioneering communications by government contractors if the value of the contract is at least \$10 million; (2) recipients of assistance under the Troubled Asset Relief Program (TARP) of the Emergency Economic Stabilization Act of 2008 (EESA) from making any contribution to any political party, committee, or candidate for public office, or to any person for any political purpose or use, or from making any independent expenditure or disbursing any funds for an electioneering communication; and (3) persons who enter into negotiations for an oil or gas exploration, development, or production lease under the Outer Continental Shelf Lands Act from making any contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use, or from making any independent expenditure or disbursing any funds for an electioneering communication.

(Sec. 102) Applies the ban on contributions and expenditures by foreign nationals to foreign-controlled domestic corporations.

Requires the highest ranking official of a corporation, before making any contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication in connection with a federal election, to file a certification with the Federal Election Commission (FEC), if this has not been done already, that the corporation is not prohibited from carrying out such activity.

Declares that nothing prohibits any domestic corporation from establishing, administering, and soliciting contributions to a separate segregated fund, so long as: (1) none of the amounts in the fund are provided by any prohibited foreign national; and (2) no such foreign national has the power to direct, dictate, or control the fund.

Declares that nothing prohibits any domestic corporation from making a contribution or donation in connection with a state or local election to the extent permitted under state or local law, so long as no foreign national has the power to direct, dictate, or control such contribution or donation.

Declares that nothing prohibits any domestic corporation from carrying out certain activities, so long as: (1) none of the amounts used to carry out such activities are provided by any prohibited foreign national; and (2) no prohibited foreign national has the power to direct, dictate, or control such activity.

(Sec. 103) Treats as contributions: (1) any payments by any person (except a candidate, a candidate's authorized committee, or a political committee of a political party) for coordinated communications; and (2) political party communications made on behalf of candidates if made under the control or direction of a candidate or a candidate's authorized committee.

Defines "coordinated communication" as: (1) a publicly distributed or disseminated communication referring to a candidate or an opponent of such candidate which is made during a specified election period in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or a political committee of a political party; or (2) any communication that republishes, disseminates, or distributes, in whole or in part, any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or their agents.

Excludes from the meaning of "coordinated communication": (1) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other

periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate; or (2) a communication which constitutes a candidate debate or forum.`

Repeals the prohibition against contributions by individuals age 17 or younger.

(Sec. 105) Prohibits a communication which is disseminated through the Internet from being treated as a form of general public political advertising unless the communication was placed for a fee on another person's website.

**Title II: Promoting Effective Disclosure of Campaign-Related Activity - Subtitle A: Treatment of Independent Expenditures and Electioneering Communications Made by All Persons** - (Sec. 201) Revises the definition of independent expenditure to mean, in part, an expenditure that, when taken as a whole, expressly advocates the election or defeat of a clearly identified candidate, or is the functional equivalent of express advocacy.

Requires any person making independent expenditures exceeding \$10,000 to: (1) file a report electronically within 24 hours; and (2) file a new report electronically each time the person makes or contracts to make independent expenditures in an aggregate amount equal to or greater than \$10,000 (or \$1,000, if less than 20 days before an election) with respect to the same election.

(Sec. 202) Increases from 60 days to 120 days the period before a general election during which a communication shall be considered an electioneering communication.

(Sec. 203) Requires mandatory electronic filing by persons making independent expenditures or electioneering communications exceeding \$10,000 at any time.

**Subtitle B: Expanded Requirements for Corporations and Other Organizations** - (Sec. 211) Requires corporations, labor organizations, tax-exempt charitable organizations, and political organizations other than political committees (covered organizations) to include specified additional information in reports on independent expenditures of at least \$10,000, including certain actual or deemed transfers of money to other persons, but excluding amounts paid from separate segregated funds as well as amounts designated for specified campaign-related activities. Requires certain additional information in electioneering communication reports.

Prescribes special rules for transfers aggregating at least \$50,000 between covered organizations treated as transfers between affiliates, including transfers to affiliated tax-exempt charitable organizations.

(Sec. 212) Sets forth special rules for the use of general treasury funds by covered organizations for campaign-related activity, including both designated and unrestricted donor payments to an organization.

Authorizes mutually agreed restrictions on the use of donated funds for campaign-related activity between a covered organization and a person who does not want his or her identity disclosed in a significant funder statement or a Top 5 Funders list.

Prescribes special rules for transfers aggregating at least \$50,000 between covered organizations treated as transfers between affiliates, including transfers to affiliated tax-exempt charitable organizations.

(Sec. 213) Authorizes covered organizations to make optional use of a separate Campaign-Related Activity Account for making disbursements for campaign-related activity. Requires such an Account to be reduced by the amount of organization revenues attributable to donations or payments from a person other than the covered organization who has an agreement with the organization that it will not use such donations or payments for campaign related activity.

(Sec. 214) Requires any electioneering communication transmitted through radio or television which is paid for by a political committee (including a political committee of a political party), other than a political committee which receives or accepts contributions or donations which do not comply with the contribution limits or source prohibitions of FECA, to include an audio statement identifying the name of the political committee responsible.

Prescribes additional information to be included in certain radio or television electioneering communications by persons (including significant funders of campaign-related communications of a covered organization) other than a candidate, a candidate's authorized committee, or a political committee of a political party.

Prescribes a format for the individual disclosure statement.

(Sec. 215) Indexes certain amounts under FECA.

**Subtitle C: Reporting Requirements for Registered Lobbyists** - (Sec. 221) Amends the Lobbying Disclosure Act of 1995 to require registered lobbyists to report information on independent expenditures or electioneering communications of at least \$1,000 to the Secretary of the Senate and the Clerk of the House of Representatives.

**Title III: Disclosure by Covered Organizations of Information on Campaign Related Activity** - (Sec. 301) Requires covered organizations to disclose to shareholders, members, or donors information on disbursements for campaign-related activity.

Requires a covered organization that maintains an Internet site to post on it a hyperlink from its homepage to the location on the FEC website containing information required to be reported with respect to public independent expenditures, including disbursements for electioneering communications.

**Title IV: Other Provisions** - (Sec. 401) Authorizes judicial review of the provisions of this Act by the U.S. District Court for the District of Columbia, and on appeal by the Court of Appeals for the District of Columbia Circuit.

Grants Members of Congress the right to: (1) bring an action to challenge the constitutionality of a provision of this Act; or (2) intervene in any action challenging the constitutionality of a provision of this Act, either in support of or opposition to the position of a party to the case.

(Sec. 402) Declares that nothing in this Act shall be construed to affect any provision of law, rule, or regulation which waives a requirement to disclose information relating to any person in any case in which there is a reasonable probability that the information disclosure would subject the person to threats, harassments, or reprisals.

## Actions Timeline

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- **Jun 29, 2010:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 448.
- **Jun 28, 2010:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Jun 24, 2010:** Rule H. Res. 1468 passed House.
- **Jun 24, 2010:** Considered under the provisions of rule H. Res. 1468. (consideration: CR H4795-4828)
- **Jun 24, 2010:** Rule provides for consideration of H.R. 5175 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. The amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules, shall be considered as adopted in the House and in the Committee of the Whole. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.
- **Jun 24, 2010:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 1468 and Rule XVIII.
- **Jun 24, 2010:** The Speaker designated the Honorable John T. Salazar to act as Chairman of the Committee.
- **Jun 24, 2010:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 5175.
- **Jun 24, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1468, the Committee of the Whole proceeded with 10 minutes of debate on the Ackerman amendment.
- **Jun 24, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1468, the Committee of the Whole proceeded with 10 minutes of debate on the King (IA) amendment.
- **Jun 24, 2010:** POSTPONED PROCEEDINGS - At the conclusion of debate on the King (IA) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. King (IA) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 24, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1468, the Committee of the Whole proceeded with 10 minutes of debate on the Kucinich amendment.
- **Jun 24, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1468, the Committee of the Whole proceeded with 10 minutes of debate on the Pascrell amendment.
- **Jun 24, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1468, the Committee of the Whole proceeded with 10 minutes of debate on the Patrick Murphy amendment.
- **Jun 24, 2010:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Patrick Murphy amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Patrick Murphy demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 24, 2010:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Jun 24, 2010:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 5175.
- **Jun 24, 2010:** The previous question was ordered pursuant to the rule. (consideration: CR H4825)
- **Jun 24, 2010:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H4806-4816)
- **Jun 24, 2010:** Mr. Lungren, Daniel E. moved to recommit with instructions to House Administration. (consideration: CR H4825-4828; text: CR H4825-4826)
- **Jun 24, 2010:** DEBATE - The House proceeded with 10 minutes of debate on the motion to recommit with instructions. The instructions contained in the motion seek to report the same back to the House with an amendment to strike section 401 of the Bill and replace it with entirely new text.
- **Jun 24, 2010:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H4827)
- **Jun 24, 2010:** On motion to recommit with instructions Failed by recorded vote: 208 - 217 (Roll no. 390).
- **Jun 24, 2010:** Passed/agreed to in House: On passage Passed by recorded vote: 219 - 206 (Roll no. 391).
- **Jun 24, 2010:** On passage Passed by recorded vote: 219 - 206 (Roll no. 391).
- **Jun 24, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 23, 2010:** Rules Committee Resolution H. Res. 1468 Reported to House. Rule provides for consideration of H.R.

5175 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. The amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules, shall be considered as adopted in the House and in the Committee of the Whole. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.

- **May 25, 2010:** Reported (Amended) by the Committee on House Administration. H. Rept. 111-492, Part I.
- **May 25, 2010:** Committee on Judiciary discharged.
- **May 25, 2010:** Placed on the Union Calendar, Calendar No. 280.
- **May 20, 2010:** Committee Consideration and Mark-up Session Held.
- **May 20, 2010:** Ordered to be Reported by Voice Vote.
- **May 11, 2010:** Committee Hearings Held.
- **May 6, 2010:** Committee Hearings Held.
- **Apr 29, 2010:** Introduced in House
- **Apr 29, 2010:** Referred to House Administration
- **Apr 29, 2010:** Referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, 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.
- **Apr 29, 2010:** Referred to House Judiciary

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