

115TH CONGRESS
1ST SESSION

H. R. 3537

To reform our government, reduce the grip of special interest, and return our democracy to the American people by increasing transparency and oversight of our elections and government, reforming public financing for Presidential elections and providing for public financing for Congressional elections, and requiring States to conduct Congressional redistricting through independent commissions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

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 interest, and return our democracy to the American people by increasing transparency and oversight of our elections and government, reforming public financing for Presidential elections and providing for public financing for Congressional elections, and requiring States to conduct Congressional redistricting through independent commissions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; ETC.**

2 (a) IN GENERAL.—This Act may be cited as the “We
3 the People Act of 2017”.

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

Sec. 1. Short title; etc.

TITLE I—INCREASING TRANSPARENCY

Sec. 1001. Short title.

Subtitle A—Campaign Disclosure and Transparency Reform

PART I—DISCLOSURE

- Sec. 1011. Short title.
- Sec. 1012. Campaign disbursement reporting.
- Sec. 1013. Stand by your ad.
- Sec. 1014. Shareholders’ and members’ right to know.
- Sec. 1015. Lobbyists’ campaign funding disclosure.
- Sec. 1016. Effective date.

PART II—CANDIDATE-SUPER PAC COORDINATION

- Sec. 1021. Short title.
- Sec. 1022. Clarification of treatment of coordinated expenditures as contribu-
tions to candidates.
- Sec. 1023. Clarification of ban on fundraising for Super PACs by Federal can-
didates and officeholders.

PART III—REAL-TIME TRANSPARENCY

- Sec. 1031. Short title.
- Sec. 1032. 48-hour notification required for all political committees receiving
cumulative contributions of \$1,000 or more during a year from
any contributor.
- Sec. 1033. Filing by Senate candidates with Federal Election Commission.

PART IV—ESTABLISHMENT OF FEDERAL ELECTION ADMINISTRATION

Sec. 1041. Short title.

SUBPART A—FEDERAL ELECTION ADMINISTRATION

Sec. 1051. 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. 1052. Executive schedule positions.
- Sec. 1053. GAO examination of enforcement of campaign finance laws by the Department of Justice.
- Sec. 1054. GAO study and report on appropriate funding levels.
- Sec. 1055. Conforming amendments.

“Subtitle A—General Provisions

SUBPART B—TRANSITION PROVISIONS

- Sec. 1061. Transfer of functions of Federal Election Commission.
- Sec. 1062. Transfer of property, records, and personnel.
- Sec. 1063. Repeals.
- Sec. 1064. Conforming amendments.
- Sec. 1065. Treatment of certain regulations.
- Sec. 1066. Effective date.

Subtitle B—Lobbying Reform

- Sec. 1101. Lobbyist registration reforms.

Subtitle C—Revolving Door Reform

- Sec. 1201. Short title.
- Sec. 1202. Restrictions on private sector payment for Government service.
- Sec. 1203. 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. 1204. Prohibition of procurement officers accepting employment from Government contractors.
- Sec. 1205. Revolving door restrictions on financial services regulators moving into the private sector.
- Sec. 1206. Restrictions on Federal examiners and supervisors of financial institutions.

Subtitle D—Disclosure of Visitor Access Records

- Sec. 1301. Short title.
- Sec. 1302. Findings.
- Sec. 1303. Improving access to influential visitor access records.

Subtitle E—Presidential Conflicts of Interest

- Sec. 1401. Short title.
- Sec. 1402. Divestiture of personal financial interests of the President and Vice President that pose a potential conflict of interest.
- Sec. 1403. Recusal of appointees.
- Sec. 1404. Contracts by the President or Vice President.
- Sec. 1405. Presidential Tax Transparency.
- Sec. 1406. Sense of Congress regarding violations.
- Sec. 1407. Rule of construction.

TITLE II—PUBLIC FINANCING

- Sec. 2001. Short title.

Subtitle A—Reform of Presidential Election Financing

PART 1—PRIMARY ELECTIONS

- Sec. 2101. Increase in and modifications to matching payments.
- Sec. 2102. Eligibility requirements for matching payments.
- Sec. 2103. Repeal of expenditure limitations.
- Sec. 2104. Period of availability of matching payments.
- Sec. 2105. Examination and audits of matchable contributions.
- Sec. 2106. Modification to limitation on contributions for Presidential primary candidates.

PART 2—GENERAL ELECTIONS

- Sec. 2111. Modification of eligibility requirements for public financing.
- Sec. 2112. Repeal of expenditure limitations and use of qualified campaign contributions.
- Sec. 2113. Matching payments and other modifications to payment amounts.
- Sec. 2114. Increase in limit on coordinated party expenditures.
- Sec. 2115. Establishment of uniform date for release of payments.
- Sec. 2116. Amounts in Presidential Election Campaign Fund.

Sec. 2117. Use of general election payments for general election legal and accounting compliance.

Subtitle B—Public Financing for Congressional Election Campaigns

Sec. 2201. Benefits and eligibility requirements for Congressional candidates.

“TITLE V—PUBLIC FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

“Subtitle A—Benefits

“Sec. 501. Benefits for participating candidates.

“Sec. 502. Administration of payments.

“Sec. 503. Qualified contribution defined.

“Subtitle B—Eligibility and Certification

“Sec. 511. Eligibility.

“Sec. 512. Qualified contribution requirements.

“Sec. 513. Certification.

“Subtitle C—Requirements for Candidates Certified as Participating Candidates

“Sec. 521. Restrictions on certain contributions and expenditures.

“Sec. 522. Remitting unspent funds after election.

“Subtitle D—Administrative Provisions

“Sec. 531. Administration by Commission.

“Sec. 532. Violations and penalties.

“Sec. 533. Election cycle defined.

Sec. 2202. Permitting unlimited coordinated expenditures by political party committees on behalf of participating candidates if expenditures are derived from small dollar contributions.

Sec. 2203. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.

Subtitle C—Use of Presidential Election Campaign Fund for Public Financing of Federal Elections

Sec. 2301. Use of Presidential Election Campaign Fund for Congressional candidates.

“CHAPTER 97—EMPOWERING CITIZENS PAYMENT ACCOUNT

Sec. 2302. Revisions to designation of income tax payments by individual taxpayers.

Sec. 2303. Donation to Presidential Election Campaign Fund.

Subtitle D—Other Campaign Finance Reforms

Sec. 2401. Regulations with respect to best efforts for identifying persons making contributions.

Sec. 2402. Rules relating to joint fundraising committees.

Sec. 2403. Disclosure of bundled contributions to Presidential campaigns; increase in threshold for bundled contributions by lobbyists.

- Sec. 2404. Repeal of special contribution limits for contributions to national parties for certain purposes.
- Sec. 2405. Judicial review of actions related to campaign finance laws.
- Sec. 2406. Treatment of internet communications made by political committees as public communications.

Subtitle E—Effective Date

- Sec. 2501. Effective date.

TITLE III—REDISTRICTING

- Sec. 3001. Short title; finding of Constitutional authority.
- Sec. 3002. Limit on congressional redistricting after an apportionment.
- Sec. 3003. Requiring redistricting to be conducted through plan of independent State commission or plan of highest State court.
- Sec. 3004. Independent redistricting commission.
- Sec. 3005. Selection of plan by courts.
- Sec. 3006. Special rule for redistricting conducted under order of Federal court.
- Sec. 3007. Payments to States for carrying out redistricting.
- Sec. 3008. State apportionment notice defined.
- Sec. 3009. No effect on elections for State and local office.
- Sec. 3010. Effective date.

TITLE IV—SAME DAY REGISTRATION

- Sec. 4001. Short title.
- Sec. 4002. Same day registration.

TITLE V—SEVERABILITY

- Sec. 5001. Severability.

1 **TITLE I—INCREASING** 2 **TRANSPARENCY**

3 **SEC. 1001. SHORT TITLE.**

4 This title may be cited as the “We the People Act
5 of 2017”.

1 **Subtitle A—Campaign Disclosure**
2 **and Transparency Reform**

3 **PART I—DISCLOSURE**

4 **SEC. 1011. SHORT TITLE.**

5 This part may be cited as the “Democracy Is
6 Strengthened by Casting Light On Spending in Elections
7 Act of 2017” or the “DISCLOSE Act of 2017”.

8 **SEC. 1012. CAMPAIGN DISBURSEMENT REPORTING.**

9 (a) INFORMATION REQUIRED TO BE REPORTED.—

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

15 “(A) that, when taken as a whole, ex-
16 pressly advocates the election or defeat of a
17 clearly identified candidate, or is the functional
18 equivalent of express advocacy because it can be
19 interpreted by a reasonable person only as ad-
20 vocating the election or defeat of a candidate,
21 taking into account whether the communication
22 involved mentions a candidacy, a political party,
23 or a challenger to a candidate, or takes a posi-
24 tion on a candidate’s character, qualifications,
25 or fitness for office; and”.

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

6 (A) by redesignating subclause (III) as
7 subclause (IV); and

8 (B) by striking subclause (II) and insert-
9 ing the following:

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

24 “(III) in the case of a commu-
25 nication which refers to a candidate

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

11 (3) EFFECTIVE DATE; TRANSITION FOR ELEC-
12 TIONEERING COMMUNICATIONS MADE PRIOR TO EN-
13 ACTMENT.—The amendment made by paragraph (2)
14 shall apply with respect to communications made on
15 or after July 1, 2015, except that no communication
16 which is made prior to such date shall be treated as
17 an electioneering communication under section
18 304(f)(3)(A)(i)(II) or (III) of the Federal Election
19 Campaign Act of 1971 (as amended by paragraph
20 (2)) unless the communication would be treated as
21 an electioneering communication under such section
22 if the amendment made by paragraph (2) did not
23 apply.

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

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

7 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
8 **MENTS BY COVERED ORGANIZATIONS.**

9 “(a) DISCLOSURE STATEMENT.—

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

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

22 “(B) in the case of any subsequent state-
23 ment filed under this subsection, for the period
24 beginning on the previous disclosure date and
25 ending on such disclosure date.

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

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

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

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

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

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

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

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

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

24 but only if such contribution, donation, trans-
25 fer, payment of dues, or other payment was

1 made by a person who made contributions, do-
2 nations, transfers, payments of dues, or pay-
3 ments to the account in an aggregate amount
4 of \$10,000 or more during the period beginning
5 on the first day of the preceding calendar year
6 and ending on the disclosure date.

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

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

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

21 “(iii) the aggregate amount of all such
22 contributions, donations, transfers, and
23 payments of dues made by the person dur-
24 ing the period beginning on the first day of

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

11 “(3) EXCEPTIONS.—

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

21 “(B) DONOR RESTRICTION ON USE OF
22 FUNDS.—The requirement to include in a state-
23 ment submitted under paragraph (1) the infor-
24 mation described in subparagraph (F) of para-
25 graph (2) shall not apply if—

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

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

13 “(4) DISCLOSURE DATE.—

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

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

21 “(ii) each date following the date de-
22 scribed in clause (i) during such calendar
23 year by which a person has made cam-
24 paign-related disbursements aggregating
25 more than \$10,000.

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

13 “(b) COORDINATION WITH OTHER PROVISIONS.—

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

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

23 “(c) FILING.—Statements required to be filed under
24 subsection (a) shall be subject to the requirements of sec-
25 tion 304(d) to the same extent and in the same manner

1 as if such reports had been required under subsection (c)
 2 or (g) of section 304.

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

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

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

11 “(3) A covered transfer.

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

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

18 “(2) An organization described in section
 19 501(c) of such Code and exempt from taxation
 20 under section 501(a) of such Code (other than an
 21 organization described in section 501(c)(3) of such
 22 Code).

23 “(3) A labor organization (as defined in section
 24 316(b)).

1 “(4) Any political organization under section
2 527 of the Internal Revenue Code of 1986, other
3 than a political committee under this Act (except as
4 provided in paragraph (5)).

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

11 “(f) COVERED TRANSFER DEFINED.—

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

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

18 “(i) campaign-related disbursements
19 (other than covered transfers); or

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

nizations is established for the purpose of making campaign-related disbursements.

“(C) DETERMINATION OF AFFILIATE STATUS.—For purposes of subparagraph (B), a covered organization is an affiliate of another covered organization if—

“(i) the governing instrument of the organization requires it to be bound by decisions of the other organization;

“(ii) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

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

“(D) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(c)(3) ORGANIZATIONS.—This paragraph shall apply with respect to an amount transferred by a covered organization 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. 1013. 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

statement described in this subparagraph is the following: ‘I am _____, the _____ of _____, and _____ approves this message.’, with—

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

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

“(iii) the third and fourth blank each to be filled in with the name of the organization or other person paying for the communication.

“(3) METHOD OF CONVEYANCE OF STATEMENT.—

“(A) COMMUNICATIONS TRANSMITTED THROUGH RADIO.—In the case of a communication to which this subsection applies which is transmitted through radio, the disclosure statements required under paragraph (1) shall be made by audio by the applicable individual in a clearly spoken manner.

“(B) COMMUNICATIONS TRANSMITTED 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 (c)(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. 1014. 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.), as amended by section
 5 1012(b), is amended by adding at the end the following
 6 new section:

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

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

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

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

1 Internet site of the Commission which contains the
 2 information included in the statements filed by the
 3 organization under section 324 with respect to cam-
 4 paign-related disbursements.

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

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

18 **SEC. 1015. LOBBYISTS’ CAMPAIGN FUNDING DISCLOSURE.**

19 (a) DISCLOSURE OF INDEPENDENT EXPENDITURES
 20 AND ELECTIONEERING COMMUNICATIONS.—Section
 21 5(d)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C.
 22 1604(d)(1)) is amended—

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

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

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

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

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

23 (b) DISCLOSURE OF AMOUNTS PROVIDED TO CER-
24 TAIN POLITICAL COMMITTEES.—Section 5(d)(1)(D) of
25 such Act (2 U.S.C. 1605(d)(1)(D)) is amended by striking

1 “or political party committee,” and inserting the following:
 2 “political party committee, or political committee which is
 3 treated as a covered organization under section
 4 324(f)(1)(D) of the Federal Election Campaign Act of
 5 1971,”.

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

11 **SEC. 1016. EFFECTIVE DATE.**

12 Except as provided in section 1012(a)(3) and section
 13 1015, the amendments made by this title shall apply with
 14 respects to disbursements made on or after January 1,
 15 2018, and shall take effect without regard to whether or
 16 not the Federal Election Commission has promulgated
 17 regulations to carry out such amendments.

18 **PART II—CANDIDATE-SUPER PAC**

19 **COORDINATION**

20 **SEC. 1021. SHORT TITLE.**

21 This part may be cited as the “Stop Super PAC–Can-
 22 didate Coordination Act”.

1 **SEC. 1022. CLARIFICATION OF TREATMENT OF COORDI-**
2 **NATED EXPENDITURES AS CONTRIBUTIONS**
3 **TO CANDIDATES.**

4 (a) TREATMENT AS CONTRIBUTION TO CAN-
5 DIDATE.—Section 301(8)(A) of the Federal Election Cam-
6 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

7 (1) by striking “or” at the end of clause (i);

8 (2) by striking the period at the end of clause

9 (ii) and inserting “; or”; and

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

12 “(iii) any payment made by any person
13 (other than a candidate, an authorized com-
14 mittee of a candidate, or a political committee
15 of a political party) for a coordinated expendi-
16 ture (as such term is defined in section 326)
17 which is not otherwise treated as a contribution
18 under clause (i) or clause (ii).”.

19 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.
20 30101 et seq.), as amended by section 1012(b) and section
21 1014, is amended to by adding at the end the following
22 new section:

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

24 **“(a) COORDINATED EXPENDITURES.—**

1 “(1) IN GENERAL.—For purposes of section
2 301(8)(A)(iii), the term ‘coordinated expenditure’
3 means—

4 “(A) any expenditure, or any payment for
5 a covered communication described in sub-
6 section (d), which is made in cooperation, con-
7 sultation, or concert with, or at the request or
8 suggestion of, a candidate, an authorized com-
9 mittee of a candidate, a political committee of
10 a political party, or agents of the candidate or
11 committee, as defined in subsection (b); or

12 “(B) any payment for any communication
13 which republishes, disseminates, or distributes,
14 in whole or in part, any video or broadcast or
15 any written, graphic, or other form of campaign
16 material prepared by the candidate or com-
17 mittee or by agents of the candidate or com-
18 mittee (including any excerpt or use of any
19 video from any such broadcast or written,
20 graphic, or other form of campaign material).

21 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
22 COMMUNICATIONS.—A payment for a communication
23 (including a covered communication described in
24 subsection (d)) shall not be treated as a coordinated
25 expenditure under this subsection if—

1 “(A) the communication appears in a news
2 story, commentary, or editorial distributed
3 through the facilities of any broadcasting sta-
4 tion, newspaper, magazine, or other periodical
5 publication, unless such facilities are owned or
6 controlled by any political party, political com-
7 mittee, or candidate; or

8 “(B) the communication constitutes a can-
9 didate debate or forum conducted pursuant to
10 regulations adopted by the Commission pursu-
11 ant to section 304(f)(3)(B)(iii), or which solely
12 promotes such a debate or forum and is made
13 by or on behalf of the person sponsoring the de-
14 bate or forum.

15 “(b) COORDINATION DESCRIBED.—

16 “(1) IN GENERAL.—For purposes of this sec-
17 tion, a payment is made ‘in cooperation, consulta-
18 tion, or concert with, or at the request or suggestion
19 of,’ a candidate, an authorized committee of a can-
20 didate, a political committee of a political party, or
21 agents of the candidate or committee, if the pay-
22 ment, or any communication for which the payment
23 is made, is not made entirely independently of the
24 candidate, committee, or agents. For purposes of the
25 previous sentence, a payment or communication not

1 made entirely independently of the candidate or
2 committee includes any payment or communication
3 made pursuant to any general or particular under-
4 standing with, or pursuant to any communication
5 with, the candidate, committee, or agents about the
6 payment or communication.

7 “(2) NO FINDING OF COORDINATION BASED
8 SOLELY ON SHARING OF INFORMATION REGARDING
9 LEGISLATIVE OR POLICY POSITION.—For purposes
10 of this section, a payment shall not be considered to
11 be made by a person in cooperation, consultation, or
12 concert with, or at the request or suggestion of, a
13 candidate or committee, solely on the grounds that
14 the person or the person’s agent engaged in discus-
15 sions with the candidate or committee, or with any
16 agent of the candidate or committee, regarding that
17 person’s position on a legislative or policy matter
18 (including urging the candidate or committee to
19 adopt that person’s position), so long as there is no
20 communication between the person and the can-
21 didate or committee, or any agent of the candidate
22 or committee, regarding the candidate’s or commit-
23 tee’s campaign advertising, message, strategy, pol-
24 icy, polling, allocation of resources, fundraising, or
25 other campaign activities.

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

6 “(4) NO SAFE HARBOR FOR USE OF FIRE-
7 WALL.—A person shall be determined to have made
8 a payment in cooperation, consultation, or concert
9 with, or at the request or suggestion of, a candidate
10 or committee, in accordance with this section with-
11 out regard to whether or not the person established
12 and used a firewall or similar procedures to restrict
13 the sharing of information between individuals who
14 are employed by or who are serving as agents for the
15 person making the payment.

16 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
17 COVERED COMMUNICATIONS.—

18 “(1) PAYMENTS MADE IN COOPERATION, CON-
19 SULTATION, OR CONCERT WITH CANDIDATES.—For
20 purposes of subsection (a)(1)(A), if the person who
21 makes a payment for a covered communication, as
22 defined in subsection (d), is a coordinated spender
23 under paragraph (2) with respect to the candidate
24 as described in subsection (d)(1), the payment for

1 the covered communication is made in cooperation,
2 consultation, or concert with the candidate.

3 “(2) COORDINATED SPENDER DEFINED.—For
4 purposes of this subsection, the term ‘coordinated
5 spender’ means, with respect to a candidate or an
6 authorized committee of a candidate, a person (other
7 than a political committee of a political party) for
8 which any of the following applies:

9 “(A) During the 4-year period ending on
10 the date on which the person makes the pay-
11 ment, the person was directly or indirectly
12 formed or established by or at the request or
13 suggestion of, or with the encouragement of,
14 the candidate (including an individual who later
15 becomes a candidate) or committee or agents of
16 the candidate or committee, including with the
17 approval of the candidate or committee or
18 agents of the candidate or committee.

19 “(B) The candidate or committee or any
20 agent of the candidate or committee solicits
21 funds, appears at a fundraising event, or en-
22 gages in other fundraising activity on the per-
23 son’s behalf during the election cycle involved,
24 including by providing the person with names of
25 potential donors or other lists to be used by the

1 person in engaging in fundraising activity, re-
2 gardless of whether the person pays fair market
3 value for the names or lists provided. For pur-
4 poses of this subparagraph, the term ‘election
5 cycle’ means, with respect to an election for
6 Federal office, the period beginning on the day
7 after the date of the most recent general elec-
8 tion for that office (or, if the general election
9 resulted in a runoff election, the date of the
10 runoff election) and ending on the date of the
11 next general election for that office (or, if the
12 general election resulted in a runoff election,
13 the date of the runoff election).

14 “(C) The person is established, directed, or
15 managed by the candidate or committee or by
16 any person who, during the 4-year period end-
17 ing on the date on which the person makes the
18 payment, has been employed or retained as a
19 political, campaign media, or fundraising ad-
20 viser or consultant for the candidate or com-
21 mittee or for any other entity directly or indi-
22 rectly controlled by the candidate or committee,
23 or has held a formal position with the candidate
24 or committee.

1 “(D) The person has retained the profes-
2 sional services of any person who, during the 2-
3 year period ending on the date on which the
4 person makes the payment, has provided or is
5 providing professional services relating to the
6 campaign to the candidate or committee. For
7 purposes of this subparagraph, the term ‘pro-
8 fessional services’ includes any services in sup-
9 port of the candidate’s or committee’s campaign
10 activities, including advertising, message, strat-
11 egy, policy, polling, allocation of resources,
12 fundraising, and campaign operations, but does
13 not include accounting or legal services.

14 “(E) The person is established, directed, or
15 managed by a member of the immediate family
16 of the candidate, or the person or any officer or
17 agent of the person has had more than inci-
18 dental discussions about the candidate’s cam-
19 paign with a member of the immediate family
20 of the candidate. For purposes of this subpara-
21 graph, the term ‘immediate family’ has the
22 meaning given such term in section 9004(e) of
23 the Internal Revenue Code of 1986.

24 “(d) COVERED COMMUNICATION DEFINED.—

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

6 “(A) expressly advocates the election of the
7 candidate or the defeat of an opponent of the
8 candidate (or contains the functional equivalent
9 of express advocacy);

10 “(B) promotes or supports the candidate,
11 or attacks or opposes an opponent of the can-
12 didate (regardless of whether the communica-
13 tion expressly advocates the election or defeat
14 of a candidate or contains the functional equiv-
15 alent of express advocacy); or

16 “(C) refers to the candidate or an oppo-
17 nent of the candidate but is not described in
18 subparagraph (A) or subparagraph (B), but
19 only if the communication is disseminated dur-
20 ing the applicable election period.

21 “(2) APPLICABLE ELECTION PERIOD.—In para-
22 graph (1)(C), the ‘applicable election period’ means,
23 with respect to any candidate, the period beginning
24 120 days prior to the candidate’s primary or pref-

1 erence election, nominating convention, or caucus,
2 and ending on the day after the general election.

3 “(3) SPECIAL RULES FOR COMMUNICATIONS IN-
4 VOLVING CONGRESSIONAL CANDIDATES.—For pur-
5 poses of this subsection, a public communication
6 shall not be considered to be a covered communica-
7 tion with respect to a candidate for election for an
8 office other than the office of President or Vice
9 President unless it is publicly disseminated or dis-
10 tributed in the jurisdiction of the office the can-
11 didate is seeking.

12 “(e) PENALTY.—

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

18 “(A) in the case of a person who makes a
19 contribution which consists of a payment for a
20 coordinated expenditure in an amount exceeding
21 the applicable contribution limit under this Act,
22 300 percent of the amount by which the
23 amount of the payment made by the person ex-
24 ceeds such applicable contribution limit; or

1 “(B) in the case of a person who is prohib-
2 ited under this Act from making a contribution
3 in any amount, 300 percent of the amount of
4 the payment made by the person for the coordi-
5 nated expenditure.

6 “(2) JOINT AND SEVERAL LIABILITY.—Any di-
7 rector, manager or officer of a person who is subject
8 to a penalty under paragraph (1) shall be jointly and
9 severally liable for any amount of such penalty that
10 is not paid by the person prior to the expiration of
11 the 1-year period which begins on the date the Com-
12 mission imposes the penalty or the 1-year period
13 which begins on the date of the final judgment fol-
14 lowing any judicial review of the Commission’s ac-
15 tion, whichever is later.”.

16 (c) EFFECTIVE DATE.—

17 (1) REPEAL OF EXISTING REGULATIONS ON CO-
18 ORDINATION.—Effective upon the expiration of the
19 90-day period which begins on the date of the enact-
20 ment of this Act—

21 (A) the regulations on coordinated commu-
22 nications adopted by the Federal Election Com-
23 mission which are in effect on the date of the
24 enactment of this Act (as set forth in 11 C.F.R.

1 Part 109, Subpart C, under the heading “Co-
2 ordination”) are repealed; and

3 (B) the Federal Election Commission shall
4 promulgate new regulations on coordinated
5 communications which reflect the amendments
6 made by this part.

7 (2) EFFECTIVE DATE.—The amendments made
8 by this section shall apply with respect to payments
9 made on or after the expiration of the 120-day pe-
10 riod which begins on the date of the enactment of
11 this Act, without regard to whether or not the Fed-
12 eral Election Commission has promulgated regula-
13 tions in accordance with paragraph (1)(B) as of the
14 expiration of such period.

15 **SEC. 1023. CLARIFICATION OF BAN ON FUNDRAISING FOR**
16 **SUPER PACS BY FEDERAL CANDIDATES AND**
17 **OFFICEHOLDERS.**

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

21 (1) by striking “or” at the end of subparagraph
22 (A);

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

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(C) solicit, receive, direct, or transfer
4 funds to or on behalf of any political committee
5 which accepts donations or contributions that
6 do not comply with the limitations, prohibitions,
7 and reporting requirements of this Act (or to or
8 on behalf of any account of a political com-
9 mittee which is established for the purpose of
10 accepting such donations or contributions), or
11 to or on behalf of any political organization
12 under section 527 of the Internal Revenue Code
13 of 1986 which accepts such donations or con-
14 tributions (other than a committee of a State or
15 local political party or a candidate for election
16 for State or local office).”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall apply with respect to elections occur-
19 ring after January 1, 2018.

20 **PART III—REAL-TIME TRANSPARENCY**

21 **SEC. 1031. SHORT TITLE.**

22 This part may be cited as the “Real Time Trans-
23 parency Act”.

1 **SEC. 1032. 48-HOUR NOTIFICATION REQUIRED FOR ALL PO-**
2 **LITICAL COMMITTEES RECEIVING CUMU-**
3 **LATIVE CONTRIBUTIONS OF \$1,000 OR MORE**
4 **DURING A YEAR FROM ANY CONTRIBUTOR.**

5 (a) NOTIFICATION.—Section 304(a)(6)(A) of the
6 Federal Election Campaign Act of 1971 (2 U.S.C.
7 434(a)(6)(A)) is amended to read as follows:

8 “(A)(i) If a political committee receives an aggregate
9 amount of contributions equal to or greater than \$1,000
10 from any contributor during a calendar year, the com-
11 mittee shall submit a notification to the Commission con-
12 taining the name of the committee (and, in the case of
13 an authorized committee of a candidate, the name of the
14 candidate and the office sought by the candidate), the
15 identification of the contributor, and the date of receipt
16 and amount of the contributions involved.

17 “(ii) If, at any time after a political committee is re-
18 quired to submit a notification under this subparagraph
19 with respect to a contributor during a calendar year, the
20 political committee receives additional contributions from
21 that contributor during that year, the committee shall sub-
22 mit an additional notification under clause (i) with respect
23 to such contributor each time the aggregate amount of the
24 additional contributions received from the contributor dur-
25 ing the year equals or exceeds \$1,000 (excluding the
26 amount of any contribution for which information is re-

1 quired to be included in a previous notification under this
2 subparagraph).

3 “(iii) The political committee shall submit the notifi-
4 cation required under this subparagraph with respect to
5 a contributor—

6 “(I) in the case of a notification described in
7 clause (i), not later than 48 hours after the date on
8 which the aggregate amount of contributions re-
9 ceived from the contributor during the calendar year
10 first equals or exceeds \$1,000; or

11 “(II) in the case of an additional notification
12 described in clause (ii), not later than 48 hours after
13 the date on which the aggregate amount of contribu-
14 tions received from the contributor during the cal-
15 endar year for which information was not already in-
16 cluded in a notification under this subparagraph
17 first equals or exceeds \$1,000.

18 “(iv) For purposes of this subparagraph, any amount
19 transferred by a joint fundraising committee which is es-
20 tablished by an authorized committee of a candidate to
21 any other authorized committee of that candidate shall be
22 treated as a contribution by the joint fundraising com-
23 mittee to such authorized committee.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall apply with respect to contributions re-

1 ceived by a political committee under the Federal Election
 2 Campaign Act of 1971 during 2017 or any succeeding
 3 year, except that nothing in such amendment may be con-
 4 strued to require a political committee which does not re-
 5 ceive contributions during the portion of 2017 which oc-
 6 curs after the date of the enactment of this Act to meet
 7 the requirements of section 304(a)(6)(A) of the Federal
 8 Election Campaign Act of 1971, as amended by subsection
 9 (a).

10 **SEC. 1033. FILING BY SENATE CANDIDATES WITH FEDERAL**
 11 **ELECTION COMMISSION.**

12 (a) MANDATORY FILING WITH FEC.—Section
 13 302(g) of the Federal Election Campaign Act of 1971 (2
 14 U.S.C. 432(g)) is amended to read as follows:

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

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

21 **PART IV—ESTABLISHMENT OF FEDERAL**
 22 **ELECTION ADMINISTRATION**

23 **SEC. 1041. SHORT TITLE.**

24 This part may be cited as the “Federal Election Ad-
 25 ministration Act of 2017”.

1 **Subpart A—Federal Election Administration**

2 **SEC. 1051. ESTABLISHMENT OF THE FEDERAL ELECTION**
3 **ADMINISTRATION.**

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

7 **“Subtitle B—Administrative**
8 **Provisions**

9 **“CHAPTER 1—ESTABLISHMENT OF THE**
10 **FEDERAL ELECTION ADMINISTRATION**

11 **“SEC. 351. ESTABLISHMENT OF THE FEDERAL ELECTION**
12 **ADMINISTRATION.**

13 “(a) IN GENERAL.—There is established the Federal
14 Election Administration (in this Act referred to as the
15 ‘Administration’).

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

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

24 “(1) This Act.

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

4 “(3) The Presidential Primary Matching Pay-
5 ment Account Act under chapter 96 of the Internal
6 Revenue Code of 1986.

7 “(d) EXCLUSIVE CIVIL JURISDICTION.—The Admin-
8 istration shall have exclusive jurisdiction with respect to
9 the civil enforcement of the statutes identified in sub-
10 section (c).

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

16 “(f) MEETINGS AND QUORUM.—

17 “(1) MEETINGS.—The Administration shall
18 meet—

19 “(A) at least once each month; and

20 “(B) at the call of the Chair.

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

23 “(g) SEAL.—The Administration shall procure a
24 proper seal, with such suitable inscriptions and devices as
25 the President shall approve. This seal, to be known as the

1 official seal of the Federal Election Administration, shall
2 be kept and used to verify official documents, under such
3 rules and regulations as the Administration may prescribe.
4 Judicial notice shall be taken of the seal.

5 “(h) PRINCIPAL OFFICE.—The principal office of the
6 Administration shall be in or near the District of Colum-
7 bia, but the Administration may meet or exercise any of
8 its powers anywhere in the United States.

9 **“SEC. 352. COMPOSITION OF THE FEDERAL ELECTION AD-**
10 **MINISTRATION.**

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

22 “(b) APPOINTMENT.—

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

1 “(2) CHAIR.—The President shall, at the time
2 of nomination of the first 5 members of the Admin-
3 istration, designate one of the five to serve as the
4 Chair. Any individual appointed to succeed, or to fill
5 the unexpired term of, that member (or any member
6 succeeding that member) shall serve as the Chair.

7 “(3) QUALIFICATIONS.—

8 “(A) IN GENERAL.—The President may
9 select an individual for service as a Member of
10 the Commission if the individual has experience
11 in election law and has a demonstrated record
12 of integrity, impartiality, and good judgment.

13 “(B) ASSISTANCE OF BLUE RIBBON ADVI-
14 SORY PANEL.—

15 “(i) IN GENERAL.—Prior to the regu-
16 larly scheduled expiration of the term of a
17 member of the Commission and upon the
18 occurrence of a vacancy in the membership
19 of the Commission prior to the expiration
20 of a term, the President shall convene a
21 Blue Ribbon Advisory Panel, that includes
22 individuals representing each major polit-
23 ical party and individuals who are inde-
24 pendent of a major political party and that
25 consists of an odd number of individuals

1 selected by the President from retired Fed-
2 eral judges, former law enforcement offi-
3 cials, or individuals with experience in elec-
4 tion law, except that the President may not
5 select any individual to serve on the panel
6 who holds any public office at the time of
7 selection.

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

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

24 “(iv) EXEMPTION FROM FEDERAL AD-
25 VISORY COMMITTEE ACT.—The Federal

1 Advisory Committee Act (5 U.S.C. App.)
2 shall not apply to a Blue Ribbon Advisory
3 Panel convened under this subparagraph.

4 “(c) TERM OF OFFICE.—

5 “(1) IN GENERAL.—

6 “(A) CHAIR.—The Chair of the Adminis-
7 tration shall be appointed for a term of 10
8 years.

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

13 “(C) INITIAL APPOINTMENTS.—Of the
14 members initially appointed under subpara-
15 graph (B), 2 members shall be appointed for a
16 term of 3 years.

17 “(2) LIMITATION TO ONE TERM.—A member of
18 the Administration may only serve 1 term, except
19 that—

20 “(A) an individual appointed under sub-
21 paragraph (B) of paragraph (1) who is ap-
22 pointed for the term described in subparagraph
23 (C) of such paragraph may be appointed to a
24 6-year term in addition to the term described in
25 such subparagraph; and

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

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

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

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

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

19 “(5) PROHIBITING ENGAGEMENT WITH OTHER
20 BUSINESS OR EMPLOYMENT DURING SERVICE.—A
21 member of the Commission shall not engage in any
22 other business, vocation, or employment. Any indi-
23 vidual who is engaging in any other business, voca-
24 tion, or employment at the time of his or her ap-
25 pointment to the Commission shall terminate or liq-

1 update such activity not later than 90 days after
2 such appointment.

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

6 **“SEC. 353. STAFF DIRECTOR.**

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

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

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

12 “(2) shall perform such responsibilities as the
13 Administration shall prescribe; and

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

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

20 “(B) procure temporary and intermittent
21 services to the same extent as is authorized by
22 section 3109(b) of title 5, United States Code,
23 but at rates for individuals not to exceed the
24 daily equivalent of the annual rate of basic pay

1 in effect for grade GS–15 of the General Sched-
2 ule (5 U.S.C. 5332).

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

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

9 **“SEC. 354. GENERAL COUNSEL.**

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

12 “(b) RESPONSIBILITIES.—The general counsel
13 shall—

14 “(1) serve as the chief legal officer of the Ad-
15 ministration;

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

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

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

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

4 **“SEC. 355. INSPECTOR GENERAL.**

5 “There shall be in the Administration an inspector
 6 general. The inspector general and the office of inspector
 7 general shall be subject to the Inspector General Act of
 8 1978 (5 U.S.C. App.).

9 **“CHAPTER 2—OPERATION OF THE**
 10 **FEDERAL ELECTION ADMINISTRATION**

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

12 “(a) CHAIR.—

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

20 “(2) OTHER POWERS.—The Chair has the
 21 power—

22 “(A) to the fullest extent practicable, to re-
 23 quest the assistance of other agencies and de-
 24 partments of the United States, including the
 25 personnel and facilities of such agencies and de-

1 partments and the heads of such agencies and
2 departments may make available to the Chair
3 such personnel, facilities, and other assistance,
4 with or without reimbursement;

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

8 “(C) to require, by special or general or-
9 ders, any person to submit, under oath, such
10 written reports and answers to questions as the
11 Chair may prescribe;

12 “(D) to administer oaths or affirmations;

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

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

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

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

1 “(b) ADMINISTRATION.—The Administration shall
2 have the power—

3 “(1) to initiate, defend, or appeal, through the
4 general counsel, any civil action in the name of the
5 Administration to enforce the provisions of this Act
6 and chapters 95 and 96 of the Internal Revenue
7 Code of 1986;

8 “(2) to assess civil penalties for violations of
9 this Act and chapters 95 and 96 of the Internal
10 Revenue Code of 1986;

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

14 “(4) to establish procedures and schedules for
15 agency adjudication that ensure timely enforcement
16 of this Act and chapters 95 and 96 of the Internal
17 Revenue Code of 1986;

18 “(5) to render advisory opinions under section
19 363;

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

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

1 “(8) to conduct investigations and hearings ex-
2 peditiously, to encourage voluntary compliance, and
3 to report apparent violations to the appropriate law
4 enforcement authorities; and

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

12 **“SEC. 362. INDEPENDENT BUDGET REQUESTS AND LEGIS-**
13 **LATIVE PROPOSALS.**

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

19 “(b) AUTHORITY TO MAKE INDEPENDENT LEGISLA-
20 TIVE RECOMMENDATIONS.—Whenever the Administration
21 submits any legislative recommendation, testimony, or
22 comments on legislation requested by Congress or by any
23 Member of Congress, to the President or the Office of
24 Management and Budget, the Administration shall con-
25 currently transmit a copy thereof to Congress or to the

1 Member requesting the same. No officer or agency of the
2 United States shall have any authority to require the Ad-
3 ministration to submit its legislative recommendations,
4 testimony, or comments on legislation, to any office or
5 agency of the United States for approval, comments, or
6 review, prior to the submission of such recommendations,
7 testimony, or comments to Congress.

8 **“SEC. 363. ADVISORY OPINIONS.**

9 “(a) REQUESTS FOR ADVISORY OPINIONS.—

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

19 “(2) REQUESTS BY CANDIDATES.—If an advi-
20 sory opinion is requested by a candidate, or any au-
21 thorized committee of such candidate, during the 60-
22 day period before any election for Federal office in-
23 volving the requesting party, the Administration
24 shall render a written advisory opinion relating to

1 such request not later than 20 days after the Ad-
2 ministration receives a complete written request.

3 “(b) RULEMAKING REQUIRED.—Any rule of law
4 which is not stated in this Act or in chapter 95 or 96
5 of the Internal Revenue Code of 1986 may be initially pro-
6 posed by the Administration only as a rule or regulation
7 pursuant to procedures established in section 365. No
8 opinion of an advisory nature may be issued by the Admin-
9 istration or any other officer or employee of the Adminis-
10 tration except in accordance with the provisions of this
11 section.

12 “(c) RELIANCE ON ADVISORY OPINIONS.—

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

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

19 “(B) any person involved in any specific
20 transaction or activity which is indistinguish-
21 able in all its material aspects from the trans-
22 action or activity with respect to which such ad-
23 visory opinion is rendered.

24 “(2) PROTECTION FROM LIABILITY.—Notwith-
25 standing any other provisions of law, any person

1 who relies upon any provision or finding of an advisory
2 sory opinion in accordance with the provisions of
3 paragraph (1) and who acts in good faith in accordance
4 with the provisions and findings of such advisory
5 sory opinion shall not, as a result of any such act,
6 be subject to any sanction provided by this Act or
7 by chapter 95 or 96 of the Internal Revenue Code
8 of 1986.

9 “(d) NOTICE AND COMMENT.—

10 “(1) PUBLICATION OF REQUESTS.—The Administration
11 shall make public any request made under
12 subsection (a) for an advisory opinion.

13 “(2) OPPORTUNITY TO COMMENT.—

14 “(A) WRITTEN COMMENTS.—Before rendering an advisory
15 opinion, the Administration
16 shall accept written comments submitted by any
17 interested party within the 10-day period following
18 the date on which the request is made
19 public.

20 “(B) TESTIMONY.—To the extent that the
21 Commission provides an opportunity for a person
22 requesting an advisory opinion under this
23 section (or counsel for such person) to appear
24 before the Commission to present testimony in
25 support of the request, and the person (or coun-

1 sel) accepts such opportunity, the Commission
2 shall provide a reasonable opportunity for an
3 interested party who submitted written com-
4 ments under subparagraph (A) in response to
5 the request (or counsel for such interested
6 party) to appear before the Commission to
7 present testimony in response to the request.

8 “(e) JUDICIAL REVIEW.—

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

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

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

20 “(a) ISSUANCE BY THE CHAIR.—If the Administra-
21 tion is conducting an investigation pursuant to section 371
22 or 372, the Chair shall, on behalf of the Administration,
23 have the power to require by subpoena the attendance and
24 testimony of witnesses and the production of all documen-

1 tary evidence relating to the execution of the Administra-
2 tion's duties.

3 “(b) ISSUANCE BY AN ADMINISTRATIVE LAW
4 JUDGE.—Any administrative law judge presiding over an
5 enforcement action pursuant to section 373 shall have the
6 power to require by subpoena the attendance and testi-
7 mony of witnesses and the production of all documentary
8 evidence relating to the administrative law judge's duties.

9 “(c) ISSUANCE AND ENFORCEMENT OF SUB-
10 POENAS.—

11 “(1) ISSUANCE.—Subpoenas issued under sub-
12 section (a) or (b) shall bear the signature of the
13 Chair or an administrative law judge, respectively,
14 and shall be served by any person or class of persons
15 designated by the Chair or administrative law judge
16 for that purpose.

17 “(2) ENFORCEMENT.—In the case of contu-
18 macy or failure to obey a subpoena issued under
19 subsection (a) or (b), the Federal district court for
20 the judicial district in which the subpoenaed person
21 resides, is served, or may be found may issue an
22 order requiring such person to appear at any des-
23 ignated place to testify or to produce documentary
24 or other evidence. Any failure to obey the order of

1 the court may be punished by the court as a con-
2 tempt of that court.

3 “(d) WITNESS ALLOWANCES AND FEES.—Section
4 1821 of title 28, United States Code, shall apply to wit-
5 nesses requested or subpoenaed to appear at any hearing
6 of the Administration. The per diem and mileage allow-
7 ances for witnesses shall be paid from funds available to
8 pay the expenses of the Administration.

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

12 **“SEC. 365. RULEMAKING AUTHORITY.**

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

20 “(b) AUTHORITY TO PROMULGATE INDEPENDENT
21 REGULATIONS.—Whenever the Administration promul-
22 gates any regulation, it shall not be required to submit
23 such regulation for review or approval to the President
24 or the Office of Management and Budget.

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

5 “(d) FORMS.—

6 “(1) IN GENERAL.—The Administration shall
7 prescribe forms necessary to implement this Act and
8 chapters 95 and 96 of the Internal Revenue Code of
9 1986.

10 “(2) PUBLIC PROTECTION.—Any forms pre-
11 scribed by the Administration under paragraph (1),
12 and any information-gathering activities of the Ad-
13 ministration under this Act, shall not be subject to
14 the provisions of section 3512 of title 44, United
15 States Code.

16 “(e) RELIANCE UPON RULES AND REGULATIONS.—
17 Notwithstanding any other provision of law, any person
18 who relies upon any rule or regulation prescribed by the
19 Administration in accordance with the provisions of this
20 section and who acts in good faith in accordance with such
21 rule or regulation shall not, as a result of such act, be
22 subject to any sanction provided by this Act or by chapter
23 95 or 96 of the Internal Revenue Code of 1986.

24 “(f) CONSULTATION WITH IRS.—In prescribing
25 rules, regulations, and forms under this section, the Ad-

1 ministration and the Secretary of the Treasury shall con-
2 sult and work together to promulgate rules, regulations,
3 and forms which are mutually consistent. The Administra-
4 tion shall report to Congress annually on the steps it has
5 taken to comply with this subsection.

6 “(g) JUDICIAL REVIEW.—

7 “(1) IN GENERAL.—Any person adversely af-
8 fected by a rule, regulation, or form promulgated by
9 the Administration may obtain judicial review of
10 such rule, regulation, or form by filing a petition in
11 the United States Court of Appeals for the District
12 of Columbia Circuit.

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

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

21 **“SEC. 366. LITIGATION AUTHORITY.**

22 “(a) IN GENERAL.—Notwithstanding sections 516
23 and 518 of title 28, United States Code, and section 3106
24 of title 5, United States Code, the Administration is au-
25 thorized to bring, appear in, defend against, and appeal

1 any action instituted under this Act or chapter 95 or 96
 2 of the Internal Revenue Code of 1986, in any court ei-
 3 ther—

4 “(1) by attorneys employed by the Administra-
 5 tion; or

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

13 “(b) COMPENSATION OF APPOINTED COUNSEL.—
 14 The compensation of counsel appointed on a temporary
 15 basis under subsection (a)(2) shall be paid out of any
 16 funds otherwise available to pay the compensation of em-
 17 ployees of the Administration.

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

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

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

23 “(1) prepare, publish, and furnish to all persons
 24 required to file reports and statements under this

1 Act a manual recommending uniform methods of
2 bookkeeping and reporting;

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

5 “(3) within 48 hours after the time of the re-
6 ceipt by the Administration of reports and state-
7 ments filed with the Administration, make them
8 available for public inspection, and copying, at the
9 expense of the person requesting such copying, ex-
10 cept that any information copied from such reports
11 or statements may not be sold or used by any person
12 for the purpose of soliciting contributions or for
13 commercial purposes, other than using the name and
14 address of any political committee to solicit contribu-
15 tions from such committee;

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

20 “(5)(A) compile and maintain a cumulative
21 index of designations, reports, and statements filed
22 under this Act, publish the index at regular inter-
23 vals, and make the index available for purchase di-
24 rectly or by mail;

1 “(B) compile, maintain, and revise a separate
2 cumulative index of reports and statements filed by
3 multicandidate committees, including in such index a
4 list of multicandidate committees; and

5 “(C) compile and maintain a list of multi-
6 candidate committees, which shall be revised and
7 made available monthly;

8 “(6) prepare and publish periodically lists of
9 authorized committees which fail to file reports as
10 required by this Act; and

11 “(7) serve as a national clearinghouse for the
12 compilation of information and review of procedures
13 with respect to the administration of Federal elec-
14 tions.

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

22 “(c) CONTRACTS.—The Administration may enter
23 into contracts for the purpose of performing the duties
24 described in subsection (a).

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

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

7 “(2) information made available as a result of
8 the application of paragraph (7) of such subsection
9 shall be made available to the public only upon the
10 payment of the cost thereof.

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

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

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

21 “(c) AUDITS AND FIELD EXAMINATIONS WHERE
22 THRESHOLDS NOT MET.—

23 “(1) INTERNAL REVIEW.—The Administration
24 shall conduct an internal review of reports filed by
25 selected committees to determine if the reports filed

1 by a particular committee meet the threshold re-
2 quirements for substantial compliance with the Act.
3 Such thresholds for compliance shall be established
4 by the Administration.

5 “(2) AUDITS AND FIELD EXAMINATIONS.—The
6 Administration may vote to conduct an audit and
7 field investigation of any committee which it deter-
8 mines under paragraph (1) does not meet the
9 threshold requirements established by the Adminis-
10 tration. Such audits shall be commenced within 30
11 days of such vote, except that any audit under the
12 provisions of this subsection of an authorized com-
13 mittee of a candidate shall be commenced within 6
14 months of the election for which such committee is
15 authorized.

16 “(d) RANDOM AUDITS.—

17 “(1) IN GENERAL.—In addition to any audits
18 conducted under subsection (c), the Administration
19 may, subject to paragraph (2), conduct audits of any
20 committee selected at random to ensure compliance
21 with this Act. The selection of any committee under
22 this paragraph shall be based on standards and pro-
23 cedures adopted by the Administration, except that
24 in any calendar year such audits may be initiated

1 against no more than 3 percent of all authorized
2 candidate campaign committees.

3 “(2) APPLICABLE RULES.—

4 “(A) IN GENERAL.—If the Administration
5 selects a committee for audit under paragraph
6 (1), the Administration shall promptly notify
7 the committee of the selection and commence
8 the audit within 30 days of the selection.

9 “(B) SPECIAL RULES FOR AUTHORIZED
10 COMMITTEES.—If the committee selected under
11 paragraph (1) is an authorized committee of a
12 candidate, the audit—

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

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

18 “(3) EXCEPTION.—This subsection shall not
19 apply to an authorized committee of a candidate for
20 President or Vice President subject to audit under
21 section 9007 or 9038 of the Internal Revenue Code
22 of 1986.

23 **“SEC. 369. CONGRESSIONAL OVERSIGHT.**

24 “Nothing in this Act shall be construed to limit, re-
25 strict, or diminish any investigatory, informational, over-

1 sight, supervisory, or disciplinary authority or function of
2 Congress or any committee of Congress with respect to
3 elections for Federal office.

4 **“CHAPTER 3—ENFORCEMENT**

5 **“SEC. 371. INITIATION OF ENFORCEMENT ACTIONS BY AD-**
6 **MINISTRATION.**

7 “(a) IN GENERAL.—The Administration may initiate
8 a civil enforcement action under section 373 if, after con-
9 ducting an investigation, the Administration finds reason-
10 able grounds to believe that a violation of this Act or of
11 chapter 95 or 96 of the Internal Revenue Code of 1986
12 has occurred or is about to occur.

13 “(b) BASIS FOR FINDINGS.—The Administration
14 may make a finding under subsection (a) based on any
15 information available to the Administration, including the
16 filing of a complaint under section 372.

17 “(c) NOTICE AND OPPORTUNITY TO DEMONSTRATE
18 NO VIOLATION.—Prior to initiating an enforcement action
19 under subsection (a), the Administration shall give any
20 person under investigation notice and the opportunity to
21 demonstrate that there are no reasonable grounds to be-
22 lieve a violation has occurred or is about to occur, but the
23 Administration’s decision on such matter shall not be sub-
24 ject to judicial review.

1 **“SEC. 372. COMPLAINT TO INITIATE ENFORCEMENT AC-**
2 **TION.**

3 “(a) FILING OF COMPLAINT.—

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

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

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

12 “(B) notarized; and

13 “(C) made under penalty of perjury and
14 subject to the provisions of section 1001 of title
15 18, United States Code.

16 “(3) ACTION BY THE ADMINISTRATION.—Sub-
17 ject to paragraph (4), based on the allegations in a
18 complaint filed under paragraph (1), and such inves-
19 tigation the Administration deems necessary and
20 appropriate, the Administration may—

21 “(A) initiate a civil enforcement action
22 under section 373 if the Administration finds
23 reasonable grounds to believe a violation has oc-
24 curred or is about to occur; or

25 “(B) dismiss the complaint.

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

6 “(5) RECOVERY OF COSTS.—Any person who
7 has filed a complaint under paragraph (1) shall be
8 entitled to recover from the Administration up to
9 \$1,000 of the costs incurred in preparing and filing
10 the complaint if, based on the complaint, the Admin-
11 istration—

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

15 “(B) enters into a conciliation agreement
16 with a person under section 373(c).

17 “(b) NOTICE AND OPPORTUNITY TO DEMONSTRATE
18 NO VIOLATION.—Prior to initiating an enforcement action
19 under subsection (a)(3)(A), the Administration shall give
20 any person named in a complaint notice and an oppor-
21 tunity to demonstrate that there are no reasonable
22 grounds to believe a violation described in such subsection
23 has occurred or is about to occur, but the Administration’s
24 determination under subsection (a)(3) shall not be subject
25 to judicial review in an action brought by such person.

1 “(c) FAILURE BY THE ADMINISTRATION TO TAKE
2 TIMELY ACTION.—

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

4 “(A) dismisses a complaint filed under
5 subsection (a); or

6 “(B) fails to initiate a civil enforcement ac-
7 tion under section 373 within 180 days of the
8 filing of such a complaint, the person filing the
9 complaint under subsection (a) may seek judi-
10 cial review of the Administration’s dismissal, or
11 failure to act, in Federal district court in the
12 District of Columbia or in the district in which
13 such person resides.

14 “(2) SCOPE OF REVIEW.—The court shall re-
15 view the Administration’s dismissal of the complaint
16 or failure to act in accordance with the provisions of
17 section 706 of title 5, United States Code.

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

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

23 “(a) IN GENERAL.—The Administration shall have
24 the authority to impose a civil monetary penalty under sec-
25 tion 375, issue a cease-and-desist order under section 376,

1 or do both, if the Administration finds, by an order made
2 on the record after notice and an opportunity for hearing
3 before an administrative law judge pursuant to subchapter
4 II of chapter 5 of title 5, United States Code, that a per-
5 son has violated (or, in the case of a cease-and-desist
6 order, has violated or is about to violate) this Act or chap-
7 ter 95 or 96 of the Internal Revenue Code of 1986. The
8 general counsel shall represent the Administration in any
9 proceeding before an administrative law judge.

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

11 “(1) NOTICE.—If the Administration finds
12 under section 371 or 372 that there are reasonable
13 grounds to believe a violation has occurred or is
14 about to occur, the Administration shall serve writ-
15 ten notice of the charges on each respondent, and
16 shall conduct such further investigation as the Ad-
17 ministration deems necessary and appropriate.

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

23 “(3) EFFECT OF FAILURE TO REQUEST A
24 HEARING.—If no hearing is requested, the Adminis-
25 tration shall make a finding on the charges, and

1 shall issue whatever relief the Administration deems
2 appropriate under sections 375 and 376.

3 “(c) CONCILIATION.—

4 “(1) PROCEDURES FOR ENTERING INTO CON-
5 CILIATION AGREEMENTS.—

6 “(A) IN GENERAL.—If the respondent re-
7 quests a hearing under subsection (b)(2), the
8 Administration shall attempt, for a period that
9 does not exceed 60 days (or 15 days if the hear-
10 ing is requested within 60 days of an election),
11 to correct or prevent such violation by informal
12 methods of conference, conciliation, and persua-
13 sion, and to enter into a conciliation agreement
14 with the respondent. In the case of a hearing
15 that is requested at a time other than within 60
16 days of an election, the period for conciliation
17 shall not be less than 30 days unless an agree-
18 ment is reached before then.

19 “(B) INCLUSION OF CIVIL MONETARY PEN-
20 ALTIES.—A conciliation agreement may include
21 a requirement that the person involved in such
22 conciliation shall pay a civil monetary penalty
23 that does not exceed the amounts set forth in
24 subsection (a) of section 375 or, in the case of
25 a knowing and willful violation, the amounts set

1 forth in subsection (b) of such section. The con-
2 ciliation agreement may also include the re-
3 quirement that the person involved consent to
4 the terms of a cease-and-desist order, as pro-
5 vided in section 376.

6 “(C) REPRESENTATION BY GENERAL
7 COUNSEL.—The general counsel shall represent
8 the Administration in any negotiations for a
9 conciliation agreement and any such concilia-
10 tion agreement shall be subject to the approval
11 of the Administration.

12 “(D) BAR TO FURTHER ACTION.—A con-
13 ciliation agreement, unless violated, is a com-
14 plete bar to any further action by the Adminis-
15 tration.

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

1 “(3) VIOLATION OF CONCILIATION AGREE-
2 MENT.—In any case in which a person has entered
3 into a conciliation agreement with the Administra-
4 tion under paragraph (1), the Administration may
5 institute a civil action for relief if the Administration
6 believes the person has violated any provision of
7 such conciliation agreement. Such civil action shall
8 be brought in the Federal district court for the dis-
9 trict in which the respondent resides or has its prin-
10 cipal place of business, or for the District of Colum-
11 bia. Such court shall have jurisdiction to issue any
12 relief appropriate under sections 375 and 376. For
13 the Administration to obtain relief in any such ac-
14 tion, the Administration need only establish that the
15 person has violated, in whole or in part, any require-
16 ment of such conciliation agreement.

17 “(d) HEARING.—At the request of any respondent,
18 a hearing on the charges served under subsection (b)(1)
19 shall be conducted before an administrative law judge, who
20 shall make such findings of fact and conclusions of law
21 as the administrative law judge deems appropriate. The
22 administrative law judge shall also have the authority to
23 impose a civil monetary penalty on the respondent, issue
24 a cease-and-desist order, or both. The decision of the ad-

1 administrative law judge shall constitute final agency action
2 unless an appeal is taken under subsection (e).

3 “(e) APPEAL TO ADMINISTRATION.—

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

8 “(2) REVIEW OF ALJ DETERMINATIONS.—In
9 the event of an appeal under paragraph (1), the Ad-
10 ministration shall review the determination of the
11 administrative law judge to determine whether—

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

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

15 “(C) the determination of the administra-
16 tive law judge is contrary to law or to the duly
17 promulgated rules or decisions of the Adminis-
18 tration;

19 “(D) a prejudicial error of procedure was
20 committed; or

21 “(E) the decision or the relief ordered is
22 otherwise arbitrary, capricious, or an abuse of
23 discretion.

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

4 “(f) JUDICIAL REVIEW.—

5 “(1) IN GENERAL.—Any party aggrieved by a
6 final agency action and who has exhausted all ad-
7 ministrative remedies, including requesting a hearing
8 before an administrative law judge and appealing an
9 adverse decision of an administrative law judge to
10 the Administration, may obtain judicial review of
11 such action in the United States Court of Appeals
12 for any circuit wherein such person resides or has its
13 principal place of business, or in the United States
14 Court of Appeals for the District of Columbia Cir-
15 cuit.

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

20 “(3) PETITION FOR JUDICIAL REVIEW.—To ob-
21 tain judicial review under paragraph (1), an ag-
22 grieved party described in such paragraph shall file
23 a petition with the court during the 30-day period
24 beginning on the date on which the order was
25 issued. A copy of such petition shall be transmitted

1 forthwith by the clerk of the court to the Adminis-
2 tration, and thereupon the Administration shall file
3 in the court the record upon which the order com-
4 plained of was entered, as provided in section 2112
5 of title 28, United States Code.

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

7 “(a) NOTIFICATION.—Before taking any action under
8 section 373 against any person who has failed to file a
9 report required under section 304(a)(2)(A)(iii) for the cal-
10 endar quarter immediately preceding the election involved,
11 or in accordance with section 304(a)(2)(A)(i), the Admin-
12 istration shall notify the person of such failure to file the
13 required reports.

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

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

21 “(a) IN GENERAL.—Any person who violates this
22 Act, or chapter 95 or 96 of the Internal Revenue Code
23 of 1986, shall be liable to the United States for a civil
24 monetary penalty for each violation which does not exceed
25 the greater of \$5,000 or an amount equal to any contribu-

1 tion or expenditure involved in such violation. Such pen-
2 alty shall be imposed by the Administration pursuant to
3 section 373.

4 “(b) KNOWING AND WILLFUL VIOLATIONS.—Any
5 person who commits a knowing and willful violation of this
6 Act, or of chapter 95 or 96 of the Internal Revenue Code
7 of 1986, shall be liable to the United States for a civil
8 monetary penalty for each violation which does not exceed
9 the greater of \$10,000 or an amount equal to 200 percent
10 of any contribution or expenditure involved in such viola-
11 tion (or, in the case of a violation of section 320, which
12 is not less than 300 percent of the amount involved in
13 the violation and is not more than the greater of \$50,000
14 or 1,000 percent of the amount involved in the violation).
15 Such penalty shall be imposed by the Administration pur-
16 suant to section 373.

17 “(c) DETERMINATION OF CIVIL MONETARY PEN-
18 ALTY.—In determining the amount of a civil monetary
19 penalty under this section with respect to a violation de-
20 scribed in this section, the Administration or an adminis-
21 trative law judge shall take into account the nature, cir-
22 cumstances, extent, and gravity of the violation and, with
23 respect to the violator, any prior violation, the degree of
24 culpability, and such other matters as justice may require.

25 “(d) REFERRAL TO ATTORNEY GENERAL.—

1 “(1) IN GENERAL.—If the Administration de-
2 termines that a knowing and willful violation of this
3 Act which is subject to section 379, or a knowing
4 and willful violation of chapter 95 or 96 of the Inter-
5 nal Revenue Code of 1986, has occurred or is about
6 to occur, the Administration may refer such appar-
7 ent violation to the Attorney General without regard
8 to any limitations set forth under section 373.

9 “(2) REPORTING BY THE ATTORNEY GEN-
10 ERAL.—Whenever the Administration refers an ap-
11 parent violation to the Attorney General, the Attor-
12 ney General shall report to the Administration any
13 action taken by the Attorney General regarding the
14 apparent violation. Each report shall be transmitted
15 within 60 days after the date the Administration re-
16 fers an apparent violation, and every 30 days there-
17 after until the final disposition of the apparent viola-
18 tion.

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

20 “(a) IN GENERAL.—If the Administration finds,
21 after notice and opportunity for hearing under section
22 373, that any person is violating, has violated, or is about
23 to violate any provision of this Act, or chapter 95 or 96
24 of the Internal Revenue Code of 1986, or any rule or regu-
25 lation thereunder, the Administration may publish any

1 findings and enter an order requiring such person, or any
2 other person that is, was, or would be a cause of the viola-
3 tion due to an act or omission the person knew or should
4 have known would contribute to such violation, to cease
5 and desist from committing or causing such violation and
6 any future violation of the same provision, rule, or regula-
7 tion. Such order may, in addition to requiring a person
8 to cease and desist from committing or causing a violation,
9 require such person to comply (or to take steps to effect
10 compliance) with such provision, rule, or regulation, upon
11 such terms and conditions and within such time as the
12 Administration may specify in such order.

13 “(b) TEMPORARY ORDER.—Whenever the Adminis-
14 tration determines that an alleged violation or threatened
15 violation specified in the notice initiating a civil enforce-
16 ment action under section 373, or the continuation there-
17 of, is likely to result in violation of this Act, or of chapter
18 95 or 96 of the Internal Revenue Code of 1986, and sub-
19 stantial harm to the public interest, the Administration
20 may apply to the Federal district court for the district in
21 which the respondent resides or has its principal place of
22 business, in which the alleged or threatened violation oc-
23 curred or is about to occur, or for the District of Colum-
24 bia, for a temporary restraining order or a preliminary
25 injunction requiring the respondent to cease and desist

1 from the violation or threatened violation and to take such
2 action to prevent the violation or threatened violation. The
3 Administration may apply for such order without regard
4 to any limitation under section 373.

5 **“SEC. 377. COLLECTION.**

6 “If any person fails to pay an assessment of a civil
7 penalty—

8 “(1) after the order making the assessment has
9 become a final order and such person has not timely
10 filed a petition for judicial review of the order in ac-
11 cordance with section 373(f)(3) or if the order of the
12 Administration is upheld after judicial review; or

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

17 the Attorney General shall recover the amount assessed
18 (plus interest at currently prevailing rates from the date
19 of the expiration of the 30-day period referred to in section
20 373(f)(3) or the date of such final judgment, as the case
21 may be) in an action brought in any appropriate district
22 court of the United States. In such an action, the validity,
23 amount, and appropriateness of such penalty shall not be
24 subject to review.

1 **“SEC. 378. CONFIDENTIALITY.**

2 “(a) PRIOR TO A FINDING OF REASONABLE
3 GROUNDS.—Any proceedings conducted by the Adminis-
4 tration prior to a finding that there are reasonable
5 grounds to believe a violation of the law has occurred or
6 is about to occur, including any investigation pursuant to
7 section 371 or pursuant to a complaint filed under section
8 372, shall be confidential and none of the Administration’s
9 records concerning the complaint shall be made public, ex-
10 cept that the person filing a complaint pursuant to section
11 372 is permitted to make such complaint public.

12 “(b) AFTER A FINDING OF REASONABLE
13 GROUNDS.—Except as provided in subsection (d), if the
14 Administration makes a finding pursuant to section 371
15 or 372 that there are reasonable grounds to believe that
16 a violation of law has occurred or is about to occur—

17 “(1) the finding of the Administration as well
18 as any complaint filed under section 372, any notice
19 of charges, and any answer or similar documents
20 filed with the Administration shall be made public;
21 and

22 “(2) all proceedings conducted before an admin-
23 istrative law judge under section 373, and all docu-
24 ments used during such proceedings, shall be made
25 public.

1 “(c) AFTER DISMISSAL OF A COMPLAINT OR CON-
2 CLUSION OF PROCEEDINGS FOLLOWING A FINDING OF
3 REASONABLE GROUNDS.—Subject to subsection (d), fol-
4 lowing the Administration’s dismissal of a complaint filed
5 under section 372 or the termination of proceedings fol-
6 lowing a finding of reasonable grounds under section 371
7 or 372, the Administration shall, not later than the date
8 that is 30 days after such dismissal or termination, make
9 public—

10 “(1) the complaint, any notice of charges, and
11 any answer or similar documents filed with the Ad-
12 ministration (unless such information has already
13 been made public under subsection (b)(1));

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

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

18 “(4) all documentary materials and testimony
19 constituting the record on which the Administration
20 relied in taking its actions.

21 Subject to subsection (d), the affirmative disclosure re-
22 quirement of this subsection is without prejudice to the
23 right of any person to request and obtain records relating
24 to an investigation under section 552 of title 5, United
25 States Code.

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

3 “(1) IN GENERAL.—The Administration shall
4 issue regulations providing for the protection of in-
5 formation the disclosure of which under subsection
6 (b) or (c) would impair any person’s constitutionally
7 protected right of privacy, freedom of speech, or
8 freedom of association. The Administration shall
9 also issue regulations addressing the application of
10 exemptions from disclosure contained in section 552
11 of title 5, United States Code, to records comprising
12 the Administration’s investigative files. Such regula-
13 tions shall consider the need to protect any person’s
14 constitutionally protected rights to privacy, freedom
15 of speech, and freedom of association, as well as the
16 need to make information about the Administra-
17 tion’s activities and decisions widely accessible to the
18 public.

19 “(2) PETITION TO MAINTAIN CONFIDEN-
20 TIALITY.—

21 “(A) IN GENERAL.—Any person who would
22 be adversely affected by any disclosure of infor-
23 mation about the person made pursuant to sub-
24 section (b) or (c), or by the conduct in public
25 of a hearing or other proceeding conducted pur-

1 suant to section 373, shall have the right to pe-
2 tition the Administration to maintain the con-
3 fidentiality of such information or such pro-
4 ceeding on the ground that such information
5 falls within the scope of any exemption from
6 disclosure contained in section 552 of title 5,
7 United States Code, or is prohibited from dis-
8 closure under the Administration's regulations,
9 the Constitution, or any other provision of law.
10 Upon the receipt of such petition, the Adminis-
11 tration shall make a prompt determination
12 whether the information should be kept con-
13 fidential, and shall withhold such information
14 from disclosure pending this determination. The
15 Administration shall notify the petitioner in
16 writing of the determination.

17 “(B) REGULATIONS.—The Administration
18 shall prescribe regulations governing the consid-
19 eration of petitions under this paragraph. Such
20 regulations shall provide for public notice of the
21 pendancy of any petition filed under subpara-
22 graph (A) and the right of any interested party
23 to respond to or comment on such petition.

24 “(e) PENALTIES.—Any member or employee of the
25 Administration, or any other person, who violates the pro-

visions of this section shall be fined not more than \$2,000.
Any such member, employee, or other person who knowingly and willfully violates the provisions of this section shall be fined not more than \$5,000.

“SEC. 379. CRIMINAL PENALTIES.

“(a) KNOWING AND WILLFUL VIOLATIONS.—Any person who knowingly and willfully commits a violation of any provision of this Act that involves the making, receiving, or reporting of any contribution, donation, or expenditure—

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

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

“(b) CONTRIBUTIONS OR EXPENDITURES BY NATIONAL BANKS, CORPORATIONS, OR LABOR ORGANIZATIONS.—In the case of a knowing and willful violation of section 316(b)(3), the penalties set forth in subsection (a) shall apply to each violation involving an amount aggregating \$250 or more during a calendar year. Such a viola-

1 tion of section 316(b)(3) may incorporate a violation of
2 section 317(a), 320, or 321.

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

9 “(d) PROHIBITION OF CONTRIBUTIONS IN NAME OF
10 ANOTHER.—Any person who knowingly and willfully com-
11 mits a violation of section 320 involving an amount aggre-
12 gating more than \$10,000 during a calendar year shall
13 be—

14 “(1) imprisoned for not more than 2 years if
15 the amount is less than \$25,000 and subject to im-
16 prisonment under subsection (a) if the amount is
17 \$25,000 or more;

18 “(2) fined not less than 300 percent of the
19 amount involved in the violation and not more than
20 the greater of—

21 “(A) \$50,000; or

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

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

4 “(e) EFFECT OF CONCILIATION AGREEMENTS.—

5 “(1) EVIDENCE OF LACK OF KNOWLEDGE AND
6 INTENT.—In any criminal action brought for a viola-
7 tion of any provision of this Act or of chapter 95 or
8 96 of the Internal Revenue Code of 1986, any de-
9 fendant may evidence their lack of knowledge or in-
10 tent to commit the alleged violation by introducing
11 as evidence a conciliation agreement entered into be-
12 tween the defendant and the Administration under
13 section 373(c)(1) which specifically deals with the
14 act or failure to act constituting such violation and
15 which is still in effect.

16 “(2) CONSIDERATION BY COURTS.—In any
17 criminal action brought for a violation of any provi-
18 sion of this Act or of chapter 95 or 96 of the Inter-
19 nal Revenue Code of 1986, the court before which
20 such action is brought shall take into account, in
21 weighing the seriousness of the violation and in con-
22 sidering the appropriateness of the penalty to be im-
23 posed if the defendant is found guilty, whether—

24 “(A) the specific act or failure to act which
25 constitutes the violation for which the action

1 was brought is the subject of a conciliation
2 agreement entered into between the defendant
3 and the Administration under section 373(c)(1);

4 “(B) the conciliation agreement is in ef-
5 fect; and

6 “(C) the defendant is, with respect to the
7 violation involved, in compliance with the concil-
8 iation agreement.

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

10 “No person shall be prosecuted, tried, or punished
11 for any violation of this Act, unless the indictment is found
12 or the information is instituted within 5 years after the
13 date of the violation.

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

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

20 **SEC. 1052. EXECUTIVE SCHEDULE POSITIONS.**

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

24 “Chair, Federal Election Administration.”.

1 (b) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—

2 Section 5315 of title 5, United States Code, is amended
3 by adding at the end the following:

4 “Members (other than the Chair), Federal Elec-
5 tion Administration.

6 “Inspector General, Federal Election Adminis-
7 tration.”.

8 **SEC. 1053. GAO EXAMINATION OF ENFORCEMENT OF CAM-**
9 **PAIGN FINANCE LAWS BY THE DEPARTMENT**
10 **OF JUSTICE.**

11 (a) EXAMINATION.—The Comptroller General of the
12 United States shall conduct a thorough examination of the
13 enforcement of the criminal provisions of the Federal
14 Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.)
15 and chapters 95 and 96 of the Internal Revenue Code of
16 1986 by the Attorney General.

17 (b) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Comptroller General shall
19 submit to the Attorney General and Congress a report on
20 the examination conducted under subsection (a) together
21 with recommendations on how the Attorney General may
22 improve the enforcement of the criminal provisions of the
23 Federal Election Campaign Act of 1971 (52 U.S.C. 30101
24 et seq.) and chapters 95 and 96 of the Internal Revenue
25 Code of 1986, including recommendations on the re-

1 sources that the Attorney General would require to effec-
2 tively enforce such criminal provisions.

3 **SEC. 1054. GAO STUDY AND REPORT ON APPROPRIATE**
4 **FUNDING LEVELS.**

5 (a) STUDY.—The Comptroller General of the United
6 States shall conduct an ongoing study on the level of fund-
7 ing that constitutes an adequate level of resources for the
8 Federal Election Administration to competently execute
9 the responsibilities imposed on the Administration by this
10 Act and the amendments made by this Act.

11 (b) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, and once every 2 years there-
13 after, the Comptroller General shall submit to the Director
14 of the Office of Management and Budget and Congress
15 a report on the study conducted under subsection (a) to-
16 gether with recommendations for such legislation and ad-
17 ministrative action as the Comptroller General determines
18 to be appropriate.

19 **SEC. 1055. CONFORMING AMENDMENTS.**

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

22 (1) in paragraph (1), by striking “and” after
23 the semicolon;

24 (2) in paragraph (2), by striking the period and
25 inserting “; and”; and

1 (3) by adding at the end the following new
2 paragraph:

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

4 (b) COVERAGE UNDER INSPECTOR GENERAL ACT.—
5 Section 8G(a)(2) of the Inspector General Act of 1978 (5
6 U.S.C. App.) is amended by striking “Federal Election
7 Commission” and inserting “Federal Election Administra-
8 tion”.

9 (c) COVERAGE OF PERSONNEL UNDER HATCH
10 ACT.—Section 7323(b) of title 5, United States Code, is
11 amended—

12 (1) in paragraph (1), by striking “Federal Elec-
13 tion Commission” and inserting “Federal Election
14 Administration”; and

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

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

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

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

2 **Subpart B—Transition Provisions**

3 **SEC. 1061. TRANSFER OF FUNCTIONS OF FEDERAL ELEC-**
4 **TION COMMISSION.**

5 There are transferred to the Federal Election Admin-
6 istration established under section 351 of the Federal
7 Election Campaign Act of 1971 (as added by section
8 1311) all functions that the Federal Election Commission
9 exercised before the date described in section 1326(a).

10 **SEC. 1062. TRANSFER OF PROPERTY, RECORDS, AND PER-**
11 **SONNEL.**

12 (a) **PROPERTY AND RECORDS.**—The contracts, liabil-
13 ities, records, property, and other assets and interests of,
14 or made available in connection with, the offices and func-
15 tions of the Federal Election Commission which are trans-
16 ferred by this part are transferred to the Federal Election
17 Administration.

18 (b) **PERSONNEL.**—The personnel employed in con-
19 nection with the offices and functions of the Federal Elec-
20 tion Commission which are transferred by this part are
21 transferred to the Federal Election Administration.

22 **SEC. 1063. REPEALS.**

23 (a) **PROVISIONS OF THE FEDERAL ELECTION CAM-**
24 **PAIGN ACT OF 1971.**—The following provisions of the
25 Federal Election Campaign Act of 1971 are repealed:

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

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

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

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

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

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

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

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

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

12 **SEC. 1064. CONFORMING AMENDMENTS.**

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

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

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

19 (2) by striking “Federal Election Commission”
20 and inserting “Administration” each place it ap-
21 pears; and

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

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

4 (c) Section 207(j)(7)(B)(i) of title 18, United States
5 Code, is amended by striking “the Federal Election Com-
6 mission by a former officer or employee of the Federal
7 Election Commission” and inserting “the Federal Election
8 Administration by a former officer or employee of the Fed-
9 eral Election Commission or the Federal Election Admin-
10 istration”.

11 (d) Section 103 of the Ethics in Government Act of
12 1978 (5 U.S.C. App.) is amended—

13 (1) in subsection (e), by striking “the Federal
14 Election Commission” and inserting “the Federal
15 Election Administration”; and

16 (2) in subsection (k), by striking “the Federal
17 Election Commission” and inserting “the Federal
18 Election Administration”.

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

21 “(3) The term ‘Administration’ means the Fed-
22 eral Election Administration established under sec-
23 tion 351 of the Federal Election Campaign Act of
24 1971.”.

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

4 (f)(1) Section 9032(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 96 of the Internal Revenue Code of 1986
11 is amended by striking “Commission” and inserting “Ad-
12 ministration” each place it appears.

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

16 (1) in paragraph (1)—

17 (A) by striking “Federal Election Commis-
18 sion” and inserting “Federal Election Adminis-
19 tration”; and

20 (B) by striking “Commission” and insert-
21 ing “Administration”; and

22 (2) in paragraph (2), by striking “Federal Elec-
23 tion Commission” and inserting “Federal Election
24 Administration”.

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

5 **SEC. 1065. TREATMENT OF CERTAIN REGULATIONS.**

6 (a) REGULATIONS ON DISCLOSURE OF ELECTION-
7 EERING COMMUNICATIONS.—

8 (1) IN GENERAL.—Effective on the date that is
9 90 days after enactment of this Act, the regulations
10 on disclosure of electioneering communications
11 adopted by the Federal Election Commission and
12 published in the Federal Register at page 419 of vol-
13 ume 68 on January 3, 2003, and at page 5057 of
14 volume 68 on January 31, 2003, as amended at
15 page 72913 of volume 72 on December 26, 2007,
16 are repealed.

17 (2) NEW REGULATIONS.—Not later than 90
18 days after the date of the enactment of this Act, the
19 Federal Election Commission shall promulgate new
20 regulations on disclosure of electioneering commu-
21 nications under section 304(f) of the Federal Elec-
22 tion Campaign Act of 1971 (52 U.S.C. 30104(f)).
23 The regulations promulgated under this paragraph
24 shall require the disclosure of the identification of all
25 persons who make a contribution to a person who

1 makes an electioneering communication and shall
2 not limit such disclosure to only to persons who
3 make contributions for the purpose of furthering
4 electioneering communications, or any similar limita-
5 tion on the scope of such disclosure.

6 (b) REGULATIONS ON SOLICITATIONS AT NON-FED-
7 ERAL FUNDRAISING EVENTS.—

8 (1) IN GENERAL.—Effective on the date that is
9 90 days after the date of the enactment of this Act,
10 the regulations on participation by Federal can-
11 didates and officeholders at non-Federal fundraising
12 events adopted by the Federal Election Commission
13 and published in the Federal Register at page 24383
14 of volume 75 on May 5, 2010, are repealed.

15 (2) NEW REGULATIONS.—Not later than 90
16 days after enactment of this Act, the Federal Elec-
17 tion Commission shall promulgate new regulations
18 on participation by Federal candidates and office-
19 holders in non-Federal fundraising events. The regu-
20 lations shall limit the participation by Federal can-
21 didates and officeholders in such events to attend-
22 ing, speaking, or being a featured guest at a fund-
23 raising event for a State, district, or local committee
24 of a political party, and shall not allow Federal can-
25 didates and officeholders to participate in or solicit

1 funds at any other fundraising event where non-Fed-
 2 eral funds are raised.

3 **SEC. 1066. EFFECTIVE DATE.**

4 (a) IN GENERAL.—Except as provided in section
 5 1325, this part and the amendments made by this part
 6 shall take effect on the date that is 6 months after the
 7 date of enactment of this Act.

8 (b) TERMINATION OF THE FEDERAL ELECTION COM-
 9 MISSION.—Notwithstanding any other provision of, or
 10 amendment made by, this part, the members of the Fed-
 11 eral Election Commission shall be removed from office on
 12 the date described in subsection (a).

13 **Subtitle B—Lobbying Reform**

14 **SEC. 1101. LOBBYIST REGISTRATION REFORMS.**

15 Section 3(10) of the Lobbying Disclosure Act of 1995
 16 (2 U.S.C. 1602(10)) is amended by striking “contact,
 17 other than” and all that follows through “3-month pe-
 18 riod.” and inserting “contact over a 2-year period.”.

19 **Subtitle C—Revolving Door Reform**

20 **SEC. 1201. SHORT TITLE.**

21 This subtitle may be cited as the “Financial Services
 22 Conflict of Interest Act”.

1 **SEC. 1202. RESTRICTIONS ON PRIVATE SECTOR PAYMENT**
2 **FOR GOVERNMENT SERVICE.**

3 Section 209 of title 18, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) by striking “any salary” and inserting
7 “any bonus, salary”; and

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

10 (2) in subsection (b)—

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

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

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

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

1 **SEC. 1203. REQUIREMENTS RELATING TO SLOWING THE RE-**
2 **VOLVING DOOR AMONG FINANCIAL SERVICES**
3 **REGULATORS.**

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

7 **“TITLE VI—SPECIAL REQUIRE-**
8 **MENTS FOR FINANCIAL SERV-**
9 **ICES REGULATORS**

10 **“SEC. 601. DEFINITIONS.**

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

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

15 “(1) COVERED FINANCIAL SERVICES AGENCY.—

16 The term ‘covered financial services agency’—

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

21 “(B) includes—

22 “(i) the Board of Governors of the
23 Federal Reserve System;

24 “(ii) the Office of the Comptroller of
25 the Currency;

1 “(iii) the Federal Deposit Insurance
2 Corporation;

3 “(iv) the National Credit Union Ad-
4 ministration;

5 “(v) the Securities and Exchange
6 Commission;

7 “(vi) the Federal Housing Finance
8 Agency;

9 “(vii) the Bureau of Consumer Finan-
10 cial Protection;

11 “(viii) the Commodity Futures Trad-
12 ing Commission; and

13 “(ix) the Department of the Treasury.

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

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

20 “(B) in the case of a position not under
21 the General Schedule, a supervisory position for
22 which the rate of basic pay is not less than 120
23 percent of the minimum rate of basic pay for
24 GS–15 of the General Schedule; or

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

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

6 “(A) means a person for whom a covered
7 financial services regulator served personally as
8 an agent, attorney, or consultant during the 2-
9 year period ending on the date (after such serv-
10 ice) on which the covered financial services reg-
11 ulator begins service in the Federal Govern-
12 ment; and

13 “(B) does not include—

14 “(i) instances in which the service
15 provided was limited to a speech or similar
16 appearance; or

17 “(ii) a client of the former employer
18 of the covered financial services regulator
19 to whom the covered financial services reg-
20 ulator did not personally provide such serv-
21 ices.

22 “(4) FORMER EMPLOYER.—The term ‘former
23 employer’—

24 “(A) means a person for whom a covered
25 financial services regulator served as an em-

1 employee, officer, director, trustee, or general part-
 2 ner during the 2-year period ending on the date
 3 (after such service) on which the covered finan-
 4 cial services regulator begins service in the Fed-
 5 eral Government; and

6 “(B) does not include—

7 “(i) an entity in the Federal Govern-
 8 ment, including an executive branch agen-
 9 cy;

10 “(ii) a State or local government;

11 “(iii) the District of Columbia;

12 “(iv) an Indian tribe, as defined in
 13 section 4 of the Indian Self-Determination
 14 and Education Assistance Act (25 U.S.C.
 15 450b); or

16 “(v) the government of a territory or
 17 possession of the United States.

18 **“SEC. 602. CONFLICT OF INTEREST AND ELIGIBILITY**
 19 **STANDARDS FOR FINANCIAL SERVICES REG-**
 20 **ULATORS.**

21 “(a) IN GENERAL.—A covered financial services reg-
 22 ulator shall not make, participate in making, or in any
 23 way attempt to use the official position of the covered fi-
 24 nancial services regulator to influence a particular matter
 25 that provides a direct and substantial pecuniary benefit

1 for a former employer or former client of the covered fi-
2 nancial services regulator.

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

6 “(c) WAIVER.—

7 “(1) IN GENERAL.—The head of the covered fi-
8 nancial services agency employing a covered financial
9 services regulator, in consultation with the Director
10 of the Office of Government Ethics, may grant a
11 written waiver of the restrictions under subsection
12 (a) if, and to the extent that, the head of the cov-
13 ered financial services agency certifies in writing
14 that—

15 “(A) the application of the restriction to
16 the particular matter is inconsistent with the
17 purposes of the restriction; or

18 “(B) it is in the public interest to grant
19 the waiver.

20 “(2) PUBLICATION.—The Director of the Office
21 of Government Ethics shall make each waiver under
22 paragraph (1) publicly available on the Web site of
23 the Office of Government Ethics.

1 **“SEC. 603. NEGOTIATING FUTURE PRIVATE SECTOR EM-**
2 **PLOYMENT.**

3 “(a) PROHIBITION.—Except as provided in sub-
4 section (c), and notwithstanding any other provision of
5 law, a covered financial services regulator may not partici-
6 pate in any particular matter which involves, to the knowl-
7 edge of the covered financial services regulator, an indi-
8 vidual or entity with whom the covered financial services
9 regulator is in negotiations of future employment or has
10 an arrangement concerning prospective employment.

11 “(b) DISCLOSURE OF EMPLOYMENT NEGOTIA-
12 TIONS.—

13 “(1) IN GENERAL.—If a covered financial serv-
14 ices regulator begins any negotiations of future em-
15 ployment with another person, or an agent or inter-
16 mediary of another person, or other discussion or
17 communication with another person, or an agent or
18 intermediary of another person, mutually conducted
19 with a view toward reaching an agreement regarding
20 possible employment of the covered financial services
21 regulator, the covered financial services regulator
22 shall notify the designated agency ethics official of
23 the covered financial services agency employing the
24 covered financial services regulator regarding the ne-
25 gotiations, discussions, or communications.

1 “(2) INFORMATION.—A designated agency eth-
2 ics official receiving notice under paragraph (1),
3 after consultation with the Director of the Office of
4 Government Ethics, shall inform the covered finan-
5 cial services regulator of any potential conflicts of
6 interest involved in any negotiations, discussions, or
7 communications with the other person and the pro-
8 hibitions applicable.

9 “(c) WAIVERS ONLY WHEN EXCEPTIONAL CIR-
10 CUMSTANCES EXIST.—

11 “(1) IN GENERAL.—The head of a covered fi-
12 nancial services agency may only grant a waiver of
13 subsection (a) if the head determines that excep-
14 tional circumstances exist.

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

18 “(A) review the circumstances relating to
19 the waiver and the determination that excep-
20 tional circumstances exist; and

21 “(B) make the waiver publicly available on
22 the Web site of the Office of Government Eth-
23 ics, which shall include—

24 “(i) the name of the private person or
25 persons involved in the negotiations or ar-

1 rangement concerning prospective employ-
2 ment; and

3 “(ii) the date on which the negotia-
4 tions or arrangements commenced.

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

9 **“SEC. 604. RECORDKEEPING.**

10 “The Director of the Office of Government Ethics
11 shall—

12 “(1) receive all employment histories, recusal
13 and waiver records, and other disclosure records for
14 covered executive branch officials necessary for mon-
15 itoring compliance to this title;

16 “(2) promulgate rules and regulations, in con-
17 sultation with the Director of the Office of Per-
18 sonnel Management and the Attorney General, for
19 implementation of this title;

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

22 “(4) review and, where necessary, assist des-
23 ignated agency ethics officers in providing advice to
24 covered financial services regulators regarding com-
25 pliance with this title; and

1 “(5) if the Director determines that a violation
2 of this title may have occurred, and in consultation
3 with the designated agency ethics officer and the
4 Counsel to the President, refer the compliance case
5 to the United States Attorney for the District of Co-
6 lumbia for enforcement action.

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

8 “(a) CRIMINAL PENALTIES.—

9 “(1) IN GENERAL.—Any person who violates
10 section 602 or 603 shall be fined under title 18,
11 United States Code, imprisoned for not more than
12 1 year, or both.

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

17 “(b) CIVIL ENFORCEMENT.—

18 “(1) IN GENERAL.—The Attorney General may
19 bring a civil action in the appropriate United States
20 district court against any person who violates, or
21 who the Attorney General has reason to believe is
22 engaging in conduct that violates, section 602 or
23 603.

24 “(2) CIVIL PENALTY.—

1 “(A) IN GENERAL.—Upon proof by a pre-
2 ponderance of the evidence that a person vio-
3 lated section 602 or 603, the court shall impose
4 a civil penalty of not more than the greater
5 of—

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

7 “(ii) the amount of compensation the
8 person received or was offered for the con-
9 duct constituting the violation.

10 “(B) RULE OF CONSTRUCTION.—A civil
11 penalty under this subsection shall be in addi-
12 tion to any other criminal or civil statutory,
13 common law, or administrative remedy, avail-
14 able to the United States or any other person.

15 “(3) INJUNCTIVE RELIEF.—

16 “(A) IN GENERAL.—In a civil action
17 brought under paragraph (1) against a person,
18 the Attorney General may petition the court for
19 an order prohibiting the person from engaging
20 in conduct that violates section 602 or 603. The
21 court may issue such an order if the court finds
22 by a preponderance of the evidence that the
23 conduct of the person violates section 602 or
24 603.

1 “(B) RULE OF CONSTRUCTION.—The filing
 2 of a petition seeking injunctive relief under this
 3 paragraph shall not preclude any other remedy
 4 which is available by law to the United States
 5 or any other person.”.

6 **SEC. 1204. PROHIBITION OF PROCUREMENT OFFICERS AC-**
 7 **CEPTING EMPLOYMENT FROM GOVERNMENT**
 8 **CONTRACTORS.**

9 (a) EXPANSION OF PROHIBITION ON ACCEPTANCE
 10 BY FORMER OFFICIALS OF COMPENSATION FROM CON-
 11 TRACTORS.—Section 2104 of title 41, United States Code,
 12 is amended—

13 (1) in subsection (a)—

14 (A) in the matter preceding paragraph
 15 (1)—

16 (i) by striking “or consultant” and in-
 17 serting “consultant, lawyer, or lobbyist”;
 18 and

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

21 (B) in paragraph (3), by striking “person-
 22 ally made for the Federal agency” and inserting
 23 “participated personally and substantially in”;
 24 and

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

3 “(b) PROHIBITION ON COMPENSATION FROM AFFILI-
4 ATES AND SUBCONTRACTORS.—A former official respon-
5 sible for a Government contract referred to in paragraph
6 (1), (2), or (3) of subsection (a) shall be prohibited from
7 accepting compensation for two years after awarding such
8 contract from any division, affiliate, or subcontractor of
9 the contractor.”.

10 (b) REQUIREMENT FOR PROCUREMENT OFFICERS
11 TO DISCLOSE JOB OFFERS MADE ON BEHALF OF REL-
12 ATIVES.—Section 2103(a) of title 41, United States Code,
13 is amended in the matter preceding paragraph (1) by in-
14 serting after “that official” the following: “, or for a rel-
15 ative (as defined in section 3110 of title 5) of that offi-
16 cial,”.

17 (c) REQUIREMENT ON AWARD OF GOVERNMENT
18 CONTRACTS TO FORMER EMPLOYERS.—

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

1 **“§ 2108. Prohibition on involvement by certain**
 2 **former contractor employees in procure-**
 3 **ments**

4 “An employee of the Federal Government may not
 5 be personally and substantially involved with any award
 6 of a contract to, or the administration of a contract award-
 7 ed to, a contractor that is a former employer of the em-
 8 ployee during the 2-year period beginning on the date on
 9 which the employee leaves the employment of the con-
 10 tractor.”.

11 (2) TECHNICAL AND CONFORMING AMEND-
 12 MENT.—The table of sections for chapter 21 of title
 13 41, United States Code, is amended by adding at
 14 the end the following:

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

15 (d) REGULATIONS.—The Administrator for Federal
 16 Procurement Policy and the Director of the Office of Man-
 17 agement and Budget shall—

18 (1) in consultation with the Director of the Of-
 19 fice of Personnel Management and the Counsel to
 20 the President, promulgate regulations to carry out
 21 and ensure the enforcement of chapter 21 of title
 22 41, United States Code, as amended by this section;
 23 and

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

6 **SEC. 1205. REVOLVING DOOR RESTRICTIONS ON FINANCIAL**
 7 **SERVICES REGULATORS MOVING INTO THE**
 8 **PRIVATE SECTOR.**

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

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

13 (2) by inserting after subsection (d) the fol-
 14 lowing:

15 “(e) RESTRICTIONS ON EMPLOYMENT FOR FINAN-
 16 CIAL SERVICES REGULATORS.—

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

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

23 “(i) knowingly act as agent or attor-
 24 ney for, or otherwise represent, any other
 25 person for compensation (except the

1 United States) in any formal or informal
2 appearance before;

3 “(ii) with the intent to influence,
4 make any oral or written communication
5 on behalf of any other person (except the
6 United States) to; or

7 “(iii) knowingly aid, advise, or assist
8 in—

9 “(I) representing any other per-
10 son (except the United States) in any
11 formal or informal appearance before;
12 or

13 “(II) making, with the intent to
14 influence, any oral or written commu-
15 nication on behalf of any other person
16 (except the United States) to,
17 any court of the United States, or any offi-
18 cer or employee thereof, in connection with
19 any judicial or other proceeding, which was
20 actually pending under his or her official
21 responsibility as a covered financial serv-
22 ices regulator during the 1-year period
23 ending on the date his or her employment
24 as a covered financial services regulator
25 ceases or in which he or she participated

1 personally and substantially as a covered
2 financial services regulator; or

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

6 “(i) knowingly act as a lobbyist or
7 agent for, or otherwise represent, any
8 other person for compensation (except the
9 United States) in any formal or informal
10 appearance before;

11 “(ii) with the intent to influence,
12 make any oral or written communication
13 or conduct any lobbying activities on behalf
14 of any other person (except the United
15 States) to; or

16 “(iii) knowingly aid, advise, or assist
17 in—

18 “(I) representing any other per-
19 son (except the United States) in any
20 formal or informal appearance before;
21 or

22 “(II) making, with the intent to
23 influence, any oral or written commu-
24 nication or conduct any lobbying ac-

1 tivities on behalf of any other person
2 (except the United States) to,
3 any department or agency of the executive
4 branch or Congress (including any com-
5 mittee of Congress), or any officer or em-
6 ployee thereof, in connection with any mat-
7 ter which is pending before the depart-
8 ment, agency, or Congress.

9 “(2) PENALTY.—Any person who violates para-
10 graph (1) shall be punished as provided in section
11 216.

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

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

17 “(B) the terms ‘lobbyist’ and ‘lobbying ac-
18 tivities’ have the meanings given such terms in
19 section 3 of the Lobbying Disclosure Act of
20 1995 (2 U.S.C. 1602).”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) Section 103(a) of the Honest Leadership
23 and Open Government Act of 2007 (2 U.S.C.
24 4702(a)) is amended by striking “section 207(e)”
25 each place it appears and inserting “section 207(f)”.

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

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

5 (B) in subsection (j)(1)(B), as so redesign-
6 nated, by striking “subsection (f)” and insert-
7 ing “subsection (g)”;

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

9 (i) in paragraph (2), in the matter
10 preceding subparagraph (A), by striking
11 “and (e)” and inserting “(e), and (f)”;

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

14 (iii) in paragraph (7)—

15 (I) in subparagraph (A), by strik-
16 ing “and (e)” and inserting “(e), and
17 (f)”;

18 (II) in subparagraph (B)(ii), in
19 the matter preceding subclause (I), by
20 striking “subsections (c), (d), or (e)”
21 and inserting “subsection (c), (d), (e),
22 or (f)”.

23 (3) Section 141(b)(3) of the Trade Act of 1974
24 (19 U.S.C. 2171(b)(3)) is amended by striking “sec-
25 tion 207(f)(3)” and inserting “207(g)(3)”.

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

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

8 **SEC. 1206. RESTRICTIONS ON FEDERAL EXAMINERS AND**
 9 **SUPERVISORS OF FINANCIAL INSTITUTIONS.**

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

12 (1) in the subsection heading—

13 (A) by striking “One-Year” and inserting
 14 “Two-Year”; and

15 (B) by striking “Examiners” and inserting
 16 “Examiners and Supervisors”;

17 (2) in paragraph (1)—

18 (A) by striking subparagraph (B) and in-
 19 serting the following:

20 “(B) served—

21 “(i) not less than 2 months during the
 22 final 12 months of the employment of the
 23 person with such agency or entity as the
 24 senior examiner (or a functionally equiva-
 25 lent position) of a depository institution or

1 depository institution holding company
2 with continuing, broad responsibility for
3 the examination (or inspection) of that de-
4 pository institution or depository institu-
5 tion holding company on behalf of the rel-
6 evant agency or Federal reserve bank; or

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

14 (B) in subparagraph (C)—

15 (i) in the matter preceding clause (i),
16 by striking “1 year” and inserting “2
17 years”;

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

20 (iii) in clause (ii), by striking the pe-
21 riod at the end and inserting a semicolon;
22 and

23 (iv) by adding at the end the fol-
24 lowing:

1 “(iii) a business entity, firm, or asso-
 2 ciation that represents the depository insti-
 3 tution or depository institution holding
 4 company for compensation.”;

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

7 (4) by inserting after paragraph (1) the fol-
 8 lowing:

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

21 “(A) as—

22 “(i) an employee;

23 “(ii) an officer;

24 “(iii) a director; or

25 “(iv) a consultant; and

1 “(B) from—

2 “(i) a depository institution;

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

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

13 (5) in paragraph (4), as so redesignated, by
14 striking “or other company.” and inserting “or other
15 company, firm, or association.”; and

16 (6) in the matter preceding clause (i) of sub-
17 paragraph (A) of paragraph (7), as so redesignated,
18 by striking “other company” and inserting “other
19 company, firm, or association”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 Section 10(k) of the Federal Deposit Insurance Act (12
22 U.S.C. 1820(k)) is amended—

23 (1) in paragraph (1), by striking “paragraph
24 (6)” and inserting “paragraph (7)”;

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

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

5 (A) in subparagraph (A)—

6 (i) by striking “subject to paragraph
 7 (1)” and inserting “subject to paragraph
 8 (1) or (2)”; and

9 (ii) by striking “paragraph (1)(C)”
 10 and inserting “paragraph (1)(C) or para-
 11 graph (2)”; and

12 (B) in subparagraph (C)—

13 (i) by striking “person described in
 14 paragraph (1)” and inserting “person de-
 15 scribed in paragraph (1) or (2)”; and

16 (ii) by inserting “paragraph (2)” be-
 17 fore the period at the end.

18 **Subtitle D—Disclosure of Visitor** 19 **Access Records**

20 **SEC. 1301. SHORT TITLE.**

21 This subtitle may be cited as the “Making Access
 22 Records Available to Lead American Government Open-
 23 ness Act” or the “MAR–A–LAGO Act”.

24 **SEC. 1302. FINDINGS.**

25 Congress finds the following:

1 (1) Beginning in 2009, the Obama Administra-
2 tion instituted a policy to release the visitor access
3 records for the White House complex.

4 (2) This policy was responsible for making pub-
5 lic the names of nearly 6,000,000 visitors to the
6 White House in the 8 years of the Obama adminis-
7 tration.

8 (3) This policy provided the people of the
9 United States with insight into who influences the
10 White House and transparency regarding efforts by
11 lobbyists to effect policies, legislation, and presi-
12 dential actions.

13 (4) To date, the Trump Administration has not
14 indicated whether it will continue the policy of pub-
15 licly releasing White House visitor access records.

16 (5) Since taking office on January 20, 2017,
17 President Trump has conducted official business not
18 only in the White House, but also at several of his
19 privately owned clubs and resorts.

20 (6) President Trump’s Mar-a-Lago Club in
21 Palm Beach, Florida, has been dubbed the “Winter
22 White House” and the “Southern White House”.

23 (7) President Trump has spent 5 of his first 9
24 weekends in office at Mar-a-Lago.

1 (8) Mar-a-Lago is a private membership facility
2 open to members, their guests, and others who have
3 been invited as guests for special events.

4 (9) Visitors to Mar-a-Lago do not undergo the
5 same background checks as White House visitors
6 and visitor access records to the club have not been
7 released to the public.

8 (10) The President has conducted official busi-
9 ness and hosted international leaders at Mar-a-Lago.

10 (11) Media reports have shown President
11 Trump and members of his Cabinet at Mar-a-Lago
12 and nearby Trump International Golf Club inter-
13 acting with members and guests, providing access
14 unavailable to the general public.

15 (12) President Trump owns many other prop-
16 erties that offer similar amenities and membership-
17 only access where he is likely to conduct official
18 business during his term in office.

19 (13) On March 11, 2017, President Trump
20 hosted several members of his Cabinet at his Trump
21 National Golf Club in Potomac Falls, Virginia, to
22 discuss homeland security, health care, and the
23 economy according to media reports.

1 (14) Media reports have indicated that the
2 President may use his Bedminster, New Jersey, re-
3 sort as a “Summer White House”.

4 (15) The people of the United States expect
5 and deserve transparency in government. The policy
6 to release visitor access records instituted by the
7 previous administration appropriately balanced
8 transparency with the need for confidentiality in
9 government actions.

10 (16) To the extent Mar-a-Lago and any other
11 private facilities become locations where the Presi-
12 dent conducts business and interacts with individ-
13 uals who are not government officials, the same dis-
14 closures should apply.

15 **SEC. 1303. IMPROVING ACCESS TO INFLUENTIAL VISITOR**
16 **ACCESS RECORDS.**

17 (a) DEFINITIONS.—In this section:

18 (1) COVERED LOCATION.—The term “covered
19 location” means—

20 (A) the White House;

21 (B) the residence of the Vice President;

22 and

23 (C) any other location at which the Presi-
24 dent or the Vice President regularly conducts
25 official business.

1 (2) COVERED RECORDS.—The term “covered
2 records” means information relating to a visit at a
3 covered location, which shall include—

4 (A) the name of each visitor at the covered
5 location;

6 (B) the name of each individual with whom
7 each visitor described in subparagraph (A) met
8 at the covered location; and

9 (C) the purpose of the visit.

10 (b) REQUIREMENT.—Except as provided in sub-
11 section (c), not later than 30 days after the date of enact-
12 ment of this Act, the President shall establish and update,
13 every 90 days, a publicly available database that contains
14 covered records for the preceding 30-day period.

15 (c) EXCEPTIONS.—

16 (1) IN GENERAL.—The President shall not in-
17 clude in the database established under subsection

18 (b) any covered record—

19 (A) the posting of which would implicate
20 personal privacy or law enforcement concerns or
21 threaten national security; or

22 (B) relating to a purely personal guest at
23 a covered location.

1 (2) SENSITIVE MEETINGS.—With respect to a
 2 particularly sensitive meeting at a covered location,
 3 the President shall—

4 (A) include the number of visitors at the
 5 covered location in the database established
 6 under subsection (b); and

7 (B) post the applicable covered records in
 8 the database established under subsection (b)
 9 when the President determines that release of
 10 the covered records is no longer sensitive.

11 **Subtitle E—Presidential Conflicts** 12 **of Interest**

13 **SEC. 1401. SHORT TITLE.**

14 This subtitle may be cited as the “Presidential Con-
 15 flicts of Interest Act of 2017”.

16 **SEC. 1402. DIVESTITURE OF PERSONAL FINANCIAL INTER-** 17 **ESTS OF THE PRESIDENT AND VICE PRESI-** 18 **DENT THAT POSE A POTENTIAL CONFLICT OF** 19 **INTEREST.**

20 (a) DEFINITIONS.—

21 (1) IN GENERAL.—In this section—

22 (A) the term “conflict-free holding” means
 23 a financial interest described in section
 24 102(f)(8) of the Ethics in Government Act of
 25 1978 (5 U.S.C. App.);

1 (B) the term “financial interest posing a
2 potential conflict of interest” means a financial
3 interest of the President, the Vice President,
4 the spouse of the President or Vice President,
5 or a minor child of the President or Vice Presi-
6 dent, as applicable, that—

7 (i) would constitute a financial inter-
8 est described in subsection (a) of section
9 208 of title 18, United States Code—

10 (I) if—

11 (aa) for purposes of such
12 section 208, the terms “officer”
13 and “employee” included the
14 President and the Vice President;
15 and

16 (bb) the President or Vice
17 President, as applicable, partici-
18 pated as described in subsection
19 (a) of such section 208 in rela-
20 tion to such financial interest;
21 and

22 (II) determined without regard to
23 any exception under subsection (b) of
24 such section 208; or

1 (ii) may constitute a present, emolu-
2 ment, office, or title, of any kind whatever,
3 from any king, prince, or foreign state (in-
4 cluding from an entity owned or controlled
5 by a foreign government), within the
6 meaning of article I, section 9 of the Con-
7 stitution of the United States;

8 (C) the term “qualified blind trust” has
9 the meaning given that term in section
10 102(f)(3) of the Ethics in Government Act of
11 1978 (5 U.S.C. App.), unless otherwise speci-
12 fied in this Act; and

13 (D) the term “tax return”—

14 (i) means any Federal income tax re-
15 turn and any amendment or supplement
16 thereto, including supporting schedules, at-
17 tachments, or lists which are supplemental
18 to, or part of, the return for the taxable
19 year; and

20 (ii) includes any information return
21 that reports information that does or may
22 affect the liability for tax for the taxable
23 year.

24 (2) APPLICABILITY OF ETHICS IN GOVERNMENT
25 ACT OF 1978.—For purposes of the definition of

1 “qualified blind trust” in this section, the term “su-
2 pervising ethics officer” in section 102(f)(3) of the
3 Ethics in Government Act of 1978 (5 U.S.C. App.)
4 means the Director of the Office of Government
5 Ethics.

6 (b) INITIAL FINANCIAL DISCLOSURE.—

7 (1) SUBMISSION OF DISCLOSURE.—

8 (A) IN GENERAL.—Not later than 30 days
9 after assuming the office of President or Vice
10 President, respectively, the President and Vice
11 President shall submit to Congress and the Di-
12 rector of the Office of Government Ethics a dis-
13 closure of financial interests.

14 (B) APPLICATION TO SITTING PRESIDENT
15 AND VICE PRESIDENT.—For any individual who
16 is serving as the President or Vice President on
17 the date of enactment of this Act, the disclosure
18 of financial interests shall be submitted to Con-
19 gress and the Director of the Office of Govern-
20 ment Ethics not later than 30 days after the
21 date of enactment of this Act.

22 (2) CONTENTS.—

23 (A) PRESIDENT.—The disclosure of finan-
24 cial interests submitted under paragraph (1) by
25 the President shall—

1 (i) describe in detail each financial in-
2 terest of the President, the spouse of the
3 President, or a minor child of the Presi-
4 dent;

5 (ii) at a minimum, include the infor-
6 mation relating to each such financial in-
7 terest that is required for reports under
8 section 102 of the Ethics in Government
9 Act of 1978 (5 U.S.C. App.); and

10 (iii) include the tax returns filed by or
11 on behalf of the President for—

12 (I) the 3 most recent taxable
13 years; and

14 (II) each taxable year for which
15 an audit of the return by the Internal
16 Revenue Service is pending on the
17 date the report is filed.

18 (B) VICE PRESIDENT.—The disclosure of
19 financial interests submitted under paragraph
20 (1) by the Vice President shall—

21 (i) describe in detail each financial in-
22 terest of the Vice President, the spouse of
23 the Vice President, or a minor child of the
24 Vice President;

1 (ii) at a minimum, include the infor-
2 mation relating to each such financial in-
3 terest that is required for reports under
4 section 102 of the Ethics in Government
5 Act of 1978 (5 U.S.C. App.); and

6 (iii) include the tax returns filed by or
7 on behalf of the Vice President for—

8 (I) the 3 most recent taxable
9 years; and

10 (II) each taxable year for which
11 an audit of the return by the Internal
12 Revenue Service is pending on the
13 date the report is filed.

14 (c) DIVESTITURE OF FINANCIAL INTERESTS POSING
15 A POTENTIAL CONFLICT OF INTEREST.—

16 (1) IN GENERAL.—The President, the Vice
17 President, the spouse of the President or Vice Presi-
18 dent, and any minor child of the President or Vice
19 President shall divest of any financial interest posing
20 a potential conflict of interest by transferring such
21 interest to a qualified blind trust.

22 (2) TRUSTEE DUTIES.—Within a reasonable pe-
23 riod of time after the date a financial interest is
24 transferred to a qualified blind trust under para-

1 graph (1), the trustee of the qualified blind trust
2 shall—

3 (A) sell the financial interest; and

4 (B) use the proceeds of the sale of the fi-
5 nancial interest to purchase conflict-free hold-
6 ings.

7 (d) REVIEW BY OFFICE OF GOVERNMENT ETHICS.—

8 (1) IN GENERAL.—The Director of the Office of
9 Government Ethics shall submit to Congress, the
10 President, and the Vice President an annual report
11 regarding the financial interests of the President,
12 the Vice President, the spouse of the President or
13 Vice President, and any minor child of the President
14 or Vice President.

15 (2) CONTENTS.—Each report submitted under
16 paragraph (1) shall—

17 (A) indicate whether any financial interest
18 of the President, the Vice President, the spouse
19 of the President or Vice President, or a minor
20 child of the President or Vice President is a fi-
21 nancial interest posing a potential conflict of in-
22 terest;

23 (B) evaluate whether any previously held
24 financial interest of the President, the Vice
25 President, the spouse of the President or Vice

1 President, or a minor child of the President or
2 Vice President that was a financial interest pos-
3 ing a potential conflict of interest was divested
4 in accordance with subsection (c); and

5 (C) redact such information as the Direc-
6 tor of the Office of Government Ethics deter-
7 mines necessary for preventing identity theft,
8 such as social security numbers or taxpayer
9 identification numbers.

10 (e) ENFORCEMENT.—

11 (1) IN GENERAL.—The Attorney General, the
12 attorney general of any State, or any person ag-
13 grieved by any violation of subsection (c) may seek
14 declaratory or injunctive relief in a court of com-
15 petent jurisdiction if—

16 (A) the Director of the Office of Govern-
17 ment Ethics is unable to issue a report indi-
18 cating whether the President or the Vice Presi-
19 dent is in substantial compliance with sub-
20 section (c); or

21 (B) there is probable cause to believe that
22 the President or the Vice President has not
23 complied with subsection (c).

24 (2) FAIR MARKET VALUE.—In granting injunc-
25 tive relief to the plaintiff, the court shall ensure that

1 any divestment procedure shall ensure the fair mar-
2 ket return for any asset that is liquidated.

3 **SEC. 1403. RECUSAL OF APPOINTEES.**

4 Section 208 of title 18, United States Code, is
5 amended by adding at the end the following:

6 “(e)(1) Any officer or employee appointed by the
7 President shall recuse himself or herself from any par-
8 ticular matter involving specific parties in which a party
9 to that matter is—

10 “(A) the President who appointed the officer or
11 employee, which shall include any entity in which the
12 President has a substantial interest; or

13 “(B) the spouse of the President who appointed
14 the officer or employee, which shall include any enti-
15 ty in which the spouse of the President has a sub-
16 stantial interest.

17 “(2)(A) Subject to subparagraph (B), if an officer or
18 employee is recused under paragraph (1), a career ap-
19 pointee in the agency of the officer or employee shall per-
20 form the functions and duties of the officer or employee
21 with respect to the matter.

22 “(B)(i) In this subparagraph, the term ‘Commission’
23 means a board, commission, or other agency for which the
24 authority of the agency is vested in more than 1 member.

1 “(ii) If the recusal of a member of a Commission
2 from a matter under paragraph (1) would result in there
3 not being a statutorily required quorum of members of the
4 Commission available to participate in the matter, not-
5 withstanding such statute or any other provision of law,
6 the members of the Commission not recused under para-
7 graph (1) may—

8 “(I) consider the matter without regard to the
9 quorum requirement under such statute;

10 “(II) delegate the authorities and responsibil-
11 ities of the Commission with respect to the matter
12 to a subcommittee of the Commission; or

13 “(III) designate an officer or employee of the
14 Commission who was not appointed by the President
15 who appointed the member of the Commission
16 recused from the matter to exercise the authorities
17 and duties of the recused member with respect to
18 the matter.

19 “(3) Any officer or employee who negligently violates
20 paragraph (1) shall be subject to the penalties set forth
21 in section 216.

22 “(4) For purposes of this section, the term ‘particular
23 matter’ shall have the meaning given the term in section
24 207(i).”.

1 **SEC. 1404. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**
 2 **DENT.**

3 (a) AMENDMENT.—Section 431 of title 18, United
 4 States Code, is amended—

5 (1) in the section heading, by inserting “**the**
 6 **President, Vice President, or a**” after
 7 “**Contracts by**”; and

8 (2) in the first undesignated paragraph, by in-
 9 serting “the President or Vice President,” after
 10 “Whoever, being”.

11 (b) TABLE OF SECTIONS AMENDMENT.—The table of
 12 sections for chapter 23 of title 18, United States Code,
 13 is amended by striking the item relating to section 431
 14 and inserting the following:

“431. Contracts by the President, Vice President, or a Member of Congress.”.

15 **SEC. 1405. PRESIDENTIAL TAX TRANSPARENCY.**

16 (a) IN GENERAL.—Title I of the Ethics in Govern-
 17 ment Act of 1978 (5 U.S.C. App.) is amended—

18 (1) by inserting after section 102 the following:

19 **“SEC. 102A. DISCLOSURE OF TAX RETURNS.**

20 **“(a) DEFINITIONS.—**In this section—

21 **“(1) the term ‘covered candidate’ means an in-**
 22 **dividual—**

23 **“(A) required to file a report under section**
 24 **101(c); and**

1 “(B) who is nominated by a major party
2 as a candidate for the office of President; and

3 “(2) the term ‘covered individual’ means—

4 “(A) a President required to file a report
5 under subsection (a) or (d) of section 101; and

6 “(B) an individual who occupies the office
7 of the President required to file a report under
8 section 101(e);

9 “(3) the term ‘major party’ has the meaning
10 given the term in section 9002 of the Internal Rev-
11 enue Code of 1986; and

12 “(4) the term ‘income tax return’ means, with
13 respect to any covered candidate or covered indi-
14 vidual, any return (within the meaning of section
15 6103(b) of the Internal Revenue Code of 1986) re-
16 lated to Federal income taxes, but does not in-
17 clude—

18 “(A) information returns issued to persons
19 other than such covered candidate or covered
20 individual, and

21 “(B) declarations of estimated tax.

22 “(b) DISCLOSURE.—

23 “(1) COVERED INDIVIDUALS.—

24 “(A) IN GENERAL.—In addition to the in-
25 formation described in subsections (a) and (b)

1 of section 102, a covered individual shall in-
2 clude in each report required to be filed under
3 this title a copy of the income tax returns of the
4 covered individual for the 3 most recent taxable
5 years for which a return have been filed with
6 the Internal Revenue Service as of the date on
7 which the report is filed.

8 “(B) FAILURE TO DISCLOSE.—If an in-
9 come tax return is not disclosed under subpara-
10 graph (A), the Director of the Office of Govern-
11 ment Ethics shall submit to the Secretary of
12 the Treasury a request that the Secretary of
13 the Treasury provide the Director of the Office
14 of Government Ethics with a copy of the in-
15 come tax return.

16 “(C) PUBLICLY AVAILABLE.—Each income
17 tax return submitted under this paragraph shall
18 be filed with the Director of the Office of Gov-
19 ernment Ethics and made publicly available in
20 the same manner as the information described
21 in subsections (a) and (b) of section 102.

22 “(D) REDACTION OF CERTAIN INFORMA-
23 TION.—Before making any income tax return
24 submitted under this paragraph available to the
25 public, the Director of the Office of Government

1 Ethics shall redact such information as the Di-
2 rector of the Office of Government Ethics, in
3 consultation with the Secretary of the Treasury
4 (or a delegate of the Secretary), determines ap-
5 propriate.

6 “(2) CANDIDATES.—

7 “(A) IN GENERAL.—Not later than 15
8 days after the date on which a covered can-
9 didate is nominated, the covered candidate shall
10 amend the report filed by the covered candidate
11 under section 101(c) with the Federal Election
12 Commission to include a copy of the income tax
13 returns of the covered candidate for the 3 most
14 recent taxable years for which a return has
15 been filed with the Internal Revenue Service.

16 “(B) FAILURE TO DISCLOSE.—If an in-
17 come tax return is not disclosed under subpara-
18 graph (A) the Federal Election Commission
19 shall submit to the Secretary of the Treasury a
20 request that the Secretary of the Treasury pro-
21 vide the Federal Election Commission with the
22 income tax return.

23 “(C) PUBLICLY AVAILABLE.—Each income
24 tax return submitted under this paragraph shall
25 be filed with the Federal Election Commission

1 and made publicly available in the same manner
2 as the information described in section 102(b).

3 “(D) REDACTION OF CERTAIN INFORMA-
4 TION.—Before making any income tax return
5 submitted under this paragraph available to the
6 public, the Federal Election Commission shall
7 redact such information as the Federal Election
8 Commission, in consultation with the Secretary
9 of the Treasury (or a delegate of the Secretary)
10 and the Director of the Office of Government
11 Ethics, determines appropriate.

12 “(3) SPECIAL RULE FOR SITTING PRESI-
13 DENTS.—Not later than 30 days after the date of
14 enactment of this section, the President shall submit
15 to the Director of the Office of Government Ethics
16 a copy of the income tax returns described in para-
17 graph (1)(A).”; and

18 (2) in section 104—

19 (A) in subsection (a)—

20 (i) in paragraph (1), in the first sen-
21 tence, by inserting “or any individual who
22 knowingly and willfully falsifies or who
23 knowingly and willfully fails to file an in-
24 come tax return that such individual is re-

quired to disclose pursuant to section
102A” before the period; and

(ii) in paragraph (2)(A)—

(I) in clause (i), by inserting “or
falsify any income tax return that
such person is required to disclose
under section 102A” before the semi-
colon; and

(II) in clause (ii), by inserting
“or fail to file any income tax return
that such person is required to dis-
closed under section 102A” before the
period;

(B) in subsection (b), in the first sentence
by inserting “or willfully failed to file or has
willfully falsified an income tax return required
to be disclosed under section 102A” before the
period;

(C) in subsection (c), by inserting “or fail-
ing to file or falsifying an income tax return re-
quired to be disclosed under section 102A” be-
fore the period; and

(D) in subsection (d)(1)—

(i) in the matter preceding subpara-
graph (A), by inserting “or files an income

1 tax return required to be disclosed under
2 section 102A” after “title”; and

3 (ii) in subparagraph (A), by inserting
4 “or such income tax return, as applicable,”
5 after “report”.

6 (b) AUTHORITY TO DISCLOSE INFORMATION.—

7 (1) IN GENERAL.—Section 6103(l) of the Inter-
8 nal Revenue Code of 1986 is amended by adding at
9 the end the following new paragraph:

10 “(23) DISCLOSURE OF RETURN INFORMATION
11 OF PRESIDENTS AND CERTAIN PRESIDENTIAL CAN-
12 DIDATES.—

13 “(A) DISCLOSURE OF RETURNS OF PRESI-
14 DENTS.—

15 “(i) IN GENERAL.—The Secretary
16 shall, upon written request from the Direc-
17 tor of the Office of Government Ethics
18 pursuant to section 102A(b)(1)(B) of the
19 Ethics in Government Act of 1978, provide
20 to officers and employees of the Office of
21 Government Ethics a copy of any income
22 tax return of the President which is re-
23 quired to be filed under section 102A of
24 such Act.

1 “(ii) DISCLOSURE TO PUBLIC.—The
2 Director of the Office of Government Eth-
3 ics may disclose to the public the income
4 tax return of any President which is re-
5 quired to be filed with the Director pursu-
6 ant to section 102A of the Ethics in Gov-
7 ernment Act of 1978.

8 “(B) DISCLOSURE OF RETURNS OF CER-
9 TAIN CANDIDATES FOR PRESIDENT.—

10 “(i) IN GENERAL.—The Secretary
11 shall, upon written request from the Chair-
12 man of the Federal Election Commission
13 pursuant to section 102A(b)(2)(B) of the
14 Ethics in Government Act of 1978, provide
15 to officers and employees of the Federal
16 Election Commission copies of the applica-
17 ble returns of any person who has been
18 nominated as a candidate of a major party
19 (as defined in section 9002(a)) for the of-
20 fice of President.

21 “(ii) DISCLOSURE TO PUBLIC.—The
22 Federal Election Commission may disclose
23 to the public applicable returns of any per-
24 son who has been nominated as a can-
25 didate of a major party (as defined in sec-

tion 9002(6)) for the office of President and which is required to be filed with the Commission pursuant to section 102A of the Ethics in Government Act.

“(C) APPLICABLE RETURNS.—For purposes of this paragraph, the term ‘applicable returns’ means, with respect to any candidate for the office of President, income tax returns for the 3 most recent taxable years for which a return has been filed as of the date of the nomination.”.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking “or (22)” and inserting “(22), or (23)” each place it appears.

SEC. 1406. SENSE OF CONGRESS REGARDING VIOLATIONS.

It is the sense of Congress that a violation of section 1402 or the Ethics in Government Act of 1978 (5 U.S.C. App.) by the President or the Vice President would constitute a high crime or misdemeanor under article II, section 4 of the Constitution of the United States.

1 **SEC. 1407. RULE OF CONSTRUCTION.**

2 Nothing in this subtitle or an amendment made by
3 this subtitle shall be construed to violate the Constitution
4 of the United States.

5 **TITLE II—PUBLIC FINANCING**

6 **SEC. 2001. SHORT TITLE.**

7 This title may be cited as the “Empowering Citizens
8 Act”.

9 **Subtitle A—Reform of Presidential**
10 **Election Financing**

11 **PART 1—PRIMARY ELECTIONS**

12 **SEC. 2101. INCREASE IN AND MODIFICATIONS TO MATCH-**
13 **ING PAYMENTS.**

14 (a) INCREASE AND MODIFICATION.—

15 (1) IN GENERAL.—The first sentence of section
16 9034(a) of the Internal Revenue Code of 1986 is
17 amended—

18 (A) by striking “an amount equal to the
19 amount of each contribution” and inserting “an
20 amount equal to 600 percent of the amount of
21 each matchable contribution (disregarding any
22 amount of contributions from any person to the
23 extent that the total of the amounts contributed
24 by such person for the election exceeds \$200)”;
25 and

1 (B) by striking “authorized committees”
2 and all that follows through “\$250” and insert-
3 ing “authorized committees”.

4 (2) MATCHABLE CONTRIBUTIONS.—Section
5 9034 of such Code is amended—

6 (A) by striking the last sentence of sub-
7 section (a); and

8 (B) by inserting after subsection (b) the
9 following new subsection:

10 “(c) MATCHABLE CONTRIBUTION DEFINED.—For
11 purposes of this section and section 9033(b)—

12 “(1) MATCHABLE CONTRIBUTION.—The term
13 ‘matchable contribution’ means, with respect to the
14 nomination for election to the office of President of
15 the United States, a contribution by an individual to
16 a candidate or an authorized committee of a can-
17 didate with respect to which the candidate has cer-
18 tified in writing that—

19 “(A) the individual making such contribu-
20 tion has not made aggregate contributions (in-
21 cluding such matchable contribution) to such
22 candidate and the authorized committees of
23 such candidate in excess of \$1,000 for the elec-
24 tion;

1 “(B) such candidate and the authorized
2 committees of such candidate will not accept
3 contributions from such individual (including
4 such matchable contribution) aggregating more
5 than the amount described in subparagraph
6 (A); and

7 “(C) such contribution was not—

8 “(i) forwarded from the contributor
9 by any person other than an individual, or

10 “(ii) received by the candidate or com-
11 mittee from a contributor or contributors,
12 but credited by the committee or candidate
13 to another person who is not an individual
14 through records, designations, or other
15 means of recognizing (whether in writing
16 or not in writing) that a certain amount of
17 money has been raised by such person.

18 “(2) CONTRIBUTION.—For purposes of this
19 subsection, the term ‘contribution’ means a gift of
20 money made by a written instrument which identi-
21 fies the individual making the contribution by full
22 name and mailing address, but does not include a
23 subscription, loan, advance, or deposit of money, or
24 anything of value or anything described in subpara-
25 graph (B), (C), or (D) of section 9032(4).”.

1 (3) CONFORMING AMENDMENTS.—

2 (A) Section 9032(4) of such Code is
3 amended by striking “section 9034(a)” and in-
4 serting “section 9034”.

5 (B) Section 9033(b)(3) of such Code is
6 amended by striking “matching contributions”
7 and inserting “matchable contributions”.

8 (b) MODIFICATION OF PAYMENT LIMITATION.—

9 (1) IN GENERAL.—Section 9034(b) of such
10 Code is amended—

11 (A) by striking “Every” and inserting the
12 following:

13 “(1) IN GENERAL.—Every”,

14 (2) by striking “shall not exceed” and all that
15 follows and inserting “shall not exceed
16 \$300,000,000.”, and

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

19 “(3) INFLATION ADJUSTMENT.—

20 “(A) IN GENERAL.—In the case of any ap-
21 plicable period beginning after 2019, the dollar
22 amount in paragraph (1) shall be increased by
23 an amount equal to—

24 “(i) such dollar amount, multiplied by

1 “(ii) the cost-of-living adjustment de-
 2 termined under section 1(f)(3) for the cal-
 3 endar year following the year which such
 4 applicable period begins, determined by
 5 substituting ‘calendar year 2018’ for ‘cal-
 6 endar year 1992’ in subparagraph (B)
 7 thereof.

8 “(B) APPLICABLE PERIOD.—For purposes
 9 of this paragraph, the term ‘applicable period’
 10 means the 4-year period beginning with the
 11 first day following the date of the general elec-
 12 tion for the office of President and ending on
 13 the date of the next such general election.

14 “(C) ROUNDING.—If any amount as ad-
 15 justed under subparagraph (1) is not a multiple
 16 of \$10,000, such amount shall be rounded to
 17 the nearest multiple of \$10,000.”.

18 **SEC. 2102. ELIGIBILITY REQUIREMENTS FOR MATCHING**
 19 **PAYMENTS.**

20 (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER
 21 STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN
 22 EXCESS OF \$200.—Section 9033(b)(3) of the Internal
 23 Revenue Code of 1986 is amended—

24 (1) by striking “\$5,000” and inserting
 25 “\$25,000”; and

1 (2) by striking “20 States” and inserting the
2 following: “20 States (disregarding any amount of
3 contributions from any such resident to the extent
4 that the total of the amounts contributed by such
5 resident for the election exceeds \$200)”.

6 (b) CONTRIBUTION LIMIT.—

7 (1) IN GENERAL.—Paragraph (4) of section
8 9033(b) of such Code is amended to read as follows:

9 “(4) the candidate and the authorized commit-
10 tees of the candidate will not accept aggregate con-
11 tributions from any person with respect to the nomi-
12 nation for election to the office of President of the
13 United States in excess of \$1,000 for the election.”.

14 (2) CONFORMING AMENDMENTS.—

15 (A) Section 9033(b) of such Code is
16 amended by adding at the end the following
17 new flush sentence:

18 “‘For purposes of paragraph (4), the term ‘contribution’
19 has the meaning given such term in section 301(8) of the
20 Federal Election Campaign Act of 1971.’”.

21 (B) Section 9032(4) of such Code, as
22 amended by section 2101(a)(3)(A) is amended
23 by inserting “or 9033(b)” after “9034”.

1 (c) BAN ON ACCEPTANCE OF BUNDLED CONTRIBU-
2 TIONS.—Section 9033(b) of such Code, as amended by
3 subsection (b), is amended—

4 (1) by striking “and” at the end of paragraph
5 (3);

6 (2) by striking the period at the end of para-
7 graph (4) and inserting “, and”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(5) the candidate and the authorized com-
11 mittee of the candidate will not accept—

12 “(A) any bundled contribution (as defined
13 in section 304(i)(8) of the Federal Election
14 Campaign Act of 1971) forwarded by or cred-
15 ited to a person described in section 304(i)(7)
16 of such Act; or

17 “(B) any contribution forwarded by or
18 credited to a multicandidate political committee
19 described in section 315(a)(4) of such Act
20 which would be treated as a bundled contribu-
21 tion under section 304(i)(8) of such Act if it
22 were forwarded by or credited to a person de-
23 scribed in section 304(i)(7) of such Act.”.

1 (d) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR
2 GENERAL ELECTION.—Section 9033(b) of such Code, as
3 amended by subsection (c), is amended—

4 (1) by striking “and” at the end of paragraph
5 (4);

6 (2) by striking the period at the end of para-
7 graph (5) and inserting “, and”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(6) if the candidate is nominated by a political
11 party for election to the office of President, the can-
12 didate will apply for and accept payments with re-
13 spect to the general election for such office in ac-
14 cordance with chapter 95.”.

15 **SEC. 2103. REPEAL OF EXPENDITURE LIMITATIONS.**

16 (a) IN GENERAL.—Subsection (a) of section 9035 of
17 the Internal Revenue Code of 1986 is amended to read
18 as follows:

19 “(a) PERSONAL EXPENDITURE LIMITATION.—No
20 candidate shall knowingly make expenditures from his per-
21 sonal funds, or the personal funds of his immediate family,
22 in connection with his campaign for nomination for elec-
23 tion to the office of President in excess of, in the aggre-
24 gate, \$50,000.”.

1 (b) CONFORMING AMENDMENT.—Paragraph (1) of
2 section 9033(b) of the Internal Revenue Code of 1986 is
3 amended to read as follows:

4 “(1) the candidate will comply with the per-
5 sonal expenditure limitation under section 9035,”.

6 **SEC. 2104. PERIOD OF AVAILABILITY OF MATCHING PAY-**
7 **MENTS.**

8 Section 9032(6) of the Internal Revenue Code of
9 1986 is amended by striking “the beginning of the cal-
10 endar year in which a general election for the office of
11 President of the United States will be held” and inserting
12 “the date that is 6 months prior to the date of the earliest
13 State primary election”.

14 **SEC. 2105. EXAMINATION AND AUDITS OF MATCHABLE CON-**
15 **TRIBUTIONS.**

16 Section 9038(a) of the Internal Revenue Code of
17 1986 is amended by inserting “and matchable contribu-
18 tions accepted by” after “qualified campaign expenses of”.

19 **SEC. 2106. MODIFICATION TO LIMITATION ON CONTRIBU-**
20 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**
21 **DIDATES.**

22 Section 315(a)(6) of the Federal Election Campaign
23 Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by strik-
24 ing “calendar year” and inserting “four-year election
25 cycle”.

PART 2—GENERAL ELECTIONS

**SEC. 2111. MODIFICATION OF ELIGIBILITY REQUIREMENTS
FOR PUBLIC FINANCING.**

Subsection (a) of section 9003 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) IN GENERAL.—In order to be eligible to receive any payments under section 9006, the candidates of a political party in a presidential election shall meet the following requirements:

“(1) PARTICIPATION IN PRIMARY PAYMENT SYSTEM.—The candidate for President received payments under chapter 96 for the campaign for nomination for election to be President.

“(2) AGREEMENTS WITH COMMISSION.—The candidates, in writing—

“(A) agree to obtain and furnish to the Commission such evidence as it may request of the qualified campaign expenses of such candidates,

“(B) agree to keep and furnish to the Commission such records, books, and other information as it may request, and

“(C) agree to an audit and examination by the Commission under section 9007 and to pay any amounts required to be paid under such section.

1 “(3) BAN ON BUNDLED CONTRIBUTIONS.—The
 2 candidates certify to the Commission, under penalty
 3 of perjury and within such time prior to the day of
 4 the presidential election as the Commission shall
 5 prescribe by rules or regulations, that the candidates
 6 and the authorized committees of such candidates
 7 will not accept—

8 “(A) any bundled contribution (as defined
 9 in section 304(i)(8) of the Federal Election
 10 Campaign Act of 1971) forwarded by or cred-
 11 ited to a person described in section 304(i)(7)
 12 of such Act; or

13 “(B) any contribution forwarded by or
 14 credited to a multicandidate political committee
 15 described in section 315(a)(4) of such Act
 16 which would be treated as a bundled contribu-
 17 tion under section 304(i)(8) of such Act if it
 18 were forwarded by or credited to a person de-
 19 scribed in section 304(i)(7) of such Act.”.

20 **SEC. 2112. REPEAL OF EXPENDITURE LIMITATIONS AND**
 21 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**
 22 **TIONS.**

23 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
 24 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME
 25 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-

1 TIES.—Section 9003 of the Internal Revenue Code of
2 1986 is amended by striking subsections (b) and (c) and
3 inserting the following:

4 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
5 TO DEFRAY EXPENSES.—

6 “(1) IN GENERAL.—In order to be eligible to
7 receive any payments under section 9006, the can-
8 didates of a party in a presidential election shall cer-
9 tify to the Commission, under penalty of perjury,
10 that—

11 “(A) such candidates and their authorized
12 committees have not and will not accept any
13 contributions to defray qualified campaign ex-
14 penses other than—

15 “(i) qualified campaign contributions,
16 and

17 “(ii) contributions to the extent nec-
18 essary to make up any deficiency payments
19 received out of the fund on account of the
20 application of section 9006(c), and

21 “(B) such candidates and their authorized
22 committees have not and will not accept any
23 contribution to defray expenses which would be
24 qualified campaign expenses but for subpara-
25 graph (C) of section 9002(11).

1 “(2) TIMING OF CERTIFICATION.—The can-
 2 didate shall make the certification required under
 3 this subsection at the same time the candidate
 4 makes the certification required under subsection
 5 (a)(3).”.

6 (b) DEFINITION OF QUALIFIED CAMPAIGN CON-
 7 TRIBUTION.—Section 9002 of such Code is amended by
 8 adding at the end the following new paragraph:

9 “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—
 10 The term ‘qualified campaign contribution’ means,
 11 with respect to any election for the office of Presi-
 12 dent of the United States, a contribution from an in-
 13 dividual to a candidate or an authorized committee
 14 of a candidate which—

15 “(A) does not exceed \$1,000 for the elec-
 16 tion; and

17 “(B) with respect to which the candidate
 18 has certified in writing that—

19 “(i) the individual making such con-
 20 tribution has not made aggregate contribu-
 21 tions (including such qualified contribu-
 22 tion) to such candidate and the authorized
 23 committees of such candidate in excess of
 24 the amount described in subparagraph (A),
 25 and

“(ii) such candidate and the authorized committees of such candidate will not accept contributions from such individual (including such qualified contribution) aggregating more than the amount described in subparagraph (A) with respect to such election.”.

(c) CONFORMING AMENDMENTS.—

(1) REPEAL OF EXPENDITURE LIMITS.—

(A) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116) is amended by striking subsection (b).

(B) CONFORMING AMENDMENTS.—Section 315(c) of such Act (52 U.S.C. 30116(c)) is amended—

(i) in paragraph (1)(B)(i), by striking “, (b)”;

(ii) in paragraph (2)(B)(i), by striking “subsections (b) and (d)” and inserting “subsection (d)”.

(2) REPEAL OF REPAYMENT REQUIREMENT.—

(A) IN GENERAL.—Section 9007(b) of the Internal Revenue Code of 1986 is amended by striking paragraph (2) and redesignating para-

1 graphs (3), (4), and (5) as paragraphs (2), (3),
2 and (4), respectively.

3 (B) CONFORMING AMENDMENT.—Para-
4 graph (2) of section 9007(b) of such Code, as
5 redesignated by subparagraph (A), is amend-
6 ed—

7 (i) by striking “a major party” and
8 inserting “a party”;

9 (ii) by inserting “qualified contribu-
10 tions and” after “contributions (other
11 than”; and

12 (iii) by striking “(other than qualified
13 campaign expenses with respect to which
14 payment is required under paragraph
15 (2))”.

16 (3) CRIMINAL PENALTIES.—

17 (A) REPEAL OF PENALTY FOR EXCESS EX-
18 PENSES.—Section 9012 of the Internal Revenue
19 Code of 1986 is amended by striking subsection
20 (a).

21 (B) PENALTY FOR ACCEPTANCE OF DIS-
22 ALLOWED CONTRIBUTIONS; APPLICATION OF
23 SAME PENALTY FOR CANDIDATES OF MAJOR,
24 MINOR, AND NEW PARTIES.—Subsection (b) of

1 section 9012 of such Code is amended to read
2 as follows:

3 “(b) CONTRIBUTIONS.—

4 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-
5 TIONS.—It shall be unlawful for an eligible can-
6 didate of a party in a presidential election or any of
7 his authorized committees knowingly and willfully to
8 accept any contribution to defray qualified campaign
9 expenses, except to the extent necessary to make up
10 any deficiency in payments received out of the fund
11 on account of the application of section 9006(c), or
12 to defray expenses which would be qualified cam-
13 paign expenses but for subparagraph (C) of section
14 9002(11).

15 “(2) PENALTY.—Any person who violates para-
16 graph (1) shall be fined not more than \$5,000, or
17 imprisoned not more than one year, or both. In the
18 case of a violation by an authorized committee, any
19 officer or member of such committee who knowingly
20 and willfully consents to such violation shall be fined
21 not more than \$5,000, or imprisoned not more than
22 one year, or both.”.

23 **SEC. 2113. MATCHING PAYMENTS AND OTHER MODIFICA-**
24 **TIONS TO PAYMENT AMOUNTS.**

25 (a) IN GENERAL.—

1 (1) AMOUNT OF PAYMENTS; APPLICATION OF
2 SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,
3 AND NEW PARTIES.—Subsection (a) of section 9004
4 of the Internal Revenue Code of 1986 is amended to
5 read as follows:

6 “(a) IN GENERAL.—Subject to the provisions of this
7 chapter, the eligible candidates of a party in a presidential
8 election shall be entitled to equal payment under section
9 9006 in an amount equal to 600 percent of the amount
10 of each matchable contribution received by such candidate
11 or by the candidate’s authorized committees (disregarding
12 any amount of contributions from any person to the extent
13 that the total of the amounts contributed by such person
14 for the election exceeds \$200), except that total amount
15 to which a candidate is entitled under this paragraph shall
16 not exceed \$300,000,000.”.

17 (2) REPEAL OF SEPARATE LIMITATIONS FOR
18 CANDIDATES OF MINOR AND NEW PARTIES; INFLA-
19 TION ADJUSTMENT.—Subsection (b) of section 9004
20 of such Code is amended to read as follows:

21 “(b) INFLATION ADJUSTMENT.—

22 “(1) IN GENERAL.—In the case of any applica-
23 ble period beginning after 2019, the \$300,000,000
24 dollar amount in subsection (a) shall be increased by
25 an amount equal to—

1 “(A) such dollar amount; multiplied by

2 “(B) the cost-of-living adjustment deter-
3 mined under section 1(f)(3) for the calendar
4 year following the year which such applicable
5 period begins, determined by substituting ‘cal-
6 endar year 2018’ for ‘calendar year 1992’ in
7 subparagraph (B) thereof.

8 “(2) APPLICABLE PERIOD.—For purposes of
9 this subsection, the term ‘applicable period’ means
10 the 4-year period beginning with the first day fol-
11 lowing the date of the general election for the office
12 of President and ending on the date of the next such
13 general election.

14 “(3) ROUNDING.—If any amount as adjusted
15 under paragraph (1) is not a multiple of \$10,000,
16 such amount shall be rounded to the nearest mul-
17 tiple of \$10,000.”.

18 (3) CONFORMING AMENDMENT.—Section
19 9005(a) of such Code is amended by adding at the
20 end the following new sentence: “The Commission
21 shall make such additional certifications as may be
22 necessary to receive payments under section 9004.”.

23 (b) MATCHABLE CONTRIBUTION.—Section 9002 of
24 such Code, as amended by section 2112, is amended by
25 adding at the end the following new paragraph:

1 “(14) MATCHABLE CONTRIBUTION.—The term
2 ‘matchable contribution’ means, with respect to the
3 election to the office of President of the United
4 States, a contribution by an individual to a can-
5 didate or an authorized committee of a candidate
6 with respect to which the candidate has certified in
7 writing that—

8 “(A) the individual making such contribu-
9 tion has not made aggregate contributions (in-
10 cluding such matchable contribution) to such
11 candidate and the authorized committees of
12 such candidate in excess of \$1,000 for the elec-
13 tion;

14 “(B) such candidate and the authorized
15 committees of such candidate will not accept
16 contributions from such individual (including
17 such matchable contribution) aggregating more
18 than the amount described in subparagraph (A)
19 with respect to such election; and

20 “(C) such contribution was not—

21 “(i) forwarded from the contributor
22 by any person other than an individual, or

23 “(ii) received by the candidate or com-
24 mittee from a contributor or contributors,
25 but credited by the committee or candidate

1 to another person who is not an individual
 2 through records, designations, or other
 3 means of recognizing (whether in writing
 4 or not in writing) that a certain amount of
 5 money has been raised by such person.”.

6 **SEC. 2114. INCREASE IN LIMIT ON COORDINATED PARTY**
 7 **EXPENDITURES.**

8 (a) IN GENERAL.—Section 315(d)(2) of the Federal
 9 Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))
 10 is amended to read as follows:

11 “(2)(A) The national committee of a political party
 12 may not make any expenditure in connection with the gen-
 13 eral election campaign of any candidate for President of
 14 the United States who is affiliated with such party which
 15 exceeds \$100,000,000.

16 “(B) For purposes of this paragraph—

17 “(i) any expenditure made by or on behalf of a
 18 national committee of a political party and in con-
 19 nection with a presidential election shall be consid-
 20 ered to be made in connection with the general elec-
 21 tion campaign of a candidate for President of the
 22 United States who is affiliated with such party; and

23 “(ii) any communication made by or on behalf
 24 of such party shall be considered to be made in con-
 25 nection with the general election campaign of a can-

1 didate for President of the United States who is af-
 2 filiated with such party if any portion of the commu-
 3 nication is in connection with such election.

4 “(C) Any expenditure under this paragraph shall be
 5 in addition to any expenditure by a national committee
 6 of a political party serving as the principal campaign com-
 7 mittee of a candidate for the office of President of the
 8 United States.”.

9 (b) CONFORMING AMENDMENTS RELATING TO TIM-
 10 ING OF COST-OF-LIVING ADJUSTMENT.—

11 (1) IN GENERAL.—Section 315(c)(1) of such
 12 Act (52 U.S.C. 30116(c)(1)), as amended by section
 13 2112(d)(1)(B), is amended—

14 (A) in subparagraph (B), by striking “(d)”
 15 and inserting “(d)(3)”; and

16 (B) by inserting at the end the following
 17 new subparagraph:

18 “(D) In any calendar year after 2018—

19 “(i) the dollar amount in subsection (d)(2) shall
 20 be increased by the percent difference determined
 21 under subparagraph (A);

22 “(ii) the amount so increased shall remain in
 23 effect for the calendar year; and

1 “(iii) if the amount after adjustment under
2 clause (i) is not a multiple of \$100, such amount
3 shall be rounded to the nearest multiple of \$100.”.

4 (2) BASE YEAR.—Section 315(c)(2)(B) of such
5 Act (52 U.S.C. 30116(c)(2)(B)), as amended by sec-
6 tion 2112(d)(1)(B), is amended—

7 (A) in clause (i)—

8 (i) by striking “(d)” and inserting
9 “(d)(3)”; and

10 (ii) by striking “and” at the end;

11 (B) in clause (ii), by striking the period at
12 the end and inserting “; and”; and

13 (C) by adding at the end the following new
14 clause:

15 “(iii) for purposes of subsection (d)(2), cal-
16 endar year 2017.”.

17 **SEC. 2115. ESTABLISHMENT OF UNIFORM DATE FOR RE-**
18 **LEASE OF PAYMENTS.**

19 (a) DATE FOR PAYMENTS.—

20 (1) IN GENERAL.—Section 9006(b) of the In-
21 ternal Revenue Code of 1986 is amended to read as
22 follows:

23 “(b) PAYMENTS FROM THE FUND.—If the Secretary
24 of the Treasury receives a certification from the Commis-
25 sion under section 9005 for payment to the eligible can-

1 didates of a political party, the Secretary shall pay to such
 2 candidates out of the fund the amount certified by the
 3 Commission on the later of—

4 “(1) the last Friday occurring before the first
 5 Monday in September; or

6 “(2) 24 hours after receiving the certifications
 7 for the eligible candidates of all major political par-
 8 ties.

9 Amounts paid to any such candidates shall be under the
 10 control of such candidates.”.

11 (2) CONFORMING AMENDMENT.—The first sen-
 12 tence of section 9006(c) of such Code is amended by
 13 striking “the time of a certification by the Commis-
 14 sion under section 9005 for payment” and inserting
 15 “the time of making a payment under subsection
 16 (b)”.

17 (b) TIME FOR CERTIFICATION.—Section 9005(a) of
 18 the Internal Revenue Code of 1986 is amended by striking
 19 “10 days” and inserting “24 hours”.

20 **SEC. 2116. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**
 21 **PAIGN FUND.**

22 (a) DETERMINATION OF AMOUNTS IN FUND.—Sec-
 23 tion 9006(c) of the Internal Revenue Code of 1986 is
 24 amended by adding at the end the following new sentence:
 25 “In making a determination of whether there are insuffi-

1 cient moneys in the fund for purposes of the previous sen-
 2 tence, the Secretary shall take into account in determining
 3 the balance of the fund for a Presidential election year
 4 the Secretary's best estimate of the amount of moneys
 5 which will be deposited into the fund during the year, ex-
 6 cept that the amount of the estimate may not exceed the
 7 average of the annual amounts deposited in the fund dur-
 8 ing the previous 3 years.”.

9 (b) SPECIAL RULE FOR FIRST CAMPAIGN CYCLE
 10 UNDER THIS ACT.—

11 (1) IN GENERAL.—Section 9006 of the Internal
 12 Revenue Code of 1986 is amended by adding at the
 13 end the following new subsection:

14 “(d) SPECIAL AUTHORITY TO BORROW.—

15 “(1) IN GENERAL.—Notwithstanding subsection
 16 (c), there are authorized to be appropriated to the
 17 fund, as repayable advances, such sums as are nec-
 18 essary to carry out the purposes of the fund during
 19 the period ending on the first presidential election
 20 occurring after the date of the enactment of this
 21 subsection.

22 “(2) REPAYMENT OF ADVANCES.—

23 “(A) IN GENERAL.—Advances made to the
 24 fund shall be repaid, and interest on such ad-
 25 vances shall be paid, to the general fund of the

1 Treasury when the Secretary determines that
2 moneys are available for such purposes in the
3 fund.

4 “(B) RATE OF INTEREST.—Interest on ad-
5 vances made to the fund shall be at a rate de-
6 termined by the Secretary of the Treasury (as
7 of the close of the calendar month preceding the
8 month in which the advance is made) to be
9 equal to the current average market yield on
10 outstanding marketable obligations of the
11 United States with remaining periods to matu-
12 rity comparable to the anticipated period during
13 which the advance will be outstanding and shall
14 be compounded annually.”.

15 (2) EFFECTIVE DATE.—The amendment made
16 by this subsection shall take effect January 1, 2018.

17 **SEC. 2117. USE OF GENERAL ELECTION PAYMENTS FOR**
18 **GENERAL ELECTION LEGAL AND ACCOUNT-**
19 **ING COMPLIANCE.**

20 Section 9002(11) of the Internal Revenue Code of
21 1986 is amended by adding at the end the following new
22 sentence: “For purposes of subparagraph (A), an expense
23 incurred by a candidate or authorized committee for gen-
24 eral election legal and accounting compliance purposes

1 shall be considered to be an expense to further the election
 2 of such candidate.”.

3 **Subtitle B—Public Financing for**
 4 **Congressional Election Campaigns**

5 **SEC. 2201. BENEFITS AND ELIGIBILITY REQUIREMENTS**
 6 **FOR CONGRESSIONAL CANDIDATES.**

7 The Federal Election Campaign Act of 1971 (52
 8 U.S.C. 30101 et seq.) is amended by adding at the end
 9 the following:

10 **“TITLE V—PUBLIC FINANCING**
 11 **OF CONGRESSIONAL ELEC-**
 12 **TION CAMPAIGNS**

13 **“Subtitle A—Benefits**

14 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

15 “(a) IN GENERAL.—If a candidate for election to the
 16 office of Senator or Representative in, or Delegate or Resi-
 17 dent Commissioner to, the Congress is a participating can-
 18 didate under this title with respect to an election for such
 19 office, the candidate shall be entitled to payments under
 20 this title, to be used only for authorized expenditures in
 21 connection with the election.

22 “(b) AMOUNT OF PAYMENT.—

23 “(1) MATCH OF QUALIFIED CONTRIBUTIONS.—

24 Subject to paragraph (2), the amount of a payment
 25 made to a participating candidate under this title

1 shall be equal to 600 percent of the amount of quali-
2 fied contributions received by the candidate since the
3 most recent payment made to the candidate under
4 this title with respect to the election, as set forth—

5 “(A) in the case of the first payment made
6 to the candidate with respect to the election, in
7 the report filed under section 511(a)(2); and

8 “(B) in the case of any subsequent pay-
9 ment made to the candidate with respect to the
10 election, in the report of qualified contributions
11 filed under subsection (c).

12 “(2) LIMITATION.—In determining the amount
13 of qualified contributions received by a candidate for
14 purposes of making a payment under this section,
15 there shall be disregarded any amount of contribu-
16 tions from any person to the extent that the total of
17 the amounts contributed by such person for the elec-
18 tion exceeds \$200.

19 “(c) REPORTS.—

20 “(1) IN GENERAL.—Each participating can-
21 didate shall file reports of receipts of qualified con-
22 tributions at such times and in such manner as the
23 Commission may by regulations prescribe.

24 “(2) CONTENTS OF REPORTS.—Each report
25 under this subsection shall disclose each qualified

1 contribution received by the candidate since the most
2 recent report filed under this section, and shall state
3 the aggregate amount of all such qualified contribu-
4 tions received since the most recent report filed
5 under this section.

6 “(3) FREQUENCY OF REPORTS.—Reports under
7 this subsection shall be made no more frequently
8 than—

9 “(A) once every month until the date that
10 is 90 days before the date of the election;

11 “(B) once every week after the period de-
12 scribed in subparagraph (A) and until the date
13 that is 21 days before the election; and

14 “(C) once every day after the period de-
15 scribed in subparagraph (B).

16 “(4) LIMITATION ON REGULATIONS.—The
17 Commission may not prescribe any regulations with
18 respect to reporting under this subsection with re-
19 spect to any election after the date that is 180 days
20 before the date of such election.

21 “(d) LIMIT ON AGGREGATE AMOUNT OF PAY-
22 MENTS.—The aggregate amount of payments that may be
23 made under this title to a participating candidate during
24 an election cycle may not exceed—

1 “(1) \$2,000,000, in the case of a candidate for
2 the office of Representative in, or Delegate or Resi-
3 dent Commissioner to, the Congress; or

4 “(2) \$10,000,000, in the case of a candidate for
5 the office of Senator.

6 “(e) INFLATION ADJUSTMENT.—In each odd-num-
7 bered calendar year after 2018—

8 “(1) each of the dollar amounts under sub-
9 sections (b)(2), (d)(1), and (d)(2) shall be increased
10 by the percent difference determined under section
11 315(c)(1)(A) (determined by substituting ‘calendar
12 year 2017’ for ‘the base period’);

13 “(2) each amount so increased shall remain in
14 effect for the election cycle beginning on the first
15 day following the year in which the amount is in-
16 creased; and

17 “(3) if any amount after adjustment under
18 paragraph (1) is—

19 “(A) in the case of an amount under sub-
20 section (b)(2), not a multiple of \$10, such
21 amount shall be rounded to the nearest multiple
22 of \$10, and

23 “(B) in the case of an amount under sub-
24 section (d), not a multiple of \$1,000, such

1 amount shall be rounded to the nearest multiple
2 of \$1,000.

3 **“SEC. 502. ADMINISTRATION OF PAYMENTS.**

4 “(a) TIMING.—The Commission shall make payments
5 under this title to a participating candidate—

6 “(1) in the case of the first payment made to
7 the candidate with respect to the election, not later
8 than 48 hours after the date on which such can-
9 didate is certified as a participating candidate under
10 section 513; and

11 “(2) in the case of any subsequent payment
12 made to the candidate with respect to the election,
13 not later than 5 business days after the receipt of
14 a report made under section 501(c).

15 “(b) METHOD OF PAYMENT.—The Commission shall
16 distribute funds available to participating candidates
17 under this title through the use of an electronic funds ex-
18 change or a debit card.

19 “(c) APPEALS.—The Commission shall provide a
20 written explanation with respect to any denial of any pay-
21 ment under this title and shall provide for the opportunity
22 for review and reconsideration within 5 business days of
23 such denial.

1 **“SEC. 503. QUALIFIED CONTRIBUTION DEFINED.**

2 “In this title, the term ‘qualified contribution’ means,
3 with respect to a candidate, a contribution that meets each
4 of the following requirements:

5 “(1) The contribution is in an amount that is
6 not greater than the limit on the amount of a con-
7 tribution that may be accepted by a participating
8 candidate from an individual under section 521(a).

9 “(2) The contribution is made by an individual
10 who is not otherwise prohibited from making a con-
11 tribution under this Act.

12 “(3) The contribution is not—

13 “(A) forwarded from the contributor by
14 any person other than an individual; or

15 “(B) received by the candidate or an au-
16 thorized committee of the candidate from a con-
17 tributor or contributors, but credited by the
18 committee or candidate to another person who
19 is not an individual through records, designa-
20 tions, or other means of recognizing (whether in
21 writing or not in writing) that a certain amount
22 of money has been raised by such person.

23 “(4) The contribution meets the requirements
24 of section 512(b).

1 **“Subtitle B—Eligibility and**
2 **Certification**

3 **“SEC. 511. ELIGIBILITY.**

4 “(a) IN GENERAL.—A candidate for the office of
5 Senator or Representative in, or Delegate or Resident
6 Commissioner to, the Congress is eligible to be certified
7 as a participating candidate under this title with respect
8 to an election if the candidate meets the following require-
9 ments:

10 “(1) During the election cycle for the office in-
11 volved, the candidate files with the Commission a
12 statement of intent to seek certification as a partici-
13 pating candidate.

14 “(2) The candidate meets the qualified con-
15 tribution requirements of section 512 and submits to
16 the Commission a report disclosing each qualified
17 contribution received by the candidate and stating
18 the aggregate amount of all such qualified contribu-
19 tions received.

20 “(3) Not later than the last day of the quali-
21 fying period, the candidate files with the Commis-
22 sion an affidavit signed by the candidate and the
23 treasurer of the candidate’s principal campaign com-
24 mittee declaring that the candidate—

1 “(A) has complied and, if certified, will
2 comply with the contribution and expenditure
3 requirements of section 521;

4 “(B) if certified, will run only as a partici-
5 pating candidate for all elections for the office
6 that such candidate is seeking during the elec-
7 tion cycle; and

8 “(C) has either qualified or will take steps
9 to qualify under State law to be on the ballot.

10 “(b) GENERAL ELECTION.—Notwithstanding sub-
11 section (a), a candidate shall not be eligible to receive a
12 payment under this title for a general election or a general
13 runoff election unless the candidate’s party nominated the
14 candidate to be placed on the ballot for the general elec-
15 tion or the candidate is otherwise qualified to be on the
16 ballot under State law.

17 “(c) QUALIFYING PERIOD DEFINED.—The term
18 ‘qualifying period’ means, with respect to any candidate
19 for the office of Senator or Representative in, or Delegate
20 or Resident Commissioner to, the Congress, the 120-day
21 period (during the election cycle for such office) which be-
22 gins on the date on which the candidate files a statement
23 of intent under section 511(a)(1), except that such period
24 may not continue after the date that is 60 days before—

25 “(1) the date of the primary election; or

1 “(2) in the case of a State that does not hold
2 a primary election, the date prescribed by State law
3 as the last day to qualify for a position on the gen-
4 eral election ballot.

5 **“SEC. 512. QUALIFIED CONTRIBUTION REQUIREMENTS.**

6 “(a) RECEIPT OF QUALIFIED CONTRIBUTIONS.—

7 “(1) IN GENERAL.—A candidate meets the re-
8 quirements of this section if, during the qualifying
9 period described in section 511(c), the candidate ob-
10 tains—

11 “(A) a single qualified contribution from a
12 number of individuals equal to or greater
13 than—

14 “(i) in the case of a candidate for
15 election the office of Representative in, or
16 Delegate or Resident Commissioner to, the
17 Congress, 400, or

18 “(ii) in the case of a candidate for the
19 office of Senator, the product of 400 and
20 the number of Congressional districts in
21 the State involved as of the date of the
22 election; and

23 “(B) a total dollar amount of qualified
24 contributions equal to or greater than—

1 “(i) in the case of a candidate for
2 election the office of Representative in, or
3 Delegate or Resident Commissioner to, the
4 Congress, \$40,000, disregarding any
5 amount of contributions from any person
6 to the extent that the total of the amounts
7 contributed by such person for the election
8 exceeds \$200, or

9 “(ii) in the case of a candidate for the
10 office of Senator, the product of \$40,000
11 and the number of Congressional districts
12 in the State involved as of the date of the
13 election, disregarding any amount of con-
14 tributions from any person to the extent
15 that the total of the amounts contributed
16 by such person for the election exceeds
17 \$200.

18 “(2) EXCLUSION OF CONTRIBUTIONS FROM
19 OUT-OF-STATE RESIDENTS.—In determining the
20 number of qualified contributions obtained by a can-
21 didate under paragraph (1)(A) and the dollar
22 amount of qualified contributions obtained by a can-
23 didate under paragraph (1)(B), there shall be ex-
24 cluded any contributions made by an individual who

1 does not have a primary residence in the State in
2 which such candidate is seeking election.

3 “(b) REQUIREMENTS RELATING TO RECEIPT OF
4 QUALIFIED CONTRIBUTION.—Each qualified contribu-
5 tion—

6 “(1) may be made by means of a personal
7 check, money order, debit card, credit card, or elec-
8 tronic payment account;

9 “(2) shall be accompanied by a signed state-
10 ment containing the contributor’s name and the con-
11 tributor’s address in the State in which the primary
12 residence of the contributor is located; and

13 “(3) shall be acknowledged by a receipt that is
14 sent to the contributor with a copy kept by the can-
15 didate for the Commission and a copy kept by the
16 candidate for the election authorities in the State
17 with respect to which the candidate is seeking elec-
18 tion.

19 “(c) PROHIBITING PAYMENT ON COMMISSION BASIS
20 OF INDIVIDUALS COLLECTING QUALIFIED CONTRIBU-
21 TIONS.—No person may be paid a commission on a per
22 qualified contribution basis for collecting qualified con-
23 tributions.

24 **“SEC. 513. CERTIFICATION.**

25 “(a) DEADLINE AND NOTIFICATION.—

1 “(1) IN GENERAL.—Not later than 10 days
2 after a candidate files an affidavit under section
3 511(a)(3), the Commission shall—

4 “(A) determine whether or not the can-
5 didate meets the requirements for certification
6 as a participating candidate;

7 “(B) if the Commission determines that
8 the candidate meets such requirements, certify
9 the candidate as a participating candidate; and

10 “(C) notify the candidate of the Commis-
11 sion’s determination.

12 “(2) DEEMED CERTIFICATION FOR ALL ELEC-
13 TIONS IN ELECTION CYCLE.—If the Commission cer-
14 tifies a candidate as a participating candidate with
15 respect to the first election of the election cycle in-
16 volved, the Commissioner shall be deemed to have
17 certified the candidate as a participating candidate
18 with respect to all subsequent elections of the elec-
19 tion cycle.

20 “(b) REVOCATION OF CERTIFICATION.—

21 “(1) IN GENERAL.—The Commission may re-
22 voke a certification under subsection (a) if—

23 “(A) a candidate fails to qualify to appear
24 on the ballot at any time after the date of cer-
25 tification (other than a candidate certified as a

1 participating candidate with respect to a pri-
2 mary election who fails to qualify to appear on
3 the ballot for a subsequent election in that elec-
4 tion cycle); or

5 “(B) a candidate otherwise fails to comply
6 with the requirements of this title, including
7 any regulatory requirements prescribed by the
8 Commission.

9 “(2) REPAYMENT OF BENEFITS.—If certifi-
10 cation is revoked under paragraph (1), the candidate
11 shall repay to the Empowering Citizens Payment Ac-
12 count of the Presidential Election Campaign Fund
13 (established under section 9051 of the Internal Rev-
14 enue Code of 1986) an amount equal to the value
15 of benefits received under this title with respect to
16 the election cycle involved plus interest (at a rate de-
17 termined by the Commission) on any such amount
18 received.

19 “(c) PARTICIPATING CANDIDATE DEFINED.—In this
20 title, a ‘participating candidate’ means a candidate for the
21 office of Senator or Representative in, or Delegate or Resi-
22 dent Commissioner to, the Congress who is certified under
23 this section as eligible to receive benefits under this title.

1 **“Subtitle C—Requirements for Can-**
2 **didates Certified as Partici-**
3 **pating Candidates**

4 **“SEC. 521. RESTRICTIONS ON CERTAIN CONTRIBUTIONS**
5 **AND EXPENDITURES.**

6 “(a) REDUCTION IN OTHERWISE APPLICABLE CON-
7 TRIBUTION LIMITS.—

8 “(1) IN GENERAL.—In the case of a candidate
9 who is certified as a participating candidate under
10 this title with respect to an election, each limit appli-
11 cable under paragraph (1)(A) and paragraph (2)(A)
12 of section 315(a) to the amount of a contribution
13 which may be made to the candidate and any au-
14 thorized committee of the candidate with respect to
15 the election shall be equal to \$1,000 for the election.

16 “(2) INFLATION ADJUSTMENT.—In each odd-
17 numbered calendar year after 2018—

18 “(A) the \$1,000 amount under paragraph
19 (1) shall be increased by the percent difference
20 determined under section 315(c)(1)(A) (deter-
21 mined by substituting ‘calendar year 2017’ for
22 ‘the base period’);

23 “(B) the amount so increased shall remain
24 in effect for the election cycle beginning on the

1 first day following the year in which the amount
 2 is increased; and

3 “(C) if any amount after adjustment under
 4 subparagraph (A) not a multiple of \$100, such
 5 amount shall be rounded to the nearest multiple
 6 of \$100.

7 “(b) PROHIBITING ACCEPTANCE OF CONTRIBUTIONS
 8 BUNDLED BY REGISTERED LOBBYISTS.—A candidate
 9 who is certified as a participating candidate under this
 10 title with respect to an election, and any authorized com-
 11 mittee of such a candidate, may not accept—

12 “(1) any contribution with respect to the elec-
 13 tion which is a bundled contribution (as defined in
 14 section 304(i)(8)) forwarded by or credited to a per-
 15 son described in section 304(i)(7); or

16 “(2) any contribution forwarded by or credited
 17 to a multicandidate political committee described in
 18 section 315(a)(4) which would be treated as a bun-
 19 dled contribution under section 304(i)(8) if it were
 20 forwarded by or credited to a person described in
 21 section 304(i)(7).

22 “(c) LIMIT ON EXPENDITURES FROM PERSONAL
 23 FUNDS.—A candidate who is certified as a participating
 24 candidate under this title may not make expenditures from
 25 personal funds (as defined in section 304(a)(6)(B)) in an

1 aggregate amount exceeding \$50,000 with respect to any
2 election in the election cycle involved.

3 “(d) PROHIBITING SOLICITATION OF FUNDS FOR PO-
4 LITICAL PARTY COMMITTEES.—A candidate who is cer-
5 tified as a participating candidate under this title may not
6 solicit funds for any political committee of a political
7 party, except that the candidate may solicit funds for a
8 separate account of the committee which is established
9 under section 315(d)(5).

10 **“SEC. 522. REMITTING UNSPENT FUNDS AFTER ELECTION.**

11 “(a) IN GENERAL.—Not later than the date that is
12 60 days after the last election for which a candidate cer-
13 tified as a participating candidate qualifies to be on the
14 ballot during the election cycle involved, such participating
15 candidate shall remit to the Commission for deposit in the
16 Empowering Citizens Payment Account of the Presi-
17 dential Election Campaign Fund (established under sec-
18 tion 9051 of the Internal Revenue Code of 1986) an
19 amount equal to the lesser of—

20 “(1) the amount of money in the candidate’s
21 campaign account; or

22 “(2) the amount of the payments received by
23 the candidate under this title.

24 “(b) EXCEPTION FOR EXPENDITURES INCURRED
25 BUT NOT PAID AS OF DATE OF REMITTANCE.—

1 “(1) IN GENERAL.—Subject to subsection (a), a
 2 candidate may withhold from the amount required to
 3 be remitted under paragraph (1) of such subsection
 4 the amount of any authorized expenditures which
 5 were incurred in connection with the candidate’s
 6 campaign but which remain unpaid as of the dead-
 7 line applicable to the candidate under such sub-
 8 section, except that any amount withheld pursuant
 9 to this paragraph shall be remitted to the Commis-
 10 sion not later than 120 days after the date of the
 11 election to which such subsection applies.

12 “(2) DOCUMENTATION REQUIRED.—A can-
 13 didate may withhold an amount of an expenditure
 14 pursuant to paragraph (1) only if the candidate sub-
 15 mits documentation of the expenditure and the
 16 amount to the Commission not later than the dead-
 17 line applicable to the candidate under subsection (a).

18 **“Subtitle D—Administrative** 19 **Provisions**

20 **“SEC. 531. ADMINISTRATION BY COMMISSION.**

21 “The Commission shall prescribe regulations to carry
 22 out the purposes of this title, including regulations to es-
 23 tablish procedures for—

24 “(1) verifying the amount of qualified contribu-
 25 tions with respect to a candidate;

1 “(2) effectively and efficiently monitoring and
2 enforcing the limits on the raising of qualified con-
3 tributions;

4 “(3) effectively and efficiently monitoring and
5 enforcing the limits on the use of personal funds by
6 participating candidates; and

7 “(4) monitoring the use of payments under this
8 title through audits of not fewer than $\frac{1}{3}$ of all par-
9 ticipating candidates or other mechanisms.

10 **“SEC. 532. VIOLATIONS AND PENALTIES.**

11 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
12 TION AND EXPENDITURE REQUIREMENTS.—If a can-
13 didate who has been certified as a participating candidate
14 accepts a contribution or makes an expenditure that is
15 prohibited under section 521, the Commission shall assess
16 a civil penalty against the candidate in an amount that
17 is not more than 3 times the amount of the contribution
18 or expenditure. Any amounts collected under this sub-
19 section shall be deposited into the Empowering Citizens
20 Payment Account of the Presidential Election Campaign
21 Fund (established under section 9051 of the Internal Rev-
22 enue Code of 1986).

23 “(b) REPAYMENT FOR IMPROPER USE OF EMPOW-
24 ERING CITIZENS PAYMENT ACCOUNT.—

1 “(1) IN GENERAL.—If the Commission deter-
2 mines that any benefit made available to a partici-
3 pating candidate was not used as provided for in
4 this title or that a participating candidate has vio-
5 lated any of the dates for remission of funds con-
6 tained in this title, the Commission shall so notify
7 the candidate and the candidate shall pay to the
8 Empowering Citizens Payment Account of the Presi-
9 dential Election Campaign Fund an amount equal
10 to—

11 “(A) the amount of benefits so used or not
12 remitted, as appropriate; and

13 “(B) interest on any such amounts (at a
14 rate determined by the Commission).

15 “(2) OTHER ACTION NOT PRECLUDED.—Any
16 action by the Commission in accordance with this
17 subsection shall not preclude enforcement pro-
18 ceedings by the Commission in accordance with sec-
19 tion 309(a), including a referral by the Commission
20 to the Attorney General in the case of an apparent
21 knowing and willful violation of this title.

22 **“SEC. 533. ELECTION CYCLE DEFINED.**

23 “‘In this title, the term ‘election cycle’ means, with
24 respect to an election for the office of Senator or Rep-
25 resentative in, or Delegate or Resident Commissioner to,

1 the Congress, the period beginning on the day after the
2 date of the most recent general election for that office (or,
3 if the general election resulted in a runoff election, the
4 date of the runoff election) and ending on the date of the
5 next general election for that office (or, if the general elec-
6 tion resulted in a runoff election, the date of the runoff
7 election).’’.

8 **SEC. 2202. PERMITTING UNLIMITED COORDINATED EX-**
9 **PENDITURES BY POLITICAL PARTY COMMIT-**
10 **TEES ON BEHALF OF PARTICIPATING CAN-**
11 **DIDATES IF EXPENDITURES ARE DERIVED**
12 **FROM SMALL DOLLAR CONTRIBUTIONS.**

13 Section 315(d) of the Federal Election Campaign Act
14 of 1971 (52 U.S.C. 30116(d)), as amended by section
15 2101(b) of Division N of the Consolidated and Further
16 Continuing Appropriations Act, 2015 (Public Law 113–
17 235; 128 Stat. 2773), is amended by adding at the end
18 the following new paragraph:

19 “(6) In determining the amount of expenditures
20 made by a committee under paragraph (3) in connection
21 with the campaign of a candidate who is certified as a
22 participating candidate under title V, there shall be ex-
23 cluded any expenditures which are derived from a separate
24 account established by the committee for which the only
25 sources of funds are contributions made during the elec-

1 tion cycle in an amount which does not exceed \$1,000 per
2 contributor.”.

3 **SEC. 2203. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**
4 **TICIPATING CANDIDATES FOR PURPOSES**
5 **OTHER THAN CAMPAIGN FOR ELECTION.**

6 Section 313 of the Federal Election Campaign Act
7 of 1971 (52 U.S.C. 30114) is amended by adding at the
8 end the following new subsection:

9 “(d) RESTRICTIONS ON PERMITTED USES OF FUNDS
10 BY CANDIDATES RECEIVING MATCHING PUBLIC
11 FUNDS.—Notwithstanding paragraph (2), (3), or (4) of
12 subsection (a), if a candidate for election for the office
13 of Senator or Representative in, or Delegate or Resident
14 Commissioner to, the Congress is certified as a partici-
15 pating candidate under title V with respect to the election,
16 any contribution which the candidate is permitted to ac-
17 cept under such title may be used only for authorized ex-
18 penditures in connection with the candidate’s campaign
19 for such office.”.

1 **Subtitle C—Use of Presidential**
 2 **Election Campaign Fund for**
 3 **Public Financing of Federal**
 4 **Elections**

5 **SEC. 2301. USE OF PRESIDENTIAL ELECTION CAMPAIGN**
 6 **FUND FOR CONGRESSIONAL CANDIDATES.**

7 Subtitle H of the Internal Revenue Code of 1986 is
 8 amended by adding at the end the following new chapter:

9 **“CHAPTER 97—EMPOWERING CITIZENS**
 10 **PAYMENT ACCOUNT**

“Sec. 9051. Payments to Congressional candidates.

11 **“SEC. 9051. PAYMENTS TO CONGRESSIONAL CANDIDATES.**

12 “(a) ESTABLISHMENT OF ACCOUNT.—The Secretary
 13 shall maintain in the Presidential Election Campaign
 14 Fund established by section 9006(a), in addition to any
 15 account which he maintains under such section, a separate
 16 account to be known as the Empowering Citizens Payment
 17 Account (hereinafter in this section referred to as the ‘Ac-
 18 count’).

19 “(b) AMOUNTS TRANSFERRED TO ACCOUNT.—

20 “(1) IN GENERAL.—The Secretary shall deposit
 21 into the Account the excess of—

22 “(A) the balance of the Federal Election
 23 Campaign Fund (determined without regard to
 24 the Account), over

1 “(B) the amount determined by the Sec-
2 retary to be required for payments under sec-
3 tion 9006(c) and for payments under section
4 9037(b).

5 “(2) SUPPLEMENTAL TRANSFERS.—There are
6 hereby appropriated to the Account an amount equal
7 to the excess (if any) of—

8 “(A) the amount required to provide pay-
9 ments to candidates for election to the office of
10 Senator or Representative in, or Delegate or
11 Resident Commissioner to, the Congress who
12 are participating candidates under title V of the
13 Federal Election Campaign Act of 1971, over

14 “(B) the amounts transferred to such Ac-
15 count under paragraph (1).

16 “(c) USE OF ACCOUNT FOR PAYMENTS TO CONGRES-
17 SIONAL CANDIDATES PARTICIPATING IN PUBLIC FINANC-
18 ING PROGRAM.—The Secretary shall transfer amounts in
19 the Account to the Federal Election Commission, at such
20 times and in such amounts as the Federal Election Com-
21 mission may certify, for payments to candidates for elec-
22 tion to the office of Senator or Representative in, or Dele-
23 gate or Resident Commissioner to, the Congress who are
24 participating candidates under title V of the Federal Elec-
25 tion Campaign Act of 1971.”.

1 **SEC. 2302. REVISIONS TO DESIGNATION OF INCOME TAX**
 2 **PAYMENTS BY INDIVIDUAL TAXPAYERS.**

3 (a) INCREASE IN AMOUNT DESIGNATED.—Section
 4 6096(a) of the Internal Revenue Code of 1986 is amend-
 5 ed—

6 (1) in the first sentence, by striking “\$3” each
 7 place it appears and inserting “\$20”; and

8 (2) in the second sentence—

9 (A) by striking “\$6” and inserting “\$40”;
 10 and

11 (B) by striking “\$3” and inserting “\$20”.

12 (b) INDEXING.—Section 6096 of such Code is amend-
 13 ed by adding at the end the following new subsection:

14 “(d) INDEXING OF AMOUNT DESIGNATED.—

15 “(1) IN GENERAL.—With respect to each tax-
 16 able year after 2017, each amount referred to in
 17 subsection (a) shall be increased by the percent dif-
 18 ference described in paragraph (2), except that if
 19 any such amount after such an increase is not a
 20 multiple of \$1, such amount shall be rounded to the
 21 nearest multiple of \$1.

22 “(2) PERCENT DIFFERENCE DESCRIBED.—The
 23 percent difference described in this paragraph with
 24 respect to a taxable year is the percent difference
 25 determined under section 315(c)(1)(A) of the Fed-
 26 eral Election Campaign Act of 1971 with respect to

1 the calendar year during which the taxable year be-
2 gins, except that the base year involved shall be
3 2016.”.

4 (c) ENSURING TAX PREPARATION SOFTWARE DOES
5 NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION
6 QUESTION.—Section 6096 of such Code, as amended by
7 subsection (b), is amended by adding at the end the fol-
8 lowing new subsection:

9 “(e) ENSURING TAX PREPARATION SOFTWARE DOES
10 NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION
11 QUESTION.—The Secretary shall promulgate regulations
12 to ensure that electronic software used in the preparation
13 or filing of individual income tax returns does not auto-
14 matically accept or decline a designation of a payment
15 under this section.”.

16 (d) PUBLIC INFORMATION PROGRAM ON DESIGNA-
17 TION.—Section 6096 of such Code, as amended by sub-
18 sections (b) and (c), is amended by adding at the end the
19 following new subsection:

20 “(f) PUBLIC INFORMATION PROGRAM.—

21 “(1) IN GENERAL.—The Federal Election Com-
22 mission shall conduct a program to inform and edu-
23 cate the public regarding the purposes of the Presi-
24 dential Election Campaign Fund, the procedures for
25 the designation of payments under this section, and

1 the effect of such a designation on the income tax
2 liability of taxpayers.

3 “(2) USE OF FUNDS FOR PROGRAM.—Amounts
4 in the Presidential Election Campaign Fund shall be
5 made available to the Federal Election Commission
6 to carry out the program under this subsection.”.

7 (e) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect January 1, 2018.

9 **SEC. 2303. DONATION TO PRESIDENTIAL ELECTION CAM-**
10 **PAIGN FUND.**

11 (a) GENERAL RULE.—Every taxpayer who makes a
12 return of the tax imposed by subtitle A of the Internal
13 Revenue Code of 1986 for any taxable year ending after
14 December 31, 2017, may donate an amount (not less than
15 \$1), in addition to any designation of income tax liability
16 under section 6096 of such Code for such taxable year,
17 which shall be deposited in the general fund of the Treas-
18 ury.

19 (b) MANNER AND TIME OF DESIGNATION.—Any do-
20 nation under subsection (a) for any taxable year—

21 (1) shall be made at the time of filing the re-
22 turn of the tax imposed by subtitle A of such Code
23 for such taxable year and in such manner as the
24 Secretary may by regulation prescribe, except that—

1 (A) the designation for such donation shall
2 be either on the first page of the return or on
3 the page bearing the taxpayer's signature, and

4 (B) the designation shall be by a box
5 added to the return, and the text beside the box
6 shall provide:

7 "By checking here, I signify that in
8 addition to my tax liability (if any), I
9 would like to donate the included payment
10 to be used exclusively as a contribution to
11 the Presidential Election Campaign
12 Fund.", and

13 (2) shall be accompanied by a payment of the
14 amount so designated.

15 (c) TRANSFERS TO PRESIDENTIAL ELECTION CAM-
16 PAIGN FUND.—The Secretary shall, from time to time,
17 transfer to the Presidential Election Campaign Fund es-
18 tablished under section 9006(a) of such Code amounts
19 equal to the amounts donated under this section.

Subtitle D—Other Campaign Finance Reforms

SEC. 2401. REGULATIONS WITH RESPECT TO BEST EFFORTS FOR IDENTIFYING PERSONS MAKING CON- TRIBUTIONS.

Not later than 6 months after the date of enactment of this Act, the Federal Election Commission shall promulgate regulations with respect to what constitutes best efforts under section 302(i) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102(i)) for determining the identification of persons making contributions to political committees, including the identifications of persons making contributions over the Internet or by credit card. Such regulations shall include a requirement that in the case of contributions made by a credit card, the political committee shall ensure that the name on the credit card used to make the contribution matches the name of the person making the contribution.

SEC. 2402. RULES RELATING TO JOINT FUNDRAISING COMMITTEES.

(a) PROHIBITION ON JOINT FUNDRAISING COMMITTEES FOR CANDIDATES.—

(1) IN GENERAL.—Section 302(e) of the Federal Election Campaign Act of 1971 (52 U.S.C.

1 30102(e)) is amended by adding at the end the fol-
2 lowing new paragraph:

3 “(6) No authorized committee of a candidate may es-
4 tablish, participate in, or have any involvement with any
5 joint fundraising committee.”.

6 (2) CONFORMING AMENDMENT.—Section
7 302(e)(3)(A) of such Act (52 U.S.C. 30102(e)(3)) is
8 amended—

9 (A) by striking “except that” and all that
10 follows through “the candidate” and inserting
11 “except that the candidate”,

12 (B) by striking “; and” and inserting a pe-
13 riod, and

14 (C) by striking clause (ii).

15 (b) LIMITATION ON JOINT FUNDRAISING COMMIT-
16 TEES FOR PARTY COMMITTEES.—Section 302 of the Fed-
17 eral Election Campaign Act of 1971 (52 U.S.C. 30102)
18 is amended by adding at the end the following new sub-
19 section:

20 “(j) PARTICIPATION OF PARTY COMMITTEES IN
21 JOINT FUNDRAISING COMMITTEES.—No committee of a
22 political party may establish, participate in, or have any
23 involvement with any joint fundraising committee other
24 than a joint fundraising committee that consists of the

1 national committee of a political party and one other com-
 2 mittee of the political party.”.

3 (c) EFFECTIVE DATE.—The amendments made by
 4 this section shall take effect on January 1, 2018.

5 **SEC. 2403. DISCLOSURE OF BUNDLED CONTRIBUTIONS TO**
 6 **PRESIDENTIAL CAMPAIGNS; INCREASE IN**
 7 **THRESHOLD FOR BUNDLED CONTRIBUTIONS**
 8 **BY LOBBYISTS.**

9 (a) IN GENERAL.—Paragraphs (1) through (3) of
 10 section 304(i) of the Federal Election Campaign Act of
 11 1971 (52 U.S.C. 30104(i)) are amended to read as fol-
 12 lows:

13 “(1) IN GENERAL.—

14 “(A) DISCLOSURE OF BUNDLED CON-
 15 TRIBUTIONS BY LOBBYISTS.—Each committee
 16 described in paragraph (6) shall include in the
 17 first report required to be filed under this sec-
 18 tion after each covered period (as defined in
 19 paragraph (2)) a separate schedule setting forth
 20 the name, address, and employer of each person
 21 reasonably known by the committee to be a per-
 22 son described in paragraph (7) who provided
 23 two or more bundled contributions to the com-
 24 mittee in an aggregate amount greater than the
 25 applicable threshold (as defined in paragraph

(3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

“(B) DISCLOSURE OF BUNDLED CONTRIBUTIONS TO PRESIDENTIAL CAMPAIGNS.—

Each committee which is an authorized committee of a candidate for the office of President or for nomination to such office shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person who provided two or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the election cycle, and the aggregate amount of the bundled contributions provided by each such person during the covered period and such election cycle. Such schedule shall include a separate listing of the name, address, and employer of each person included on such schedule who is reasonably known by the committee to be a person described in paragraph (7), together with the ag-

1 gregate amount of bundled contributions pro-
2 vided by such person during such period and
3 such cycle.

4 “(2) COVERED PERIOD.—In this subsection, a
5 ‘covered period’ means—

6 “(A) with respect to a committee which is
7 an authorized committee of a candidate for the
8 office of President or for nomination to such of-
9 fice—

10 “(i) the 4-year election cycle ending
11 with the date of the election for the office
12 of the President; and

13 “(ii) any reporting period applicable
14 to the committee under this section during
15 which any person provided two or more
16 bundled contributions to the committee;
17 and

18 “(B) with respect to any other com-
19 mittee—

20 “(i) the period beginning January 1
21 and ending June 30 of each year;

22 “(ii) the period beginning July 1 and
23 ending December 31 of each year; and

24 “(iii) any reporting period applicable
25 to the committee under this section during

1 which any person described in paragraph
2 (7) provided two or more bundled contribu-
3 tions to the committee in an aggregate
4 amount greater than the applicable thresh-
5 old.

6 “(3) APPLICABLE THRESHOLD.—

7 “(A) IN GENERAL.—In this subsection, the
8 ‘applicable threshold’ is—

9 “(i) \$50,000 in the case of a com-
10 mittee which is an authorized committee of
11 a candidate for the office of President or
12 for nomination to such office; and

13 “(ii) \$25,000 in the case of any other
14 committee.

15 In determining whether the amount of bundled
16 contributions provided to a committee by a per-
17 son exceeds the applicable threshold, there shall
18 be excluded any contribution made to the com-
19 mittee by the person or the person’s spouse.

20 “(B) INDEXING.—In any calendar year
21 after 2018, section 315(c)(1)(B) shall apply to
22 each amount applicable under subparagraph
23 (A) in the same manner as such section applies
24 to the limitations established under subsections
25 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such

1 section, except that for purposes of applying
2 such section to the amount applicable under
3 subparagraph (A), the ‘base period’ shall be
4 2017.

5 “(C) AGGREGATION OF CONTRIBUTIONS
6 FROM COSPONSORS OF FUNDRAISING EVENT.—
7 For purposes of determining the amount of
8 bundled contributions provided by a person to a
9 committee which were received by the person at
10 a fundraising event sponsored by the person, or
11 in response to an invitation to attend a fund-
12 raising event sponsored by the person, each per-
13 son who is a sponsor of the event shall be con-
14 sidered to have provided to the committee the
15 aggregate amount of all bundled contributions
16 which were provided to the committee by all
17 sponsors of the event.”.

18 (b) CONFORMING AMENDMENTS.—Section 304(i) of
19 such Act (52 U.S.C. 30104(i)) is amended—

20 (1) in paragraph (5), by striking “described in
21 paragraph (7)” each place it appears in subpara-
22 graphs (C) and (D);

23 (2) in paragraph (6), by inserting “(other than
24 a candidate for the office of President or for nomi-
25 nation to such office)” after “candidate”; and

1 (3) in paragraph (8)(A)—

2 (A) by striking “, with respect to a com-
3 mittee described in paragraph (6) and a person
4 described in paragraph (7),” and inserting “,
5 with respect to a committee described in para-
6 graph (6) or an authorized committee of a can-
7 didate for the office of President or for nomina-
8 tion to such office,”;

9 (B) by striking “by the person” in clause
10 (i) thereof and inserting “by any person”; and

11 (C) by striking “the person” each place it
12 appears in clause (ii) and inserting “such per-
13 son”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply with respect to reports filed under
16 section 304 of the Federal Election Campaign Act of 1971
17 after January 1, 2018.

18 **SEC. 2404. REPEAL OF SPECIAL CONTRIBUTION LIMITS FOR**
19 **CONTRIBUTIONS TO NATIONAL PARTIES FOR**
20 **CERTAIN PURPOSES.**

21 (a) IN GENERAL.—Section 315(a) of the Federal
22 Election Campaign Act of 1971 (52 U.S.C. 30116(a)), as
23 amended by section 2101(b) of Division N of the Consoli-
24 dated and Further Continuing Appropriations Act, 2015
25 (Public Law 113–235; 128 Stat. 2773), is amended—

1 (1) in paragraph (1)(B), by striking “, or, in
2 the case of contributions made to any of the ac-
3 counts described in paragraph (9), exceed 300 per-
4 cent of the amount otherwise applicable under this
5 subparagraph with respect to such calendar year”,

6 (2) in paragraph (2)(B), by striking “, or, in
7 the case of contributions made to any of the ac-
8 counts described in paragraph (9), exceed 300 per-
9 cent of the amount otherwise applicable under this
10 subparagraph with respect to such calendar year”,
11 and

12 (3) by striking paragraph (9).

13 (b) CONFORMING AMENDMENT.—Section 315(d) of
14 such Act (52 U.S.C. 30116(d)), as amended by section
15 2202, is amended by striking paragraph (5).

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to contributions made after the
18 date of the enactment of this Act.

19 (d) RETURN OF PREVIOUSLY CONTRIBUTED
20 AMOUNTS.—Not later than 90 days after the date of the
21 enactment of this Act, each political committee established
22 and maintained by a political party shall distribute all
23 amounts in accounts described in section 315(a)(9) of the
24 Federal Election Campaign Act of 1971 (52 U.S.C.
25 30116(a)(9)) to individuals who made contributions to

1 such accounts. The amount distributed to any contributor
2 form any account shall bear the same ratio to the amount
3 of contributions made by such contributor to such account
4 as the balance of such account on the date of the enact-
5 ment of this Act bears to the total amount of contributions
6 made to such account.

7 **SEC. 2405. JUDICIAL REVIEW OF ACTIONS RELATED TO**
8 **CAMPAIGN FINANCE LAWS.**

9 (a) IN GENERAL.—Title IV of the Federal Election
10 Campaign Act of 1971 (52 U.S.C. 30141 et seq.), as
11 amended by section 1063, is amended by inserting after
12 section 405 the following new section:

13 **“SEC. 406. JUDICIAL REVIEW.**

14 “(a) IN GENERAL.—Notwithstanding section 373(f),
15 if any action is brought for declaratory or injunctive relief
16 to challenge the constitutionality of any provision of this
17 Act or of chapter 95 or 96 of the Internal Revenue Code
18 of 1986, or is brought to with respect to any action of
19 the Commission under chapter 95 or 96 of the Internal
20 Revenue Code of 1986, the following rules shall apply:

21 “(1) The action shall be filed in the United
22 States District Court for the District of Columbia
23 and an appeal from the decision of the district court
24 may be taken to the Court of Appeals for the Dis-
25 trict of Columbia Circuit.

1 “(2) In the case of an action relating to declar-
2 atory or injunctive relief to challenge the constitu-
3 tionality of a provision—

4 “(A) a copy of the complaint shall be deliv-
5 ered promptly to the Clerk of the House of
6 Representatives and the Secretary of the Sen-
7 ate; and

8 “(B) it shall be the duty of the United
9 States District Court for the District of Colum-
10 bia, the Court of Appeals for the District of Co-
11 lumbia, and the Supreme Court of the United
12 States to advance on the docket and to expedite
13 to the greatest possible extent the disposition of
14 the action and appeal.

15 “(b) INTERVENTION BY MEMBERS OF CONGRESS.—
16 In any action in which the constitutionality of any provi-
17 sion of this Act or chapter 95 or 96 of the Internal Rev-
18 enue Code of 1986 is raised, any member of the House
19 of Representatives (including a Delegate or Resident Com-
20 missioner to the Congress) or Senate shall have the right
21 to intervene either in support of or opposition to the posi-
22 tion of a party to the case regarding the constitutionality
23 of the provision. To avoid duplication of efforts and reduce
24 the burdens placed on the parties to the action, the court
25 in any such action may make such orders as it considers

1 necessary, including orders to require interveners taking
2 similar positions to file joint papers or to be represented
3 by a single attorney at oral argument.

4 “(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any
5 Member of Congress may bring an action, subject to the
6 special rules described in subsection (a), for declaratory
7 or injunctive relief to challenge the constitutionality of any
8 provision of this Act or chapter 95 or 96 of the Internal
9 Revenue Code of 1986.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) IN GENERAL.—

12 (A) Section 9011 of the Internal Revenue
13 Code of 1986 is amended to read as follows:

14 **“SEC. 9011. JUDICIAL REVIEW.**

15 “For provisions relating to judicial review of certifi-
16 cations, determinations, and actions by the Commission
17 under this chapter, see section 407 of the Federal Election
18 Campaign Act of 1971.”.

19 (B) Section 9041 of the Internal Revenue
20 Code of 1986 is amended to read as follows:

21 **“SEC. 9041. JUDICIAL REVIEW.**

22 “For provisions relating to judicial review of actions
23 by the Commission under this chapter, see section 407 of
24 the Federal Election Campaign Act of 1971.”.

1 (C) Section 403 of the Bipartisan Cam-
 2 paign Finance Reform Act of 2002 (52 U.S.C.
 3 30110 note) is repealed.

4 (c) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply to actions brought on or after Jan-
 6 uary 1, 2018.

7 **SEC. 2406. TREATMENT OF INTERNET COMMUNICATIONS**
 8 **MADE BY POLITICAL COMMITTEES AS PUB-**
 9 **LIC COMMUNICATIONS.**

10 (a) IN GENERAL.—Paragraph (22) of section 301 of
 11 the Federal Election Campaign Act of 1971 (52 U.S.C.
 12 30101(22)) is amended by adding at the end the following
 13 new sentence: “Such term shall include communications
 14 to the general public made over the Internet by a political
 15 committee.”.

16 **Subtitle E—Effective Date**

17 **SEC. 2501. EFFECTIVE DATE.**

18 Except as otherwise provided in this title, the amend-
 19 ments made by this title shall apply with respect to elec-
 20 tions occurring after January 1, 2018.

1 **TITLE III—REDISTRICTING**

2 **SEC. 3001. SHORT TITLE; FINDING OF CONSTITUTIONAL AU-**
3 **THORITY.**

4 (a) **SHORT TITLE.**—This title may be cited as the
5 “John Tanner Fairness and Independence in Redistricting
6 Act”.

7 (b) **FINDING.**—Congress finds that it has the author-
8 ity to establish the terms and conditions States must fol-
9 low in carrying out Congressional redistricting after an
10 apportionment of Members of the House of Representa-
11 tives because—

12 (1) the authority granted to Congress under ar-
13 ticle I, section 4 of the Constitution of the United
14 States gives Congress the power to enact laws gov-
15 erning the time, place, and manner of elections for
16 Members of the House of Representatives; and

17 (2) the authority granted to Congress under
18 section 5 of the fourteenth amendment to the Con-
19 stitution gives Congress the power to enact laws to
20 enforce section 2 of such amendment, which requires
21 Representatives to be apportioned among the several
22 States according to their number.

1 **SEC. 3002. LIMIT ON CONGRESSIONAL REDISTRICTING**
2 **AFTER AN APPORTIONMENT.**

3 The Act entitled “An Act for the relief of Doctor Ri-
4 cardo Vallejo Samala and to provide for congressional re-
5 districting”, approved December 14, 1967 (2 U.S.C. 2c),
6 is amended by adding at the end the following: “A State
7 which has been redistricted in the manner provided by law
8 after an apportionment under section 22 of the Act enti-
9 tled ‘An Act to provide for the fifteenth and subsequent
10 decennial censuses and to provide for an apportionment
11 of Representatives in Congress’, approved June 18, 1929
12 (2 U.S.C. 2a), may not be redistricted again until after
13 the next apportionment of Representatives under such sec-
14 tion, unless a court requires the State to conduct such
15 subsequent redistricting to comply with the Constitution
16 or to enforce the Voting Rights Act of 1965 (52 U.S.C.
17 10301 et seq.).”.

18 **SEC. 3003. REQUIRING REDISTRICTING TO BE CONDUCTED**
19 **THROUGH PLAN OF INDEPENDENT STATE**
20 **COMMISSION OR PLAN OF HIGHEST STATE**
21 **COURT.**

22 (a) USE OF PLAN REQUIRED.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law, any Congressional redistricting con-
25 ducted by a State shall be conducted in accordance
26 with—

1 (A) the redistricting plan developed by the
2 independent redistricting commission estab-
3 lished in the State, in accordance with section
4 3004; or

5 (B) if the plan developed by such commis-
6 sion is not enacted into law, the redistricting
7 plan selected by the highest court in the State
8 or developed by a United States district court,
9 in accordance with section 3005.

10 (2) TREATMENT OF COMMISSIONS ESTAB-
11 LISHED PURSUANT TO LAWS ENACTED PRIOR TO EN-
12 ACTMENT.—If Congressional redistricting in a State
13 is conducted in accordance with a redistricting plan
14 developed by a commission which was established in
15 the State pursuant to a law enacted prior to the
16 date of the enactment of this title, the redistricting
17 shall be deemed to meet the requirement of subpara-
18 graph (A) of paragraph (1).

19 (3) OTHER CRITERIA AND PROCEDURES PER-
20 MITTED.—Nothing in this title or the amendments
21 made by this title may be construed to prohibit a
22 State from conducting Congressional redistricting in
23 accordance with such criteria and procedures as the
24 State considers appropriate, to the extent that such
25 criteria and procedures are consistent with the appli-

1 cable requirements of this title and the amendments
2 made by this title.

3 (b) CONFORMING AMENDMENT.—Section 22(c) of
4 the Act entitled “An Act to provide for the fifteenth and
5 subsequent decennial censuses and to provide for an ap-
6 portionment of Representatives in Congress”, approved
7 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
8 “in the manner provided by the law thereof” and insert-
9 ing: “in the manner provided by the John Tanner Fair-
10 ness and Independence in Redistricting Act”.

11 **SEC. 3004. INDEPENDENT REDISTRICTING COMMISSION.**

12 (a) ADMINISTRATIVE MATTERS.—

13 (1) APPOINTMENT OF MEMBERS.—Each State
14 shall establish an independent redistricting commis-
15 sion composed of—

16 (A) a chair, who shall be appointed by ma-
17 jority vote of the other members of the commis-
18 sion; and

19 (B) an equal number of members (but not
20 fewer than one) from each of the following cat-
21 egories:

22 (i) Members appointed by a member
23 of the upper house of the State legislature
24 who represents the political party with the
25 greatest number of seats in that house.

1 (ii) Members appointed by a member
2 of the upper house of the State legislature
3 who represents the political party with the
4 second greatest number of seats in that
5 house.

6 (iii) Members appointed by a member
7 of the lower house of the State legislature
8 who represents the political party with the
9 greatest number of seats in that house.

10 (iv) Members appointed by a member
11 of the lower house of the State legislature
12 who represents the political party with the
13 second greatest number of seats in that
14 house.

15 (2) SPECIAL RULE FOR STATES WITH UNICAM-
16 ERAL LEGISLATURE.—In the case of a State with a
17 unicameral legislature, the independent redistricting
18 commission established under this subsection shall
19 be composed of—

20 (A) a chair, who shall be appointed by ma-
21 jority vote of the other members of the commis-
22 sion; and

23 (B) an equal number of members (but not
24 fewer than two) from each of the following cat-
25 egories:

1 (i) Members appointed by a member
2 of the legislature who shall be selected by
3 the chair of the Government Affairs Com-
4 mittee of the legislature to represent the
5 State political party whose candidate for
6 chief executive of the State received the
7 greatest number of votes on average in the
8 3 most recent general elections for that of-
9 fice.

10 (ii) Members appointed by a member
11 of the legislature who shall be selected by
12 the chair of the Government Affairs Com-
13 mittee of the legislature to represent the
14 State political party whose candidate for
15 chief executive of the State received the
16 second greatest number of votes on aver-
17 age in the 3 most recent general elections
18 for that office.

19 (3) ELIGIBILITY.—An individual is eligible to
20 serve as a member of an independent redistricting
21 commission if—

22 (A) as of the date of appointment, the in-
23 dividual is registered to vote in elections for
24 Federal office held in the State, and was reg-

1 istered to vote in the 2 most recent general
2 elections for Federal office held in the State;

3 (B) the individual did not hold public office
4 or run as a candidate for election for public of-
5 fice, or serve as an employee of a political party
6 or candidate for election for public office, at
7 any time during the 4-year period ending on the
8 December 31 preceding the date of appoint-
9 ment; and

10 (C) the individual certifies that he or she
11 will not run as a candidate for the office of
12 Representative in the Congress until after the
13 next apportionment of Representatives under
14 section 22(a) of the Act entitled “An Act to
15 provide for the fifteenth and subsequent decen-
16 nial censuses and to provide for an apportion-
17 ment of Representatives in Congress”, approved
18 June 18, 1929 (2 U.S.C. 2a).

19 (4) VACANCY.—A vacancy in the commission
20 shall be filled in the manner in which the original
21 appointment was made.

22 (5) DEADLINE.—Each State shall establish a
23 commission under this section, and the members of
24 the commission shall appoint the commission’s chair,
25 not later than the first February 1 which occurs

1 after the chief executive of a State receives the State
2 apportionment notice.

3 (6) APPOINTMENT OF CHAIR REQUIRED PRIOR
4 TO DEVELOPMENT OF REDISTRICTING PLAN.—The
5 commission may not take any action to develop a re-
6 districting plan for the State under subsection (b)
7 until the appointment of the commission’s chair in
8 accordance with paragraph (1)(E).

9 (7) REQUIRING ALL MEETINGS TO BE OPEN TO
10 PUBLIC.—The commission shall hold each of its
11 meetings in public.

12 (8) INTERNET SITE.—As soon as practicable
13 after establishing the commission, the State shall es-
14 tablish and maintain a public Internet site for the
15 commission which meets the following requirements:

16 (A) The site is updated continuously to
17 provide advance notice of commission meetings
18 and to otherwise provide timely information on
19 the activities of the commission.

20 (B) The site contains the most recent
21 available information from the Bureau of the
22 Census on voting-age population, voter registra-
23 tion, and voting in the State, including pre-
24 cinct-level and census tract-level data with re-

1 spect to such information, as well as detailed
2 maps reflecting such information.

3 (C) The site includes interactive software
4 to enable any individual to design a redistricting
5 plan for the State on the basis of the
6 information described in subparagraph (B), in
7 accordance with the criteria described in sub-
8 section (b)(1).

9 (D) The site permits any individual to sub-
10 mit a proposed redistricting plan to the com-
11 mission, and to submit questions, comments,
12 and other information with respect to the com-
13 mission's activities.

14 (b) DEVELOPMENT OF REDISTRICTING PLAN.—

15 (1) CRITERIA.—The independent redistricting
16 commission of a State shall develop a redistricting
17 plan for the State in accordance with the following
18 criteria:

19 (A) Adherence to the “one person, one
20 vote” standard and other requirements imposed
21 under the Constitution of the United States.

22 (B) To the greatest extent mathematically
23 possible, ensuring that the population of each
24 Congressional district in the State does not
25 vary from the population of any other Congres-

1 sional district in the State (as determined on
2 the basis of the total count of persons of the
3 most recent decennial census conducted by the
4 Bureau of the Census).

5 (C) Consistency with any applicable re-
6 quirements of the Voting Rights Act of 1965
7 and other Federal laws.

8 (D) To the greatest extent practicable, the
9 maintenance of the geographic continuity of the
10 political subdivisions of the State which are in-
11 cluded in the same Congressional district, in the
12 following order of priority:

13 (i) The continuity of counties or par-
14 ishes.

15 (ii) The continuity of municipalities.

16 (iii) The continuity of neighborhoods
17 (as determined on the basis of census
18 tracts or other relevant information).

19 (E) To the greatest extent practicable,
20 maintaining compact districts (in accordance
21 with such standards as the commission may es-
22 tablish).

23 (F) Ensuring that districts are contiguous
24 (except to the extent necessary to include any
25 area which is surrounded by a body of water).

1 (2) FACTORS PROHIBITED FROM CONSIDER-
2 ATION.—In developing the redistricting plan for the
3 State, the independent redistricting commission may
4 not take into consideration any of the following fac-
5 tors, except to the extent necessary to comply with
6 the Voting Rights Act of 1965:

7 (A) The voting history of the population of
8 a Congressional district, except that the com-
9 mission may take such history into consider-
10 ation to the extent necessary to comply with
11 any State law which requires the establishment
12 of competitive Congressional districts.

13 (B) The political party affiliation of the
14 population of a district.

15 (C) The residence of incumbent Members
16 of the House of Representatives in the State.

17 (3) SOLICITATION OF PUBLIC INPUT IN DEVEL-
18 OPMENT OF PLANS.—The commission shall solicit
19 and take into consideration comments from the pub-
20 lic in developing the redistricting plan for the State
21 by holding meetings in representative geographic re-
22 gions of the State at which members of the public
23 may provide such input, and by otherwise soliciting
24 input from the public (including redistricting plans

1 developed by members of the public) through the
2 commission Internet site and other methods.

3 (4) PUBLIC NOTICE OF PLANS PRIOR TO SUB-
4 MISSION TO LEGISLATURE.—Not fewer than 7 days
5 prior to submitting a redistricting plan to the legis-
6 lature of the State under subsection (c)(1), the com-
7 mission shall post on the commission Internet site
8 and cause to have published in newspapers of gen-
9 eral circulation throughout the State a notice con-
10 taining the following information:

11 (A) A detailed version of the plan, includ-
12 ing a map showing each Congressional district
13 established under the plan and the voting age
14 population by race of each such district.

15 (B) A statement providing specific infor-
16 mation on how the adoption of the plan would
17 serve the public interest.

18 (C) Any dissenting statements of any
19 members of the commission who did not ap-
20 prove of the submission of the plan to the legis-
21 lature.

22 (c) SUBMISSION OF PLANS TO LEGISLATURE.—

23 (1) IN GENERAL.—At any time prior to the
24 first November 1 which occurs after the chief execu-
25 tive of the State receives the State apportionment

1 notice, the commission may submit redistricting
2 plans developed by the commission under this sec-
3 tion to the legislature of the State.

4 (2) CONSIDERATION OF PLAN BY LEGISLA-
5 TURE.—After receiving any redistricting plan under
6 paragraph (1), the legislature of a State may—

7 (A) approve the plan as submitted by the
8 commission without amendment and forward
9 the plan to the chief executive of the State; or

10 (B) reject the plan.

11 (3) ENACTMENT OF PLAN.—

12 (A) IN GENERAL.—A redistricting plan de-
13 veloped by the commission shall be considered
14 to be enacted into law only if the plan is for-
15 warding to the chief executive of the State pur-
16 suant to paragraph (2)(A) and—

17 (i) the chief executive approves the
18 plan as forwarded by the legislature with-
19 out amendment; or

20 (ii) the chief executive vetoes the plan
21 and the legislature overrides the veto in ac-
22 cordance with the applicable law of the
23 State, except that at no time may the plan
24 be amended.

1 (B) SPECIAL RULE.—In the case of a
2 State in which the chief executive is prohibited
3 under State law from acting on a redistricting
4 plan, a redistricting plan developed by the com-
5 mission shall be considered to be enacted into
6 law if—

7 (i) the plan is submitted to the legisla-
8 ture of the State; and

9 (ii) the legislature approves the plan
10 as submitted by the commission without
11 amendment.

12 (d) REQUIRING MAJORITY APPROVAL FOR AC-
13 TIONS.—The independent redistricting commission of a
14 State may not submit a redistricting plan to the State leg-
15 islature, or take any other action, without the approval
16 of at least a majority of its members given at a meeting
17 at which at least a majority of its members are present.

18 (e) TERMINATION.—

19 (1) IN GENERAL.—The independent redis-
20 tricting commission of a State shall terminate on the
21 day after the date of the first regularly scheduled
22 general election for Federal office which occurs after
23 the chief executive of the State receives the State
24 apportionment notice.

1 (2) PRESERVATION OF RECORDS.—The State
2 shall ensure that the records of the independent re-
3 districting commission are retained in the appro-
4 priate State archive in such manner as may be nec-
5 essary to enable the State to respond to any civil ac-
6 tion brought with respect to Congressional redistricting in the State.

8 **SEC. 3005. SELECTION OF PLAN BY COURTS.**

9 (a) STATE COURT.—

10 (1) SUBMISSION AND SELECTION OF PLAN.—If
11 a redistricting plan developed by the independent re-
12 districting commission of a State is not enacted into
13 law under section 3004(c)(3) by the first November
14 1 which occurs after the chief executive of the State
15 receives the State apportionment notice, the commis-
16 sion may submit redistricting plans developed by the
17 commission in accordance with section 3004 to the
18 highest court of the State, which may select and
19 publish one of the submitted plans to serve as the
20 redistricting plan for the State.

21 (2) NO MODIFICATION OF PLAN PERMITTED.—
22 The highest court of a State may not modify any re-
23 districting plan submitted under this subsection.

24 (b) FEDERAL COURT.—

1 (1) FAILURE OF STATE COURT TO SELECT
2 PLAN.—

3 (A) NOTICE TO COURT IF PLAN NOT SE-
4 LECTED BY STATE COURT.—If a State court to
5 whom redistricting plans have been submitted
6 under subsection (a) does not select a plan to
7 serve as the redistricting plan for the State
8 under such subsection on or before the first De-
9 cember 1 which occurs after the chief executive
10 of the State receives the State apportionment
11 notice, the State shall file a notice with the
12 United States district court for the district in
13 which the capital of the State is located.

14 (B) DEVELOPMENT AND SELECTION OF
15 PLAN BY FEDERAL COURT.—Not later than 30
16 days after receiving a notice from a State under
17 subparagraph (A), the court shall develop and
18 publish a final redistricting plan for the State.

19 (2) FAILURE OF STATE TO ESTABLISH COMMIS-
20 SION.—

21 (A) IN GENERAL.—If a State does not es-
22 tablish an independent redistricting commission
23 under section 3004 by the first September 1
24 which occurs after the chief executive of the
25 State receives the State apportionment notice—

1 (i) the State may not establish the
2 commission; and

3 (ii) the United States district court
4 for the district in which the capital of the
5 State is located shall develop and publish
6 a final redistricting plan for the State not
7 later than the first December 1 which oc-
8 curs after the chief executive of the State
9 receives the State apportionment notice.

10 (B) DETERMINATION OF FAILURE TO ES-
11 TABLISH COMMISSION.—For purposes of sub-
12 paragraph (A), a State shall be considered to
13 have failed to establish an independent redis-
14 tricting commission by the date referred to in
15 such subparagraph if a chair of the commission
16 has not been appointed on or before such date.

17 (3) CRITERIA.—It is the sense of Congress
18 that, in developing a redistricting plan for a State
19 under this subsection, the district court should ad-
20 here to the same terms and conditions that applied
21 to the development of the plan of the commission
22 under section 3004(b).

23 (c) ACCESS TO INFORMATION AND RECORDS OF
24 COMMISSION.—A court which is required to select, pub-
25 lish, or develop a redistricting plan for a State under this

1 section shall have access to any information, data, soft-
2 ware, or other records and material used by the inde-
3 pendent redistricting commission of the State in carrying
4 out its duties under this title.

5 **SEC. 3006. SPECIAL RULE FOR REDISTRICTING CON-**
6 **DUCTED UNDER ORDER OF FEDERAL COURT.**

7 If a Federal court requires a State to conduct redis-
8 tricting subsequent to an apportionment of Representa-
9 tives in the State in order to comply with the Constitution
10 or to enforce the Voting Rights Act of 1965, sections 3004
11 and 3005 shall apply with respect to the redistricting, ex-
12 cept that—

13 (1) the deadline for the establishment of the
14 independent redistricting commission and the ap-
15 pointment of the commission's chair (as described in
16 section 3004(a)(5)) shall be the expiration of the 30-
17 day period which begins on the date of the final
18 order of the Federal court to conduct the redis-
19 tricting;

20 (2) the deadline for the submission of redis-
21 tricting plans to the legislature by the commission,
22 and the date of the termination of the commission
23 (as described in section 3004(c)(1) and section
24 3004(e)) shall be the expiration of the 150-day pe-

1 riod which begins on the date of the final order of
2 the Federal court to conduct the redistricting;

3 (3) the deadline for the selection and publica-
4 tion of the plan by the highest court of the State (as
5 described in section 3005(a)) shall be the expiration
6 of the 180-day period which begins on the date of
7 the final order of the Federal court to conduct the
8 redistricting; and

9 (4) the deadline for the selection and publica-
10 tion of the plan by the district court of the United
11 States (as described in section 3005(b)) shall be the
12 expiration of the 210-day period which begins on the
13 date of the final order of the Federal court to con-
14 duct the redistricting.

15 **SEC. 3007. PAYMENTS TO STATES FOR CARRYING OUT RE-**
16 **DISTRICTING.**

17 (a) AUTHORIZATION OF PAYMENTS.—Subject to sub-
18 section (d), not later than 30 days after a State receives
19 a State apportionment notice, the Election Assistance
20 Commission shall make a payment to the State in an
21 amount equal to the product of—

22 (1) the number of Representatives to which the
23 State is entitled, as provided under the notice; and

24 (2) \$150,000.

1 (b) USE OF FUNDS.—A State shall use the payment
2 made under this section to establish and operate the
3 State’s independent redistricting commission, to imple-
4 ment the State redistricting plan, and to otherwise carry
5 out Congressional redistricting in the State.

6 (c) NO PAYMENT TO STATES WITH SINGLE MEM-
7 BER.—The Election Assistance Commission shall not
8 make a payment under this section to any State which
9 is not entitled to more than one Representative under its
10 State apportionment notice.

11 (d) REQUIRING ESTABLISHMENT OF COMMISSION AS
12 CONDITION OF PAYMENT.—The Election Assistance Com-
13 mission may not make a payment to a State under this
14 section until the State certifies to the Commission that
15 the State has established an independent redistricting
16 commission, and that a chair of the commission has been
17 appointed, in accordance with section 3004.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated such sums as may be
20 necessary for payments under this section.

21 **SEC. 3008. STATE APPORTIONMENT NOTICE DEFINED.**

22 In this title, the “State apportionment notice” means,
23 with respect to a State, the notice sent to the State from
24 the Clerk of the House of Representatives under section
25 22(b) of the Act entitled “An Act to provide for the fif-

1 tenth and subsequent decennial censuses and to provide
 2 for an apportionment of Representatives in Congress”, ap-
 3 proved June 18, 1929 (2 U.S.C. 2a(b)), of the number
 4 of Representatives to which the State is entitled.

5 **SEC. 3009. NO EFFECT ON ELECTIONS FOR STATE AND**
 6 **LOCAL OFFICE.**

7 Nothing in this title or in any amendment made by
 8 this title may be construed to affect the manner in which
 9 a State carries out elections for State or local office, in-
 10 cluding the process by which a State establishes the dis-
 11 tricts used in such elections.

12 **SEC. 3010. EFFECTIVE DATE.**

13 This title and the amendments made by this title
 14 shall apply with respect to any Congressional redistricting
 15 which occurs after the regular decennial census conducted
 16 during 2020.

17 **TITLE IV—SAME DAY**
 18 **REGISTRATION**

19 **SEC. 4001. SHORT TITLE.**

20 This title may be cited as the “Same Day Registra-
 21 tion Act of 2017”.

22 **SEC. 4002. SAME DAY REGISTRATION.**

23 (a) IN GENERAL.—Title III of the Help America
 24 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

1 (1) by redesignating sections 304 and 305 as
2 sections 305 and 306, respectively; and

3 (2) by inserting after section 303 the following
4 new section:

5 **“SEC. 304. SAME DAY REGISTRATION.**

6 “(a) IN GENERAL.—

7 “(1) REGISTRATION.—Notwithstanding section
8 8(a)(1)(D) of the National Voter Registration Act of
9 1993 (52 U.S.C. 20507(a)(1)(D)), each State shall
10 permit any eligible individual on the day of a Fed-
11 eral election and on any day when voting, including
12 early voting, is permitted for a Federal election—

13 “(A) to register to vote in such election at
14 the polling place using a form that meets the
15 requirements under section 9(b) of the National
16 Voter Registration Act of 1993 (or, if the indi-
17 vidual is already registered to vote, to revise
18 any of the individual’s voter registration infor-
19 mation); and

20 “(B) to cast a vote in such election.

21 “(2) EXCEPTION.—The requirements under
22 paragraph (1) shall not apply to a State in which,
23 under a State law in effect continuously on and after
24 the date of the enactment of this section, there is no

1 voter registration requirement for individuals in the
2 State with respect to elections for Federal office.

3 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
4 section, the term ‘eligible individual’ means, with respect
5 to any election for Federal office, an individual who is oth-
6 erwise qualified to vote in that election.

7 “(c) EFFECTIVE DATE.—Each State shall be re-
8 quired to comply with the requirements of subsection (a)
9 for the regularly scheduled general election for Federal of-
10 fice occurring in November 2018 and for any subsequent
11 election for Federal office.”.

12 (b) CONFORMING AMENDMENT RELATING TO EN-
13 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
14 is amended by striking “and 303” and inserting “303, and
15 304”.

16 (c) CLERICAL AMENDMENT.—The table of contents
17 of such Act is amended—

18 (1) by redesignating the items relating to sec-
19 tions 304 and 305 as relating to sections 305 and
20 306, respectively; and

21 (2) by inserting after the item relating to sec-
22 tion 303 the following new item:

“Sec. 304. Same day registration.”.

1 **TITLE V—SEVERABILITY**

2 **SEC. 5001. 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.

○