

114TH CONGRESS  
2D SESSION

# H. R. 5494

To reform our government, reduce the grip of special interests, and return our democracy to the American people through increased transparency and oversight of our elections and government.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2016

Mr. PRICE of North Carolina introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on the Judiciary, Oversight and Government Reform, Financial Services, and Ways and Means, 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 reform our government, reduce the grip of special interests, and return our democracy to the American people through increased transparency and oversight of our elections and government.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “We the People Act of 2016”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CAMPAIGN DISCLOSURE AND TRANSPARENCY REFORM

Subtitle A—Disclosure

- Sec. 1001. Short title.
- Sec. 1002. Campaign disbursement reporting.
- Sec. 1003. Stand by your ad.
- Sec. 1004. Shareholders' and members' right to know.
- Sec. 1005. Lobbyists' campaign funding disclosure.
- Sec. 1006. Effective date.

Subtitle B—Candidate-Super PAC Coordination

- Sec. 1101. Short title.
- Sec. 1102. Clarification of treatment of coordinated expenditures as contributions to candidates.
- Sec. 1103. Clarification of ban on fundraising for Super PACs by Federal candidates and officeholders.

Subtitle C—Real-Time Transparency

- Sec. 1201. Short title.
- Sec. 1202. 48-hour notification required for all political committees receiving cumulative contributions of \$1,000 or more during a year from any contributor.
- Sec. 1203. Filing by Senate candidates with Federal Election Commission.

Subtitle D—Establishment of Federal Election Administration

- Sec. 1301. Short title.

PART 1—FEDERAL ELECTION ADMINISTRATION

- Sec. 1311. Establishment of the Federal Election Administration.

“Subtitle B—Administrative Provisions

“CHAPTER 1—ESTABLISHMENT OF THE FEDERAL ELECTION  
 ADMINISTRATION

- “Sec. 351. Establishment of the Federal Election Administration.
- “Sec. 352. Composition of the Federal Election Administration.
- “Sec. 353. Staff director.
- “Sec. 354. General counsel.
- “Sec. 355. Inspector general.

“CHAPTER 2—OPERATION OF THE FEDERAL ELECTION ADMINISTRATION

- “Sec. 361. Powers of the Chair and Administration.
- “Sec. 362. Independent budget requests and legislative proposals.
- “Sec. 363. Advisory opinions.
- “Sec. 364. Issuance and enforcement of subpoenas.

- “Sec. 365. Rulemaking authority.
- “Sec. 366. Litigation authority.
- “Sec. 367. Availability of reports.
- “Sec. 368. Audits and field examinations.
- “Sec. 369. Congressional oversight.

#### “CHAPTER 3—ENFORCEMENT

- “Sec. 371. Initiation of enforcement actions by Administration.
- “Sec. 372. Complaint to initiate enforcement action.
- “Sec. 373. Civil enforcement actions.
- “Sec. 374. Notification of nonfilers.
- “Sec. 375. Civil monetary penalties.
- “Sec. 376. Cease-and-desist orders.
- “Sec. 377. Collection.
- “Sec. 378. Confidentiality.
- “Sec. 379. Criminal penalties.
- “Sec. 380. Period of limitations.
- “Sec. 381. Authorization of appropriations.
- Sec. 1312. Executive schedule positions.
- Sec. 1313. GAO examination of enforcement of campaign finance laws by the Department of Justice.
- Sec. 1314. GAO study and report on appropriate funding levels.
- Sec. 1315. Conforming amendments.

#### “Subtitle A—General Provisions

#### PART 2—TRANSITION PROVISIONS

- Sec. 1321. Transfer of functions of Federal Election Commission.
- Sec. 1322. Transfer of property, records, and personnel.
- Sec. 1323. Repeals.
- Sec. 1324. Conforming amendments.
- Sec. 1325. Treatment of certain regulations.
- Sec. 1326. Effective date.

#### TITLE II—CLOSE THE 20-PERCENT LOBBYING LOOPHOLE

- Sec. 2001. Lobbyist registration reforms.

#### TITLE III—REVOLVING DOOR REFORM

- Sec. 3001. Short title.
- Sec. 3002. Restrictions on private sector payment for Government service.
- Sec. 3003. Requirements relating to slowing the revolving door among financial services regulators.

#### “TITLE VI—SPECIAL REQUIREMENTS FOR FINANCIAL SERVICES REGULATORS

- “Sec. 601. Definitions.
- “Sec. 602. Conflict of interest and eligibility standards for financial services regulators.
- “Sec. 603. Negotiating future private sector employment.
- “Sec. 604. Recordkeeping.
- “Sec. 605. Penalties and injunctions.
- Sec. 3004. Prohibition of procurement officers accepting employment from Government contractors.

Sec. 3005. Revolving door restrictions on financial services regulators moving into the private sector.

Sec. 3006. Restrictions on Federal examiners and supervisors of financial institutions.

TITLE IV—SEVERABILITY

Sec. 4001. Severability.

1 **TITLE I—CAMPAIGN DISCLO-**  
 2 **SURE AND TRANSPARENCY**  
 3 **REFORM**

4 **Subtitle A—Disclosure**

5 **SEC. 1001. SHORT TITLE.**

6 This subtitle may be cited as the “Democracy Is  
 7 Strengthened by Casting Light On Spending in Elections  
 8 Act of 2016” or the “DISCLOSE Act of 2016”.

9 **SEC. 1002. CAMPAIGN DISBURSEMENT REPORTING.**

10 (a) INFORMATION REQUIRED TO BE REPORTED.—

11 (1) TREATMENT OF FUNCTIONAL EQUIVALENT  
 12 OF EXPRESS ADVOCACY AS INDEPENDENT EXPENDI-  
 13 TURE.—Subparagraph (A) of section 301(17) of the  
 14 Federal Election Campaign Act of 1971 (52 U.S.C.  
 15 30101(17)) is amended to read as follows:

16 “(A) that, when taken as a whole, ex-  
 17 pressly advocates the election or defeat of a  
 18 clearly identified candidate, or is the functional  
 19 equivalent of express advocacy because it can be  
 20 interpreted by a reasonable person only as ad-  
 21 vocating the election or defeat of a candidate,  
 22 taking into account whether the communication

1 involved mentions a candidacy, a political party,  
2 or a challenger to a candidate, or takes a posi-  
3 tion on a candidate's character, qualifications,  
4 or fitness for office; and”.

5 (2) EXPANSION OF PERIOD DURING WHICH  
6 COMMUNICATIONS ARE TREATED AS ELECTION-  
7 EERING COMMUNICATIONS.—Section 304(f)(3)(A)(i)  
8 of such Act (52 U.S.C. 30104(f)(3)(A)(i)) is amend-  
9 ed—

10 (A) by redesignating subclause (III) as  
11 subclause (IV); and

12 (B) by striking subclause (II) and insert-  
13 ing the following:

14 “(II) in the case of a communica-  
15 tion which refers to a candidate for an  
16 office other than the President or Vice  
17 President, is made during the period  
18 beginning on January 1 of the cal-  
19 endar year in which a general or run-  
20 off election is held and ending on the  
21 date of the general or runoff election  
22 (or in the case of a special election,  
23 during the period beginning on the  
24 date on which the announcement with  
25 respect to such election is made and

1 ending on the date of the special elec-  
2 tion);

3 “(III) in the case of a commu-  
4 nication which refers to a candidate  
5 for the office of President or Vice  
6 President, is made in any State dur-  
7 ing the period beginning 120 days be-  
8 fore the first primary or preference  
9 election or a convention or caucus of  
10 a political party which has the author-  
11 ity to nominate a candidate for the of-  
12 fice of President or Vice President is  
13 held in any State and ending on the  
14 date of the general election; and”.

15 (3) EFFECTIVE DATE; TRANSITION FOR ELEC-  
16 TIONEERING COMMUNICATIONS MADE PRIOR TO EN-  
17 ACTMENT.—The amendment made by paragraph (2)  
18 shall apply with respect to communications made on  
19 or after July 1, 2015, except that no communication  
20 which is made prior to such date shall be treated as  
21 an electioneering communication under section  
22 304(f)(3)(A)(i)(II) or (III) of the Federal Election  
23 Campaign Act of 1971 (as amended by paragraph  
24 (2)) unless the communication would be treated as  
25 an electioneering communication under such section

1 if the amendment made by paragraph (2) did not  
2 apply.

3 (b) DISCLOSURE REQUIREMENTS FOR CORPORA-  
4 TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER  
5 ENTITIES.—

6 (1) IN GENERAL.—Section 324 of the Federal  
7 Election Campaign Act of 1971 (52 U.S.C. 30126)  
8 is amended to read as follows:

9 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**  
10 **MENTS BY COVERED ORGANIZATIONS.**

11 **“(a) DISCLOSURE STATEMENT.—**

12 **“(1) IN GENERAL.—**Any covered organization  
13 that makes campaign-related disbursements aggregating more than \$10,000 in a calendar year shall,  
14 not later than 24 hours after each disclosure date,  
15 file a statement with the Commission made under  
16 penalty of perjury that contains the information de-  
17 scribed in paragraph (2)—

18 **“(A)** in the case of the first statement filed  
19 under this subsection, for the period beginning  
20 on the first day of the preceding calendar year  
21 and ending on the first such disclosure date;  
22 and  
23

24 **“(B)** in the case of any subsequent state-  
25 ment filed under this subsection, for the period

1 beginning on the previous disclosure date and  
2 ending on such disclosure date.

3 “(2) INFORMATION DESCRIBED.—The informa-  
4 tion described in this paragraph is as follows:

5 “(A) The name of the covered organization  
6 and the principal place of business of such or-  
7 ganization.

8 “(B) The amount of each campaign-related  
9 disbursement made by such organization during  
10 the period covered by the statement of more  
11 than \$1,000.

12 “(C) In the case of a campaign-related dis-  
13 bursement that is not a covered transfer, the  
14 election to which the campaign-related disburse-  
15 ment pertains and if the disbursement is made  
16 for a public communication, the name of any  
17 candidate identified in such communication and  
18 whether such communication is in support of or  
19 in opposition to a candidate.

20 “(D) A certification by the chief executive  
21 officer or person who is the head of the covered  
22 organization that the campaign-related dis-  
23 bursement is not made in cooperation, consulta-  
24 tion, or concert with or at the request or sug-  
25 gestion of a candidate, authorized committee, or



1 agent of a candidate, political party, or agent of  
2 a political party.

3 “(E) If the covered organization makes  
4 campaign-related disbursements using exclu-  
5 sively funds in a segregated bank account con-  
6 sisting of funds that were contributed, donated,  
7 transferred, or paid directly to such account by  
8 persons other than the covered organization  
9 that controls the account, for each contribution,  
10 donation, transfer, payment of dues, or other  
11 payment to the account—

12 “(i) the name and address of each  
13 person who made such contribution, dona-  
14 tion, transfer, payment of dues, or other  
15 payment during the period covered by the  
16 statement;

17 “(ii) the date and amount of such  
18 contribution, donation, transfer, payment  
19 of dues, or other payment; and

20 “(iii) the aggregate amount of all such  
21 contributions, donations, transfers, pay-  
22 ments of dues, and other payments made  
23 by the person during the period beginning  
24 on the first day of the preceding calendar  
25 year and ending on the disclosure date,

1 but only if such contribution, donation, trans-  
2 fer, payment of dues, or other payment was  
3 made by a person who made contributions, do-  
4 nations, transfers, payments of dues, or pay-  
5 ments to the account in an aggregate amount  
6 of \$10,000 or more during the period beginning  
7 on the first day of the preceding calendar year  
8 and ending on the disclosure date.

9 “(F) Subject to paragraph (4), if the cov-  
10 ered organization makes campaign-related dis-  
11 bursements using funds other than funds in a  
12 segregated bank account described in subpara-  
13 graph (E), for each contribution, donation,  
14 transfer, or payment of dues to the covered or-  
15 ganization—

16 “(i) the name and address of each  
17 person who made such contribution, dona-  
18 tion, transfer, or payment of dues during  
19 the period covered by the statement;

20 “(ii) the date and amount of such  
21 contribution, donation, transfer, or pay-  
22 ment of dues; and

23 “(iii) the aggregate amount of all such  
24 contributions, donations, transfers, and  
25 payments of dues made by the person dur-

1           ing the period beginning on the first day of  
2           the preceding calendar year and ending on  
3           the disclosure date,  
4           but only if such contribution, donation, trans-  
5           fer, or payment of dues was made by a person  
6           who made contributions, donations, transfers,  
7           or payments of dues to the covered organization  
8           in an aggregate amount of \$10,000 or more  
9           during the period beginning on the first day of  
10          the preceding calendar year and ending on the  
11          disclosure date.

12          “(3) EXCEPTIONS.—

13                 “(A) AMOUNTS RECEIVED IN ORDINARY  
14                 COURSE OF BUSINESS.—The requirement to in-  
15                 clude in a statement filed under paragraph (1)  
16                 the information described in paragraph (2)  
17                 shall not apply to amounts received by the cov-  
18                 ered organization in the ordinary course of any  
19                 trade or business conducted by the covered or-  
20                 ganization or in the form of investments in the  
21                 covered organization.

22                 “(B) DONOR RESTRICTION ON USE OF  
23                 FUNDS.—The requirement to include in a state-  
24                 ment submitted under paragraph (1) the infor-

1           mation described in subparagraph (F) of para-  
2           graph (2) shall not apply if—

3                   “(i) the person described in such sub-  
4                   paragraph prohibited, in writing, the use of  
5                   the contribution, donation, transfer, pay-  
6                   ment of dues, or other payment made by  
7                   such person for campaign-related disburse-  
8                   ments; and

9                   “(ii) the covered organization agreed  
10                  to follow the prohibition and deposited the  
11                  contribution, donation, transfer, payment  
12                  of dues, or other payment in an account  
13                  which is segregated from any account used  
14                  to make campaign-related disbursements.

15           “(4) DISCLOSURE DATE.—

16                   “(A) IN GENERAL.—Except as provided in  
17                   subparagraph (B), the term ‘disclosure date’  
18                   means—

19                   “(i) the first date during any calendar  
20                   year by which a person has made cam-  
21                   paign-related disbursements aggregating  
22                   more than \$10,000; and

23                   “(ii) each date following the date de-  
24                   scribed in clause (i) during such calendar  
25                   year by which a person has made cam-

1           paign-related disbursements aggregating  
2           more than \$10,000.

3           “(B) DISCLOSURE DATE FOR CERTAIN  
4           TRANSFERS.—In the case of a statement filed  
5           with respect to a campaign-related disburse-  
6           ment which is a covered transfer described in  
7           subsection (f)(1)(E), the term ‘disclosure date’  
8           means the date on which the covered organiza-  
9           tion making such transfer knew or should have  
10          known that the recipient of such transfer made  
11          campaign-related disbursements in an aggre-  
12          gate amount of \$50,000 or more during the 2-  
13          year period beginning on the date of the trans-  
14          fer.

15          “(b) COORDINATION WITH OTHER PROVISIONS.—

16                 “(1) OTHER REPORTS FILED WITH THE COM-  
17                 MISSION.—Information included in a statement filed  
18                 under this section may be excluded from statements  
19                 and reports filed under section 304.

20                 “(2) TREATMENT AS SEPARATE SEGREGATED  
21                 FUND.—A segregated bank account referred to in  
22                 subsection (a)(2)(E) may be treated as a separate  
23                 segregated fund for purposes of section 527(f)(3) of  
24                 the Internal Revenue Code of 1986.

1       “(c) FILING.—Statements required to be filed under  
2 subsection (a) shall be subject to the requirements of sec-  
3 tion 304(d) to the same extent and in the same manner  
4 as if such reports had been required under subsection (c)  
5 or (g) of section 304.

6       “(d) CAMPAIGN-RELATED DISBURSEMENT DE-  
7 FINED.—In this section, the term ‘campaign-related dis-  
8 bursement’ means a disbursement by a covered organiza-  
9 tion for any of the following:

10           “(1) An independent expenditure consisting of a  
11 public communication, as defined in section 301(22).

12           “(2) An electioneering communication, as de-  
13 fined in section 304(f)(3).

14           “(3) A covered transfer.

15       “(e) COVERED ORGANIZATION DEFINED.—In this  
16 section, the term ‘covered organization’ means any of the  
17 following:

18           “(1) A corporation (other than an organization  
19 described in section 501(c)(3) of the Internal Rev-  
20 enue Code of 1986).

21           “(2) An organization described in section  
22 501(c) of such Code and exempt from taxation  
23 under section 501(a) of such Code (other than an  
24 organization described in section 501(c)(3) of such  
25 Code).

1           “(3) A labor organization (as defined in section  
2 316(b)).

3           “(4) Any political organization under section  
4 527 of the Internal Revenue Code of 1986, other  
5 than a political committee under this Act (except as  
6 provided in paragraph (5)).

7           “(5) A political committee with an account es-  
8 tablished for the purpose of accepting donations or  
9 contributions that do not comply with the contribu-  
10 tion limits or source prohibitions under this Act, but  
11 only with respect to the accounts established for  
12 such purpose.

13           “(f) COVERED TRANSFER DEFINED.—

14           “(1) IN GENERAL.—In this section, the term  
15 ‘covered transfer’ means any transfer or payment of  
16 funds by a covered organization to another person if  
17 the covered organization—

18           “(A) designates, requests, or suggests that  
19 the amounts be used for—

20           “(i) campaign-related disbursements  
21 (other than covered transfers); or

22           “(ii) making a transfer to another  
23 person for the purpose of making or pay-  
24 ing for such campaign-related disburse-  
25 ments;

1           “(B) made such transfer or payment in re-  
2           sponse to a solicitation or other request for a  
3           donation or payment for—

4                   “(i) the making of or paying for cam-  
5                   paign-related disbursements (other than  
6                   covered transfers); or

7                   “(ii) making a transfer to another  
8                   person for the purpose of making or pay-  
9                   ing for such campaign-related disburse-  
10                  ments;

11           “(C) engaged in discussions with the re-  
12           cipient of the transfer or payment regarding—

13                   “(i) the making of or paying for cam-  
14                   paign-related disbursements (other than  
15                   covered transfers); or

16                   “(ii) donating or transferring any  
17                   amount of such transfer or payment to an-  
18                   other person for the purpose of making or  
19                   paying for such campaign-related disburse-  
20                  ments;

21           “(D) made campaign-related disburse-  
22           ments (other than a covered transfer) in an ag-  
23           gregate amount of \$50,000 or more during the  
24           2-year period ending on the date of the transfer  
25           or payment, or knew or had reason to know



1 that the person receiving the transfer or pay-  
2 ment made such disbursements in such an ag-  
3 gregate amount during that 2-year period; or

4 “(E) knew or had reason to know that the  
5 person receiving the transfer or payment would  
6 make campaign-related disbursements in an ag-  
7 gregate amount of \$50,000 or more during the  
8 2-year period beginning on the date of the  
9 transfer or payment.

10 “(2) EXCLUSIONS.—The term ‘covered transfer’  
11 does not include any of the following:

12 “(A) A disbursement made by a covered  
13 organization in the ordinary course of any trade  
14 or business conducted by the covered organiza-  
15 tion or in the form of investments made by the  
16 covered organization.

17 “(B) A disbursement made by a covered  
18 organization if—

19 “(i) the covered organization prohib-  
20 ited, in writing, the use of such disburse-  
21 ment for campaign-related disbursements;  
22 and

23 “(ii) the recipient of the disbursement  
24 agreed to follow the prohibition and depos-  
25 ited the disbursement in an account which

1 is segregated from any account used to  
2 make campaign-related disbursements.

3 “(3) EXCEPTION FOR CERTAIN TRANSFERS  
4 AMONG AFFILIATES.—

5 “(A) EXCEPTION FOR CERTAIN TRANS-  
6 FERS AMONG AFFILIATES.—The term ‘covered  
7 transfer’ does not include an amount trans-  
8 ferred by one covered organization to another  
9 covered organization which is treated as a  
10 transfer between affiliates under subparagraph  
11 (B) if the aggregate amount transferred during  
12 the year by such covered organization to that  
13 same covered organization is equal to or less  
14 than \$50,000.

15 “(B) DESCRIPTION OF TRANSFERS BE-  
16 TWEEN AFFILIATES.—A transfer of amounts  
17 from one covered organization to another cov-  
18 ered organization shall be treated as a transfer  
19 between affiliates if—

20 “(i) one of the organizations is an af-  
21 filiate of the other organization; or

22 “(ii) each of the organizations is an  
23 affiliate of the same organization,

24 except that the transfer shall not be treated as  
25 a transfer between affiliates if one of the orga-

1 nizations is established for the purpose of mak-  
2 ing campaign-related disbursements.

3 “(C) DETERMINATION OF AFFILIATE STA-  
4 TUS.—For purposes of subparagraph (B), a  
5 covered organization is an affiliate of another  
6 covered organization if—

7 “(i) the governing instrument of the  
8 organization requires it to be bound by de-  
9 cisions of the other organization;

10 “(ii) the governing board of the orga-  
11 nization includes persons who are specifi-  
12 cally designated representatives of the  
13 other organization or are members of the  
14 governing board, officers, or paid executive  
15 staff members of the other organization, or  
16 whose service on the governing board is  
17 contingent upon the approval of the other  
18 organization; or

19 “(iii) the organization is chartered by  
20 the other organization.

21 “(D) COVERAGE OF TRANSFERS TO AF-  
22 FILIATED SECTION 501(c)(3) ORGANIZA-  
23 TIONS.—This paragraph shall apply with re-  
24 spect to an amount transferred by a covered or-  
25 ganization to an organization described in para-

1 graph (3) of section 501(c) of the Internal Rev-  
2 enue Code of 1986 and exempt from tax under  
3 section 501(a) of such Code in the same man-  
4 ner as this paragraph applies to an amount  
5 transferred by a covered organization to an-  
6 other covered organization.”.

7 (2) CONFORMING AMENDMENT.—Section  
8 304(f)(6) of such Act (52 U.S.C. 30104) is amended  
9 by striking “Any requirement” and inserting “Ex-  
10 cept as provided in section 324(b), any require-  
11 ment”.

12 **SEC. 1003. STAND BY YOUR AD.**

13 (a) DISCLAIMER REQUIREMENTS FOR CAMPAIGN-RE-  
14 LATED DISBURSEMENTS.—Section 318(a) of the Federal  
15 Election Campaign Act of 1971 (52 U.S.C. 30120(a)) is  
16 amended by striking “for the purpose of financing commu-  
17 nications expressly advocating the election or defeat of a  
18 clearly identified candidate” and inserting “for a cam-  
19 paign-related disbursement, as defined in section 324, con-  
20 sisting of a public communication”.

21 (b) STAND BY YOUR AD REQUIREMENTS.—

22 (1) MAINTENANCE OF REQUIREMENTS FOR PO-  
23 LITICAL PARTIES AND CERTAIN POLITICAL COMMIT-  
24 TEES.—Section 318(d)(2) of such Act (52 U.S.C.  
25 30120(d)(2)) is amended—

1 (A) in the heading, by striking “OTHERS”  
2 and inserting “CERTAIN POLITICAL COMMIT-  
3 TEES”;

4 (B) by striking “Any communication” and  
5 inserting “(A) Any communication”;

6 (C) by inserting “which (except to the ex-  
7 tent provided in the last sentence of this para-  
8 graph) is paid for by a political committee (in-  
9 cluding a political committee of a political  
10 party) and” after “subsection (a)”;

11 (D) by striking “or other person” each  
12 place it appears; and

13 (E) by adding at the end the following new  
14 subparagraph:

15 “(B) This paragraph does not apply to a com-  
16 munication paid for in whole or in part with a pay-  
17 ment which is treated as a campaign-related dis-  
18 bursement under section 324 and with respect to  
19 which a covered organization files a statement under  
20 such section.”.

21 (2) SPECIAL DISCLAIMER REQUIREMENTS FOR  
22 CERTAIN COMMUNICATIONS.—Section 318 of such  
23 Act (52 U.S.C. 30120) is amended by adding at the  
24 end the following new subsection:

25 “(e) COMMUNICATIONS BY OTHERS.—

1           “(1) IN GENERAL.—Any communication de-  
2           scribed in paragraph (3) of subsection (a) which is  
3           transmitted through radio or television (other than  
4           a communication to which subsection (d)(2) applies)  
5           shall include, in addition to the requirements of such  
6           paragraph, the following:

7                   “(A) The individual disclosure statement  
8                   described in paragraph (2)(A) (if the person  
9                   paying for the communication is an individual)  
10                  or the organizational disclosure statement de-  
11                  scribed in paragraph (2)(B) (if the person pay-  
12                  ing for the communication is not an individual).

13                  “(B) If the communication is transmitted  
14                  through television and is paid for in whole or in  
15                  part with a payment which is treated as a cam-  
16                  paign-related disbursement under section 324,  
17                  the Top Five Funders list (if applicable), un-  
18                  less, on the basis of criteria established in regu-  
19                  lations issued by the Commission, the commu-  
20                  nication is of such short duration that including  
21                  the Top Five Funders list in the communication  
22                  would constitute a hardship to the person pay-  
23                  ing for the communication by requiring a dis-  
24                  proportionate amount of the content of the

1 communication to consist of the Top Five  
2 Funders list.

3 “(C) If the communication is transmitted  
4 through radio and is paid for in whole or in  
5 part with a payment which is treated as a cam-  
6 paign-related disbursement under section 324,  
7 the Top Two Funders list (if applicable), un-  
8 less, on the basis of criteria established in regu-  
9 lations issued by the Commission, the commu-  
10 nication is of such short duration that including  
11 the Top Two Funders list in the communication  
12 would constitute a hardship to the person pay-  
13 ing for the communication by requiring a dis-  
14 proportionate amount of the content of the  
15 communication to consist of the Top Two  
16 Funders list.

17 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

18 “(A) INDIVIDUAL DISCLOSURE STATE-  
19 MENTS.—The individual disclosure statement  
20 described in this subparagraph is the following:  
21 ‘I am \_\_\_\_\_, and I approve this  
22 message.’, with the blank filled in with the  
23 name of the applicable individual.

24 “(B) ORGANIZATIONAL DISCLOSURE  
25 STATEMENTS.—The organizational disclosure

1 statement described in this subparagraph is the  
 2 following: ‘I am \_\_\_\_\_, the  
 3 \_\_\_\_\_ of \_\_\_\_\_, and  
 4 \_\_\_\_\_ approves this message.’,  
 5 with—

6 “(i) the first blank to be filled in with  
 7 the name of the applicable individual;

8 “(ii) the second blank to be filled in  
 9 with the title of the applicable individual;  
 10 and

11 “(iii) the third and fourth blank each  
 12 to be filled in with the name of the organi-  
 13 zation or other person paying for the com-  
 14 munication.

15 “(3) METHOD OF CONVEYANCE OF STATE-  
 16 MENT.—

17 “(A) COMMUNICATIONS TRANSMITTED  
 18 THROUGH RADIO.—In the case of a communica-  
 19 tion to which this subsection applies which is  
 20 transmitted through radio, the disclosure state-  
 21 ments required under paragraph (1) shall be  
 22 made by audio by the applicable individual in a  
 23 clearly spoken manner.

24 “(B) COMMUNICATIONS TRANSMITTED  
 25 THROUGH TELEVISION.—In the case of a com-



1           munication to which this subsection applies  
2           which is transmitted through television, the in-  
3           formation required under paragraph (1)—

4                   “(i) shall appear in writing at the end  
5                   of the communication or in a crawl along  
6                   the bottom of the communication in a  
7                   clearly readable manner, with a reasonable  
8                   degree of color contrast between the back-  
9                   ground and the printed statement, for a  
10                  period of at least 6 seconds; and

11                   “(ii) shall also be conveyed by an  
12                   unobscured, full-screen view of the applica-  
13                   ble individual or by the applicable indi-  
14                   vidual making the statement in voice-over  
15                   accompanied by a clearly identifiable pho-  
16                   tograph or similar image of the individual,  
17                   except in the case of a Top Five Funders  
18                   list.

19           “(4) DEFINITIONS.—In this subsection:

20                   “(A) APPLICABLE INDIVIDUAL.—The term  
21                   ‘applicable individual’ means, with respect to a  
22                   communication to which this subsection ap-  
23                   plies—

24                   “(i) if the communication is paid for  
25                   by an individual, the individual involved;

1           “(ii) if the communication is paid for  
2           by a corporation, the chief executive officer  
3           of the corporation (or, if the corporation  
4           does not have a chief executive officer, the  
5           highest ranking official of the corporation);

6           “(iii) if the communication is paid for  
7           by a labor organization, the highest rank-  
8           ing officer of the labor organization; and

9           “(iv) if the communication is paid for  
10          by any other person, the highest ranking  
11          official of such person.

12          “(B) COVERED ORGANIZATION AND CAM-  
13          PAIGN-RELATED DISBURSEMENT.—The terms  
14          ‘campaign-related disbursement’ and ‘covered  
15          organization’ have the meaning given such  
16          terms in section 324.

17          “(C) TOP FIVE FUNDERS LIST.—The term  
18          ‘Top Five Funders list’ means, with respect to  
19          a communication paid for in whole or in part  
20          with a payment which is treated as a campaign-  
21          related disbursement under section 324, a list  
22          of the five persons who provided the largest  
23          payments of any type in an aggregate amount  
24          equal to or exceeding \$10,000 which are re-  
25          quired under section 324(a) to be included in

1 the reports filed by a covered organization with  
2 respect to such communication during the 12-  
3 month period ending on the date of the dis-  
4 bursement and the amount of the payments  
5 each such person provided. If two or more peo-  
6 ple provided the fifth largest of such payments,  
7 the covered organization involved shall select  
8 one of those persons to be included on the Top  
9 Five Funders list.

10 “(D) TOP TWO FUNDERS LIST.—The term  
11 ‘Top Two Funders list’ means, with respect to  
12 a communication paid for in whole or in part  
13 with a payment which is treated as a campaign-  
14 related disbursement under section 324, a list  
15 of the persons who provided the largest and the  
16 second largest payments of any type in an ag-  
17 gregate amount equal to or exceeding \$10,000  
18 which are required under section 324(a) to be  
19 included in the reports filed by a covered orga-  
20 nization with respect to such communication  
21 during the 12-month period ending on the date  
22 of the disbursement and the amount of the pay-  
23 ments each such person provided. If two or  
24 more persons provided the second largest of  
25 such payments, the covered organization in-

1           volved shall select one of those persons to be in-  
2           cluded on the Top Two Funders list.”.

3           (c) APPLICATION OF DISCLOSURE REQUIREMENTS  
4 FOR AUDIO AND VIDEO COMMUNICATIONS TO AUDIO AND  
5 VIDEO PORTIONS OF COMMUNICATIONS TRANSMITTED  
6 THROUGH INTERNET OR ELECTRONIC MAIL.—

7           (1) COMMUNICATIONS BY CANDIDATES OR AU-  
8 THORIZED PERSONS.—Section 318(d)(1) of the Fed-  
9 eral Election Campaign Act of 1971 (52 U.S.C.  
10 30120(d)(1)) is amended by adding at the end the  
11 following new subparagraph:

12                   “(C) AUDIO AND VIDEO PORTIONS OF  
13 COMMUNICATIONS TRANSMITTED THROUGH  
14 INTERNET OR ELECTRONIC MAIL.—In the case  
15 of a communication described in paragraph (1)  
16 or (2) of subsection (a) which is transmitted  
17 through the Internet or through any form of  
18 electronic mail—

19                           “(i) any audio portion of the commu-  
20 nication shall meet the requirements appli-  
21 cable under subparagraph (A) to commu-  
22 nications transmitted through radio; and

23                           “(ii) any video portion of the commu-  
24 nication shall meet the requirements appli-

1 cable under subparagraph (B) to commu-  
2 nications transmitted through television.”.

3 (2) COMMUNICATIONS BY OTHERS.—

4 (A) IN GENERAL.—Section 318(d)(2) of  
5 such Act (52 U.S.C. 30120(d)(2)), as amended  
6 by subsection (b)(1), is further amended—

7 (i) by redesignating subparagraph (B)  
8 as subparagraph (C); and

9 (ii) by inserting after subparagraph  
10 (A) the following new subparagraph:

11 “(B) In the case of a communication described  
12 in paragraph (3) of subsection (a) which is trans-  
13 mitted through the Internet or through any form of  
14 electronic mail, any audio portion of the communica-  
15 tion shall meet the requirements applicable under  
16 this paragraph to communications transmitted  
17 through radio and any video portion of the commu-  
18 nication shall meet the requirements applicable  
19 under this paragraph to communications transmitted  
20 through television.”.

21 (B) APPLICATION OF SPECIAL PERSONAL  
22 DISCLOSURE RULES FOR CERTAIN COMMUNICA-  
23 TIONS.—Section 318(e) of such Act, as added  
24 by subsection (b)(2), is amended—

1 (i) in paragraph (1) in the matter pre-  
2 ceding subparagraph (A), by striking  
3 “radio or television” and inserting “radio  
4 or television, through the Internet, or  
5 through any form of electronic mail”; and

6 (ii) in paragraph (3), by adding at the  
7 end the following new subparagraph:

8 “(C) COMMUNICATIONS TRANSMITTED  
9 THROUGH INTERNET OR ELECTRONIC MAIL.—

10 In the case of a communication to which this  
11 paragraph applies which is transmitted through  
12 the Internet or through any form of electronic  
13 mail, any audio portion of the communication  
14 shall meet the requirements applicable under  
15 this paragraph to communications transmitted  
16 through radio and any video portion of the com-  
17 munication shall meet the requirements applica-  
18 ble under this paragraph to communications  
19 transmitted through television.”.

20 (d) DISCLOSURE REQUIREMENTS FOR CAMPAIGN  
21 COMMUNICATIONS MADE THROUGH PRERECORDED  
22 TELEPHONE CALLS.—

23 (1) APPLICATION OF REQUIREMENTS.—Section  
24 318(a) of the Federal Election Campaign Act of  
25 1971 (52 U.S.C. 30120(a)) is amended by inserting

1 after “mailing,” each place it appears the following:  
2 “telephone call which consists in substantial part of  
3 a prerecorded audio message,”.

4 (2) TREATMENT AS AUDIO COMMUNICATION.—

5 (A) COMMUNICATIONS BY CANDIDATES OR  
6 AUTHORIZED PERSONS.—Section 318(d)(1) of  
7 such Act (52 U.S.C. 30120(d)(1)), as amended  
8 by subsection (e)(1), is further amended by  
9 adding at the end the following new subpara-  
10 graph:

11 “(D) PRERECORDED TELEPHONE  
12 CALLS.—Any communication described in para-  
13 graph (1) or (2) of subsection (a) which is a  
14 telephone call which consists in substantial part  
15 of a prerecorded audio message shall meet the  
16 requirements applicable under subparagraph  
17 (A) to communications transmitted through  
18 radio, except that the statement required under  
19 such subparagraph shall be made at the begin-  
20 ning of the telephone call.”.

21 (B) COMMUNICATIONS BY OTHERS.—

22 (i) IN GENERAL.—Section 318(d)(2)  
23 of such Act (52 U.S.C. 30120(d)(2)), as  
24 amended by subsection (b)(1) and sub-  
25 section (c)(2)(A), is further amended—

1 (I) by redesignating subpara-  
2 graph (C) as subparagraph (D); and

3 (II) by inserting after subpara-  
4 graph (B) the following new subpara-  
5 graph:

6 “(C) Any communication described in para-  
7 graph (3) of subsection (a) which is a telephone call  
8 which consists in substantial part of a prerecorded  
9 audio message shall meet the requirements applica-  
10 ble under this paragraph to communications trans-  
11 mitted through radio, except that the statement re-  
12 quired shall be made at the beginning of the tele-  
13 phone call.”.

14 (ii) APPLICATION OF SPECIAL PER-  
15 SONAL DISCLOSURE RULES FOR CERTAIN  
16 COMMUNICATIONS.—Section 318(e) of such  
17 Act, as added by subsection (b)(2) and as  
18 amended by subsection (c)(2)(b), is further  
19 amended—

20 (I) in paragraph (1) in the mat-  
21 ter preceding subparagraph (A), by  
22 striking “electronic mail” and insert-  
23 ing “electronic mail, or which is a  
24 telephone call which consists in sub-



1                   stantial part of a prerecorded audio  
2                   message,”; and

3                   (II) in paragraph (3), by adding  
4                   at the end the following new subpara-  
5                   graph:

6                   “(D) COMMUNICATIONS MADE THROUGH  
7                   PRERECORDED TELEPHONE CALLS.—Any com-  
8                   munication to which this paragraph applies  
9                   which is a telephone call which consists in sub-  
10                  stantial part of a prerecorded audio message  
11                  shall meet the requirements applicable under  
12                  this paragraph to communications transmitted  
13                  through radio.”.

14               (e) NO EXPANSION OF PERSONS SUBJECT TO DIS-  
15               CLAIMER REQUIREMENTS ON INTERNET COMMUNICA-  
16               TIONS.—Nothing in this section or the amendments made  
17               by this section may be construed to require any person  
18               who is not required under section 318 of the Federal Elec-  
19               tion Campaign Act of 1971 (as provided under section  
20               110.11 of title 11 of the Code of Federal Regulations) to  
21               include a disclaimer on communications made by the per-  
22               son through the Internet to include any disclaimer on any  
23               such communications.

1 **SEC. 1004. SHAREHOLDERS' AND MEMBERS' RIGHT TO**  
2 **KNOW.**

3 Title III of the Federal Election Campaign Act of  
4 1971 (52 U.S.C. 30101 et seq.) is amended by adding at  
5 the end the following new section:

6 **“SEC. 325. DISCLOSURES BY COVERED ORGANIZATIONS TO**  
7 **SHAREHOLDERS, MEMBERS, AND DONORS OF**  
8 **INFORMATION ON CAMPAIGN-RELATED DIS-**  
9 **BURSEMENTS.**

10 **“(a) INFORMATION ON CAMPAIGN-RELATED DIS-**  
11 **BURSEMENTS TO BE INCLUDED IN PERIODIC RE-**  
12 **PORTS.—**A covered organization which submits regular,  
13 periodic reports to its shareholders, members, or donors  
14 on its finances or activities shall include in each such re-  
15 port, in a clear and conspicuous manner, the information  
16 included in the statements filed by the organization under  
17 section 324 with respect to the campaign-related disburse-  
18 ments made by the organization during the period covered  
19 by the report.

20 **“(b) HYPERLINK TO INFORMATION INCLUDED IN**  
21 **REPORTS FILED WITH COMMISSION.—**

22 **“(1) REQUIRED POSTING OF HYPERLINK.—**If a  
23 covered organization maintains an Internet site, the  
24 organization shall post on such Internet site a  
25 hyperlink from its homepage to the location on the  
26 Internet site of the Commission which contains the

1 information included in the statements filed by the  
2 organization under section 324 with respect to cam-  
3 paign-related disbursements.

4 “(2) DEADLINE; DURATION OF POSTING.—The  
5 covered organization shall post the hyperlink de-  
6 scribed in paragraph (1) not later than 24 hours  
7 after the Commission posts the information de-  
8 scribed in such paragraph on the Internet site of the  
9 Commission, and shall ensure that the hyperlink re-  
10 mains on the Internet site of the covered organiza-  
11 tion until the expiration of the 1-year period which  
12 begins on the date of the election with respect to  
13 which the campaign-related disbursements are made.

14 “(c) DEFINITIONS.—The terms ‘campaign-related  
15 disbursement’ and ‘covered organization’ have the mean-  
16 ings given such terms in section 324.”.

17 **SEC. 1005. LOBBYISTS’ CAMPAIGN FUNDING DISCLOSURE.**

18 (a) DISCLOSURE OF INDEPENDENT EXPENDITURES  
19 AND ELECTIONEERING COMMUNICATIONS.—Section  
20 5(d)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C.  
21 1604(d)(1)) is amended—

22 (1) by striking “and” at the end of subpara-  
23 graph (F);

24 (2) by redesignating subparagraph (G) as sub-  
25 paragraph (I); and

1           (3) by inserting after subparagraph (F) the fol-  
2           lowing new subparagraphs:

3                   “(G) the amount of any independent ex-  
4                   penditure (as defined in section 301(17) of the  
5                   Federal Election Campaign Act of 1971 (52  
6                   U.S.C. 30101(17))) equal to or greater than  
7                   \$1,000 made by such person or organization,  
8                   and for each such expenditure the name of each  
9                   candidate being supported or opposed and the  
10                  amount spent supporting or opposing each such  
11                  candidate;

12                  “(H) the amount of any electioneering  
13                  communication (as defined in section 304(f)(3)  
14                  of such Act (52 U.S.C. 30104(f)(3))) equal to  
15                  or greater than \$1,000 made by such person or  
16                  organization, and for each such communication  
17                  the name of the candidate referred to in the  
18                  communication and whether the communication  
19                  involved was in support of or in opposition to  
20                  the candidate; and”.

21           (b) DISCLOSURE OF AMOUNTS PROVIDED TO CER-  
22           TAIN POLITICAL COMMITTEES.—Section 5(d)(1)(D) of  
23           such Act (2 U.S.C. 1605(d)(1)(D)) is amended by striking  
24           “or political party committee,” and inserting the following:  
25           “political party committee, or political committee which is

1 treated as a covered organization under section  
 2 324(f)(1)(D) of the Federal Election Campaign Act of  
 3 1971,”.

4 (c) EFFECTIVE DATE.—The amendments made by  
 5 this section shall apply with respect to reports for semi-  
 6 annual periods described in section 5(d)(1) of the Lob-  
 7 bing Disclosure Act of 1995 that begin after the date  
 8 of the enactment of this Act.

9 **SEC. 1006. EFFECTIVE DATE.**

10 Except as provided in section 1005, the amendments  
 11 made by this title shall apply with respects to disburse-  
 12 ments made on or after January 1, 2017.

13 **Subtitle B—Candidate-Super PAC**  
 14 **Coordination**

15 **SEC. 1101. SHORT TITLE.**

16 This subtitle may be cited as the “Stop Super PAC–  
 17 Candidate Coordination Act”.

18 **SEC. 1102. CLARIFICATION OF TREATMENT OF COORDI-**  
 19 **NATED EXPENDITURES AS CONTRIBUTIONS**  
 20 **TO CANDIDATES.**

21 (a) TREATMENT AS CONTRIBUTION TO CAN-  
 22 DIDATE.—Section 301(8)(A) of the Federal Election Cam-  
 23 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—  
 24 (1) by striking “or” at the end of clause (i);

1           (2) by striking the period at the end of clause  
2           (ii) and inserting “; or”; and

3           (3) by adding at the end the following new  
4           clause:

5                   “(iii) any payment made by any person  
6                   (other than a candidate, an authorized com-  
7                   mittee of a candidate, or a political committee  
8                   of a political party) for a coordinated expendi-  
9                   ture (as such term is defined in section 326)  
10                  which is not otherwise treated as a contribution  
11                  under clause (i) or clause (ii).”.

12           (b) DEFINITIONS.—Title III of such Act (52 U.S.C.  
13 30101 et seq.), as amended by section 1004, is amended  
14 to by adding at the end the following new section:

15 **“SEC. 326. PAYMENTS FOR COORDINATED EXPENDITURES.**

16           “(a) COORDINATED EXPENDITURES.—

17                   “(1) IN GENERAL.—For purposes of section  
18                   301(8)(A)(iii), the term ‘coordinated expenditure’  
19                   means—

20                           “(A) any expenditure, or any payment for  
21                           a covered communication described in sub-  
22                           section (d), which is made in cooperation, con-  
23                           sultation, or concert with, or at the request or  
24                           suggestion of, a candidate, an authorized com-  
25                           mittee of a candidate, a political committee of

1 a political party, or agents of the candidate or  
2 committee, as defined in subsection (b); or

3 “(B) any payment for any communication  
4 which republishes, disseminates, or distributes,  
5 in whole or in part, any video or broadcast or  
6 any written, graphic, or other form of campaign  
7 material prepared by the candidate or com-  
8 mittee or by agents of the candidate or com-  
9 mittee (including any excerpt or use of any  
10 video from any such broadcast or written,  
11 graphic, or other form of campaign material).

12 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN  
13 COMMUNICATIONS.—A payment for a communication  
14 (including a covered communication described in  
15 subsection (d) shall not be treated as a coordinated  
16 expenditure under this subsection if—

17 “(A) the communication appears in a news  
18 story, commentary, or editorial distributed  
19 through the facilities of any broadcasting sta-  
20 tion, newspaper, magazine, or other periodical  
21 publication, unless such facilities are owned or  
22 controlled by any political party, political com-  
23 mittee, or candidate; or

24 “(B) the communication constitutes a can-  
25 didate debate or forum conducted pursuant to

1 regulations adopted by the Commission pursu-  
2 ant to section 304(f)(3)(B)(iii), or which solely  
3 promotes such a debate or forum and is made  
4 by or on behalf of the person sponsoring the de-  
5 bate or forum.

6 “(b) COORDINATION DESCRIBED.—

7 “(1) IN GENERAL.—For purposes of this sec-  
8 tion, a payment is made ‘in cooperation, consulta-  
9 tion, or concert with, or at the request or suggestion  
10 of,’ a candidate, an authorized committee of a can-  
11 didate, a political committee of a political party, or  
12 agents of the candidate or committee, if the pay-  
13 ment, or any communication for which the payment  
14 is made, is not made entirely independently of the  
15 candidate, committee, or agents. For purposes of the  
16 previous sentence, a payment or communication not  
17 made entirely independently of the candidate or  
18 committee includes any payment or communication  
19 made pursuant to any general or particular under-  
20 standing with, or pursuant to any communication  
21 with, the candidate, committee, or agents about the  
22 payment or communication.

23 “(2) NO FINDING OF COORDINATION BASED  
24 SOLELY ON SHARING OF INFORMATION REGARDING  
25 LEGISLATIVE OR POLICY POSITION.—For purposes



1 of this section, a payment shall not be considered to  
2 be made by a person in cooperation, consultation, or  
3 concert with, or at the request or suggestion of, a  
4 candidate or committee, solely on the grounds that  
5 the person or the person's agent engaged in discus-  
6 sions with the candidate or committee, or with any  
7 agent of the candidate or committee, regarding that  
8 person's position on a legislative or policy matter  
9 (including urging the candidate or committee to  
10 adopt that person's position), so long as there is no  
11 communication between the person and the can-  
12 didate or committee, or any agent of the candidate  
13 or committee, regarding the candidate's or commit-  
14 tee's campaign advertising, message, strategy, pol-  
15 icy, polling, allocation of resources, fundraising, or  
16 other campaign activities.

17 “(3) NO EFFECT ON PARTY COORDINATION  
18 STANDARD.—Nothing in this section shall be con-  
19 strued to affect the determination of coordination  
20 between a candidate and a political committee of a  
21 political party for purposes of section 315(d).

22 “(4) NO SAFE HARBOR FOR USE OF FIRE-  
23 WALL.—A person shall be determined to have made  
24 a payment in cooperation, consultation, or concert  
25 with, or at the request or suggestion of, a candidate

1 or committee, in accordance with this section with-  
2 out regard to whether or not the person established  
3 and used a firewall or similar procedures to restrict  
4 the sharing of information between individuals who  
5 are employed by or who are serving as agents for the  
6 person making the payment.

7 “(c) PAYMENTS BY COORDINATED SPENDERS FOR  
8 COVERED COMMUNICATIONS.—

9 “(1) PAYMENTS MADE IN COOPERATION, CON-  
10 SULTATION, OR CONCERT WITH CANDIDATES.—For  
11 purposes of subsection (a)(1)(A), if the person who  
12 makes a payment for a covered communication, as  
13 defined in subsection (d), is a coordinated spender  
14 under paragraph (2) with respect to the candidate  
15 as described in subsection (d)(1), the payment for  
16 the covered communication is made in cooperation,  
17 consultation, or concert with the candidate.

18 “(2) COORDINATED SPENDER DEFINED.—For  
19 purposes of this subsection, the term ‘coordinated  
20 spender’ means, with respect to a candidate or an  
21 authorized committee of a candidate, a person (other  
22 than a political committee of a political party) for  
23 which any of the following applies:

24 “(A) During the 4-year period ending on  
25 the date on which the person makes the pay-

1           ment, the person was directly or indirectly  
2           formed or established by or at the request or  
3           suggestion of, or with the encouragement of,  
4           the candidate (including an individual who later  
5           becomes a candidate) or committee or agents of  
6           the candidate or committee, including with the  
7           approval of the candidate or committee or  
8           agents of the candidate or committee.

9           “(B) The candidate or committee or any  
10          agent of the candidate or committee solicits  
11          funds, appears at a fundraising event, or en-  
12          gages in other fundraising activity on the per-  
13          son’s behalf during the election cycle involved,  
14          including by providing the person with names of  
15          potential donors or other lists to be used by the  
16          person in engaging in fundraising activity, re-  
17          gardless of whether the person pays fair market  
18          value for the names or lists provided. For pur-  
19          poses of this subparagraph, the term ‘election  
20          cycle’ means, with respect to an election for  
21          Federal office, the period beginning on the day  
22          after the date of the most recent general elec-  
23          tion for that office (or, if the general election  
24          resulted in a runoff election, the date of the  
25          runoff election) and ending on the date of the

1 next general election for that office (or, if the  
2 general election resulted in a runoff election,  
3 the date of the runoff election).

4 “(C) The person is established, directed, or  
5 managed by the candidate or committee or by  
6 any person who, during the 4-year period end-  
7 ing on the date on which the person makes the  
8 payment, has been employed or retained as a  
9 political, campaign media, or fundraising ad-  
10 viser or consultant for the candidate or com-  
11 mittee or for any other entity directly or indi-  
12 rectly controlled by the candidate or committee,  
13 or has held a formal position with the candidate  
14 or committee.

15 “(D) The person has retained the profes-  
16 sional services of any person who, during the 2-  
17 year period ending on the date on which the  
18 person makes the payment, has provided or is  
19 providing professional services relating to the  
20 campaign to the candidate or committee. For  
21 purposes of this subparagraph, the term ‘pro-  
22 fessional services’ includes any services in sup-  
23 port of the candidate’s or committee’s campaign  
24 activities, including advertising, message, strat-  
25 egy, policy, polling, allocation of resources,

1 fundraising, and campaign operations, but does  
2 not include accounting or legal services.

3 “(E) The person is established, directed, or  
4 managed by a member of the immediate family  
5 of the candidate, or the person or any officer or  
6 agent of the person has had more than inci-  
7 dental discussions about the candidate’s cam-  
8 paign with a member of the immediate family  
9 of the candidate. For purposes of this subpara-  
10 graph, the term ‘immediate family’ has the  
11 meaning given such term in section 9004(e) of  
12 the Internal Revenue Code of 1986.

13 “(d) COVERED COMMUNICATION DEFINED.—

14 “(1) IN GENERAL.—For purposes of this sec-  
15 tion, the term ‘covered communication’ means, with  
16 respect to a candidate or an authorized committee of  
17 a candidate, a public communication (as defined in  
18 section 301(22)) which—

19 “(A) expressly advocates the election of the  
20 candidate or the defeat of an opponent of the  
21 candidate (or contains the functional equivalent  
22 of express advocacy);

23 “(B) promotes or supports the candidate,  
24 or attacks or opposes an opponent of the can-  
25 didate (regardless of whether the communica-

1           tion expressly advocates the election or defeat  
2           of a candidate or contains the functional equiv-  
3           alent of express advocaey); or

4           “(C) refers to the candidate or an oppo-  
5           nent of the candidate but is not described in  
6           subparagraph (A) or subparagraph (B), but  
7           only if the communication is disseminated dur-  
8           ing the applicable election period.

9           “(2) APPLICABLE ELECTION PERIOD.—In para-  
10          graph (1)(B), the ‘applicable election period’ with re-  
11          spect to a communication means—

12           “(A) in the case of a communication which  
13           refers to a candidate in a general, special, or  
14           runoff election, the 120-day period which ends  
15           on the date of the election; or

16           “(B) in the case of a communication which  
17           refers to a candidate in a primary or preference  
18           election, or convention or caucus of a political  
19           party that has authority to nominate a can-  
20           didate, the 60-day period which ends on the  
21           date of the election or convention or caucus.

22           “(3) SPECIAL RULES FOR COMMUNICATIONS IN-  
23          VOLVING CONGRESSIONAL CANDIDATES.—For pur-  
24          poses of this subsection, a public communication  
25          shall not be considered to be a covered communica-

1 tion with respect to a candidate for election for an  
2 office other than the office of President or Vice  
3 President unless it is publicly disseminated or dis-  
4 tributed in the jurisdiction of the office the can-  
5 didate is seeking.

6 “(e) PENALTY.—

7 “(1) DETERMINATION OF AMOUNT.—Any per-  
8 son who knowingly and willfully commits a violation  
9 of this Act by making a contribution which consists  
10 of a payment for a coordinated expenditure shall be  
11 fined an amount equal to the greater of—

12 “(A) in the case of a person who makes a  
13 contribution which consists of a payment for a  
14 coordinated expenditure in an amount exceeding  
15 the applicable contribution limit under this Act,  
16 300 percent of the amount by which the  
17 amount of the payment made by the person ex-  
18 ceeds such applicable contribution limit; or

19 “(B) in the case of a person who is prohib-  
20 ited under this Act from making a contribution  
21 in any amount, 300 percent of the amount of  
22 the payment made by the person for the coordi-  
23 nated expenditure.

24 “(2) JOINT AND SEVERAL LIABILITY.—Any di-  
25 rector, manager or officer of a person who is subject

1 to a penalty under paragraph (1) shall be jointly and  
2 severally liable for any amount of such penalty that  
3 is not paid by the person prior to the expiration of  
4 the 1-year period which begins on the date the Com-  
5 mission imposes the penalty or the 1-year period  
6 which begins on the date of the final judgment fol-  
7 lowing any judicial review of the Commission's ac-  
8 tion, whichever is later.”.

9 (c) EFFECTIVE DATE.—

10 (1) REPEAL OF EXISTING REGULATIONS ON CO-  
11 ORDINATION.—Effective upon the expiration of the  
12 90-day period which begins on the date of the enact-  
13 ment of this Act—

14 (A) the regulations on coordinated commu-  
15 nications adopted by the Federal Election Com-  
16 mission which are in effect on the date of the  
17 enactment of this Act (as set forth in 11 C.F.R.  
18 Part 109, Subpart C, under the heading “Co-  
19 ordination”) are repealed; and

20 (B) the Federal Election Commission shall  
21 promulgate new regulations on coordinated  
22 communications which reflect the amendments  
23 made by this title.

24 (2) EFFECTIVE DATE.—The amendments made  
25 by this section shall apply with respect to payments



1 made on or after the expiration of the 120-day pe-  
2 riod which begins on the date of the enactment of  
3 this Act, without regard to whether or not the Fed-  
4 eral Election Commission has promulgated regula-  
5 tions in accordance with paragraph (1)(B) as of the  
6 expiration of such period.

7 **SEC. 1103. CLARIFICATION OF BAN ON FUNDRAISING FOR**  
8 **SUPER PACS BY FEDERAL CANDIDATES AND**  
9 **OFFICEHOLDERS.**

10 (a) IN GENERAL.—Section 323(e)(1) of the Federal  
11 Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1))  
12 is amended—

13 (1) by striking “or” at the end of subparagraph  
14 (A);

15 (2) by striking the period at the end of sub-  
16 paragraph (B) and inserting “; or”; and

17 (3) by adding at the end the following new sub-  
18 paragraph:

19 “(C) solicit, receive, direct, or transfer  
20 funds to or on behalf of any political committee  
21 which accepts donations or contributions that  
22 do not comply with the limitations, prohibitions,  
23 and reporting requirements of this Act (or to or  
24 on behalf of any account of a political com-  
25 mittee which is established for the purpose of

1 accepting such donations or contributions), or  
2 to or on behalf of any political organization  
3 under section 527 of the Internal Revenue Code  
4 of 1986 which accepts such donations or con-  
5 tributions (other than a committee of a State or  
6 local political party or a candidate for election  
7 for State or local office).”.

8 (b) EFFECTIVE DATE.—The amendment made by  
9 subsection (a) shall apply with respect to elections occur-  
10 ring after January 1, 2017.

## 11 **Subtitle C—Real-Time** 12 **Transparency**

### 13 **SEC. 1201. SHORT TITLE.**

14 This subtitle may be cited as the “Real Time Trans-  
15 parency Act”.

### 16 **SEC. 1202. 48-HOUR NOTIFICATION REQUIRED FOR ALL PO-** 17 **LITICAL COMMITTEES RECEIVING CUMU-** 18 **LATIVE CONTRIBUTIONS OF \$1,000 OR MORE** 19 **DURING A YEAR FROM ANY CONTRIBUTOR.**

20 (a) NOTIFICATION.—Section 304(a)(6)(A) of the  
21 Federal Election Campaign Act of 1971 (2 U.S.C.  
22 434(a)(6)(A)) is amended to read as follows:

23 “(A)(i) If a political committee receives an aggregate  
24 amount of contributions equal to or greater than \$1,000  
25 from any contributor during a calendar year, the com-

1 mittee shall submit a notification to the Commission con-  
2 taining the name of the committee (and, in the case of  
3 an authorized committee of a candidate, the name of the  
4 candidate and the office sought by the candidate), the  
5 identification of the contributor, and the date of receipt  
6 and amount of the contributions involved.

7       “(ii) If, at any time after a political committee is re-  
8 quired to submit a notification under this subparagraph  
9 with respect to a contributor during a calendar year, the  
10 political committee receives additional contributions from  
11 that contributor during that year, the committee shall sub-  
12 mit an additional notification under clause (i) with respect  
13 to such contributor each time the aggregate amount of the  
14 additional contributions received from the contributor dur-  
15 ing the year equals or exceeds \$1,000 (excluding the  
16 amount of any contribution for which information is re-  
17 quired to be included in a previous notification under this  
18 subparagraph).

19       “(iii) The political committee shall submit the notifi-  
20 cation required under this subparagraph with respect to  
21 a contributor—

22               “(I) in the case of a notification described in  
23 clause (i), not later than 48 hours after the date on  
24 which the aggregate amount of contributions re-

1       ceived from the contributor during the calendar year  
2       first equals or exceeds \$1,000; or

3               “(II) in the case of an additional notification  
4       described in clause (ii), not later than 48 hours after  
5       the date on which the aggregate amount of contribu-  
6       tions received from the contributor during the cal-  
7       endar year for which information was not already in-  
8       cluded in a notification under this subparagraph  
9       first equals or exceeds \$1,000.

10       “(iv) For purposes of this subparagraph, any amount  
11       transferred by a joint fundraising committee which is es-  
12       tablished by an authorized committee of a candidate to  
13       any other authorized committee of that candidate shall be  
14       treated as a contribution by the joint fundraising com-  
15       mittee to such authorized committee.”.

16       (b) EFFECTIVE DATE.—The amendment made by  
17       subsection (a) shall apply with respect to contributions re-  
18       ceived by a political committee under the Federal Election  
19       Campaign Act of 1971 during 2016 or any succeeding  
20       year, except that nothing in such amendment may be con-  
21       strued to require a political committee which does not re-  
22       ceive contributions during the portion of 2016 which oc-  
23       curs after the date of the enactment of this Act to meet  
24       the requirements of section 304(a)(6)(A) of the Federal

1 Election Campaign Act of 1971, as amended by subsection  
2 (a).

3 **SEC. 1203. FILING BY SENATE CANDIDATES WITH FEDERAL**  
4 **ELECTION COMMISSION.**

5 (a) MANDATORY FILING WITH FEC.—Section  
6 302(g) of the Federal Election Campaign Act of 1971 (2  
7 U.S.C. 432(g)) is amended to read as follows:

8 “(g) FILING WITH THE COMMISSION.—All designa-  
9 tions, statements, and reports required to be filed under  
10 this Act shall be filed with the Commission.”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) shall apply with respect to materials filed  
13 on or after the date of the enactment of this Act.

14 **Subtitle D—Establishment of**  
15 **Federal Election Administration**

16 **SEC. 1301. SHORT TITLE.**

17 This subtitle may be cited as the “Federal Election  
18 Administration Act of 2016”.

19 **PART 1—FEDERAL ELECTION ADMINISTRATION**

20 **SEC. 1311. ESTABLISHMENT OF THE FEDERAL ELECTION**  
21 **ADMINISTRATION.**

22 (a) IN GENERAL.—Title III of the Federal Election  
23 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is  
24 amended by adding at the end the following new subtitle:

1           **“Subtitle B—Administrative**  
2                           **Provisions**

3           **“CHAPTER 1—ESTABLISHMENT OF THE**  
4                   **FEDERAL ELECTION ADMINISTRATION**

5           **“SEC. 351. ESTABLISHMENT OF THE FEDERAL ELECTION**  
6                           **ADMINISTRATION.**

7           “(a) IN GENERAL.—There is established the Federal  
8 Election Administration (in this Act referred to as the  
9 ‘Administration’).

10          “(b) INDEPENDENT ESTABLISHMENT.—The Admin-  
11 istration shall be an independent establishment (as defined  
12 in section 104 of title 5, United States Code).

13          “(c) PURPOSE.—The Administration shall admin-  
14 ister, seek to obtain compliance with, enforce, and formu-  
15 late policy in a manner that is consistent with the lan-  
16 guage and intent of Congress with respect to the following  
17 statutes:

18                   “(1) This Act.

19                   “(2) The Presidential Election Campaign Fund  
20 Act under chapter 95 of the Internal Revenue Code  
21 of 1986.

22                   “(3) The Presidential Primary Matching Pay-  
23 ment Account Act under chapter 96 of the Internal  
24 Revenue Code of 1986.

1       “(d) EXCLUSIVE CIVIL JURISDICTION.—The Admin-  
2       istration shall have exclusive jurisdiction with respect to  
3       the civil enforcement of the statutes identified in sub-  
4       section (c).

5       “(e) VOTING REQUIREMENT.—All decisions of the  
6       Administration with respect to the exercise of its duties  
7       and powers under this Act, except those expressly reserved  
8       for decision by the Chair, shall be made by a majority vote  
9       of its members.

10       “(f) MEETINGS AND QUORUM.—

11               “(1) MEETINGS.—The Administration shall  
12       meet—

13                       “(A) at least once each month; and

14                       “(B) at the call of the Chair.

15               “(2) QUORUM.—A majority of the members of  
16       the Administration shall constitute a quorum.

17       “(g) SEAL.—The Administration shall procure a  
18       proper seal, with such suitable inscriptions and devices as  
19       the President shall approve. This seal, to be known as the  
20       official seal of the Federal Election Administration, shall  
21       be kept and used to verify official documents, under such  
22       rules and regulations as the Administration may prescribe.  
23       Judicial notice shall be taken of the seal.

24       “(h) PRINCIPAL OFFICE.—The principal office of the  
25       Administration shall be in or near the District of Colum-

1 bia, but the Administration may meet or exercise any of  
2 its powers anywhere in the United States.

3 **“SEC. 352. COMPOSITION OF THE FEDERAL ELECTION AD-  
4 MINISTRATION.**

5 “(a) IN GENERAL.—The Administration shall be  
6 composed of 5 members, 1 of whom shall serve as the  
7 Chair of the Administration. Not more than 2 members  
8 of the Administration shall be affiliated with the same po-  
9 litical party while serving as a member of the Administra-  
10 tion. For purposes of the preceding sentence, a member  
11 shall be treated as affiliated with a political party if such  
12 member was affiliated with such political party at any time  
13 during the 5-year period ending on the date on which such  
14 individual is nominated to be a member of the Administra-  
15 tion.

16 “(b) APPOINTMENT.—

17 “(1) IN GENERAL.—Each member of the Ad-  
18 ministration shall be appointed by the President, by  
19 and with the advice and consent of the Senate.

20 “(2) CHAIR.—The President shall, at the time  
21 of nomination of the first 5 members of the Admin-  
22 istration, designate 1 of the 5 to serve as the Chair.  
23 Any individual appointed to succeed, or to fill the  
24 unexpired term of, that member (or any member  
25 succeeding that member) shall serve as the Chair.



1 “(3) QUALIFICATIONS.—

2 “(A) IN GENERAL.—The President may  
3 select an individual for service as a Member of  
4 the Commission if the individual has experience  
5 in election law and has a demonstrated record  
6 of integrity, impartiality, and good judgment.

7 “(B) ASSISTANCE OF BLUE RIBBON ADVI-  
8 SORY PANEL.—

9 “(i) IN GENERAL.—Prior to the regu-  
10 larly scheduled expiration of the term of a  
11 member of the Commission and upon the  
12 occurrence of a vacancy in the membership  
13 of the Commission prior to the expiration  
14 of a term, the President shall convene a  
15 Blue Ribbon Advisory Panel, that includes  
16 individuals representing each major polit-  
17 ical party and individuals who are inde-  
18 pendent of a political party and that con-  
19 sists of an odd number of individuals se-  
20 lected by the President from retired Fed-  
21 eral judges, former law enforcement offi-  
22 cials, or individuals with experience in elec-  
23 tion law, except that the President may not  
24 select any individual to serve on the panel

1           who holds any public office at the time of  
2           selection.

3           “(ii) RECOMMENDATIONS.—With re-  
4           spect to each member of the Commission  
5           whose term is expiring or each vacancy in  
6           the membership of the Commission (as the  
7           case may be), the Blue Ribbon Advisory  
8           Panel shall recommend to the President at  
9           least one but not more than 3 individuals  
10          for nomination for appointment as a mem-  
11          ber of the Commission.

12          “(iii) PUBLICATION.—At the time the  
13          President submits to the Senate the nomi-  
14          nations for individuals to be appointed as  
15          members of the Commission, the President  
16          shall publish the Blue Ribbon Advisory  
17          Panel’s recommendations for such nomina-  
18          tions.

19          “(iv) EXEMPTION FROM FEDERAL AD-  
20          VISORY COMMITTEE ACT.—The Federal  
21          Advisory Committee Act (5 U.S.C. App.)  
22          shall not apply to a Blue Ribbon Advisory  
23          Panel convened under this subparagraph.

24          “(c) TERM OF OFFICE.—

25                 “(1) IN GENERAL.—

1           “(A) CHAIR.—The Chair of the Adminis-  
2           tration shall be appointed for a term of 10  
3           years.

4           “(B) OTHER MEMBERS.—Subject to sub-  
5           paragraph (C), the 4 members of the Adminis-  
6           tration other than the Chair shall be appointed  
7           for a term of 6 years.

8           “(C) INITIAL APPOINTMENTS.—Of the  
9           members initially appointed under subpara-  
10          graph (B), 2 members shall be appointed for a  
11          term of 3 years.

12          “(2) LIMITATION TO ONE TERM.—A member of  
13          the Administration may only serve 1 term, except  
14          that—

15                 “(A) an individual appointed under sub-  
16                 paragraph (B) of paragraph (1) who is ap-  
17                 pointed for the term described in subparagraph  
18                 (C) of such paragraph may be appointed to a  
19                 6-year term in addition to the term described in  
20                 such subparagraph; and

21                 “(B) an individual appointed under para-  
22                 graph (4) to fill the remainder of an unexpired  
23                 term that has less than  $\frac{1}{2}$  of the term remain-  
24                 ing may be appointed to serve another term.

1           “(3) EXPIRED TERMS.—An individual may con-  
2           tinue to serve as a member of the Administration  
3           after the expiration of such individual’s term until  
4           the earlier of—

5                   “(A) the date on which such individual’s  
6                   successor has taken office; or

7                   “(B) 1 year following the date on which  
8                   the term of such member expired.

9           “(4) VACANCIES.—An individual appointed  
10           upon a vacancy occurring before the expiration of  
11           the term for which the individual’s predecessor was  
12           appointed shall be appointed only for the unexpired  
13           term of the predecessor. Such vacancy shall be filled  
14           in the same manner as the original appointment.

15           “(5) PROHIBITING ENGAGEMENT WITH OTHER  
16           BUSINESS OR EMPLOYMENT DURING SERVICE.—A  
17           member of the Commission shall not engage in any  
18           other business, vocation, or employment. Any indi-  
19           vidual who is engaging in any other business, voca-  
20           tion, or employment at the time of his or her ap-  
21           pointment to the Commission shall terminate or liq-  
22           uidate such activity not later than 90 days after  
23           such appointment.

1       “(d) REMOVAL.—A member of the Administration  
2 may be removed by the President only for inefficiency, ne-  
3 glect of duty, or malfeasance in office.

4 **“SEC. 353. STAFF DIRECTOR.**

5       “(a) IN GENERAL.—There shall be in the Adminis-  
6 tration a staff director.

7       “(b) RESPONSIBILITIES.—The staff director—

8               “(1) shall assist the Administration in its ad-  
9 ministration and operations;

10              “(2) shall perform such responsibilities as the  
11 Administration shall prescribe; and

12              “(3) may, with the approval of the Chair—

13                      “(A) appoint and fix the pay of such addi-  
14 tional personnel as the staff director considers  
15 appropriate without regard to the provisions of  
16 title 5, United States Code, governing appoint-  
17 ments in the competitive service; and

18                      “(B) procure temporary and intermittent  
19 services to the same extent as is authorized by  
20 section 3109(b) of title 5, United States Code,  
21 but at rates for individuals not to exceed the  
22 daily equivalent of the annual rate of basic pay  
23 in effect for grade GS–15 of the General Sched-  
24 ule (5 U.S.C. 5332).

1       “(c) APPOINTMENT.—The staff director shall be ap-  
2 pointed by the Chair, after consultation with the other  
3 members of the Administration.

4       “(d) OTHER ACTIVITIES.—An individual may not en-  
5 gage in any other business, vocation, or employment while  
6 serving as the staff director.

7       **“SEC. 354. GENERAL COUNSEL.**

8       “(a) IN GENERAL.—There shall be in the Adminis-  
9 tration a general counsel.

10       “(b) RESPONSIBILITIES.—The general counsel  
11 shall—

12               “(1) serve as the chief legal officer of the Ad-  
13 ministration;

14               “(2) provide legal assistance to the Administra-  
15 tion concerning its programs and policies;

16               “(3) advise and assist the Administration in  
17 carrying out its responsibilities under section 361;  
18 and

19               “(4) represent the Administration in any pro-  
20 ceeding in court or before an administrative law  
21 judge.

22       “(c) APPOINTMENT.—The general counsel shall be  
23 appointed by the Chair, subject to approval by majority  
24 vote of the members of the Administration.

1 **“SEC. 355. INSPECTOR GENERAL.**

2 “There shall be in the Administration an inspector  
3 general. The inspector general and the office of inspector  
4 general shall be subject to the Inspector General Act of  
5 1978 (5 U.S.C. App.).

6 **“CHAPTER 2—OPERATION OF THE**  
7 **FEDERAL ELECTION ADMINISTRATION**

8 **“SEC. 361. POWERS OF THE CHAIR AND ADMINISTRATION.**

9 “(a) CHAIR.—

10 “(1) IN GENERAL.—The Chair shall be the  
11 chief administrative officer of the Administration  
12 with the authority to administer the Administration  
13 and shall, after consultation with the other members  
14 of the Administration, have the power to appoint or  
15 remove the staff director and to establish the budget  
16 of the Administration.

17 “(2) OTHER POWERS.—The Chair has the  
18 power—

19 “(A) to the fullest extent practicable, to re-  
20 quest the assistance of other agencies and de-  
21 partments of the United States, including the  
22 personnel and facilities of such agencies and de-  
23 partments and the heads of such agencies and  
24 departments may make available to the Chair  
25 such personnel, facilities, and other assistance,  
26 with or without reimbursement;

1           “(B) to appoint, assign, remove, and com-  
2           pensate administrative law judges in accordance  
3           with title 5, United States Code;

4           “(C) to require, by special or general or-  
5           ders, any person to submit, under oath, such  
6           written reports and answers to questions as the  
7           Chair may prescribe;

8           “(D) to administer oaths or affirmations;

9           “(E) to issue and enforce subpoenas in ac-  
10          cordance with section 364;

11          “(F) in any proceeding or investigation, to  
12          order testimony to be taken by deposition be-  
13          fore any person who is designated by the Chair  
14          and has the power to administer oaths and, in  
15          such instances, to compel testimony and the  
16          production of evidence in the same manner as  
17          authorized under subparagraph (E);

18          “(G) to pay witnesses fees and mileage in  
19          accordance with section 364(d); and

20          “(H) to make independent budget requests  
21          to Congress in accordance with section 362.

22          “(b) ADMINISTRATION.—The Administration shall  
23          have the power—

24                 “(1) to initiate, defend, or appeal, through the  
25                 general counsel, any civil action in the name of the



1 Administration to enforce the provisions of this Act  
2 and chapters 95 and 96 of the Internal Revenue  
3 Code of 1986;

4 “(2) to assess civil penalties for violations of  
5 this Act and chapters 95 and 96 of the Internal  
6 Revenue Code of 1986;

7 “(3) to issue cease-and-desist orders to prevent  
8 violations of this Act and chapters 95 and 96 of the  
9 Internal Revenue Code of 1986;

10 “(4) to establish procedures and schedules for  
11 agency adjudication that ensure timely enforcement  
12 of this Act and chapters 95 and 96 of the Internal  
13 Revenue Code of 1986;

14 “(5) to render advisory opinions under section  
15 363;

16 “(6) to develop prescribed forms, and to make,  
17 amend, and repeal rules, pursuant to section 365;

18 “(7) to establish procedures for alternative dis-  
19 pute resolution of violations of this Act or of chap-  
20 ters 95 or 96 of the Internal Revenue Code of 1986;

21 “(8) to conduct investigations and hearings ex-  
22 peditiously, to encourage voluntary compliance, and  
23 to report apparent violations to the appropriate law  
24 enforcement authorities; and

1           “(9) to transmit to the President and to Con-  
2           gress not later than June 1 of each year, a report  
3           which states in detail the activities of the Adminis-  
4           tration in carrying out its duties under this Act, and  
5           which includes any recommendations for any legisla-  
6           tive or other action the Administration considers ap-  
7           propriate.

8   **“SEC. 362. INDEPENDENT BUDGET REQUESTS AND LEGIS-**  
9                           **LATIVE PROPOSALS.**

10          “(a) EXEMPTION FROM OMB OVERSIGHT.—When-  
11          ever the Chair submits any budget estimate or request to  
12          the President or the Office of Management and Budget,  
13          the Chair shall concurrently transmit a copy of such esti-  
14          mate or request to Congress.

15          “(b) AUTHORITY TO MAKE INDEPENDENT LEGISLA-  
16          TIVE RECOMMENDATIONS.—Whenever the Administration  
17          submits any legislative recommendation, testimony, or  
18          comments on legislation requested by Congress or by any  
19          Member of Congress, to the President or the Office of  
20          Management and Budget, the Administration shall con-  
21          currently transmit a copy thereof to Congress or to the  
22          Member requesting the same. No officer or agency of the  
23          United States shall have any authority to require the Ad-  
24          ministration to submit its legislative recommendations,  
25          testimony, or comments on legislation, to any office or

1 agency of the United States for approval, comments, or  
2 review, prior to the submission of such recommendations,  
3 testimony, or comments to Congress.

4 **“SEC. 363. ADVISORY OPINIONS.**

5 “(a) REQUESTS FOR ADVISORY OPINIONS.—

6 “(1) IN GENERAL.—Not later than 60 days  
7 after the Administration receives from a person a  
8 complete written request concerning the application  
9 of this Act, chapter 95 or 96 of the Internal Rev-  
10 enue Code of 1986, or a rule or regulation pre-  
11 scribed by the Administration, with respect to a spe-  
12 cific transaction or activity by the person, the Ad-  
13 ministration shall render a written advisory opinion  
14 relating to such transaction or activity to the person.

15 “(2) REQUESTS BY CANDIDATES.—If an advi-  
16 sory opinion is requested by a candidate, or any au-  
17 thorized committee of such candidate, during the 60-  
18 day period before any election for Federal office in-  
19 volving the requesting party, the Administration  
20 shall render a written advisory opinion relating to  
21 such request not later than 20 days after the Ad-  
22 ministration receives a complete written request.

23 “(b) RULEMAKING REQUIRED.—Any rule of law  
24 which is not stated in this Act or in chapter 95 or 96  
25 of the Internal Revenue Code of 1986 may be initially pro-

1 posed by the Administration only as a rule or regulation  
2 pursuant to procedures established in section 365. No  
3 opinion of an advisory nature may be issued by the Admin-  
4 istration or any other officer or employee of the Adminis-  
5 tration except in accordance with the provisions of this  
6 section.

7 “(c) RELIANCE ON ADVISORY OPINIONS.—

8 “(1) IN GENERAL.—Any advisory opinion ren-  
9 dered by the Administration under subsection (a)  
10 may be relied upon by—

11 “(A) any person involved in the specific  
12 transaction or activity with respect to which  
13 such advisory opinion is rendered; and

14 “(B) any person involved in any specific  
15 transaction or activity which is indistinguish-  
16 able in all its material aspects from the trans-  
17 action or activity with respect to which such ad-  
18 visory opinion is rendered.

19 “(2) PROTECTION FROM LIABILITY.—Notwith-  
20 standing any other provisions of law, any person  
21 who relies upon any provision or finding of an advi-  
22 sory opinion in accordance with the provisions of  
23 paragraph (1) and who acts in good faith in accord-  
24 ance with the provisions and findings of such advi-  
25 sory opinion shall not, as a result of any such act,

1 be subject to any sanction provided by this Act or  
2 by chapter 95 or 96 of the Internal Revenue Code  
3 of 1986.

4 “(d) NOTICE AND COMMENT.—

5 “(1) PUBLICATION OF REQUESTS.—The Admin-  
6 istration shall make public any request made under  
7 subsection (a) for an advisory opinion.

8 “(2) OPPORTUNITY TO COMMENT.—

9 “(A) WRITTEN COMMENTS.—Before ren-  
10 ndering an advisory opinion, the Administration  
11 shall accept written comments submitted by any  
12 interested party within the 10-day period fol-  
13 lowing the date on which the request is made  
14 public.

15 “(B) TESTIMONY.—To the extent that the  
16 Commission provides an opportunity for a per-  
17 son requesting an advisory opinion under this  
18 section (or counsel for such person) to appear  
19 before the Commission to present testimony in  
20 support of the request, and the person (or coun-  
21 sel) accepts such opportunity, the Commission  
22 shall provide a reasonable opportunity for an  
23 interested party who submitted written com-  
24 ments under subparagraph (A) in response to  
25 the request (or counsel for such interested

1 party) to appear before the Commission to  
2 present testimony in response to the request.

3 “(e) JUDICIAL REVIEW.—

4 “(1) IN GENERAL.—Any person adversely af-  
5 fected by an advisory opinion rendered by the Ad-  
6 ministration may obtain judicial review of such advi-  
7 sory opinion by filing a petition in the United States  
8 Court of Appeals for the District of Columbia Cir-  
9 cuit.

10 “(2) SCOPE OF REVIEW.—For purposes of con-  
11 ducting the judicial review described in paragraph  
12 (1), the provisions of section 706 of title 5, United  
13 States Code, shall apply.

14 **“SEC. 364. ISSUANCE AND ENFORCEMENT OF SUBPOENAS.**

15 “(a) ISSUANCE BY THE CHAIR.—If the Administra-  
16 tion is conducting an investigation pursuant to section 371  
17 or 372, the Chair shall, on behalf of the Administration,  
18 have the power to require by subpoena the attendance and  
19 testimony of witnesses and the production of all documen-  
20 tary evidence relating to the execution of the Administra-  
21 tion’s duties.

22 “(b) ISSUANCE BY AN ADMINISTRATIVE LAW  
23 JUDGE.—Any administrative law judge presiding over an  
24 enforcement action pursuant to section 373 shall have the  
25 power to require by subpoena the attendance and testi-

1 mony of witnesses and the production of all documentary  
2 evidence relating to the administrative law judge's duties.

3       “(c) ISSUANCE AND ENFORCEMENT OF SUB-  
4 POENAS.—

5               “(1) ISSUANCE.—Subpoenas issued under sub-  
6 section (a) or (b) shall bear the signature of the  
7 Chair or an administrative law judge, respectively,  
8 and shall be served by any person or class of persons  
9 designated by the Chair or administrative law judge  
10 for that purpose.

11               “(2) ENFORCEMENT.—In the case of contu-  
12 macy or failure to obey a subpoena issued under  
13 subsection (a) or (b), the Federal district court for  
14 the judicial district in which the subpoenaed person  
15 resides, is served, or may be found may issue an  
16 order requiring such person to appear at any des-  
17 ignated place to testify or to produce documentary  
18 or other evidence. Any failure to obey the order of  
19 the court may be punished by the court as a con-  
20 tempt of that court.

21       “(d) WITNESS ALLOWANCES AND FEES.—Section  
22 1821 of title 28, United States Code, shall apply to wit-  
23 nesses requested or subpoenaed to appear at any hearing  
24 of the Administration. The per diem and mileage allow-

1 ances for witnesses shall be paid from funds available to  
2 pay the expenses of the Administration.

3 “(e) JURISDICTION.—Subpoenas for witnesses who  
4 are required to attend a Federal district court may run  
5 into any other district.

6 **“SEC. 365. RULEMAKING AUTHORITY.**

7 “(a) IN GENERAL.—The Administration may, pursu-  
8 ant to the provisions of chapter 5 of title 5, United States  
9 Code, prescribe such rules and regulations as the Adminis-  
10 tration deems necessary to carry out the provisions of this  
11 Act and chapters 95 and 96 of the Internal Revenue Code  
12 of 1986, including the authority to promulgate rules of  
13 practice and procedure for agency adjudications.

14 “(b) AUTHORITY TO PROMULGATE INDEPENDENT  
15 REGULATIONS.—Whenever the Administration promul-  
16 gates any regulation, it shall not be required to submit  
17 such regulation for review or approval to the President  
18 or the Office of Management and Budget.

19 “(c) CONDUCT OF ACTIVITIES.—The Administration  
20 shall prepare written rules for the conduct of its activities,  
21 including procedures for the conduct of enforcement ac-  
22 tions under sections 371, 372, and 373.

23 “(d) FORMS.—

24 “(1) IN GENERAL.—The Administration shall  
25 prescribe forms necessary to implement this Act and



1 chapters 95 and 96 of the Internal Revenue Code of  
2 1986.

3 “(2) PUBLIC PROTECTION.—Any forms pre-  
4 scribed by the Administration under paragraph (1),  
5 and any information-gathering activities of the Ad-  
6 ministration under this Act, shall not be subject to  
7 the provisions of section 3512 of title 44, United  
8 States Code.

9 “(e) RELIANCE UPON RULES AND REGULATIONS.—  
10 Notwithstanding any other provision of law, any person  
11 who relies upon any rule or regulation prescribed by the  
12 Administration in accordance with the provisions of this  
13 section and who acts in good faith in accordance with such  
14 rule or regulation shall not, as a result of such act, be  
15 subject to any sanction provided by this Act or by chapter  
16 95 or 96 of the Internal Revenue Code of 1986.

17 “(f) CONSULTATION WITH IRS.—In prescribing  
18 rules, regulations, and forms under this section, the Ad-  
19 ministration and the Secretary of the Treasury shall con-  
20 sult and work together to promulgate rules, regulations,  
21 and forms which are mutually consistent. The Administra-  
22 tion shall report to Congress annually on the steps it has  
23 taken to comply with this subsection.

24 “(g) JUDICIAL REVIEW.—

1           “(1) IN GENERAL.—Any person adversely af-  
2           fected by a rule, regulation, or form promulgated by  
3           the Administration may obtain judicial review of  
4           such rule, regulation, or form by filing a petition in  
5           the United States Court of Appeals for the District  
6           of Columbia Circuit.

7           “(2) SCOPE OF REVIEW.—For purposes of con-  
8           ducting the judicial review described in paragraph  
9           (1), the provisions of section 706 of title 5, United  
10          States Code, shall apply.

11          “(h) RULE AND REGULATION DEFINED.—In this  
12          Act, the terms ‘rule’ and ‘regulation’ mean a provision or  
13          series of interrelated provisions stating a single, separable  
14          rule of law.

15          **“SEC. 366. LITIGATION AUTHORITY.**

16          “(a) IN GENERAL.—Notwithstanding sections 516  
17          and 518 of title 28, United States Code, and section 3106  
18          of title 5, United States Code, the Administration is au-  
19          thorized to bring, appear in, defend against, and appeal  
20          any action instituted under this Act or chapter 95 or 96  
21          of the Internal Revenue Code of 1986, in any court ei-  
22          ther—

23                  “(1) by attorneys employed by the Administra-  
24          tion; or

1           “(2) by counsel whom it may appoint, on a tem-  
2           porary basis as may be necessary for such purpose,  
3           without regard to the provisions of title 5, United  
4           States Code, governing appointments in the competi-  
5           tive service, and whose compensation it may fix  
6           without regard to the provisions of chapter 51 and  
7           subchapter III of chapter 53 of such title.

8           “(b) COMPENSATION OF APPOINTED COUNSEL.—  
9           The compensation of counsel appointed on a temporary  
10          basis under subsection (a)(2) shall be paid out of any  
11          funds otherwise available to pay the compensation of em-  
12          ployees of the Administration.

13          “(c) INDEPENDENCE FROM ATTORNEY GENERAL.—  
14          In pursuing an action under this section, the Administra-  
15          tion may act independently of the Attorney General.

16          **“SEC. 367. AVAILABILITY OF REPORTS.**

17          “(a) IN GENERAL.—The Administration shall—

18                 “(1) prepare, publish, and furnish to all persons  
19                 required to file reports and statements under this  
20                 Act a manual recommending uniform methods of  
21                 bookkeeping and reporting;

22                 “(2) develop a filing, coding, and cross-indexing  
23                 system consistent with the purposes of this Act;

24                 “(3) within 48 hours after the time of the re-  
25                 ceipt by the Administration of reports and state-

1       ments filed with the Administration, make them  
2       available for public inspection, and copying, at the  
3       expense of the person requesting such copying, ex-  
4       cept that any information copied from such reports  
5       or statements may not be sold or used by any person  
6       for the purpose of soliciting contributions or for  
7       commercial purposes, other than using the name and  
8       address of any political committee to solicit contribu-  
9       tions from such committee;

10           “(4) keep such designations, reports, and state-  
11       ments for a period of 10 years from the date of re-  
12       ceipt and maintain computerized records of such  
13       designations, reports, and statements thereafter;

14           “(5)(A) compile and maintain a cumulative  
15       index of designations, reports, and statements filed  
16       under this Act, publish the index at regular inter-  
17       vals, and make the index available for purchase di-  
18       rectly or by mail;

19           “(B) compile, maintain, and revise a separate  
20       cumulative index of reports and statements filed by  
21       multicandidate committees, including in such index a  
22       list of multicandidate committees; and

23           “(C) compile and maintain a list of multi-  
24       candidate committees, which shall be revised and  
25       made available monthly;

1           “(6) prepare and publish periodically lists of  
2           authorized committees which fail to file reports as  
3           required by this Act; and

4           “(7) serve as a national clearinghouse for the  
5           compilation of information and review of procedures  
6           with respect to the administration of Federal elec-  
7           tions.

8           “(b) PSEUDONYMS.—For purposes of subsection  
9           (a)(3), a political committee may submit 10 pseudonyms  
10          on each report filed in order to protect against the illegal  
11          use of names and addresses of contributors, but only if  
12          such committee attaches a list of such pseudonyms to the  
13          appropriate report. The Administration shall exclude these  
14          lists from the public record.

15          “(c) CONTRACTS.—The Administration may enter  
16          into contracts for the purpose of performing the duties  
17          described in subsection (a).

18          “(d) AVAILABILITY OF REPORTS.—Reports or other  
19          information described in subsection (a) shall be available  
20          to the public, except that—

21                 “(1) copies shall be made available without cost,  
22                 upon request, to agencies and branches of the Fed-  
23                 eral Government; and

24                 “(2) information made available as a result of  
25                 the application of paragraph (7) of such subsection

1 shall be made available to the public only upon the  
2 payment of the cost thereof.

3 **“SEC. 368. AUDITS AND FIELD EXAMINATIONS.**

4 “(a) IN GENERAL.—The Administration may, in ac-  
5 cordance with the provisions of this section, conduct audits  
6 and field investigations of any political committee required  
7 to file a report under section 304.

8 “(b) PRIORITY.—All audits and field investigations  
9 concerning the verification for, and receipt and use of, any  
10 payments received by a candidate or committee under  
11 chapter 95 or 96 of the Internal Revenue Code of 1986  
12 shall be given priority.

13 “(c) AUDITS AND FIELD EXAMINATIONS WHERE  
14 THRESHOLDS NOT MET.—

15 “(1) INTERNAL REVIEW.—The Administration  
16 shall conduct an internal review of reports filed by  
17 selected committees to determine if the reports filed  
18 by a particular committee meet the threshold re-  
19 quirements for substantial compliance with the Act.  
20 Such thresholds for compliance shall be established  
21 by the Administration.

22 “(2) AUDITS AND FIELD EXAMINATIONS.—The  
23 Administration may vote to conduct an audit and  
24 field investigation of any committee which it deter-  
25 mines under paragraph (1) does not meet the

1 threshold requirements established by the Adminis-  
2 tration. Such audits shall be commenced within 30  
3 days of such vote, except that any audit under the  
4 provisions of this subsection of an authorized com-  
5 mittee of a candidate shall be commenced within 6  
6 months of the election for which such committee is  
7 authorized.

8 “(d) RANDOM AUDITS.—

9 “(1) IN GENERAL.—In addition to any audits  
10 conducted under subsection (c), the Administration  
11 may, subject to paragraph (2), conduct audits of any  
12 committee selected at random to ensure compliance  
13 with this Act. The selection of any committee under  
14 this paragraph shall be based on standards and pro-  
15 cedures adopted by the Administration, except that  
16 in any calendar year such audits may be initiated  
17 against no more than 3 percent of all authorized  
18 candidate campaign committees.

19 “(2) APPLICABLE RULES.—

20 “(A) IN GENERAL.—If the Administration  
21 selects a committee for audit under paragraph  
22 (1), the Administration shall promptly notify  
23 the committee of the selection and commence  
24 the audit within 30 days of the selection.

1           “(B) SPECIAL RULES FOR AUTHORIZED  
2           COMMITTEES.—If the committee selected under  
3           paragraph (1) is an authorized committee of a  
4           candidate, the audit—

5                   “(i) shall be commenced and actively  
6                   undertaken within 6 months of the election  
7                   for which the committee is authorized; and

8                   “(ii) may examine compliance with  
9                   this Act only with respect to that election.

10           “(3) EXCEPTION.—This subsection shall not  
11           apply to an authorized committee of a candidate for  
12           President or Vice President subject to audit under  
13           section 9007 or 9038 of the Internal Revenue Code  
14           of 1986.

15   **“SEC. 369. CONGRESSIONAL OVERSIGHT.**

16           “Nothing in this Act shall be construed to limit, re-  
17           strict, or diminish any investigatory, informational, over-  
18           sight, supervisory, or disciplinary authority or function of  
19           Congress or any committee of Congress with respect to  
20           elections for Federal office.

21           **“CHAPTER 3—ENFORCEMENT**

22           **“SEC. 371. INITIATION OF ENFORCEMENT ACTIONS BY AD-**  
23           **MINISTRATION.**

24           “(a) IN GENERAL.—The Administration may initiate  
25           a civil enforcement action under section 373 if, after con-



1 ducting an investigation, the Administration finds reason-  
2 able grounds to believe that a violation of this Act or of  
3 chapter 95 or 96 of the Internal Revenue Code of 1986  
4 has occurred or is about to occur.

5 “(b) BASIS FOR FINDINGS.—The Administration  
6 may make a finding under subsection (a) based on any  
7 information available to the Administration, including the  
8 filing of a complaint under section 372.

9 “(c) NOTICE AND OPPORTUNITY TO DEMONSTRATE  
10 NO VIOLATION.—Prior to initiating an enforcement action  
11 under subsection (a), the Administration shall give any  
12 person under investigation notice and the opportunity to  
13 demonstrate that there are no reasonable grounds to be-  
14 lieve a violation has occurred or is about to occur, but the  
15 Administration’s decision on such matter shall not be sub-  
16 ject to judicial review.

17 **“SEC. 372. COMPLAINT TO INITIATE ENFORCEMENT AC-**  
18 **TION.**

19 “(a) FILING OF COMPLAINT.—

20 “(1) IN GENERAL.—Any person may file a com-  
21 plaint with the Administration alleging a violation of  
22 this Act or of chapter 95 or 96 of the Internal Rev-  
23 enue Code of 1986.

24 “(2) TECHNICAL REQUIREMENTS.—A complaint  
25 filed under paragraph (1) shall be—

1           “(A) in writing, signed, and sworn to by  
2           the person filing such complaint;

3           “(B) notarized; and

4           “(C) made under penalty of perjury and  
5           subject to the provisions of section 1001 of title  
6           18, United States Code.

7           “(3) ACTION BY THE ADMINISTRATION.—Sub-  
8           ject to paragraph (4), based on the allegations in a  
9           complaint filed under paragraph (1), and such inves-  
10          tigations the Administration deems necessary and  
11          appropriate, the Administration may—

12           “(A) initiate a civil enforcement action  
13           under section 373 if the Administration finds  
14           reasonable grounds to believe a violation has oc-  
15           curred or is about to occur; or

16           “(B) dismiss the complaint.

17           “(4) PROHIBITION OF ANONYMOUS COM-  
18           PLAINTS.—The Commission may not conduct any  
19           investigation or take any other action under this sec-  
20           tion solely on the basis of a complaint of a person  
21           whose identity is not disclosed to the Administration.

22           “(5) RECOVERY OF COSTS.—Any person who  
23           has filed a complaint under paragraph (1) shall be  
24           entitled to recover from the Administration up to  
25           \$1,000 of the costs incurred in preparing and filing

1 the complaint if, based on the complaint, the Admin-  
2 istration—

3 “(A) makes a finding under section 373(a)  
4 that a person has violated (or is about to vio-  
5 late) the Act; or

6 “(B) enters into a conciliation agreement  
7 with a person under section 373(e).

8 “(b) NOTICE AND OPPORTUNITY TO DEMONSTRATE  
9 NO VIOLATION.—Prior to initiating an enforcement action  
10 under subsection (a)(3)(A), the Administration shall give  
11 any person named in a complaint notice and an oppor-  
12 tunity to demonstrate that there are no reasonable  
13 grounds to believe a violation described in such subsection  
14 has occurred or is about to occur, but the Administration’s  
15 determination under subsection (a)(3) shall not be subject  
16 to judicial review in an action brought by such person.

17 “(c) FAILURE BY THE ADMINISTRATION TO TAKE  
18 TIMELY ACTION.—

19 “(1) IN GENERAL.—If the Administration—

20 “(A) dismisses a complaint filed under  
21 subsection (a); or

22 “(B) fails to initiate a civil enforcement ac-  
23 tion under section 373 within 180 days of the  
24 filing of such a complaint,

1 the person filing the complaint under subsection (a)  
2 may seek judicial review of the Administration's dis-  
3 missal, or failure to act, in Federal district court in  
4 the District of Columbia or in the district in which  
5 such person resides.

6 “(2) SCOPE OF REVIEW.—The court shall re-  
7 view the Administration's dismissal of the complaint  
8 or failure to act in accordance with the provisions of  
9 section 706 of title 5, United States Code.

10 “(3) COURT ORDERS.—The court may order  
11 the Administration to initiate an enforcement action  
12 or to conduct a further investigation of the com-  
13 plaint within a time set by the court.

14 **“SEC. 373. CIVIL ENFORCEMENT ACTIONS.**

15 “(a) IN GENERAL.—The Administration shall have  
16 the authority to impose a civil monetary penalty under sec-  
17 tion 375, issue a cease-and-desist order under section 376,  
18 or do both, if the Administration finds, by an order made  
19 on the record after notice and an opportunity for hearing  
20 before an administrative law judge pursuant to subchapter  
21 II of chapter 5 of title 5, United States Code, that a per-  
22 son has violated (or, in the case of a cease-and-desist  
23 order, has violated or is about to violate) this Act or chap-  
24 ter 95 or 96 of the Internal Revenue Code of 1986. The

1 general counsel shall represent the Administration in any  
2 proceeding before an administrative law judge.

3 “(b) NOTICE AND REQUEST FOR HEARING.—

4 “(1) NOTICE.—If the Administration finds  
5 under section 371 or 372 that there are reasonable  
6 grounds to believe a violation has occurred or is  
7 about to occur, the Administration shall serve writ-  
8 ten notice of the charges on each respondent, and  
9 shall conduct such further investigation as the Ad-  
10 ministration deems necessary and appropriate.

11 “(2) REQUEST FOR HEARING.—Each respond-  
12 ent shall have an opportunity to request, prior to the  
13 date that is 30 days after the date on which the no-  
14 tice is received, a hearing on the charges before an  
15 administrative law judge.

16 “(3) EFFECT OF FAILURE TO REQUEST A  
17 HEARING.—If no hearing is requested, the Adminis-  
18 tration shall make a finding on the charges, and  
19 shall issue whatever relief the Administration deems  
20 appropriate under sections 375 and 376.

21 “(c) CONCILIATION.—

22 “(1) PROCEDURES FOR ENTERING INTO CON-  
23 CILIATION AGREEMENTS.—

24 “(A) IN GENERAL.—If the respondent re-  
25 quests a hearing under subsection (b)(2), the

1 Administration shall attempt, for a period that  
2 does not exceed 60 days (or 15 days if the hear-  
3 ing is requested within 60 days of an election),  
4 to correct or prevent such violation by informal  
5 methods of conference, conciliation, and persua-  
6 sion, and to enter into a conciliation agreement  
7 with the respondent. In the case of a hearing  
8 that is requested at a time other than within 60  
9 days of an election, the period for conciliation  
10 shall not be less than 30 days unless an agree-  
11 ment is reached before then.

12 “(B) INCLUSION OF CIVIL MONETARY PEN-  
13 ALTIES.—A conciliation agreement may include  
14 a requirement that the person involved in such  
15 conciliation shall pay a civil monetary penalty  
16 that does not exceed the amounts set forth in  
17 subsection (a) of section 375 or, in the case of  
18 a knowing and willful violation, the amounts set  
19 forth in subsection (b) of such section. The con-  
20 ciliation agreement may also include the re-  
21 quirement that the person involved consent to  
22 the terms of a cease-and-desist order, as pro-  
23 vided in section 376.

24 “(C) REPRESENTATION BY GENERAL  
25 COUNSEL.—The general counsel shall represent

1 the Administration in any negotiations for a  
2 conciliation agreement and any such concilia-  
3 tion agreement shall be subject to the approval  
4 of the Administration.

5 “(D) BAR TO FURTHER ACTION.—A con-  
6 ciliation agreement, unless violated, is a com-  
7 plete bar to any further action by the Adminis-  
8 tration.

9 “(2) CONFIDENTIALITY.—No action by the Ad-  
10 ministration or any other person, and no informa-  
11 tion derived in connection with any conciliation at-  
12 tempt by the Administration may be made public by  
13 the Administration, without the written consent of  
14 the respondent, except that if a conciliation agree-  
15 ment is agreed upon and signed by the Administra-  
16 tion and the respondent, the Administration shall  
17 make such agreement public.

18 “(3) VIOLATION OF CONCILIATION AGREE-  
19 MENT.—In any case in which a person has entered  
20 into a conciliation agreement with the Administra-  
21 tion under paragraph (1), the Administration may  
22 institute a civil action for relief if the Administration  
23 believes the person has violated any provision of  
24 such conciliation agreement. Such civil action shall  
25 be brought in the Federal district court for the dis-

1       trict in which the respondent resides or has its prin-  
2       cipal place of business, or for the District of Colum-  
3       bia. Such court shall have jurisdiction to issue any  
4       relief appropriate under sections 375 and 376. For  
5       the Administration to obtain relief in any such ac-  
6       tion, the Administration need only establish that the  
7       person has violated, in whole or in part, any require-  
8       ment of such conciliation agreement.

9       “(d) HEARING.—At the request of any respondent,  
10      a hearing on the charges served under subsection (b)(1)  
11      shall be conducted before an administrative law judge, who  
12      shall make such findings of fact and conclusions of law  
13      as the administrative law judge deems appropriate. The  
14      administrative law judge shall also have the authority to  
15      impose a civil monetary penalty on the respondent, issue  
16      a cease-and-desist order, or both. The decision of the ad-  
17      ministrative law judge shall constitute final agency action  
18      unless an appeal is taken under subsection (e).

19      “(e) APPEAL TO ADMINISTRATION.—

20             “(1) RIGHT TO APPEAL.—The general counsel  
21      and each respondent shall each have a right to ap-  
22      peal to the Administration from any final determina-  
23      tion made by an administrative law judge.

24             “(2) REVIEW OF ALJ DETERMINATIONS.—In  
25      the event of an appeal under paragraph (1), the Ad-



1       ministration shall review the determination of the  
2       administrative law judge to determine whether—

3               “(A) a finding of material fact is not sup-  
4               ported by substantial evidence;

5               “(B) a conclusion of law is erroneous;

6               “(C) the determination of the administra-  
7               tive law judge is contrary to law or to the duly  
8               promulgated rules or decisions of the Adminis-  
9               tration;

10              “(D) a prejudicial error of procedure was  
11              committed; or

12              “(E) the decision or the relief ordered is  
13              otherwise arbitrary, capricious, or an abuse of  
14              discretion.

15              “(3) FINAL AGENCY ACTION.—The decision of  
16              the Administration shall constitute final agency ac-  
17              tion.

18              “(f) JUDICIAL REVIEW.—

19              “(1) IN GENERAL.—Any party aggrieved by a  
20              final agency action and who has exhausted all ad-  
21              ministrative remedies, including requesting a hearing  
22              before an administrative law judge and appealing an  
23              adverse decision of an administrative law judge to  
24              the Administration, may obtain judicial review of  
25              such action in the United States Court of Appeals

1 for any circuit wherein such person resides or has its  
2 principal place of business, or in the United States  
3 Court of Appeals for the District of Columbia Cir-  
4 cuit.

5 “(2) SCOPE OF REVIEW.—For purposes of con-  
6 ducting the judicial review described in paragraph  
7 (1), the provisions of section 706 of title 5, United  
8 States Code, shall apply.

9 “(3) PETITION FOR JUDICIAL REVIEW.—To ob-  
10 tain judicial review under paragraph (1), an ag-  
11 grieved party described in such paragraph shall file  
12 a petition with the court during the 30-day period  
13 beginning on the date on which the order was  
14 issued. A copy of such petition shall be transmitted  
15 forthwith by the clerk of the court to the Adminis-  
16 tration, and thereupon the Administration shall file  
17 in the court the record upon which the order com-  
18 plained of was entered, as provided in section 2112  
19 of title 28, United States Code.

20 **“SEC. 374. NOTIFICATION OF NONFILERS.**

21 “(a) NOTIFICATION.—Before taking any action under  
22 section 373 against any person who has failed to file a  
23 report required under section 304(a)(2)(A)(iii) for the cal-  
24 endar quarter immediately preceding the election involved,  
25 or in accordance with section 304(a)(2)(A)(i), the Admin-

1 istration shall notify the person of such failure to file the  
2 required reports.

3 “(b) OPPORTUNITY FOR RESPONSE.—If a satisfac-  
4 tory response is not received within 4 business days after  
5 the date of notification, the Administration shall, pursuant  
6 to section 367(a)(6), publish before the election the name  
7 of the person and the report or reports such person has  
8 failed to file.

9 **“SEC. 375. CIVIL MONETARY PENALTIES.**

10 “(a) IN GENERAL.—Any person who violates this  
11 Act, or chapter 95 or 96 of the Internal Revenue Code  
12 of 1986, shall be liable to the United States for a civil  
13 monetary penalty for each violation which does not exceed  
14 the greater of \$5,000 or an amount equal to any contribu-  
15 tion or expenditure involved in such violation. Such pen-  
16 alty shall be imposed by the Administration pursuant to  
17 section 373.

18 “(b) KNOWING AND WILLFUL VIOLATIONS.—Any  
19 person who commits a knowing and willful violation of this  
20 Act, or of chapter 95 or 96 of the Internal Revenue Code  
21 of 1986, shall be liable to the United States for a civil  
22 monetary penalty for each violation which does not exceed  
23 the greater of \$10,000 or an amount equal to 200 percent  
24 of any contribution or expenditure involved in such viola-  
25 tion (or, in the case of a violation of section 320, which

1 is not less than 300 percent of the amount involved in  
2 the violation and is not more than the greater of \$50,000  
3 or 1,000 percent of the amount involved in the violation).  
4 Such penalty shall be imposed by the Administration pur-  
5 suant to section 373.

6       “(c) DETERMINATION OF CIVIL MONETARY PEN-  
7 ALTY.—In determining the amount of a civil monetary  
8 penalty under this section with respect to a violation de-  
9 scribed in this section, the Administration or an adminis-  
10 trative law judge shall take into account the nature, cir-  
11 cumstances, extent, and gravity of the violation and, with  
12 respect to the violator, any prior violation, the degree of  
13 culpability, and such other matters as justice may require.

14       “(d) REFERRAL TO ATTORNEY GENERAL.—

15               “(1) IN GENERAL.—If the Administration de-  
16 termines that a knowing and willful violation of this  
17 Act which is subject to section 379, or a knowing  
18 and willful violation of chapter 95 or 96 of the Inter-  
19 nal Revenue Code of 1986, has occurred or is about  
20 to occur, the Administration may refer such appar-  
21 ent violation to the Attorney General without regard  
22 to any limitations set forth under section 373.

23               “(2) REPORTING BY THE ATTORNEY GEN-  
24 ERAL.—Whenever the Administration refers an ap-  
25 parent violation to the Attorney General, the Attor-

1       ney General shall report to the Administration any  
2       action taken by the Attorney General regarding the  
3       apparent violation. Each report shall be transmitted  
4       within 60 days after the date the Administration re-  
5       fers an apparent violation, and every 30 days there-  
6       after until the final disposition of the apparent viola-  
7       tion.

8       **“SEC. 376. CEASE-AND-DESIST ORDERS.**

9       “(a) IN GENERAL.—If the Administration finds,  
10      after notice and opportunity for hearing under section  
11      373, that any person is violating, has violated, or is about  
12      to violate any provision of this Act, or chapter 95 or 96  
13      of the Internal Revenue Code of 1986, or any rule or regu-  
14      lation thereunder, the Administration may publish any  
15      findings and enter an order requiring such person, or any  
16      other person that is, was, or would be a cause of the viola-  
17      tion due to an act or omission the person knew or should  
18      have known would contribute to such violation, to cease  
19      and desist from committing or causing such violation and  
20      any future violation of the same provision, rule, or regula-  
21      tion. Such order may, in addition to requiring a person  
22      to cease and desist from committing or causing a violation,  
23      require such person to comply (or to take steps to effect  
24      compliance) with such provision, rule, or regulation, upon

1 such terms and conditions and within such time as the  
2 Administration may specify in such order.

3       “(b) TEMPORARY ORDER.—Whenever the Adminis-  
4 tration determines that an alleged violation or threatened  
5 violation specified in the notice initiating a civil enforce-  
6 ment action under section 373, or the continuation there-  
7 of, is likely to result in violation of this Act, or of chapter  
8 95 or 96 of the Internal Revenue Code of 1986, and sub-  
9 stantial harm to the public interest, the Administration  
10 may apply to the Federal district court for the district in  
11 which the respondent resides or has its principal place of  
12 business, in which the alleged or threatened violation oc-  
13 curred or is about to occur, or for the District of Colum-  
14 bia, for a temporary restraining order or a preliminary  
15 injunction requiring the respondent to cease and desist  
16 from the violation or threatened violation and to take such  
17 action to prevent the violation or threatened violation. The  
18 Administration may apply for such order without regard  
19 to any limitation under section 373.

20 **“SEC. 377. COLLECTION.**

21       “If any person fails to pay an assessment of a civil  
22 penalty—

23               “(1) after the order making the assessment has  
24       become a final order and such person has not timely  
25       filed a petition for judicial review of the order in ac-

1 cordance with section 373(f)(3) or if the order of the  
2 Administration is upheld after judicial review; or

3 “(2) after a court in an action brought under  
4 section 373(c)(3) has entered a final judgment no  
5 longer subject to appeal in favor of the Administra-  
6 tion,

7 the Attorney General shall recover the amount assessed  
8 (plus interest at currently prevailing rates from the date  
9 of the expiration of the 30-day period referred to in section  
10 373(f)(3) or the date of such final judgment, as the case  
11 may be) in an action brought in any appropriate district  
12 court of the United States. In such an action, the validity,  
13 amount, and appropriateness of such penalty shall not be  
14 subject to review.

15 **“SEC. 378. CONFIDENTIALITY.**

16 “(a) PRIOR TO A FINDING OF REASONABLE  
17 GROUNDS.—Any proceedings conducted by the Adminis-  
18 tration prior to a finding that there are reasonable  
19 grounds to believe a violation of the law has occurred or  
20 is about to occur, including any investigation pursuant to  
21 section 371 or pursuant to a complaint filed under section  
22 372, shall be confidential and none of the Administration’s  
23 records concerning the complaint shall be made public, ex-  
24 cept that the person filing a complaint pursuant to section  
25 372 is permitted to make such complaint public.

1       “(b) AFTER A FINDING OF REASONABLE  
2 GROUND.—Except as provided in subsection (d), if the  
3 Administration makes a finding pursuant to section 371  
4 or 372 that there are reasonable grounds to believe that  
5 a violation of law has occurred or is about to occur—

6               “(1) the finding of the Administration as well  
7 as any complaint filed under section 372, any notice  
8 of charges, and any answer or similar documents  
9 filed with the Administration shall be made public;  
10 and

11               “(2) all proceedings conducted before an admin-  
12 istrative law judge under section 373, and all docu-  
13 ments used during such proceedings, shall be made  
14 public.

15       “(c) AFTER DISMISSAL OF A COMPLAINT OR CON-  
16 CLUSION OF PROCEEDINGS FOLLOWING A FINDING OF  
17 REASONABLE GROUND.—Subject to subsection (d), fol-  
18 lowing the Administration’s dismissal of a complaint filed  
19 under section 372 or the termination of proceedings fol-  
20 lowing a finding of reasonable grounds under section 371  
21 or 372, the Administration shall, not later than the date  
22 that is 30 days after such dismissal or termination, make  
23 public—

24               “(1) the complaint, any notice of charges, and  
25 any answer or similar documents filed with the Ad-



1       ministration (unless such information has already  
2       been made public under subsection (b)(1));

3             “(2) any order setting forth the Administra-  
4       tion’s final action on the complaint;

5             “(3) any findings made by the Administration  
6       in relation to the action; and

7             “(4) all documentary materials and testimony  
8       constituting the record on which the Administration  
9       relied in taking its actions.

10       Subject to subsection (d), the affirmative disclosure re-  
11       quirement of this subsection is without prejudice to the  
12       right of any person to request and obtain records relating  
13       to an investigation under section 552 of title 5, United  
14       States Code.

15             “(d) CONFIDENTIALITY OF RECORDS AND PRO-  
16       CEEDINGS OTHERWISE SUBJECT TO DISCLOSURE.—

17             “(1) IN GENERAL.—The Administration shall  
18       issue regulations providing for the protection of in-  
19       formation the disclosure of which under subsection  
20       (b) or (c) would impair any person’s constitutionally  
21       protected right of privacy, freedom of speech, or  
22       freedom of association. The Administration shall  
23       also issue regulations addressing the application of  
24       exemptions from disclosure contained in section 552  
25       of title 5, United States Code, to records comprising

1 the Administration's investigative files. Such regula-  
2 tions shall consider the need to protect any person's  
3 constitutionally protected rights to privacy, freedom  
4 of speech, and freedom of association, as well as the  
5 need to make information about the Administra-  
6 tion's activities and decisions widely accessible to the  
7 public.

8           “(2) PETITION TO MAINTAIN CONFIDEN-  
9 TIALITY.—

10           “(A) IN GENERAL.—Any person who would  
11 be adversely affected by any disclosure of infor-  
12 mation about the person made pursuant to sub-  
13 section (b) or (c), or by the conduct in public  
14 of a hearing or other proceeding conducted pur-  
15 suant to section 373, shall have the right to pe-  
16 tition the Administration to maintain the con-  
17 fidentiality of such information or such pro-  
18 ceeding on the ground that such information  
19 falls within the scope of any exemption from  
20 disclosure contained in section 552 of title 5,  
21 United States Code, or is prohibited from dis-  
22 closure under the Administration's regulations,  
23 the Constitution, or any other provision of law.  
24 Upon the receipt of such petition, the Adminis-  
25 tration shall make a prompt determination

1           whether the information should be kept con-  
2           fidential, and shall withhold such information  
3           from disclosure pending this determination. The  
4           Administration shall notify the petitioner in  
5           writing of the determination.

6           “(B) REGULATIONS.—The Administration  
7           shall prescribe regulations governing the consid-  
8           eration of petitions under this paragraph. Such  
9           regulations shall provide for public notice of the  
10          pendancy of any petition filed under subpara-  
11          graph (A) and the right of any interested party  
12          to respond to or comment on such petition.

13          “(e) PENALTIES.—Any member or employee of the  
14          Administration, or any other person, who violates the pro-  
15          visions of this section shall be fined not more than \$2,000.  
16          Any such member, employee, or other person who know-  
17          ingly and willfully violates the provisions of this section  
18          shall be fined not more than \$5,000.

19          **“SEC. 379. CRIMINAL PENALTIES.**

20          “(a) KNOWING AND WILLFUL VIOLATIONS.—Any  
21          person who knowingly and willfully commits a violation of  
22          any provision of this Act that involves the making, receiv-  
23          ing, or reporting of any contribution, donation, or expendi-  
24          ture—

1           “(1) aggregating \$25,000 or more during a cal-  
2           endar year shall be fined under title 18, United  
3           States Code, or imprisoned for not more than 5  
4           years, or both; or

5           “(2) aggregating \$2,000 or more (but less than  
6           \$25,000) during a calendar year shall be fined under  
7           such title, or imprisoned for not more than 1 year,  
8           or both.

9           “(b) CONTRIBUTIONS OR EXPENDITURES BY NA-  
10          TIONAL BANKS, CORPORATIONS, OR LABOR ORGANIZA-  
11          TIONS.—In the case of a knowing and willful violation of  
12          section 316(b)(3), the penalties set forth in subsection (a)  
13          shall apply to each violation involving an amount aggre-  
14          gating \$250 or more during a calendar year. Such a viola-  
15          tion of section 316(b)(3) may incorporate a violation of  
16          section 317(a), 320, or 321.

17          “(c) FRAUDULENT MISREPRESENTATION OF CAM-  
18          PAIGN AUTHORITY.—In the case of a knowing and willful  
19          violation of section 322, the penalties set forth in sub-  
20          section (a) shall apply without regard to whether the mak-  
21          ing, receiving, or reporting of a contribution or expendi-  
22          ture of \$1,000 or more is involved.

23          “(d) PROHIBITION OF CONTRIBUTIONS IN NAME OF  
24          ANOTHER.—Any person who knowingly and willfully com-  
25          mits a violation of section 320 involving an amount aggre-

1 gating more than \$10,000 during a calendar year shall  
2 be—

3 “(1) imprisoned for not more than 2 years if  
4 the amount is less than \$25,000 and subject to im-  
5 prisonment under subsection (a) if the amount is  
6 \$25,000 or more;

7 “(2) fined not less than 300 percent of the  
8 amount involved in the violation and not more than  
9 the greater of—

10 “(A) \$50,000; or

11 “(B) 1,000 percent of the amount involved  
12 in the violation; or

13 “(3) both imprisoned as provided under para-  
14 graph (1) and fined as provided under paragraph  
15 (2).

16 “(e) EFFECT OF CONCILIATION AGREEMENTS.—

17 “(1) EVIDENCE OF LACK OF KNOWLEDGE AND  
18 INTENT.—In any criminal action brought for a viola-  
19 tion of any provision of this Act or of chapter 95 or  
20 96 of the Internal Revenue Code of 1986, any de-  
21 fendant may evidence their lack of knowledge or in-  
22 tent to commit the alleged violation by introducing  
23 as evidence a conciliation agreement entered into be-  
24 tween the defendant and the Administration under  
25 section 373(c)(1) which specifically deals with the

1 act or failure to act constituting such violation and  
2 which is still in effect.

3 “(2) CONSIDERATION BY COURTS.—In any  
4 criminal action brought for a violation of any provi-  
5 sion of this Act or of chapter 95 or 96 of the Inter-  
6 nal Revenue Code of 1986, the court before which  
7 such action is brought shall take into account, in  
8 weighing the seriousness of the violation and in con-  
9 sidering the appropriateness of the penalty to be im-  
10 posed if the defendant is found guilty, whether—

11 “(A) the specific act or failure to act which  
12 constitutes the violation for which the action  
13 was brought is the subject of a conciliation  
14 agreement entered into between the defendant  
15 and the Administration under section 373(c)(1);

16 “(B) the conciliation agreement is in ef-  
17 fect; and

18 “(C) the defendant is, with respect to the  
19 violation involved, in compliance with the concil-  
20 iation agreement.

21 **“SEC. 380. PERIOD OF LIMITATIONS.**

22 “No person shall be prosecuted, tried, or punished  
23 for any violation of this Act, unless the indictment is found  
24 or the information is instituted within 5 years after the  
25 date of the violation.

1 **“SEC. 381. AUTHORIZATION OF APPROPRIATIONS.**

2 “For each fiscal year, there are authorized to be ap-  
3 propriated to the Administration such sums as may be  
4 necessary for the purpose of carrying out its functions  
5 under this Act and under chapters 95 and 96 of the Inter-  
6 nal Revenue Code of 1986.”.

7 **SEC. 1312. EXECUTIVE SCHEDULE POSITIONS.**

8 (a) EXECUTIVE SCHEDULE LEVEL III POSITION.—  
9 Section 5314 of title 5, United States Code, is amended  
10 by adding at the end the following:

11 “Chair, Federal Election Administration.”.

12 (b) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—  
13 Section 5315 of title 5, United States Code, is amended  
14 by adding at the end the following:

15 “Members (other than the Chair), Federal Elec-  
16 tion Administration.

17 “Inspector General, Federal Election Adminis-  
18 tration.”.

19 **SEC. 1313. GAO EXAMINATION OF ENFORCEMENT OF CAM-  
20 PAIGN FINANCE LAWS BY THE DEPARTMENT  
21 OF JUSTICE.**

22 (a) EXAMINATION.—The Comptroller General of the  
23 United States shall conduct a thorough examination of the  
24 enforcement of the criminal provisions of the Federal  
25 Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.)

1 and chapters 95 and 96 of the Internal Revenue Code of  
2 1986 by the Attorney General.

3 (b) REPORT.—Not later than 1 year after the date  
4 of enactment of this Act, the Comptroller General shall  
5 submit to the Attorney General and Congress a report on  
6 the examination conducted under subsection (a) together  
7 with recommendations on how the Attorney General may  
8 improve the enforcement of the criminal provisions of the  
9 Federal Election Campaign Act of 1971 (52 U.S.C. 30101  
10 et seq.) and chapters 95 and 96 of the Internal Revenue  
11 Code of 1986, including recommendations on the re-  
12 sources that the Attorney General would require to effec-  
13 tively enforce such criminal provisions.

14 **SEC. 1314. GAO STUDY AND REPORT ON APPROPRIATE**  
15 **FUNDING LEVELS.**

16 (a) STUDY.—The Comptroller General of the United  
17 States shall conduct an ongoing study on the level of fund-  
18 ing that constitutes an adequate level of resources for the  
19 Federal Election Administration to competently execute  
20 the responsibilities imposed on the Administration by this  
21 Act and the amendments made by this Act.

22 (b) REPORT.—Not later than 1 year after the date  
23 of enactment of this Act, and once every 2 years there-  
24 after, the Comptroller General shall submit to the Director  
25 of the Office of Management and Budget and Congress



1 a report on the study conducted under subsection (a) to-  
2 gether with recommendations for such legislation and ad-  
3 ministrative action as the Comptroller General determines  
4 to be appropriate.

5 **SEC. 1315. CONFORMING AMENDMENTS.**

6 (a) INDEPENDENT AGENCY.—Section 104 of title 5,  
7 United States Code, is amended—

8 (1) in paragraph (1), by striking “and” after  
9 the semicolon;

10 (2) in paragraph (2), by striking the period and  
11 inserting “; and”; and

12 (3) by adding at the end the following new  
13 paragraph:

14 “(3) the Federal Election Administration.”.

15 (b) COVERAGE UNDER INSPECTOR GENERAL ACT.—

16 Section 8G(a)(2) of the Inspector General Act of 1978 (5  
17 U.S.C. App.) is amended by striking “Federal Election  
18 Commission” and inserting “Federal Election Administra-  
19 tion”.

20 (c) COVERAGE OF PERSONNEL UNDER HATCH

21 ACT.—Section 7323(b) of title 5, United States Code, is  
22 amended—

23 (1) in paragraph (1), by striking “Federal Elec-  
24 tion Commission” and inserting “Federal Election  
25 Administration”; and

1           (2) in paragraph (2)(B)(i)(I), by striking “Fed-  
2           eral Election Commission” and inserting “Federal  
3           Election Administration”.

4           (d) REMOVAL OF EXCLUSION FROM SENIOR EXECU-  
5           TIVE SERVICE.—Section 3132(a)(1) of title 5, United  
6           States Code, is amended by striking subparagraph (C) and  
7           by redesignating subparagraphs (D), (E), and (F) as sub-  
8           paragraphs (C), (D), and (E), respectively.

9           (e) SUBTITLE A.—Title III of the Federal Election  
10          Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is  
11          amended by inserting before section 301 the following:

12          **“Subtitle A—General Provisions”.**

13                               **PART 2—TRANSITION PROVISIONS**

14          **SEC. 1321. TRANSFER OF FUNCTIONS OF FEDERAL ELEC-**  
15                               **TION COMMISSION.**

16           There are transferred to the Federal Election Admin-  
17           istration established under section 351 of the Federal  
18           Election Campaign Act of 1971 (as added by section  
19           1311) all functions that the Federal Election Commission  
20           exercised before the date described in section 1326(a).

21          **SEC. 1322. TRANSFER OF PROPERTY, RECORDS, AND PER-**  
22                               **SONNEL.**

23           (a) PROPERTY AND RECORDS.—The contracts, liabil-  
24           ities, records, property, and other assets and interests of,  
25           or made available in connection with, the offices and func-

1 tions of the Federal Election Commission which are trans-  
2 ferred by this title are transferred to the Federal Election  
3 Administration.

4 (b) PERSONNEL.—The personnel employed in con-  
5 nection with the offices and functions of the Federal Elec-  
6 tion Commission which are transferred by this title are  
7 transferred to the Federal Election Administration.

8 **SEC. 1323. REPEALS.**

9 (a) PROVISIONS OF THE FEDERAL ELECTION CAM-  
10 PAIGN ACT OF 1971.—The following provisions of the  
11 Federal Election Campaign Act of 1971 are repealed:

12 (1) Section 306 (52 U.S.C. 30106).

13 (2) Section 307 (52 U.S.C. 30107).

14 (3) Section 308 (52 U.S.C. 30108).

15 (4) Section 309 (52 U.S.C. 30109).

16 (5) Section 310 (52 U.S.C. 30110).

17 (6) Section 311 (52 U.S.C. 30111).

18 (7) Section 314 (52 U.S.C. 30115).

19 (8) Section 406 (52 U.S.C. 30145).

20 (b) OTHER PROVISIONS.—Section 403 of the Bipar-  
21 tisan Campaign Reform Act of 2002 (52 U.S.C. 30110  
22 note) is repealed.

23 **SEC. 1324. CONFORMING AMENDMENTS.**

24 (a) Title III of the Federal Election Campaign Act  
25 of 1971 (52 U.S.C. 30101 et seq.) is amended—

1           (1) in section 301, by striking paragraph (10)  
2           and inserting the following:

3           “(10) The term ‘Administration’ means the Federal  
4 Election Administration.”;

5           (2) by striking “Federal Election Commission”  
6           and inserting “Administration” each place it ap-  
7           pears; and

8           (3) by striking “Commission” and inserting  
9           “Administration” each place it appears.

10          (b) Section 3502(1)(B) of title 44, United States  
11 Code, is amended by striking “Federal Election Commis-  
12 sion” and inserting “Federal Election Administration”.

13          (c) Section 207(j)(7)(B)(i) of title 18, United States  
14 Code, is amended by striking “the Federal Election Com-  
15 mission by a former officer or employee of the Federal  
16 Election Commission” and inserting “the Federal Election  
17 Administration by a former officer or employee of the Fed-  
18 eral Election Commission or the Federal Election Admin-  
19 istration”.

20          (d) Section 103 of the Ethics in Government Act of  
21 1978 (5 U.S.C. App.) is amended—

22           (1) in subsection (e), by striking “the Federal  
23           Election Commission” and inserting “the Federal  
24           Election Administration”; and

1           (2) in subsection (k), by striking “the Federal  
2           Election Commission” and inserting “the Federal  
3           Election Administration”.

4           (e)(1) Section 9002(3) of the Internal Revenue Code  
5 of 1986 is amended to read as follows:

6           “(3) The term ‘Administration’ means the Fed-  
7           eral Election Administration established under sec-  
8           tion 351 of the Federal Election Campaign Act of  
9           1971.”.

10          (2) Chapter 95 of the Internal Revenue Code of 1986  
11 is amended by striking “Commission” and inserting “Ad-  
12 ministration” each place it appears.

13          (f)(1) Section 9032(3) of the Internal Revenue Code  
14 of 1986 is amended to read as follows:

15          “(3) The term ‘Administration’ means the Fed-  
16          eral Election Administration established under sec-  
17          tion 351 of the Federal Election Campaign Act of  
18          1971.”.

19          (2) Chapter 96 of the Internal Revenue Code of 1986  
20 is amended by striking “Commission” and inserting “Ad-  
21 ministration” each place it appears.

22          (g) Section 3(c) of the Voting Accessibility for the  
23 Elderly and Handicapped Act (52 U.S.C. 20102(c)) is  
24 amended—

25                 (1) in paragraph (1)—

1 (A) by striking “Federal Election Commis-  
2 sion” and inserting “Federal Election Adminis-  
3 tration”; and

4 (B) by striking “Commission” and insert-  
5 ing “Administration”; and

6 (2) in paragraph (2), by striking “Federal Elec-  
7 tion Commission” and inserting “Federal Election  
8 Administration”.

9 (h) Section 6(a)(9) of the Lobbying Disclosure Act  
10 1995 (2 U.S.C. 1605(a)(9)) is amended by striking “the  
11 Federal Election Commission” and inserting “the Federal  
12 Election Administration”.

13 **SEC. 1325. TREATMENT OF CERTAIN REGULATIONS.**

14 (a) REGULATIONS ON DISCLOSURE OF ELECTION-  
15 EERING COMMUNICATIONS.—

16 (1) IN GENERAL.—Effective on the date that is  
17 90 days after enactment of this Act, the regulations  
18 on disclosure of electioneering communications  
19 adopted by the Federal Election Commission and  
20 published in the Federal Register at page 419 of vol-  
21 ume 68 on January 3, 2003, and at page 5057 of  
22 volume 68 on January 31, 2003, as amended at  
23 page 72913 of volume 72 on December 26, 2007,  
24 are repealed.

1           (2) NEW REGULATIONS.—Not later than 90  
2 days after the date of the enactment of this Act, the  
3 Federal Election Commission shall promulgate new  
4 regulations on disclosure of electioneering commu-  
5 nications under section 304(f) of the Federal Elec-  
6 tion Campaign Act of 1971 (52 U.S.C. 30104(f)).  
7 The regulations promulgated under this paragraph  
8 shall require the disclosure of the identification of all  
9 persons who make a contribution to a person who  
10 makes an electioneering communication and shall  
11 not limit such disclosure to only to persons who  
12 make contributions for the purpose of furthering  
13 electioneering communications, or any similar limita-  
14 tion on the scope of such disclosure.

15           (b) REGULATIONS ON SOLICITATIONS AT NON-FED-  
16 ERAL FUNDRAISING EVENTS.—

17           (1) IN GENERAL.—Effective on the date that is  
18 90 days after the date of the enactment of this Act,  
19 the regulations on participation by Federal can-  
20 didates and officeholders at non-Federal fundraising  
21 events adopted by the Federal Election Commission  
22 and published in the Federal Register at page 24383  
23 of volume 75 on May 5, 2010, are repealed.

24           (2) NEW REGULATIONS.—Not later than 90  
25 days after enactment of this Act, the Federal Elec-

1       tion Commission shall promulgate new regulations  
2       on participation by Federal candidates and office-  
3       holders in non-Federal fundraising events. The regu-  
4       lations shall limit the participation by Federal can-  
5       didates and officeholders in such events to attend-  
6       ing, speaking, or being a featured guest at a fund-  
7       raising event for a State, district, or local committee  
8       of a political party, and shall not allow Federal can-  
9       didates and officeholders to participate in or solicit  
10      funds at any other fundraising event where non-Fed-  
11      eral funds are raised.

12 **SEC. 1326. EFFECTIVE DATE.**

13       (a) **IN GENERAL.**—Except as provided in section  
14 1325, this subtitle and the amendments made by this sub-  
15 title shall take effect on the date that is 6 months after  
16 the date of enactment of this Act.

17       (b) **TERMINATION OF THE FEDERAL ELECTION COM-**  
18 **MISSION.**—Notwithstanding any other provision of, or  
19 amendment made by, this Act, the members of the Federal  
20 Election Commission shall be removed from office on the  
21 date described in subsection (a).



1           **TITLE II—CLOSE THE 20-**  
 2           **PERCENT LOBBYING LOOPHOLE**

3           **SEC. 2001. LOBBYIST REGISTRATION REFORMS.**

4           Section 3(10) of the Lobbying Disclosure Act of 1995  
 5 (2 U.S.C. 1602(10)) is amended by striking “contact,  
 6 other than” and all that follows through “3-month pe-  
 7 riod.” and inserting “contact over a 2-year period.”.

8           **TITLE III—REVOLVING DOOR**  
 9           **REFORM**

10          **SEC. 3001. SHORT TITLE.**

11          This title may be cited as the “Financial Services  
 12 Conflict of Interest Act”.

13          **SEC. 3002. RESTRICTIONS ON PRIVATE SECTOR PAYMENT**  
 14                                   **FOR GOVERNMENT SERVICE.**

15          Section 209 of title 18, United States Code, is  
 16 amended—

17                   (1) in subsection (a)—

18                           (A) by striking “any salary” and inserting  
 19                           “any bonus, salary”; and

20                           (B) by striking “his services” and inserting  
 21                           “services rendered or to be rendered”; and

22                   (2) in subsection (b)—

23                           (A) by inserting “(1)” after “(b)”; and

24                           (B) by adding at the end the following:

1       “(2) For purposes of paragraph (1), a pension, retire-  
 2 ment, group life, health or accident insurance, profit-shar-  
 3 ing, stock bonus, or other employee welfare or benefit plan  
 4 that makes payment of compensation contingent on ac-  
 5 cepting a position in the Federal Government shall not  
 6 be considered bona fide.

7       “(3) For purposes of paragraph (2), compensation in-  
 8 cludes a retention award or bonus, severance pay, and any  
 9 other payment linked to future service in the Federal Gov-  
 10 ernment in any way.”.

11 **SEC. 3003. REQUIREMENTS RELATING TO SLOWING THE RE-**  
 12 **VOLVING DOOR AMONG FINANCIAL SERVICES**  
 13 **REGULATORS.**

14       (a) IN GENERAL.—The Ethics in Government Act of  
 15 1978 (5 U.S.C. App.) is amended by adding at the end  
 16 the following:

17 **“TITLE VI—SPECIAL REQUIRE-**  
 18 **MENTS FOR FINANCIAL SERV-**  
 19 **ICES REGULATORS**

20 **“SEC. 601. DEFINITIONS.**

21       “(a) IN GENERAL.—In this title, the terms ‘des-  
 22 ignated agency ethics official’ and ‘executive branch’ have  
 23 the meanings given such terms under section 109.

24       “(b) OTHER DEFINITIONS.—In this title:

1           “(1) COVERED FINANCIAL SERVICES AGENCY.—

2           The term ‘covered financial services agency’—

3                   “(A) means a primary financial regulatory  
4           agency (as defined in section 2 of the Dodd-  
5           Frank Wall Street Reform and Consumer Pro-  
6           tection Act (12 U.S.C. 5301)); and

7                   “(B) includes—

8                           “(i) the Board of Governors of the  
9                           Federal Reserve System;

10                           “(ii) the Office of the Comptroller of  
11                           the Currency;

12                           “(iii) the Federal Deposit Insurance  
13                           Corporation;

14                           “(iv) the National Credit Union Ad-  
15                           ministration;

16                           “(v) the Securities and Exchange  
17                           Commission;

18                           “(vi) the Federal Housing Finance  
19                           Agency;

20                           “(vii) the Bureau of Consumer Finan-  
21                           cial Protection;

22                           “(viii) the Commodity Futures Trad-  
23                           ing Commission; and

24                           “(ix) the Department of the Treasury.

1           “(2) COVERED FINANCIAL SERVICES REGU-  
2           LATOR.—The term ‘covered financial services regu-  
3           lator’ means an officer or employee of a covered fi-  
4           nancial services agency who occupies—

5                   “(A) a supervisory position classified above  
6                   GS–15 of the General Schedule;

7                   “(B) in the case of a position not under  
8                   the General Schedule, a supervisory position for  
9                   which the rate of basic pay is not less than 120  
10                  percent of the minimum rate of basic pay for  
11                  GS–15 of the General Schedule; or

12                  “(C) any other supervisory position deter-  
13                  mined to be of equal classification by the Direc-  
14                  tor of the Office of Government Ethics.

15           “(3) FORMER CLIENT.—The term ‘former cli-  
16           ent’—

17                   “(A) means a person for whom a covered  
18                   financial services regulator served personally as  
19                   an agent, attorney, or consultant during the 2-  
20                   year period ending on the date (after such serv-  
21                   ice) on which the covered financial services reg-  
22                   ulator begins service in the Federal Govern-  
23                   ment; and

24                   “(B) does not include—

1           “(i) instances in which the service  
2           provided was limited to a speech or similar  
3           appearance; or

4           “(ii) a client of the former employer  
5           of the covered financial services regulator  
6           to whom the covered financial services reg-  
7           ulator did not personally provide such serv-  
8           ices.

9           “(4) FORMER EMPLOYER.—The term ‘former  
10          employer’—

11           “(A) means a person for whom a covered  
12           financial services regulator served as an em-  
13           ployee, officer, director, trustee, or general part-  
14           ner during the 2-year period ending on the date  
15           (after such service) on which the covered finan-  
16           cial services regulator begins service in the Fed-  
17           eral Government; and

18           “(B) does not include—

19           “(i) an entity in the Federal Govern-  
20           ment, including an executive branch agen-  
21           cy;

22           “(ii) a State or local government;

23           “(iii) the District of Columbia;

24           “(iv) an Indian tribe, as defined in  
25           section 4 of the Indian Self-Determination

1 and Education Assistance Act (25 U.S.C.  
2 450b); or

3 “(v) the government of a territory or  
4 possession of the United States.

5 **“SEC. 602. CONFLICT OF INTEREST AND ELIGIBILITY**  
6 **STANDARDS FOR FINANCIAL SERVICES REG-**  
7 **ULATORS.**

8 “(a) IN GENERAL.—A covered financial services reg-  
9 ulator shall not make, participate in making, or in any  
10 way attempt to use the official position of the covered fi-  
11 nancial services regulator to influence a particular matter  
12 that provides a direct and substantial pecuniary benefit  
13 for a former employer or former client of the covered fi-  
14 nancial services regulator.

15 “(b) RECUSAL.—A covered financial services regu-  
16 lator shall recuse himself or herself from any official ac-  
17 tion that would violate subsection (a).

18 “(c) WAIVER.—

19 “(1) IN GENERAL.—The head of the covered fi-  
20 nancial services agency employing a covered financial  
21 services regulator, in consultation with the Director  
22 of the Office of Government Ethics, may grant a  
23 written waiver of the restrictions under subsection  
24 (a) if, and to the extent that, the head of the cov-

1       ered financial services agency certifies in writing  
2       that—

3               “(A) the application of the restriction to  
4               the particular matter is inconsistent with the  
5               purposes of the restriction; or

6               “(B) it is in the public interest to grant  
7               the waiver.

8               “(2) PUBLICATION.—The Director of the Office  
9               of Government Ethics shall make each waiver under  
10              paragraph (1) publicly available on the Web site of  
11              the Office of Government Ethics.

12   **“SEC. 603. NEGOTIATING FUTURE PRIVATE SECTOR EM-**  
13                           **PLOYMENT.**

14              “(a) PROHIBITION.—Except as provided in sub-  
15              section (c), and notwithstanding any other provision of  
16              law, a covered financial services regulator may not partici-  
17              pate in any particular matter which involves, to the knowl-  
18              edge of the covered financial services regulator, an indi-  
19              vidual or entity with whom the covered financial services  
20              regulator is in negotiations of future employment or has  
21              an arrangement concerning prospective employment.

22              “(b) DISCLOSURE OF EMPLOYMENT NEGOTIA-  
23              TIONS.—

24                   “(1) IN GENERAL.—If a covered financial serv-  
25              ices regulator begins any negotiations of future em-

1       employment with another person, or an agent or inter-  
2       mediary of another person, or other discussion or  
3       communication with another person, or an agent or  
4       intermediary of another person, mutually conducted  
5       with a view toward reaching an agreement regarding  
6       possible employment of the covered financial services  
7       regulator, the covered financial services regulator  
8       shall notify the designated agency ethics official of  
9       the covered financial services agency employing the  
10      covered financial services regulator regarding the ne-  
11      gotiations, discussions, or communications.

12           “(2) INFORMATION.—A designated agency eth-  
13      ics official receiving notice under paragraph (1),  
14      after consultation with the Director of the Office of  
15      Government Ethics, shall inform the covered finan-  
16      cial services regulator of any potential conflicts of  
17      interest involved in any negotiations, discussions, or  
18      communications with the other person and the pro-  
19      hibitions applicable.

20           “(c) WAIVERS ONLY WHEN EXCEPTIONAL CIR-  
21      CUMSTANCES EXIST.—

22           “(1) IN GENERAL.—The head of a covered fi-  
23      nancial services agency may only grant a waiver of  
24      subsection (a) if the head determines that excep-  
25      tional circumstances exist.



1           “(2) REVIEW AND PUBLICATION.—For any  
2 waiver granted under paragraph (1), the Director of  
3 the Office of Government Ethics shall—

4                   “(A) review the circumstances relating to  
5 the waiver and the determination that excep-  
6 tional circumstances exist; and

7                   “(B) make the waiver publicly available on  
8 the Web site of the Office of Government Eth-  
9 ics, which shall include—

10                           “(i) the name of the private person or  
11 persons involved in the negotiations or ar-  
12 rangement concerning prospective employ-  
13 ment; and

14                           “(ii) the date on which the negotia-  
15 tions or arrangements commenced.

16           “(d) SCOPE.—For purposes of this section, the term  
17 ‘negotiations of future employment’ is not limited to dis-  
18 cussions of specific terms or conditions of employment in  
19 a specific position.

20 **“SEC. 604. RECORDKEEPING.**

21           “The Director of the Office of Government Ethics  
22 shall—

23                   “(1) receive all employment histories, recusal  
24 and waiver records, and other disclosure records for

1 covered executive branch officials necessary for mon-  
2 itoring compliance to this title;

3 “(2) promulgate rules and regulations, in con-  
4 sultation with the Director of the Office of Per-  
5 sonnel Management and the Attorney General, for  
6 implementation of this title;

7 “(3) provide guidance and assistance where ap-  
8 propriate to facilitate compliance with this title;

9 “(4) review and, where necessary, assist des-  
10 ignated agency ethics officers in providing advice to  
11 covered financial services regulators regarding com-  
12 pliance with this title; and

13 “(5) if the Director determines that a violation  
14 of this title may have occurred, and in consultation  
15 with the designated agency ethics officer and the  
16 Counsel to the President, refer the compliance case  
17 to the United States Attorney for the District of Co-  
18 lumbia for enforcement action.

19 **“SEC. 605. PENALTIES AND INJUNCTIONS.**

20 “(a) CRIMINAL PENALTIES.—

21 “(1) IN GENERAL.—Any person who violates  
22 section 602 or 603 shall be fined under title 18,  
23 United States Code, imprisoned for not more than  
24 1 year, or both.

1           “(2) WILLFUL VIOLATIONS.—Any person who  
2 willfully violates section 602 or 603 shall be fined  
3 under title 18, United States Code, imprisoned for  
4 not more than 5 years, or both.

5           “(b) CIVIL ENFORCEMENT.—

6           “(1) IN GENERAL.—The Attorney General may  
7 bring a civil action in the appropriate United States  
8 district court against any person who violates, or  
9 who the Attorney General has reason to believe is  
10 engaging in conduct that violates, section 602 or  
11 603.

12           “(2) CIVIL PENALTY.—

13           “(A) IN GENERAL.—Upon proof by a pre-  
14 ponderance of the evidence that a person vio-  
15 lated section 602 or 603, the court shall impose  
16 a civil penalty of not more than the greater  
17 of—

18                   “(i) \$100,000 for each violation; or

19                   “(ii) the amount of compensation the  
20 person received or was offered for the con-  
21 duct constituting the violation.

22           “(B) RULE OF CONSTRUCTION.—A civil  
23 penalty under this subsection shall be in addi-  
24 tion to any other criminal or civil statutory,

1 common law, or administrative remedy, avail-  
 2 able to the United States or any other person.

3 “(3) INJUNCTIVE RELIEF.—

4 “(A) IN GENERAL.—In a civil action  
 5 brought under paragraph (1) against a person,  
 6 the Attorney General may petition the court for  
 7 an order prohibiting the person from engaging  
 8 in conduct that violates section 602 or 603. The  
 9 court may issue such an order if the court finds  
 10 by a preponderance of the evidence that the  
 11 conduct of the person violates section 602 or  
 12 603.

13 “(B) RULE OF CONSTRUCTION.—The filing  
 14 of a petition seeking injunctive relief under this  
 15 paragraph shall not preclude any other remedy  
 16 which is available by law to the United States  
 17 or any other person.”.

18 **SEC. 3004. PROHIBITION OF PROCUREMENT OFFICERS AC-**  
 19 **CEPTING EMPLOYMENT FROM GOVERNMENT**  
 20 **CONTRACTORS.**

21 (a) EXPANSION OF PROHIBITION ON ACCEPTANCE  
 22 BY FORMER OFFICIALS OF COMPENSATION FROM CON-  
 23 TRACTORS.—Section 2104 of title 41, United States Code,  
 24 is amended—

25 (1) in subsection (a)—

1 (A) in the matter preceding paragraph

2 (1)—

3 (i) by striking “or consultant” and in-  
4 sserting “consultant, lawyer, or lobbyist”;  
5 and

6 (ii) by striking “one year” and insert-  
7 ing “2 years”; and

8 (B) in paragraph (3), by striking “person-  
9 ally made for the Federal agency” and inserting  
10 “participated personally and substantially in”;  
11 and

12 (2) by amending subsection (b) to read as fol-  
13 lows:

14 “(b) PROHIBITION ON COMPENSATION FROM AFFILI-  
15 ATES AND SUBCONTRACTORS.—A former official respon-  
16 sible for a Government contract referred to in paragraph  
17 (1), (2), or (3) of subsection (a) shall be prohibited from  
18 accepting compensation for two years after awarding such  
19 contract from any division, affiliate, or subcontractor of  
20 the contractor.”.

21 (b) REQUIREMENT FOR PROCUREMENT OFFICERS  
22 TO DISCLOSE JOB OFFERS MADE ON BEHALF OF REL-  
23 ATIVES.—Section 2103(a) of title 41, United States Code,  
24 is amended in the matter preceding paragraph (1) by in-  
25 sserting after “that official” the following: “, or for a rel-

1 ative (as defined in section 3110 of title 5) of that offi-  
2 cial,”.

3 (c) REQUIREMENT ON AWARD OF GOVERNMENT  
4 CONTRACTS TO FORMER EMPLOYERS.—

5 (1) IN GENERAL.—Chapter 21 of title 41,  
6 United States Code, is amended by adding at the  
7 end the following:

8 **“§ 2108. Prohibition on involvement by certain**  
9 **former contractor employees in procure-**  
10 **ments**

11 “An employee of the Federal Government may not  
12 be personally and substantially involved with any award  
13 of a contract to, or the administration of a contract award-  
14 ed to, a contractor that is a former employer of the em-  
15 ployee during the 2-year period beginning on the date on  
16 which the employee leaves the employment of the con-  
17 tractor.”.

18 (2) TECHNICAL AND CONFORMING AMEND-  
19 MENT.—The table of sections for chapter 21 of title  
20 41, United States Code, is amended by adding at  
21 the end the following:

“2108. Prohibition on involvement by certain former contractor employees in  
procurements.”.

22 (d) REGULATIONS.—The Administrator for Federal  
23 Procurement Policy and the Director of the Office of Man-  
24 agement and Budget shall—

1           (1) in consultation with the Director of the Of-  
2           fice of Personnel Management and the Counsel to  
3           the President, promulgate regulations to carry out  
4           and ensure the enforcement of chapter 21 of title  
5           41, United States Code, as amended by this section;  
6           and

7           (2) in consultation with designated agency eth-  
8           ics officers (as defined under section 601 of the Eth-  
9           ics in Government Act of 1978 (5 U.S.C. App.)),  
10          monitor compliance with such chapter by individuals  
11          and agencies.

12 **SEC. 3005. REVOLVING DOOR RESTRICTIONS ON FINANCIAL**  
13                   **SERVICES REGULATORS MOVING INTO THE**  
14                   **PRIVATE SECTOR.**

15          (a) IN GENERAL.—Section 207 of title 18, United  
16 States Code, is amended—

17           (1) by redesignating subsections (e) through (l)  
18           as subsections (f) through (m), respectively; and

19           (2) by inserting after subsection (d) the fol-  
20           lowing:

21           “(e) RESTRICTIONS ON EMPLOYMENT FOR FINAN-  
22           CIAL SERVICES REGULATORS.—

23           “(1) IN GENERAL.—In addition to the restric-  
24           tions set forth in subsections (a), (b), (c), and (d),  
25           a covered financial services regulator shall not—

1           “(A) during the 2-year period beginning on  
2 the date his or her employment as a covered fi-  
3 nancial services regulator ceases—

4           “(i) knowingly act as agent or attor-  
5 ney for, or otherwise represent, any other  
6 person for compensation (except the  
7 United States) in any formal or informal  
8 appearance before;

9           “(ii) with the intent to influence,  
10 make any oral or written communication  
11 on behalf of any other person (except the  
12 United States) to; or

13           “(iii) knowingly aid, advise, or assist  
14 in—

15           “(I) representing any other per-  
16 son (except the United States) in any  
17 formal or informal appearance before;  
18 or

19           “(II) making, with the intent to  
20 influence, any oral or written commu-  
21 nication on behalf of any other person  
22 (except the United States) to,  
23 any court of the United States, or any officer  
24 or employee thereof, in connection with any ju-  
25 dicial or other proceeding, which was actually



1 pending under his or her official responsibility  
2 as a covered financial services regulator during  
3 the 1-year period ending on the date his or her  
4 employment as a covered financial services reg-  
5 ulator ceases or in which he or she participated  
6 personally and substantially as a covered finan-  
7 cial services regulator; or

8 “(B) during the 2-year period beginning on  
9 the date his or her employment as a covered fi-  
10 nancial services regulator ceases—

11 “(i) knowingly act as a lobbyist or  
12 agent for, or otherwise represent, any  
13 other person for compensation (except the  
14 United States) in any formal or informal  
15 appearance before;

16 “(ii) with the intent to influence,  
17 make any oral or written communication  
18 or conduct any lobbying activities on behalf  
19 of any other person (except the United  
20 States) to; or

21 “(iii) knowingly aid, advise, or assist  
22 in—

23 “(I) representing any other per-  
24 son (except the United States) in any

1 formal or informal appearance before;

2 or

3 “(II) making, with the intent to  
4 influence, any oral or written commu-  
5 nication or conduct any lobbying ac-  
6 tivities on behalf of any other person  
7 (except the United States) to,

8 any department or agency of the executive  
9 branch or Congress (including any committee of  
10 Congress), or any officer or employee thereof,  
11 in connection with any matter which is pending  
12 before the department, agency, or Congress.

13 “(2) PENALTY.—Any person who violates para-  
14 graph (1) shall be punished as provided in section  
15 216.

16 “(3) DEFINITIONS.—In this subsection—

17 “(A) the term ‘covered financial services  
18 regulator’ has the meaning given that term  
19 under section 601 of the Ethics in Government  
20 Act of 1978 (5 U.S.C. App.); and

21 “(B) the terms ‘lobbyist’ and ‘lobbying ac-  
22 tivities’ have the meanings given such terms in  
23 section 3 of the Lobbying Disclosure Act of  
24 1995 (2 U.S.C. 1602).”.

25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1           (1) Section 103(a) of the Honest Leadership  
2           and Open Government Act of 2007 (2 U.S.C.  
3           4702(a)) is amended by striking “section 207(e)”  
4           each place it appears and inserting “section 207(f)”.

5           (2) Section 207 of title 18, United States Code,  
6           as amended by subsection (a), is amended—

7                   (A) in subsection (g), as so redesignated,  
8                   by striking “or (e)” and inserting “or (f)”;

9                   (B) in subsection (j)(1)(B), as so redesign-  
10                  ated, by striking “subsection (f)” and insert-  
11                  ing “subsection (g)”;

12                  (C) in subsection (k), as so redesignated—

13                          (i) in paragraph (2), in the matter  
14                          preceding subparagraph (A), by striking  
15                          “and (e)” and inserting “(e), and (f)”;

16                          (ii) in paragraph (4), by striking “and  
17                          (e)” and inserting “(e), and (f)”;

18                          (iii) in paragraph (7)—

19                                  (I) in subparagraph (A), by strik-  
20                                  ing “and (e)” and inserting “(e), and  
21                                  (f)”;

22                                  (II) in subparagraph (B)(ii), in  
23                                  the matter preceding subclause (I), by  
24                                  striking “subsections (c), (d), or (e)”

1 and inserting “subsection (c), (d), (e),  
2 or (f)”.

3 (3) Section 141(b)(3) of the Trade Act of 1974  
4 (19 U.S.C. 2171(b)(3)) is amended by striking “sec-  
5 tion 207(f)(3)” and inserting “207(g)(3)”.

6 (4) Section 7802(b)(3)(B) of the Internal Rev-  
7 enue Code of 1986 is amended by striking “and (f)  
8 of section 207” and inserting “and (g) of section  
9 207”.

10 (5) Section 106(p)(6)(I)(ii) of title 49, United  
11 States Code, is amended by striking “and (f) of sec-  
12 tion 207” and inserting “and (g) of section 207”.

13 **SEC. 3006. RESTRICTIONS ON FEDERAL EXAMINERS AND**  
14 **SUPERVISORS OF FINANCIAL INSTITUTIONS.**

15 (a) IN GENERAL.—Section 10(k) of the Federal De-  
16 posit Insurance Act (12 U.S.C. 1820(k)) is amended—

17 (1) in the subsection heading—

18 (A) by striking “One-Year” and inserting  
19 “Two-Year”; and

20 (B) by striking “Examiners” and inserting  
21 “Examiners and Supervisors”;

22 (2) in paragraph (1)—

23 (A) by striking subparagraph (B) and in-  
24 serting the following:

25 “(B) served—

1           “(i) not less than 2 months during the  
2           final 12 months of the employment of the  
3           person with such agency or entity as the  
4           senior examiner (or a functionally equiva-  
5           lent position) of a depository institution or  
6           depository institution holding company  
7           with continuing, broad responsibility for  
8           the examination (or inspection) of that de-  
9           pository institution or depository institu-  
10          tion holding company on behalf of the rel-  
11          evant agency or Federal reserve bank; or

12           “(ii) as a supervisor of the senior ex-  
13          aminer with responsibility for managing  
14          the oversight of not more than 5 deposi-  
15          tory institutions or depository institution  
16          holding companies on behalf of the rel-  
17          evant agency or Federal reserve bank;  
18          and”;

19          (B) in subparagraph (C)—

20           (i) in the matter preceding clause (i),  
21           by striking “1 year” and inserting “2  
22           years”;

23           (ii) in clause (i), by striking “or” and  
24           inserting a semicolon;

1 (iii) in clause (ii), by striking the pe-  
2 riod at the end and inserting a semicolon;  
3 and

4 (iv) by adding at the end the fol-  
5 lowing:

6 “(iii) a business entity, firm, or asso-  
7 ciation that represents the depository insti-  
8 tution or depository institution holding  
9 company for compensation.”;

10 (3) by redesignating paragraphs (2) through  
11 (6) as paragraphs (3) through (7), respectively;

12 (4) by inserting after paragraph (1) the fol-  
13 lowing:

14 “(2) APPLICATION OF PENALTIES FOR SUPER-  
15 VISORS.—A supervisor of a large financial service  
16 regulatory agency or a supervisor of a senior exam-  
17 iner shall be subject to the penalties described in  
18 paragraph (7) if the supervisor of the senior exam-  
19 iner or the senior examiner knowingly accepts com-  
20 pensation during the period beginning on the date  
21 on which the service of the supervisor or senior ex-  
22 aminer is terminated and ending on the date that is  
23 2 years after the date on which the service on which  
24 the service of the supervisor or senior examiner is  
25 terminated—

1 “(A) as—

2 “(i) an employee;

3 “(ii) an officer;

4 “(iii) a director; or

5 “(iv) a consultant; and

6 “(B) from—

7 “(i) a depository institution;

8 “(ii) a depository institution holding  
9 company that is designated by the Finan-  
10 cial Stability Oversight Council as a sys-  
11 temically important financial market utility  
12 under section 804 of the Payment, Clear-  
13 ing, and Settlement Supervision Act of  
14 2010 (12 U.S.C. 5463); or

15 “(iii) a business entity, firm, or asso-  
16 ciation that represents an institution de-  
17 scribed in clause (ii) for compensation.”;

18 (5) in paragraph (4), as so redesignated, by  
19 striking “or other company.” and inserting “or other  
20 company, firm, or association.”; and

21 (6) in the matter preceding clause (i) of sub-  
22 paragraph (A) of paragraph (7), as so redesignated,  
23 by striking “other company” and inserting “other  
24 company, firm, or association”.

1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
2 Section 10(k) of the Federal Deposit Insurance Act (12  
3 U.S.C. 1820(k)) is amended—

4 (1) in paragraph (1), by striking “paragraph  
5 (6)” and inserting “paragraph (7)”;

6 (2) in paragraph (5)(A), as so redesignated, by  
7 inserting “and paragraph (2)” before the period at  
8 the end; and

9 (3) in paragraph (7), as so redesignated—

10 (A) in subparagraph (A)—

11 (i) by striking “subject to paragraph  
12 (1)” and inserting “subject to paragraph  
13 (1) or (2)”;

14 (ii) by striking “paragraph (1)(C)”  
15 and inserting “paragraph (1)(C) or para-  
16 graph (2)”;

17 (B) in subparagraph (C)—

18 (i) by striking “person described in  
19 paragraph (1)” and inserting “person de-  
20 scribed in paragraph (1) or (2)”;

21 (ii) by inserting “paragraph (2)” be-  
22 fore the period at the end.



1           **TITLE IV—SEVERABILITY**

2   **SEC. 4001. SEVERABILITY.**

3           If any provision of this Act or amendment made by  
4 this Act, or the application of a provision or amendment  
5 to any person or circumstance, is held to be unconstitu-  
6 tional, the remainder of this and amendments made by  
7 this Act, and the application of the provisions and amend-  
8 ment to any person or circumstance, shall not be affected  
9 by the holding.

○