

115TH CONGRESS
1ST SESSION

H. R. 3848

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 and Congressional elections, and requiring States to conduct Congressional redistricting through independent commissions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 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, Ways and Means, Financial Services, Oversight and Government Reform, and Science, Space, and Technology, 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 and 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 Democracy Reform 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, REMOVING CONFLICTS
OF INTEREST, AND RESTORING ENFORCEMENT

Subtitle A—Campaign Disclosure and Transparency Reform

PART I—DISCLOSURE

SUBPART A—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 1001. Short title.

Sec. 1002. Application of ban on contributions and expenditures by foreign na-
tionals to domestic corporations that are foreign-controlled, for-
eign-influenced, and foreign-owned.

Sec. 1003. Clarification of application of foreign money ban to certain disburse-
ments and activities.

SUBPART B—CAMPAIGN DISBURSEMENT REPORTING

Sec. 1011. Campaign disbursement reporting.

Sec. 1012. Shareholders’ and members’ right to know.

Sec. 1013. Lobbyists’ campaign funding disclosure.

Sec. 1014. 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—STAND BY YOUR AD

Sec. 1041. Stand By Your Ad.

PART V—OTHER CAMPAIGN FINANCE REFORMS

- Sec. 1051. Regulations with respect to best efforts for identifying persons making contributions.
- Sec. 1052. Rules relating to joint fundraising committees.
- Sec. 1053. Disclosure of bundled contributions to Presidential campaigns; increase in threshold for bundled contributions by lobbyists.
- Sec. 1054. Judicial review of actions related to campaign finance laws.
- Sec. 1055. Treatment of internet communications made by political committees as public communications.
- Sec. 1056. Clarification of applicability of contribution limits to certain political committees.

Subtitle B—Establishment of Federal Election Administration

- Sec. 1101. Short title.

PART I—FEDERAL ELECTION ADMINISTRATION

- Sec. 1111. 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. 1112. Executive Schedule positions.
- Sec. 1113. GAO examination of enforcement of campaign finance laws by the Department of Justice.

- Sec. 1114. GAO study and report on appropriate funding levels.
 Sec. 1115. Conforming amendments.

“Subtitle A—General Provisions

PART II—TRANSITION PROVISIONS

- Sec. 1151. Transfer of functions of Federal Election Commission.
 Sec. 1152. Transfer of property, records, and personnel.
 Sec. 1153. Repeals.
 Sec. 1154. Conforming amendments.
 Sec. 1155. Treatment of certain regulations.
 Sec. 1156. Effective date.

Subtitle C—Lobbying Reform

- Sec. 1201. Lobbyist registration reforms.

Subtitle D—Revolving Door Reform

- Sec. 1301. Short title.
 Sec. 1302. Restrictions on private sector payment for Government service.
 Sec. 1303. 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. 1304. Prohibition of procurement officers accepting employment from Government contractors.
 Sec. 1305. Revolving door restrictions on financial services regulators moving into the private sector.
 Sec. 1306. Restrictions on Federal examiners and supervisors of financial institutions.

Subtitle E—Addressing 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.

Subtitle F—Public Access to Visitor Logs

- Sec. 1501. Short title.
 Sec. 1502. Findings.
 Sec. 1503. Improving access to influential visitor access records.

Subtitle G—Requiring Individuals Nominated or Appointed to Certain Positions To Disclose Certain Types of Contributions

- Sec. 1601. Short title.
 Sec. 1602. Findings.
 Sec. 1603. Disclosure of certain types of contributions.

TITLE II—PUBLIC FINANCING

Subtitle A—Reforming Presidential Election Financing

PART I—PRIMARY ELECTIONS

- Sec. 2001. Increase in and modifications to matching payments.
 Sec. 2002. Eligibility requirements for matching payments.
 Sec. 2003. Repeal of expenditure limitations.
 Sec. 2004. Period of availability of matching payments.
 Sec. 2005. Examination and audits of matchable contributions.
 Sec. 2006. Modification to limitation on contributions for Presidential primary candidates.

PART II—GENERAL ELECTIONS

- Sec. 2011. Modification of eligibility requirements for public financing.
 Sec. 2012. Repeal of expenditure limitations and use of qualified campaign contributions.
 Sec. 2013. Matching payments and other modifications to payment amounts.
 Sec. 2014. Increase in limit on coordinated party expenditures.
 Sec. 2015. Establishment of uniform date for release of payments.
 Sec. 2016. Amounts in Presidential Election Campaign Fund.
 Sec. 2017. Use of general election payments for general election legal and accounting compliance.

Subtitle B—Public Financing for Congressional Election Campaigns

- Sec. 2101. 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. 2102. Permitting unlimited coordinated expenditures by political party committees on behalf of participating candidates if expenditures are derived from small dollar contributions.

Sec. 2103. 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. 2201. Use of Presidential Election Campaign Fund for Congressional candidates.

Sec. 2202. Revisions to designation of income tax payments by individual taxpayers.

Sec. 2203. Donation to Presidential Election Campaign Fund.

Subtitle D—Effective Date

Sec. 2301. Effective date.

TITLE III—REDISTRICTING

Sec. 3001. Short title.

Sec. 3002. Finding of Constitutional authority.

Subtitle A—Requirements for Congressional Redistricting

Sec. 3101. Limit on Congressional redistricting after an apportionment.

Sec. 3102. Requiring Congressional redistricting to be conducted through plan of independent State commission.

Subtitle B—Independent Redistricting Commissions

Sec. 3201. Independent redistricting commission.

Sec. 3202. Establishment of selection pool of individuals eligible to serve as members of commission.

Sec. 3203. Criteria for redistricting plan by independent commission; public notice and input.

Sec. 3204. Establishment of related entities.

Subtitle C—Role of Courts in Development of Redistricting Plans

Sec. 3301. Enactment of plan developed by 3-judge court.

Sec. 3302. Special rule for redistricting conducted under order of Federal court.

Subtitle D—Administrative and Miscellaneous Provisions

Sec. 3401. Payments to States for carrying out redistricting.

Sec. 3402. Civil enforcement.

Sec. 3403. State apportionment notice defined.

Sec. 3404. No effect on elections for State and local office.

Sec. 3405. Effective date.

TITLE IV—VOTER REGISTRATION

Subtitle A—Automatic Voter Registration

- Sec. 4001. Short title; findings and purpose.
- Sec. 4002. Automatic registration of eligible individuals.
- Sec. 4003. Contributing agency assistance in registration.
- Sec. 4004. One-time contributing agency assistance in registration of eligible voters in existing records.
- Sec. 4005. Voter protection and security in automatic registration.
- Sec. 4006. Registration portability and correction.
- Sec. 4007. Online registration.
- Sec. 4008. Payments and grants.
- Sec. 4009. Miscellaneous provisions.
- Sec. 4010. Definitions.
- Sec. 4011. Effective date.

Subtitle B—Same Day Registration

- Sec. 4101. Short title.
- Sec. 4102. Same day registration.

TITLE V—SEVERABILITY

- Sec. 5001. Severability.

1 **TITLE I—INCREASING TRANS-**
 2 **PARENCY, REMOVING CON-**
 3 **FLICTS OF INTEREST, AND**
 4 **RESTORING ENFORCEMENT**

5 **Subtitle A—Campaign Disclosure**
 6 **and Transparency Reform**

7 **PART I—DISCLOSURE**

8 **Subpart A—Regulation of Certain Political Spending**

9 **SEC. 1001. SHORT TITLE.**

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

1 **SEC. 1002. APPLICATION OF BAN ON CONTRIBUTIONS AND**
2 **EXPENDITURES BY FOREIGN NATIONALS TO**
3 **DOMESTIC CORPORATIONS THAT ARE FOR-**
4 **EIGN-CONTROLLED, FOREIGN-INFLUENCED,**
5 **AND FOREIGN-OWNED.**

6 (a) APPLICATION OF BAN.—Section 319(b) of the
7 Federal Election Campaign Act of 1971 (52 U.S.C.
8 30121(b)) is amended—

9 (1) by striking “or” at the end of paragraph
10 (1);

11 (2) by striking the period at the end of para-
12 graph (2) and inserting “; or”; and

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

15 “(3) any corporation which is not a foreign na-
16 tional described in paragraph (1) and—

17 “(A) in which a foreign national described
18 in paragraph (1) or (2) directly or indirectly
19 owns or controls—

20 “(i) 5 percent or more of the voting
21 shares, if the foreign national is a foreign
22 country, a foreign government official, or a
23 corporation principally owned or controlled
24 by a foreign country or foreign government
25 official; or

1 “(ii) 20 percent or more of the voting
2 shares, if the foreign national is not de-
3 scribed in clause (i);

4 “(B) in which two or more foreign nation-
5 als described in paragraph (1) or (2), each of
6 whom owns or controls at least 5 percent of the
7 voting shares, directly or indirectly own or con-
8 trol 50 percent or more of the voting shares;

9 “(C) over which one or more foreign na-
10 tionals described in paragraph (1) or (2) has
11 the power to direct, dictate, or control the deci-
12 sionmaking process of the corporation with re-
13 spect to its interests in the United States; or

14 “(D) over which one or more foreign na-
15 tionals described in paragraph (1) or (2) has
16 the power to direct, dictate, or control the deci-
17 sionmaking process of the corporation with re-
18 spect to activities in connection with a Federal,
19 State, or local election, including—

20 “(i) the making of a contribution, do-
21 nation, expenditure, independent expendi-
22 ture, or disbursement for an electioneering
23 communication (within the meaning of sec-
24 tion 304(f)(3)); or

1 “(ii) the administration of a political
2 committee established or maintained by the
3 corporation.”.

4 (b) CERTIFICATION OF COMPLIANCE.—Section 319
5 of such Act (52 U.S.C. 30121) is amended by adding at
6 the end the following new subsection:

7 “(c) CERTIFICATION OF COMPLIANCE REQUIRED
8 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
9 ing in connection with an election for Federal office of any
10 contribution, donation, expenditure, independent expendi-
11 ture, or disbursement for an electioneering communication
12 by a corporation during a year, the chief executive officer
13 of the corporation (or, if the corporation does not have
14 a chief executive officer, the highest ranking official of the
15 corporation), shall file a certification with the Commission,
16 under penalty of perjury, that the corporation is not pro-
17 hibited from carrying out such activity under subsection
18 (b)(3), unless the chief executive officer has previously
19 filed such a certification during that calendar year.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect upon the expiration of the
22 180-day period which begins on the date of the enactment
23 of this Act, and shall take effect without regard to whether
24 or not the Federal Election Commission has promulgated
25 regulations to carry out such amendments.

1 **SEC. 1003. CLARIFICATION OF APPLICATION OF FOREIGN**
2 **MONEY BAN TO CERTAIN DISBURSEMENTS**
3 **AND ACTIVITIES.**

4 (a) APPLICATION TO DISBURSEMENTS TO SUPER
5 PACs.—Section 319(a)(1)(A) of the Federal Election
6 Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is
7 amended by striking the semicolon and inserting the fol-
8 lowing: “, including any disbursement to a political com-
9 mittee which accepts donations or contributions that do
10 not comply with the limitations, prohibitions, and report-
11 ing requirements of this Act (or any disbursement to or
12 on behalf of any account of a political committee which
13 is established for the purpose of accepting such donations
14 or contributions);”.

15 (b) CONDITIONS UNDER WHICH CORPORATE PACS
16 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-
17 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended
18 by adding at the end the following new paragraph:

19 “(8) A separate segregated fund established by a cor-
20 poration may not make a contribution or expenditure dur-
21 ing a year unless the fund has certified to the Commission
22 the following during the year:

23 “(A) Each individual who manages the fund,
24 and who is responsible for exercising decisionmaking
25 authority for the fund, is a citizen of the United

1 States or is lawfully admitted for permanent resi-
2 dence in the United States.

3 “(B) No foreign national under section 319
4 participates in any way in the decisionmaking proc-
5 esses of the fund with regard to contributions or ex-
6 penditures under this Act.

7 “(C) The fund does not solicit or accept rec-
8 ommendations from any foreign national under sec-
9 tion 319 with respect to the contributions or expend-
10 itures made by the fund.

11 “(D) Any member of the board of directors of
12 the corporation who is a foreign national under sec-
13 tion 319 abstains from voting on matters concerning
14 the fund or its activities.”.

15 **Subpart B—Campaign Disbursement Reporting**

16 **SEC. 1011. CAMPAIGN DISBURSEMENT REPORTING.**

17 (a) INFORMATION REQUIRED TO BE REPORTED.—

18 (1) TREATMENT OF FUNCTIONAL EQUIVALENT
19 OF EXPRESS ADVOCACY AS INDEPENDENT EXPENDI-
20 TURE.—Subparagraph (A) of section 301(17) of the
21 Federal Election Campaign Act of 1971 (52 U.S.C.
22 30101(17)) is amended to read as follows:

23 “(A) that, when taken as a whole, ex-
24 pressly advocates the election or defeat of a
25 clearly identified candidate, or is the functional

1 equivalent of express advocacy because it can be
2 interpreted by a reasonable person only as ad-
3 vocating the election or defeat of a candidate,
4 taking into account whether the communication
5 involved mentions a candidacy, a political party,
6 or a challenger to a candidate, or takes a posi-
7 tion on a candidate's character, qualifications,
8 or fitness for office; and”.

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

14 (A) by redesignating subclause (III) as
15 subclause (IV); and

16 (B) by striking subclause (II) and insert-
17 ing the following:

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

1 (or in the case of a special election,
2 during the period beginning on the
3 date on which the announcement with
4 respect to such election is made and
5 ending on the date of the special elec-
6 tion);

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

19 (3) EFFECTIVE DATE; TRANSITION FOR ELEC-
20 TIONEERING COMMUNICATIONS MADE PRIOR TO EN-
21 ACTMENT.—The amendment made by paragraph (2)
22 shall apply with respect to communications made on
23 or after July 1, 2015, except that no communication
24 which is made prior to such date shall be treated as
25 an electioneering communication under section

1 304(f)(3)(A)(i)(II) or (III) of the Federal Election
2 Campaign Act of 1971 (as amended by paragraph
3 (2)) unless the communication would be treated as
4 an electioneering communication under such section
5 if the amendment made by paragraph (2) did not
6 apply.

7 (b) DISCLOSURE REQUIREMENTS FOR CORPORA-
8 TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER
9 ENTITIES.—

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

13 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
14 **MENTS BY COVERED ORGANIZATIONS.**

15 **“(a) DISCLOSURE STATEMENT.—**

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

23 **“(A) in the case of the first statement filed**
24 **under this subsection, for the period beginning**
25 **on the first day of the preceding calendar year**

1 and ending on the first such disclosure date;
2 and

3 “(B) in the case of any subsequent state-
4 ment filed under this subsection, for the period
5 beginning on the previous disclosure date and
6 ending on such disclosure date.

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

9 “(A) The name of the covered organization
10 and the principal place of business of such or-
11 ganization.

12 “(B) The amount of each campaign-related
13 disbursement made by such organization during
14 the period covered by the statement of more
15 than \$1,000.

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

24 “(D) A certification by the chief executive
25 officer or person who is the head of the covered

1 organization that the campaign-related dis-
2 bursement is not made in cooperation, consulta-
3 tion, or concert with or at the request or sug-
4 gession of a candidate, authorized committee, or
5 agent of a candidate, political party, or agent of
6 a political party.

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

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

21 “(ii) the date and amount of such
22 contribution, donation, transfer, payment
23 of dues, or other payment; and

24 “(iii) the aggregate amount of all such
25 contributions, donations, transfers, pay-

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

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

20 “(i) the name and address of each
21 person who made such contribution, dona-
22 tion, transfer, or payment of dues during
23 the period covered by the statement;

1 “(ii) the date and amount of such
2 contribution, donation, transfer, or pay-
3 ment of dues; and

4 “(iii) the aggregate amount of all such
5 contributions, donations, transfers, and
6 payments of dues made by the person dur-
7 ing the period beginning on the first day of
8 the preceding calendar year and ending on
9 the disclosure date,

10 but only if such contribution, donation, trans-
11 fer, or payment of dues was made by a person
12 who made contributions, donations, transfers,
13 or payments of dues to the covered organization
14 in an aggregate amount of \$10,000 or more
15 during the period beginning on the first day of
16 the preceding calendar year and ending on the
17 disclosure date.

18 “(3) EXCEPTIONS.—

19 “(A) AMOUNTS RECEIVED IN ORDINARY
20 COURSE OF BUSINESS.—The requirement to in-
21 clude in a statement filed under paragraph (1)
22 the information described in paragraph (2)
23 shall not apply to amounts received by the cov-
24 ered organization in the ordinary course of any
25 trade or business conducted by the covered or-

1 organization or in the form of investments in the
2 covered organization.

3 “(B) DONOR RESTRICTION ON USE OF
4 FUNDS.—The requirement to include in a state-
5 ment submitted under paragraph (1) the infor-
6 mation described in subparagraph (F) of para-
7 graph (2) shall not apply if—

8 “(i) the person described in such sub-
9 paragraph prohibited, in writing, the use of
10 the contribution, donation, transfer, pay-
11 ment of dues, or other payment made by
12 such person for campaign-related disburse-
13 ments; and

14 “(ii) the covered organization agreed
15 to follow the prohibition and deposited the
16 contribution, donation, transfer, payment
17 of dues, or other payment in an account
18 which is segregated from any account used
19 to make campaign-related disbursements.

20 “(4) DISCLOSURE DATE.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), the term ‘disclosure date’
23 means—

24 “(i) the first date during any calendar
25 year by which a person has made cam-

1 campaign-related disbursements aggregating
2 more than \$10,000; and

3 “(ii) each date following the date de-
4 scribed in clause (i) during such calendar
5 year by which a person has made cam-
6 paign-related disbursements aggregating
7 more than \$10,000.

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

20 “(b) COORDINATION WITH OTHER PROVISIONS.—

21 “(1) OTHER REPORTS FILED WITH THE COM-
22 MISSION.—Information included in a statement filed
23 under this section may be excluded from statements
24 and reports filed under section 304.

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

6 “(c) FILING.—Statements required to be filed under
7 subsection (a) shall be subject to the requirements of sec-
8 tion 304(d) to the same extent and in the same manner
9 as if such reports had been required under subsection (c)
10 or (g) of section 304.

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

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

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

19 “(3) A covered transfer.

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

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

1 “(2) An organization described in section
2 501(c) of such Code and exempt from taxation
3 under section 501(a) of such Code (other than an
4 organization described in section 501(c)(3) of such
5 Code).

6 “(3) A labor organization (as defined in section
7 316(b)).

8 “(4) Any political organization under section
9 527 of the Internal Revenue Code of 1986, other
10 than a political committee under this Act (except as
11 provided in paragraph (5)).

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

18 “(f) COVERED TRANSFER DEFINED.—

19 “(1) IN GENERAL.—In this section, the term
20 ‘covered transfer’ means any transfer or payment of
21 funds by a covered organization to another person if
22 the covered organization—

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

1 “(i) campaign-related disbursements
2 (other than covered transfers); or

3 “(ii) making a transfer to another
4 person for the purpose of making or pay-
5 ing for such campaign-related disburse-
6 ments;

7 “(B) made such transfer or payment in re-
8 sponse to a solicitation or other request for a
9 donation or payment for—

10 “(i) the making of or paying for cam-
11 paign-related disbursements (other than
12 covered transfers); or

13 “(ii) making a transfer to another
14 person for the purpose of making or pay-
15 ing for such campaign-related disburse-
16 ments;

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

19 “(i) the making of or paying for cam-
20 paign-related disbursements (other than
21 covered transfers); or

22 “(ii) donating or transferring any
23 amount of such transfer or payment to an-
24 other person for the purpose of making or

1 paying for such campaign-related disburse-
2 ments;

3 “(D) made campaign-related disburse-
4 ments (other than a covered transfer) in an ag-
5 gregate amount of \$50,000 or more during the
6 2-year period ending on the date of the transfer
7 or payment, or knew or had reason to know
8 that the person receiving the transfer or pay-
9 ment made such disbursements in such an ag-
10 gregate amount during that 2-year period; or

11 “(E) knew or had reason to know that the
12 person receiving the transfer or payment would
13 make campaign-related disbursements in an ag-
14 gregate amount of \$50,000 or more during the
15 2-year period beginning on the date of the
16 transfer or payment.

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

19 “(A) A disbursement made by a covered
20 organization in the ordinary course of any trade
21 or business conducted by the covered organiza-
22 tion or in the form of investments made by the
23 covered organization.

24 “(B) A disbursement made by a covered
25 organization if—

1 “(i) the covered organization prohib-
2 ited, in writing, the use of such disburse-
3 ment for campaign-related disbursements;
4 and

5 “(ii) the recipient of the disbursement
6 agreed to follow the prohibition and depos-
7 ited the disbursement in an account which
8 is segregated from any account used to
9 make campaign-related disbursements.

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

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

22 “(B) DESCRIPTION OF TRANSFERS BE-
23 TWEEN AFFILIATES.—A transfer of amounts
24 from one covered organization to another cov-

1 ered organization shall be treated as a transfer
2 between affiliates if—

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

5 “(ii) each of the organizations is an
6 affiliate of the same organization,

7 except that the transfer shall not be treated as
8 a transfer between affiliates if one of the orga-
9 nizations is established for the purpose of mak-
10 ing campaign-related disbursements.

11 “(C) DETERMINATION OF AFFILIATE STA-
12 TUS.—For purposes of subparagraph (B), a
13 covered organization is an affiliate of another
14 covered organization if—

15 “(i) the governing instrument of the
16 organization requires it to be bound by de-
17 cisions of the other organization;

18 “(ii) the governing board of the orga-
19 nization includes persons who are specifi-
20 cally designated representatives of the
21 other organization or are members of the
22 governing board, officers, or paid executive
23 staff members of the other organization, or
24 whose service on the governing board is

1 contingent upon the approval of the other
2 organization; or

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

5 “(D) COVERAGE OF TRANSFERS TO AF-
6 FILATED SECTION 501(c)(3) ORGANIZA-
7 TIONS.—This paragraph shall apply with re-
8 spect to an amount transferred by a covered or-
9 ganization to an organization described in para-
10 graph (3) of section 501(c) of the Internal Rev-
11 enue Code of 1986 and exempt from tax under
12 section 501(a) of such Code in the same man-
13 ner as this paragraph applies to an amount
14 transferred by a covered organization to an-
15 other covered organization.”.

16 (2) CONFORMING AMENDMENT.—Section
17 304(f)(6) of such Act (52 U.S.C. 30104) is amended
18 by striking “Any requirement” and inserting “Ex-
19 cept as provided in section 324(b), any require-
20 ment”.

21 **SEC. 1012. SHAREHOLDERS’ AND MEMBERS’ RIGHT TO**
22 **KNOW.**

23 Title III of the Federal Election Campaign Act of
24 1971 (52 U.S.C. 30101 et seq.), as amended by section

1 1011(b), is amended by adding at the end the following
2 new section:

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

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

17 “(b) HYPERLINK TO INFORMATION INCLUDED IN
18 REPORTS FILED WITH COMMISSION.—

19 “(1) REQUIRED POSTING OF HYPERLINK.—If a
20 covered organization maintains an Internet site, the
21 organization shall post on such Internet site a
22 hyperlink from its homepage to the location on the
23 Internet site of the Commission which contains the
24 information included in the statements filed by the

1 organization under section 324 with respect to cam-
2 paign-related disbursements.

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

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

16 **SEC. 1013. LOBBYISTS’ CAMPAIGN FUNDING DISCLOSURE.**

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

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

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

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

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

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

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

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

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

9 **SEC. 1014. EFFECTIVE DATE.**

10 Except as provided in section 1011(a)(3) and section
11 1013, the amendments made by this subpart shall apply
12 with respects to disbursements made on or after January
13 1, 2018, and shall take effect without regard to whether
14 or not the Federal Election Commission has promulgated
15 regulations to carry out such amendments.

16 **PART II—CANDIDATE-SUPER PAC**

17 **COORDINATION**

18 **SEC. 1021. SHORT TITLE.**

19 This part may be cited as the “Stop Super PAC–Can-
20 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 325)
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 this Act, is amended to
21 by adding at the end the following new section:

22 **“SEC. 325. PAYMENTS FOR COORDINATED EXPENDITURES.**

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

24 **“(1) IN GENERAL.—**For purposes of section
25 301(8)(A)(iii), the term ‘coordinated expenditure’
26 means—

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

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

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

23 “(A) the communication appears in a news
24 story, commentary, or editorial distributed
25 through the facilities of any broadcasting sta-

1 tion, newspaper, magazine, or other periodical
2 publication, unless such facilities are owned or
3 controlled by any political party, political com-
4 mittee, or candidate; or

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

12 “(b) COORDINATION DESCRIBED.—

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

1 standing with, or pursuant to any communication
2 with, the candidate, committee, or agents about the
3 payment or communication.

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

23 “(3) NO EFFECT ON PARTY COORDINATION
24 STANDARD.—Nothing in this section shall be con-
25 strued to affect the determination of coordination

1 between a candidate and a political committee of a
2 political party for purposes of section 315(d).

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

13 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
14 COVERED COMMUNICATIONS.—

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

24 “(2) COORDINATED SPENDER DEFINED.—For
25 purposes of this subsection, the term ‘coordinated

1 spender’ means, with respect to a candidate or an
2 authorized committee of a candidate, a person (other
3 than a political committee of a political party) for
4 which any of the following applies:

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

15 “(B) The candidate or committee or any
16 agent of the candidate or committee solicits
17 funds, appears at a fundraising event, or en-
18 gages in other fundraising activity on the per-
19 son’s behalf during the election cycle involved,
20 including by providing the person with names of
21 potential donors or other lists to be used by the
22 person in engaging in fundraising activity, re-
23 gardless of whether the person pays fair market
24 value for the names or lists provided. For pur-
25 poses of this subparagraph, the term ‘election

1 cycle' means, with respect to an election for
2 Federal office, the period beginning on the day
3 after the date of the most recent general elec-
4 tion for that office (or, if the general election
5 resulted in a runoff election, the date of the
6 runoff election) and ending on the date of the
7 next general election for that office (or, if the
8 general election resulted in a runoff election,
9 the date of the runoff election).

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

21 “(D) The person has retained the profes-
22 sional services of any person who, during the 2-
23 year period ending on the date on which the
24 person makes the payment, has provided or is
25 providing professional services relating to the

1 campaign to the candidate or committee. For
2 purposes of this subparagraph, the term ‘pro-
3 fessional services’ includes any services in sup-
4 port of the candidate’s or committee’s campaign
5 activities, including advertising, message, strat-
6 egy, policy, polling, allocation of resources,
7 fundraising, and campaign operations, but does
8 not include accounting or legal services.

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

19 “(d) COVERED COMMUNICATION DEFINED.—

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

1 “(A) expressly advocates the election of the
2 candidate or the defeat of an opponent of the
3 candidate (or contains the functional equivalent
4 of express advocacy);

5 “(B) promotes or supports the candidate,
6 or attacks or opposes an opponent of the can-
7 didate (regardless of whether the communica-
8 tion expressly advocates the election or defeat
9 of a candidate or contains the functional equiv-
10 alent of express advocacy); or

11 “(C) refers to the candidate or an oppo-
12 nent of the candidate but is not described in
13 subparagraph (A) or subparagraph (B), but
14 only if the communication is disseminated dur-
15 ing the applicable election period.

16 “(2) APPLICABLE ELECTION PERIOD.—In para-
17 graph (1)(C), the ‘applicable election period’ means,
18 with respect to any candidate, the period beginning
19 120 days prior to the candidate’s primary or pref-
20 erence election, nominating convention, or caucus,
21 and ending on the day after the general election.

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

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

6 “(e) PENALTY.—

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

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

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

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

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

9 (c) EFFECTIVE DATE.—

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

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

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

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

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

7 **SEC. 1023. CLARIFICATION OF BAN ON FUNDRAISING FOR**
8 **SUPER PACS BY FEDERAL CANDIDATES AND**
9 **OFFICEHOLDERS.**

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

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

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

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

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

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

8 (b) **EFFECTIVE DATE.**—The amendment made by
 9 subsection (a) shall apply with respect to elections occur-
 10 ring after January 1, 2018.

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

12 **SEC. 1031. SHORT TITLE.**

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

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

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

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

1 taining the name of the committee (and, in the case of
2 an authorized committee of a candidate, the name of the
3 candidate and the office sought by the candidate), the
4 identification of the contributor, and the date of receipt
5 and amount of the contributions involved.

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

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

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

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

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

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall apply with respect to contributions re-
16 ceived by a political committee under the Federal Election
17 Campaign Act of 1971 during 2017 or any succeeding
18 year, except that nothing in such amendment may be con-
19 strued to require a political committee which does not re-
20 ceive contributions during the portion of 2017 which oc-
21 curs after the date of the enactment of this Act to meet
22 the requirements of section 304(a)(6)(A) of the Federal
23 Election Campaign Act of 1971, as amended by subsection
24 (a).

1 **SEC. 1033. FILING BY SENATE CANDIDATES WITH FEDERAL**
2 **ELECTION COMMISSION.**

3 (a) MANDATORY FILING WITH FEC.—Section
4 302(g) of the Federal Election Campaign Act of 1971 (2
5 U.S.C. 432(g)) is amended to read as follows:

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

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

12 **PART IV—STAND BY YOUR AD**

13 **SEC. 1041. STAND BY YOUR AD.**

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

22 (b) STAND BY YOUR AD REQUIREMENTS.—

23 (1) MAINTENANCE OF REQUIREMENTS FOR PO-
24 LITICAL PARTIES AND CERTAIN POLITICAL COMMIT-
25 TEES.—Section 318(d)(2) of such Act (52 U.S.C.
26 30120(d)(2)) is amended—

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

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

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

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

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

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

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

25 “(e) COMMUNICATIONS BY OTHERS.—

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

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

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

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

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

17 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (2) COMMUNICATIONS BY OTHERS.—

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

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

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

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

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

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

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

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

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

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

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

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

4 (2) TREATMENT AS AUDIO COMMUNICATION.—

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

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

21 (B) COMMUNICATIONS BY OTHERS.—

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

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

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

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

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

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

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

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

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

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

1 **PART V—OTHER CAMPAIGN FINANCE REFORMS**
2 **SEC. 1051. REGULATIONS WITH RESPECT TO BEST EFFORTS**
3 **FOR IDENTIFYING PERSONS MAKING CON-**
4 **TRIBUTIONS.**

5 Not later than 6 months after the date of enactment
6 of this Act, the Federal Election Commission shall pro-
7 mulgate regulations with respect to what constitutes best
8 efforts under section 302(i) of the Federal Election Cam-
9 paign Act of 1971 (52 U.S.C. 30102(i)) for determining
10 the identification of persons making contributions to polit-
11 ical committees, including the identifications of persons
12 making contributions over the Internet or by credit card.
13 Such regulations shall include a requirement that in the
14 case of contributions made by a credit card, the political
15 committee shall ensure that the name on the credit card
16 used to make the contribution matches the name of the
17 person making the contribution.

18 **SEC. 1052. RULES RELATING TO JOINT FUNDRAISING COM-**
19 **MITTEES.**

20 (a) PROHIBITION ON JOINT FUNDRAISING COMMIT-
21 TEES FOR CANDIDATES.—

22 (1) IN GENERAL.—Section 302(e) of the Fed-
23 eral Election Campaign Act of 1971 (52 U.S.C.
24 30102(e)) is amended by adding at the end the fol-
25 lowing new paragraph:

1 “(6) No authorized committee of a candidate may es-
2 tablish, participate in, or have any involvement with any
3 joint fundraising committee.”.

4 (2) CONFORMING AMENDMENT.—Section
5 302(e)(3)(A) of such Act (52 U.S.C. 30102(e)(3)) is
6 amended—

7 (A) by striking “except that” and all that
8 follows through “the candidate” and inserting
9 “except that the candidate”;

10 (B) by striking “; and” and inserting a pe-
11 riod; and

12 (C) by striking clause (ii).

13 (b) LIMITATION ON JOINT FUNDRAISING COMMIT-
14 TEES FOR PARTY COMMITTEES.—Section 302 of the Fed-
15 eral Election Campaign Act of 1971 (52 U.S.C. 30102)
16 is amended by adding at the end the following new sub-
17 section:

18 “(j) PARTICIPATION OF PARTY COMMITTEES IN
19 JOINT FUNDRAISING COMMITTEES.—No committee of a
20 political party may establish, participate in, or have any
21 involvement with any joint fundraising committee other
22 than a joint fundraising committee that consists of the
23 national committee of a political party and one other com-
24 mittee of the political party.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on January 1, 2018.

3 **SEC. 1053. DISCLOSURE OF BUNDLED CONTRIBUTIONS TO**
4 **PRESIDENTIAL CAMPAIGNS; INCREASE IN**
5 **THRESHOLD FOR BUNDLED CONTRIBUTIONS**
6 **BY LOBBYISTS.**

7 (a) IN GENERAL.—Paragraphs (1) through (3) of
8 section 304(i) of the Federal Election Campaign Act of
9 1971 (52 U.S.C. 30104(i)) are amended to read as fol-
10 lows:

11 “(1) IN GENERAL.—

12 “(A) DISCLOSURE OF BUNDLED CON-
13 TRIBUTIONS BY LOBBYISTS.—Each committee
14 described in paragraph (6) shall include in the
15 first report required to be filed under this sec-
16 tion after each covered period (as defined in
17 paragraph (2)) a separate schedule setting forth
18 the name, address, and employer of each person
19 reasonably known by the committee to be a per-
20 son described in paragraph (7) who provided
21 two or more bundled contributions to the com-
22 mittee in an aggregate amount greater than the
23 applicable threshold (as defined in paragraph
24 (3)) during the covered period, and the aggre-
25 gate amount of the bundled contributions pro-

1 vided by each such person during the covered
2 period.

3 “(B) DISCLOSURE OF BUNDLED CON-
4 TRIBUTIONS BY POLITICAL COMMITTEES.—
5 Each committee described in paragraph (6)
6 shall include in the first report required to be
7 filed under this section after each covered pe-
8 riod (as defined in paragraph (2)) a separate
9 schedule setting forth the name of each political
10 committee (other than a committee of a polit-
11 ical party) which provided two or more bundled
12 contributions to the committee in an aggregate
13 amount greater than the applicable threshold
14 (as defined in paragraph (3)) during the cov-
15 ered period, and the aggregate amount of the
16 bundled contributions provided by each such po-
17 litical committee during the covered period.

18 “(C) DISCLOSURE OF BUNDLED CON-
19 TRIBUTIONS TO PRESIDENTIAL CAMPAIGNS.—
20 Each committee which is an authorized com-
21 mittee of a candidate for the office of President
22 or for nomination to such office shall include in
23 the first report required to be filed under this
24 section after each covered period (as defined in
25 paragraph (2)) a separate schedule setting forth

1 the name, address, and employer of each person
2 who provided two or more bundled contribu-
3 tions to the committee in an aggregate amount
4 greater than the applicable threshold (as de-
5 fined in paragraph (3)) during the election
6 cycle, and the aggregate amount of the bundled
7 contributions provided by each such person dur-
8 ing the covered period and such election cycle.
9 Such schedule shall include a separate listing of
10 the name, address, and employer of each person
11 included on such schedule who is reasonably
12 known by the committee to be a person de-
13 scribed in paragraph (7), together with the ag-
14 gregate amount of bundled contributions pro-
15 vided by such person during such period and
16 such cycle.

17 “(2) COVERED PERIOD.—In this subsection, a
18 ‘covered period’ means—

19 “(A) with respect to a committee which is
20 an authorized committee of a candidate for the
21 office of President or for nomination to such of-
22 fice—

23 “(i) the 4-year election cycle ending
24 with the date of the election for the office
25 of the President; and

1 “(ii) any reporting period applicable
2 to the committee under this section during
3 which any person provided two or more
4 bundled contributions to the committee;
5 and

6 “(B) with respect to any other com-
7 mittee—

8 “(i) the period beginning January 1
9 and ending June 30 of each year;

10 “(ii) the period beginning July 1 and
11 ending December 31 of each year; and

12 “(iii) any reporting period applicable
13 to the committee under this section during
14 which any person described in paragraph
15 (7) provided two or more bundled contribu-
16 tions to the committee in an aggregate
17 amount greater than the applicable thresh-
18 old.

19 “(3) APPLICABLE THRESHOLD.—

20 “(A) IN GENERAL.—In this subsection, the
21 ‘applicable threshold’ is—

22 “(i) \$50,000 in the case of a com-
23 mittee which is an authorized committee of
24 a candidate for the office of President or
25 for nomination to such office; and

1 “(ii) \$25,000 in the case of any other
2 committee.

3 In determining whether the amount of bundled
4 contributions provided to a committee by a per-
5 son exceeds the applicable threshold, there shall
6 be excluded any contribution made to the com-
7 mittee by the person or the person’s spouse.

8 “(B) INDEXING.—In any calendar year
9 after 2018, section 315(c)(1)(B) shall apply to
10 each amount applicable under subparagraph
11 (A) in the same manner as such section applies
12 to the limitations established under subsections
13 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such
14 section, except that for purposes of applying
15 such section to the amount applicable under
16 subparagraph (A), the ‘base period’ shall be
17 2017.

18 “(C) AGGREGATION OF CONTRIBUTIONS
19 FROM COSPONSORS OF FUNDRAISING EVENT.—
20 For purposes of determining the amount of
21 bundled contributions provided by a person to a
22 committee which were received by the person at
23 a fundraising event sponsored by the person, or
24 in response to an invitation to attend a fund-
25 raising event sponsored by the person, each per-

1 son who is a sponsor of the event shall be con-
2 sidered to have provided to the committee the
3 aggregate amount of all bundled contributions
4 which were provided to the committee by all
5 sponsors of the event.”.

6 (b) CONFORMING AMENDMENTS.—Section 304(i) of
7 such Act (52 U.S.C. 30104(i)) is amended—

8 (1) in paragraph (5), by striking “described in
9 paragraph (7)” each place it appears in subpara-
10 graphs (C) and (D);

11 (2) in paragraph (6), by inserting “(other than
12 a candidate for the office of President or for nomi-
13 nation to such office)” after “candidate”; and

14 (3) in paragraph (8)(A)—

15 (A) by striking “, with respect to a com-
16 mittee described in paragraph (6) and a person
17 described in paragraph (7),” and inserting “,
18 with respect to a committee described in para-
19 graph (6) or an authorized committee of a can-
20 didate for the office of President or for nomina-
21 tion to such office,”;

22 (B) by striking “by the person” in clause
23 (i) thereof and inserting “by any person”; and

1 (C) by striking “the person” each place it
2 appears in clause (ii) and inserting “such per-
3 son”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to reports filed under
6 section 304 of the Federal Election Campaign Act of 1971
7 after January 1, 2018.

8 **SEC. 1054. JUDICIAL REVIEW OF ACTIONS RELATED TO**
9 **CAMPAIGN FINANCE LAWS.**

10 (a) IN GENERAL.—Title IV of the Federal Election
11 Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is
12 amended by inserting after section 406 the following new
13 section:

14 **“SEC. 407. JUDICIAL REVIEW.**

15 “(a) IN GENERAL.—Notwithstanding section 373(f),
16 if any action is brought for declaratory or injunctive relief
17 to challenge the constitutionality of any provision of this
18 Act or of chapter 95 or 96 of the Internal Revenue Code
19 of 1986, or is brought to with respect to any action of
20 the Commission under chapter 95 or 96 of the Internal
21 Revenue Code of 1986, the following rules shall apply:

22 “(1) The action shall be filed in the United
23 States District Court for the District of Columbia
24 and an appeal from the decision of the district court

1 may be taken to the Court of Appeals for the Dis-
2 trict of Columbia Circuit.

3 “(2) In the case of an action relating to declar-
4 atory or injunctive relief to challenge the constitu-
5 tionality of a provision—

6 “(A) a copy of the complaint shall be deliv-
7 ered promptly to the Clerk of the House of
8 Representatives and the Secretary of the Sen-
9 ate; and

10 “(B) it shall be the duty of the United
11 States District Court for the District of Colum-
12 bia, the Court of Appeals for the District of Co-
13 lumbia, and the Supreme Court of the United
14 States to advance on the docket and to expedite
15 to the greatest possible extent the disposition of
16 the action and appeal.

17 “(b) INTERVENTION BY MEMBERS OF CONGRESS.—
18 In any action in which the constitutionality of any provi-
19 sion of this Act or chapter 95 or 96 of the Internal Rev-
20 enue Code of 1986 is raised, any member of the House
21 of Representatives (including a Delegate or Resident Com-
22 missioner to the Congress) or Senate shall have the right
23 to intervene either in support of or opposition to the posi-
24 tion of a party to the case regarding the constitutionality
25 of the provision. To avoid duplication of efforts and reduce

1 the burdens placed on the parties to the action, the court
2 in any such action may make such orders as it considers
3 necessary, including orders to require interveners taking
4 similar positions to file joint papers or to be represented
5 by a single attorney at oral argument.

6 “(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any
7 Member of Congress may bring an action, subject to the
8 special rules described in subsection (a), for declaratory
9 or injunctive relief to challenge the constitutionality of any
10 provision of this Act or chapter 95 or 96 of the Internal
11 Revenue Code of 1986.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) IN GENERAL.—

14 (A) Section 9011 of the Internal Revenue
15 Code of 1986 is amended to read as follows:

16 **“SEC. 9011. JUDICIAL REVIEW.**

17 “For provisions relating to judicial review of certifi-
18 cations, determinations, and actions by the Commission
19 under this chapter, see section 407 of the Federal Election
20 Campaign Act of 1971.”.

21 (B) Section 9041 of the Internal Revenue
22 Code of 1986 is amended to read as follows:

1 **“SEC. 9041. JUDICIAL REVIEW.**

2 “For provisions relating to judicial review of actions
3 by the Commission under this chapter, see section 407 of
4 the Federal Election Campaign Act of 1971.”.

5 (C) Section 403 of the Bipartisan Cam-
6 paign Finance Reform Act of 2002 (52 U.S.C.
7 30110 note) is repealed.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to actions brought on or after Jan-
10 uary 1, 2018.

11 **SEC. 1055. TREATMENT OF INTERNET COMMUNICATIONS**
12 **MADE BY POLITICAL COMMITTEES AS PUB-**
13 **LIC COMMUNICATIONS.**

14 (a) IN GENERAL.—Paragraph (22) of section 301 of
15 the Federal Election Campaign Act of 1971 (52 U.S.C.
16 30101(22)) is amended by adding at the end the following
17 new sentence: “Such term shall include communications
18 to the general public made over the Internet by a political
19 committee.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply to communications made on or
22 after the date of the enactment of this Act.

1 **SEC. 1056. CLARIFICATION OF APPLICABILITY OF CON-**
2 **TRIBUTION LIMITS TO CERTAIN POLITICAL**
3 **COMMITTEES.**

4 (a) **IN GENERAL.**—Section 315(a)(1) of the Federal
5 Election Campaign Act of 1971 (52 U.S.C. 30116(a)(1))
6 is amended by striking subparagraph (C) and inserting
7 the following:

8 “(C) to any other political committee (other than a
9 committee described in subparagraph (D)), including to
10 a political committee that makes only independent expend-
11 itures or electioneering communications (or a combination
12 thereof) or to any account of a political committee estab-
13 lished for the purpose of making only independent expend-
14 itures or electioneering communications (or a combination
15 thereof), in any calendar year which, in the aggregate, ex-
16 ceed \$5,000; or”.

17 (b) **EFFECTIVE DATE.**—The amendments made by
18 this section shall apply to contributions made on or after
19 the date of the enactment of this Act.

20 **Subtitle B—Establishment of**
21 **Federal Election Administration**

22 **SEC. 1101. SHORT TITLE.**

23 This subtitle may be cited as the “Federal Election
24 Administration Act of 2017”.

1 **PART I—FEDERAL ELECTION ADMINISTRATION**

2 **SEC. 1111. 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, 1 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 1 of the 5 to serve as the Chair.
4 Any individual appointed to succeed, or to fill the
5 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 chapter
24 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 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 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 Admin-
11 istration shall make public any request made under
12 subsection (a) for an advisory opinion.

13 “(2) OPPORTUNITY TO COMMENT.—

14 “(A) WRITTEN COMMENTS.—Before ren-
15 dering an advisory opinion, the Administration
16 shall accept written comments submitted by any
17 interested party within the 10-day period fol-
18 lowing 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 per-
22 son 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 GROUND.—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 GROUND.—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-

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

5 **“SEC. 379. CRIMINAL PENALTIES.**

6 “(a) KNOWING AND WILLFUL VIOLATIONS.—Any
7 person who knowingly and willfully commits a violation of
8 any provision of this Act that involves the making, receiv-
9 ing, or reporting of any contribution, donation, or expendi-
10 ture—

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

15 “(2) aggregating \$2,000 or more (but less than
16 \$25,000) during a calendar year shall be fined under
17 such title, or imprisoned for not more than 1 year,
18 or both.

19 “(b) CONTRIBUTIONS OR EXPENDITURES BY NA-
20 TIONAL BANKS, CORPORATIONS, OR LABOR ORGANIZA-
21 TIONS.—In the case of a knowing and willful violation of
22 section 316(b)(3), the penalties set forth in subsection (a)
23 shall apply to each violation involving an amount aggre-
24 gating \$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. 1112. 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. 1113. 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. 1114. 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. 1115. 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 **PART II—TRANSITION PROVISIONS**

3 **SEC. 1151. 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. 1152. 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 subtitle are transferred to the Federal Elec-
17 tion 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 subtitle are
21 transferred to the Federal Election Administration.

22 **SEC. 1153. 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. 1154. 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. 1155. 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. 1156. EFFECTIVE DATE.**

4 (a) IN GENERAL.—Except as provided in section
5 1325, this subtitle and the amendments made by this sub-
6 title shall take effect on the date that is 6 months after
7 the 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 subtitle, the members of the
11 Federal Election Commission shall be removed from office
12 on the date described in subsection (a).

13 **Subtitle C—Lobbying Reform**

14 **SEC. 1201. 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 D—Revolving Door Reform**

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

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

1 **SEC. 1302. 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. 1303. 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. 1304. 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. 1305. 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 officer
18 or employee thereof, in connection with any ju-
19 dicial or other proceeding, which was actually
20 pending under his or her official responsibility
21 as a covered financial services regulator during
22 the 1-year period ending on the date his or her
23 employment as a covered financial services reg-
24 ulator ceases or in which he or she participated

1 personally and substantially as a covered finan-
2 cial 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 committee of
5 Congress), or any officer or employee thereof,
6 in connection with any matter which is pending
7 before the department, agency, or Congress.

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

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

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

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

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) Section 103(a) of the Honest Leadership
22 and Open Government Act of 2007 (2 U.S.C.
23 4702(a)) is amended by striking “section 207(e)”
24 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 redesignated,
6 by striking “subsection (f)” and inserting
7 “subsection (g)”; and

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 striking
16 “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. 1306. 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 E—Addressing Conflicts of** 19 **Interest**

20 **SEC. 1401. SHORT TITLE.**

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

1 **SEC. 1402. DIVESTITURE OF PERSONAL FINANCIAL INTER-**
2 **ESTS OF THE PRESIDENT AND VICE PRESI-**
3 **DENT THAT POSE A POTENTIAL CONFLICT OF**
4 **INTEREST.**

5 (a) DEFINITIONS.—

6 (1) IN GENERAL.—In this section—

7 (A) the term “conflict-free holding” means
8 a financial interest described in section
9 102(f)(8) of the Ethics in Government Act of
10 1978 (5 U.S.C. App.);

11 (B) the term “financial interest posing a
12 potential conflict of interest” means a financial
13 interest of the President, the Vice President,
14 the spouse of the President or Vice President,
15 or a minor child of the President or Vice Presi-
16 dent, as applicable, that—

17 (i) would constitute a financial inter-
18 est described in subsection (a) of section
19 208 of title 18, United States Code—

20 (I) if—

21 (aa) for purposes of such
22 section 208, the terms “officer”
23 and “employee” included the
24 President and the Vice President;
25 and

1 (bb) the President or Vice
2 President, as applicable, partici-
3 pated as described in subsection
4 (a) of such section 208 in rela-
5 tion to such financial interest;
6 and

7 (II) determined without regard to
8 any exception under subsection (b) of
9 such section 208; or

10 (ii) may constitute a present, emolu-
11 ment, office, or title, of any kind whatever,
12 from any king, prince, or foreign state (in-
13 cluding from an entity owned or controlled
14 by a foreign government), within the
15 meaning of article I, section 9 of the Con-
16 stitution of the United States;

17 (C) the term “qualified blind trust” has
18 the meaning given that term in section
19 102(f)(3) of the Ethics in Government Act of
20 1978 (5 U.S.C. App.), unless otherwise speci-
21 fied in this Act; and

22 (D) the term “tax return”—

23 (i) means any Federal income tax re-
24 turn and any amendment or supplement
25 thereto, including supporting schedules, at-

1 tachments, or lists which are supplemental
2 to, or part of, the return for the taxable
3 year; and

4 (ii) includes any information return
5 that reports information that does or may
6 affect the liability for tax for the taxable
7 year.

8 (2) APPLICABILITY OF ETHICS IN GOVERNMENT
9 ACT OF 1978.—For purposes of the definition of
10 “qualified blind trust” in this section, the term “su-
11 pervising ethics officer” in section 102(f)(3) of the
12 Ethics in Government Act of 1978 (5 U.S.C. App.)
13 means the Director of the Office of Government
14 Ethics.

15 (b) INITIAL FINANCIAL DISCLOSURE.—

16 (1) SUBMISSION OF DISCLOSURE.—

17 (A) IN GENERAL.—Not later than 30 days
18 after assuming the office of President or Vice
19 President, respectively, the President and Vice
20 President shall submit to Congress and the Di-
21 rector of the Office of Government Ethics a dis-
22 closure of financial interests.

23 (B) APPLICATION TO SITTING PRESIDENT
24 AND VICE PRESIDENT.—For any individual who
25 is serving as the President or Vice President on

1 the date of enactment of this Act, the disclosure
2 of financial interests shall be submitted to Con-
3 gress and the Director of the Office of Govern-
4 ment Ethics not later than 30 days after the
5 date of enactment of this Act.

6 (2) CONTENTS.—

7 (A) PRESIDENT.—The disclosure of finan-
8 cial interests submitted under paragraph (1) by
9 the President shall—

10 (i) describe in detail each financial in-
11 terest of the President, the spouse of the
12 President, or a minor child of the Presi-
13 dent;

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

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

21 (I) the 3 most recent taxable
22 years; and

23 (II) each taxable year for which
24 an audit of the return by the Internal

1 Revenue Service is pending on the
2 date the report is filed.

3 (B) VICE PRESIDENT.—The disclosure of
4 financial interests submitted under paragraph
5 (1) by the Vice President shall—

6 (i) describe in detail each financial in-
7 terest of the Vice President, the spouse of
8 the Vice President, or a minor child of the
9 Vice President;

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

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

17 (I) the 3 most recent taxable
18 years; and

19 (II) each taxable year for which
20 an audit of the return by the Internal
21 Revenue Service is pending on the
22 date the report is filed.

23 (c) DIVESTITURE OF FINANCIAL INTERESTS POSING
24 A POTENTIAL CONFLICT OF INTEREST.—

1 (1) IN GENERAL.—The President, the Vice
2 President, the spouse of the President or Vice Presi-
3 dent, and any minor child of the President or Vice
4 President shall divest of any financial interest posing
5 a potential conflict of interest by transferring such
6 interest to a qualified blind trust.

7 (2) TRUSTEE DUTIES.—Within a reasonable pe-
8 riod of time after the date a financial interest is
9 transferred to a qualified blind trust under para-
10 graph (1), the trustee of the qualified blind trust
11 shall—

12 (A) sell the financial interest; and

13 (B) use the proceeds of the sale of the fi-
14 nancial interest to purchase conflict-free hold-
15 ings.

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

17 (1) IN GENERAL.—The Director of the Office of
18 Government Ethics shall submit to Congress, the
19 President, and the Vice President an annual report
20 regarding the financial interests of the President,
21 the Vice President, the spouse of the President or
22 Vice President, and any minor child of the President
23 or Vice President.

24 (2) CONTENTS.—Each report submitted under
25 paragraph (1) shall—

1 (A) indicate whether any financial interest
2 of the President, the Vice President, the spouse
3 of the President or Vice President, or a minor
4 child of the President or Vice President is a fi-
5 nancial interest posing a potential conflict of in-
6 terest;

7 (B) evaluate whether any previously held
8 financial interest of the President, the Vice
9 President, the spouse of the President or Vice
10 President, or a minor child of the President or
11 Vice President that was a financial interest pos-
12 ing a potential conflict of interest was divested
13 in accordance with subsection (c); and

14 (C) redact such information as the Direc-
15 tor of the Office of Government Ethics deter-
16 mines necessary for preventing identity theft,
17 such as social security numbers or taxpayer
18 identification numbers.

19 (e) ENFORCEMENT.—

20 (1) IN GENERAL.—The Attorney General, the
21 attorney general of any State, or any person ag-
22 grieved by any violation of subsection (c) may seek
23 declaratory or injunctive relief in a court of com-
24 petent jurisdiction if—

1 (A) the Director of the Office of Govern-
2 ment Ethics is unable to issue a report indi-
3 cating whether the President or the Vice Presi-
4 dent is in substantial compliance with sub-
5 section (c); or

6 (B) there is probable cause to believe that
7 the President or the Vice President has not
8 complied with subsection (c).

9 (2) FAIR MARKET VALUE.—In granting injunc-
10 tive relief to the plaintiff, the court shall ensure that
11 any divestment procedure shall ensure the fair mar-
12 ket return for any asset that is liquidated.

13 **SEC. 1403. RECUSAL OF APPOINTEES.**

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

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

20 “(A) the President who appointed the officer or
21 employee, which shall include any entity in which the
22 President has a substantial interest; or

23 “(B) the spouse of the President who appointed
24 the officer or employee, which shall include any enti-

1 ty in which the spouse of the President has a sub-
2 stantial interest.

3 “(2)(A) Subject to subparagraph (B), if an officer or
4 employee is recused under paragraph (1), a career ap-
5 pointee in the agency of the officer or employee shall per-
6 form the functions and duties of the officer or employee
7 with respect to the matter.

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

11 “(ii) If the recusal of a member of a Commission
12 from a matter under paragraph (1) would result in there
13 not being a statutorily required quorum of members of the
14 Commission available to participate in the matter, not-
15 withstanding such statute or any other provision of law,
16 the members of the Commission not recused under para-
17 graph (1) may—

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

20 “(II) delegate the authorities and responsibil-
21 ities of the Commission with respect to the matter
22 to a subcommittee of the Commission; or

23 “(III) designate an officer or employee of the
24 Commission who was not appointed by the President
25 who appointed the member of the Commission

1 recused from the matter to exercise the authorities
2 and duties of the recused member with respect to
3 the matter.

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

7 “(4) For purposes of this section, the term ‘particular
8 matter’ shall have the meaning given the term in section
9 207(i).”.

10 **SEC. 1404. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**
11 **DENT.**

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

14 (1) in the section heading, by inserting “**the**
15 **President, Vice President, or a**” after
16 “**Contracts by**”; and

17 (2) in the first undesignated paragraph, by in-
18 serting “the President or Vice President,” after
19 “Whoever, being”.

20 (b) TABLE OF SECTIONS AMENDMENT.—The table of
21 sections for chapter 23 of title 18, United States Code,
22 is amended by striking the item relating to section 431
23 and inserting the following:

“431. Contracts by the President, Vice President, or a Member of Congress.”.

1 **SEC. 1405. PRESIDENTIAL TAX TRANSPARENCY.**

2 (a) IN GENERAL.—Title I of the Ethics in Govern-
3 ment Act of 1978 (5 U.S.C. App.) is amended—

4 (1) by inserting after section 102 the following:

5 **“SEC. 102A. DISCLOSURE OF TAX RETURNS.**

6 “(a) DEFINITIONS.—In this section—

7 “(1) the term ‘covered candidate’ means an in-
8 dividual—

9 “(A) required to file a report under section
10 101(c); and

11 “(B) who is nominated by a major party
12 as a candidate for the office of President;

13 “(2) the term ‘covered individual’ means—

14 “(A) a President required to file a report
15 under subsection (a) or (d) of section 101; and

16 “(B) an individual who occupies the office
17 of the President required to file a report under
18 section 101(e);

19 “(3) the term ‘major party’ has the meaning
20 given the term in section 9002 of the Internal Rev-
21 enue Code of 1986; and

22 “(4) the term ‘income tax return’ means, with
23 respect to any covered candidate or covered indi-
24 vidual, any return (within the meaning of section
25 6103(b) of the Internal Revenue Code of 1986) re-

1 lated to Federal income taxes, but does not in-
2 clude—

3 “(A) information returns issued to persons
4 other than such covered candidate or covered
5 individual; and

6 “(B) declarations of estimated tax.

7 “(b) DISCLOSURE.—

8 “(1) COVERED INDIVIDUALS.—

9 “(A) IN GENERAL.—In addition to the in-
10 formation described in subsections (a) and (b)
11 of section 102, a covered individual shall in-
12 clude in each report required to be filed under
13 this title a copy of the income tax returns of the
14 covered individual for the 3 most recent taxable
15 years for which a return have been filed with
16 the Internal Revenue Service as of the date on
17 which the report is filed.

18 “(B) FAILURE TO DISCLOSE.—If an in-
19 come tax return is not disclosed under subpara-
20 graph (A), the Director of the Office of Govern-
21 ment Ethics shall submit to the Secretary of
22 the Treasury a request that the Secretary of
23 the Treasury provide the Director of the Office
24 of Government Ethics with a copy of the in-
25 come tax return.

1 “(C) PUBLICLY AVAILABLE.—Each income
2 tax return submitted under this paragraph shall
3 be filed with the Director of the Office of Gov-
4 ernment Ethics and made publicly available in
5 the same manner as the information described
6 in subsections (a) and (b) of section 102.

7 “(D) REDACTION OF CERTAIN INFORMA-
8 TION.—Before making any income tax return
9 submitted under this paragraph available to the
10 public, the Director of the Office of Government
11 Ethics shall redact such information as the Di-
12 rector of the Office of Government Ethics, in
13 consultation with the Secretary of the Treasury
14 (or a delegate of the Secretary), determines ap-
15 propriate.

16 “(2) CANDIDATES.—

17 “(A) IN GENERAL.—Not later than 15
18 days after the date on which a covered can-
19 didate is nominated, the covered candidate shall
20 amend the report filed by the covered candidate
21 under section 101(c) with the Federal Election
22 Commission to include a copy of the income tax
23 returns of the covered candidate for the 3 most
24 recent taxable years for which a return has
25 been filed with the Internal Revenue Service.

1 “(B) FAILURE TO DISCLOSE.—If an in-
2 come tax return is not disclosed under subpara-
3 graph (A) the Federal Election Commission
4 shall submit to the Secretary of the Treasury a
5 request that the Secretary of the Treasury pro-
6 vide the Federal Election Commission with the
7 income tax return.

8 “(C) PUBLICLY AVAILABLE.—Each income
9 tax return submitted under this paragraph shall
10 be filed with the Federal Election Commission
11 and made publicly available in the same manner
12 as the information described in section 102(b).

13 “(D) REDACTION OF CERTAIN INFORMA-
14 TION.—Before making any income tax return
15 submitted under this paragraph available to the
16 public, the Federal Election Commission shall
17 redact such information as the Federal Election
18 Commission, in consultation with the Secretary
19 of the Treasury (or a delegate of the Secretary)
20 and the Director of the Office of Government
21 Ethics, determines appropriate.

22 “(3) SPECIAL RULE FOR SITTING PRESI-
23 DENTS.—Not later than 30 days after the date of
24 enactment of this section, the President shall submit
25 to the Director of the Office of Government Ethics

1 a copy of the income tax returns described in para-
2 graph (1)(A).”; and

3 (2) in section 104—

4 (A) in subsection (a)—

5 (i) in paragraph (1), in the first sen-
6 tence, by inserting “or any individual who
7 knowingly and willfully falsifies or who
8 knowingly and willfully fails to file an in-
9 come tax return that such individual is re-
10 quired to disclose pursuant to section
11 102A” before the period; and

12 (ii) in paragraph (2)(A)—

13 (I) in clause (i), by inserting “or
14 falsify any income tax return that
15 such person is required to disclose
16 under section 102A” before the semi-
17 colon; and

18 (II) in clause (ii), by inserting
19 “or fail to file any income tax return
20 that such person is required to dis-
21 closed under section 102A” before the
22 period;

23 (B) in subsection (b), in the first sentence
24 by inserting “or willfully failed to file or has
25 willfully falsified an income tax return required

1 to be disclosed under section 102A” before the
2 period;

3 (C) in subsection (c), by inserting “or fail-
4 ing to file or falsifying an income tax return re-
5 quired to be disclosed under section 102A” be-
6 fore the period; and

7 (D) in subsection (d)(1)—

8 (i) in the matter preceding subpara-
9 graph (A), by inserting “or files an income
10 tax return required to be disclosed under
11 section 102A” after “title”; and

12 (ii) in subparagraph (A), by inserting
13 “or such income tax return, as applicable,”
14 after “report”.

15 (b) AUTHORITY TO DISCLOSE INFORMATION.—

16 (1) IN GENERAL.—Section 6103(l) of the Inter-
17 nal Revenue Code of 1986 is amended by adding at
18 the end the following new paragraph:

19 “(23) DISCLOSURE OF RETURN INFORMATION
20 OF PRESIDENTS AND CERTAIN PRESIDENTIAL CAN-
21 DIDATES.—

22 “(A) DISCLOSURE OF RETURNS OF PRESI-
23 DENTS.—

24 “(i) IN GENERAL.—The Secretary
25 shall, upon written request from the Direc-

1 tor of the Office of Government Ethics
2 pursuant to section 102A(b)(1)(B) of the
3 Ethics in Government Act of 1978, provide
4 to officers and employees of the Office of
5 Government Ethics a copy of any income
6 tax return of the President which is re-
7 quired to be filed under section 102A of
8 such Act.

9 “(ii) DISCLOSURE TO PUBLIC.—The
10 Director of the Office of Government Eth-
11 ics may disclose to the public the income
12 tax return of any President which is re-
13 quired to be filed with the Director pursu-
14 ant to section 102A of the Ethics in Gov-
15 ernment Act of 1978.

16 “(B) DISCLOSURE OF RETURNS OF CER-
17 TAIN CANDIDATES FOR PRESIDENT.—

18 “(i) IN GENERAL.—The Secretary
19 shall, upon written request from the Chair-
20 man of the Federal Election Commission
21 pursuant to section 102A(b)(2)(B) of the
22 Ethics in Government Act of 1978, provide
23 to officers and employees of the Federal
24 Election Commission copies of the applica-
25 ble returns of any person who has been

1 nominated as a candidate of a major party
2 (as defined in section 9002(a)) for the of-
3 fice of President.

4 “(ii) DISCLOSURE TO PUBLIC.—The
5 Federal Election Commission may disclose
6 to the public applicable returns of any per-
7 son who has been nominated as a can-
8 didate of a major party (as defined in sec-
9 tion 9002(6)) for the office of President
10 and which is required to be filed with the
11 Commission pursuant to section 102A of
12 the Ethics in Government Act.

13 “(C) APPLICABLE RETURNS.—For pur-
14 poses of this paragraph, the term ‘applicable re-
15 turns’ means, with respect to any candidate for
16 the office of President, income tax returns for
17 the 3 most recent taxable years for which a re-
18 turn has been filed as of the date of the nomi-
19 nation.”.

20 (2) CONFORMING AMENDMENTS.—Section
21 6103(p)(4) of such Code, in the matter preceding
22 subparagraph (A) and in subparagraph (F)(ii), is
23 amended by striking “or (22)” and inserting “(22),
24 or (23)” each place it appears.

1 **SEC. 1406. SENSE OF CONGRESS REGARDING VIOLATIONS.**

2 It is the sense of Congress that a violation of section
3 1402 of this Act or the Ethics in Government Act of 1978
4 (5 U.S.C. App.) by the President or the Vice President
5 would constitute a high crime or misdemeanor under arti-
6 cle II, section 4 of the Constitution of the United States.

7 **SEC. 1407. RULE OF CONSTRUCTION.**

8 Nothing in this subtitle or an amendment made by
9 this subtitle shall be construed to violate the Constitution
10 of the United States.

11 **Subtitle F—Public Access to Visitor**
12 **Logs**

13 **SEC. 1501. SHORT TITLE.**

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

17 **SEC. 1502. FINDINGS.**

18 Congress finds the following:

19 (1) Beginning in 2009, the Obama administra-
20 tion instituted a policy to release the visitor access
21 records for the White House complex.

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

1 (3) This policy provided the people of the
2 United States with insight into who influences the
3 White House and transparency regarding efforts by
4 lobbyists to effect policies, legislation, and Presi-
5 dential actions.

6 (4) To date, the Trump administration has not
7 indicated whether it will continue the policy of pub-
8 licly releasing White House visitor access records.

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

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

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

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

21 (9) Visitors to Mar-a-Lago do not undergo the
22 same background checks as White House visitors
23 and visitor access records to the club have not been
24 released to the public.

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

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

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

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

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

20 (15) The people of the United States expect
21 and deserve transparency in government. The policy
22 to release visitor access records instituted by the
23 previous administration appropriately balanced
24 transparency with the need for confidentiality in
25 government actions.

1 (16) To the extent Mar-a-Lago and any other
2 private facilities become locations where the Presi-
3 dent conducts business and interacts with individ-
4 uals who are not government officials, the same dis-
5 closures should apply.

6 **SEC. 1503. IMPROVING ACCESS TO INFLUENTIAL VISITOR**

7 **ACCESS RECORDS.**

8 (a) DEFINITIONS.—In this section:

9 (1) COVERED LOCATION.—The term “covered
10 location” means—

11 (A) the White House;

12 (B) the residence of the Vice President;

13 and

14 (C) any other location at which the Presi-
15 dent or the Vice President regularly conducts
16 official business.

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

20 (A) the name of each visitor at the covered
21 location;

22 (B) the name of each individual with whom
23 each visitor described in subparagraph (A) met
24 at the covered location; and

25 (C) the purpose of the visit.

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

6 (c) EXCEPTIONS.—

7 (1) IN GENERAL.—The President shall not in-
8 clude in the database established under subsection
9 (b) any covered record—

10 (A) the posting of which would implicate
11 personal privacy or law enforcement concerns or
12 threaten national security; or

13 (B) relating to a purely personal guest at
14 a covered location.

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

18 (A) include the number of visitors at the
19 covered location in the database established
20 under subsection (b); and

21 (B) post the applicable covered records in
22 the database established under subsection (b)
23 when the President determines that release of
24 the covered records is no longer sensitive.

1 **Subtitle G—Requiring Individuals**
2 **Nominated or Appointed to Cer-**
3 **tain Positions To Disclose Cer-**
4 **tain Types of Contributions**

5 **SEC. 1601. SHORT TITLE.**

6 This subtitle may be cited as the “Conflicts from Po-
7 litical Fundraising Act of 2017”.

8 **SEC. 1602. FINDINGS.**

9 Congress finds the following:

10 (1) Public confidence in the Federal Govern-
11 ment is based on the expectation that officers and
12 employees will discharge their duties impartially, and
13 avoid either actual conflicts of interest or the ap-
14 pearance thereof.

15 (2) The risk of an actual conflict of interest, or
16 the appearance thereof, arises when a nominee or
17 appointee to a Senate-confirmed position or an indi-
18 vidual in a position of a confidential or policymaking
19 character has previously donated to, solicited for, or
20 received funds from a political action committee or
21 entity organized under section 501(c)(4) or section
22 501(c)(6) of the Internal Revenue Code of 1986.

23 (3) Since the 2010 decision by the Supreme
24 Court of the United States in *Citizens United v.*
25 *Federal Election Commission*, spending by corpora-

1 tions subject to Federal laws and regulations has in-
2 creased dramatically.

3 (4) While some corporate political spending is
4 done publicly, contributions to entities organized
5 under section 501(c)(4) of the Internal Revenue
6 Code of 1986 need not be disclosed, making this
7 spending effectively anonymous. The risk of an ac-
8 tual conflict of interest, or the appearance thereof,
9 arises whether political spending is public or any-
10 mous.

11 (5) Current financial disclosure requirements do
12 not require filers to report funds they have donated
13 to, solicited for, or received from political action
14 committees or entities organized under section
15 501(c)(4) or section 501(c)(6) of the Internal Rev-
16 enue Code of 1986.

17 (6) Apparent or actual conflicts of interest are
18 best ameliorated through public disclosure of this ac-
19 tivity to the Office of Government Ethics so the ap-
20 parent or actual conflicts can be addressed in ethics
21 agreements negotiated between the filer and the
22 agency in which the filer will serve.

1 **SEC. 1603. DISCLOSURE OF CERTAIN TYPES OF CONTRIBU-**
2 **TIONS.**

3 (a) DEFINITIONS.—Section 109 of the Ethics in Gov-
4 ernment Act of 1978 (5 U.S.C. App.) is amended—

5 (1) by redesignating paragraphs (2) through
6 (19) as paragraphs (5) through (22), respectively;
7 and

8 (2) by inserting after paragraph (1) the fol-
9 lowing:

10 “(2) ‘covered contribution’ means a payment,
11 advance, forbearance, rendering, or deposit of
12 money, or any thing of value—

13 “(A)(i) that—

14 “(I) is—

15 “(aa) made by or on behalf of a
16 covered individual; or

17 “(bb) solicited in writing by or on
18 behalf of a covered individual; and

19 “(II) is made—

20 “(aa) to a political organization,
21 as defined in section 527 of the Inter-
22 nal Revenue Code of 1986; or

23 “(bb) to an organization—

24 “(AA) that is described in
25 paragraph (4) or (6) of section
26 501(c) of the Internal Revenue

1 Code of 1986 and exempt from
2 tax under section 501(a) of such
3 Code; and

4 “(BB) that promotes or op-
5 poses changes in Federal laws or
6 regulations that are (or would
7 be) administered by the agency in
8 which the covered individual has
9 been nominated for appointment
10 to a covered position or is serving
11 in a covered position; or

12 “(ii) that is—

13 “(I) solicited in writing by or on be-
14 half of a covered individual; and

15 “(II) made—

16 “(aa) by an individual or entity
17 the activities of which are subject to
18 Federal laws or regulations that are
19 (or would be) administered by the
20 agency in which the covered individual
21 has been nominated for appointment
22 to a covered position or is serving in
23 a covered position; and

24 “(bb) to—

1 “(AA) a political organiza-
2 tion, as defined in section 527 of
3 the Internal Revenue Code of
4 1986; or

5 “(BB) an organization that
6 is described in paragraph (4) or
7 (6) of section 501(c) of the Inter-
8 nal Revenue Code of 1986 and
9 exempt from tax under section
10 501(a) of such Code; and

11 “(B) that is made to an organization de-
12 scribed in item (aa) or (bb) of clause (i)(II) or
13 clause (ii)(II)(bb) of subparagraph (A) for
14 which the total amount of such payments, ad-
15 vances, forbearances, renderings, or deposits of
16 money, or any thing of value, during the cal-
17 endar year in which it is made is not less than
18 the contribution limitation in effect under sec-
19 tion 315(a)(1)(A) of the Federal Election Cam-
20 paign Act of 1971 (52 U.S.C. 30116(a)(1)(A))
21 for elections occurring during such calendar
22 year;

23 “(3) ‘covered individual’ means an individual
24 who has been nominated or appointed to a covered
25 position; and

1 “(4) ‘covered position’—

2 “(A) means—

3 “(i) a position described under sec-
4 tions 5312 through 5316 of title 5, United
5 States Code;

6 “(ii) a position placed in level IV or V
7 of the Executive Schedule under section
8 5317 of title 5, United States Code;

9 “(iii) a position as a limited term ap-
10 pointee, limited emergency appointee, or
11 noncareer appointee in the Senior Execu-
12 tive Service, as defined under paragraphs
13 (5), (6), and (7), respectively, of section
14 3132(a) of title 5, United States Code; and

15 “(iv) a position in the executive
16 branch of the Government of a confidential
17 or policy-determining character under
18 schedule C of subpart C of part 213 of
19 title 5 of the Code of Federal Regulations;
20 and

21 “(B) does not include a position if the in-
22 dividual serving in the position has been ex-
23 cluded from the application of section
24 101(f)(5);”.

1 (b) DISCLOSURE REQUIREMENTS.—The Ethics in
2 Government Act of 1978 (5 U.S.C. App.) is amended—

3 (1) in section 101—

4 (A) in subsection (a)—

5 (i) by inserting “(1)” before “With-
6 in”;

7 (ii) by striking “unless” and inserting
8 “and, if the individual is assuming a cov-
9 ered position, the information described in
10 section 102(j), except that, subject to para-
11 graph (2), the individual shall not be re-
12 quired to file a report if”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(2) If an individual has left a position described in
16 subsection (f) that is not a covered position and, within
17 30 days, assumes a position that is a covered position, the
18 individual shall, within 30 days of assuming the covered
19 position, file a report containing the information described
20 in section 102(j)(2)(A).”;

21 (B) in subsection (b)(1), in the first sen-
22 tence, by inserting “and the information re-
23 quired by section 102(j)” after “described in
24 section 102(b)”;

1 (C) in subsection (d), by inserting “and, if
2 the individual is serving in a covered position,
3 the information required by section
4 102(j)(2)(A)” after “described in section
5 102(a)”; and

6 (D) in subsection (e), by inserting “and, if
7 the individual was serving in a covered position,
8 the information required by section
9 102(j)(2)(A)” after “described in section
10 102(a)”; and

11 (2) in section 102—

12 (A) in subsection (g), by striking “Political
13 campaign funds” and inserting “Except as pro-
14 vided in subsection (j), political campaign
15 funds”; and

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

17 “(j)(1) In this subsection—

18 “(A) the term ‘applicable period’ means—

19 “(i) with respect to a report filed pursuant
20 to subsection (a) or (b) of section 101, the year
21 of filing and the 4 calendar years preceding the
22 year of the filing; and

23 “(ii) with respect to a report filed pursuant
24 to subsection (d) or (e) of section 101, the pre-
25 ceding calendar year; and

1 “(B) the term ‘covered gift’ means a gift that—

2 “(i) is made to a covered individual, the
3 spouse of a covered individual, or the dependent
4 child of a covered individual;

5 “(ii) is made by an entity described in item
6 (aa) or (bb) of section 109(2)(A)(i)(II); and

7 “(iii) would have been required to be re-
8 ported under subsection (a)(2) if the covered in-
9 dividual had been required to file a report
10 under section 101(d) with respect to the cal-
11 endar year during which the gift was made.

12 “(2)(A) A report filed pursuant to subsection (a), (b),
13 (d), or (e) of section 101 by a covered individual shall in-
14 clude, for each covered contribution made by or on behalf
15 of, or that was solicited in writing by or on behalf of, the
16 covered individual during the applicable period—

17 “(i) the date on which the covered contribution
18 was made;

19 “(ii) if applicable, the date or dates on which
20 the covered contribution was solicited;

21 “(iii) the value of the covered contribution;

22 “(iv) the name of the person making the cov-
23 ered contribution; and

24 “(v) the name of the person receiving the cov-
25 ered contribution.

1 “(B)(i) Subject to clause (ii), a covered contribution
2 made by or on behalf of, or that was solicited in writing
3 by or on behalf of, a covered individual shall constitute
4 a conflict of interest, or an appearance thereof, with re-
5 spect to the official duties of the covered individual.

6 “(ii) The Director of the Office of Government Ethics
7 may exempt a covered contribution from the application
8 of clause (i) if the Director determines the circumstances
9 of the solicitation and making of the covered contribution
10 do not present a risk of a conflict of interest and the ex-
11 emption of the covered contribution would not affect ad-
12 versely the integrity of the Government or the public’s con-
13 fidence in the integrity of the Government.

14 “(3) A report filed pursuant to subsection (a) or (b)
15 of section 101 by a covered individual shall include the
16 information described in subsection (a)(2) with respect to
17 each covered gift received during the applicable period.”.

18 (c) PROVISION OF REPORTS AND ETHICS AGREE-
19 MENTS TO CONGRESS.—Section 105 of the Ethics in Gov-
20 ernment Act of 1978 (5 U.S.C. App.) is amended by add-
21 ing at the end the following:

22 “(e) Not later than 30 days after receiving a written
23 request from the Chairman or Ranking Member of a com-
24 mittee or subcommittee of either House of Congress with
25 jurisdiction of the agency in which a covered individual

1 has been nominated for appointment to a covered position
2 or is serving in a covered position, the Director of the Of-
3 fice of Government Ethics shall provide to the Chairman
4 or Ranking Member, respectively, each report filed under
5 this title by the covered individual and any ethics agree-
6 ment entered into between the agency and the covered in-
7 dividual.”.

8 (d) RULES ON ETHICS AGREEMENTS.—The Director
9 of the Office of Government Ethics shall promptly issue
10 rules regarding how an agency in the executive branch
11 shall address information required to be disclosed under
12 the amendments made by this Act in drafting ethics agree-
13 ments between the agency and individuals appointed to po-
14 sitions in the agency.

15 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) The Ethics in Government Act of 1978 (5
17 U.S.C. App.) is amended—

18 (A) in section 101(f)—

19 (i) in paragraph (9), by striking “sec-
20 tion 109(12)” and inserting “section
21 109(15)”;

22 (ii) in paragraph (10), by striking
23 “section 109(13)” and inserting “section
24 109(16)”;

1 (iii) in paragraph (11), by striking
2 “section 109(10)” and inserting “section
3 109(13)”; and

4 (iv) in paragraph (12), by striking
5 “section 109(8)” and inserting “section
6 109(11)”;

7 (B) in section 103(l)—

8 (i) in paragraph (9), by striking “sec-
9 tion 109(12)” and inserting “section
10 109(15)”; and

11 (ii) in paragraph (10), by striking
12 “section 109(13)” and inserting “section
13 109(16)”; and

14 (C) in section 105(b)(3)(A), by striking
15 “section 109(8) or 109(10)” and inserting “sec-
16 tion 109(11) or 109(13)”.

17 (2) Section 3(4)(D) of the Lobbying Disclosure
18 Act of 1995 (2 U.S.C. 1602(4)(D)) is amended by
19 striking “section 109(13)” and inserting “section
20 109(16)”.

21 (3) Section 21A of the Securities Exchange Act
22 of 1934 (15 U.S.C. 78u-1) is amended—

23 (A) in subsection (g)(2)(B)(ii), by striking
24 “section 109(11) of the Ethics in Government
25 Act of 1978 (5 U.S.C. App. 109(11))” and in-

1 serting “section 109 of the Ethics in Govern-
2 ment Act of 1978 (5 U.S.C. App.)”; and

3 (B) in subsection (h)(2)—

4 (i) in subparagraph (B), by striking
5 “section 109(8) of the Ethics in Govern-
6 ment Act of 1978 (5 U.S.C. App. 109(8))”
7 and inserting “section 109 of the Ethics in
8 Government Act of 1978 (5 U.S.C. App.)”;
9 and

10 (ii) in subparagraph (C), by striking
11 “section 109(10) of the Ethics in Govern-
12 ment Act of 1978 (5 U.S.C. App.
13 109(10))” and inserting “section 109 of
14 the Ethics in Government Act of 1978 (5
15 U.S.C. App.)”.

16 (4) Section 499(j)(2) of the Public Health Serv-
17 ice Act (42 U.S.C. 290b(j)(2)) is amended by strik-
18 ing “section 109(16) of the Ethics in Government
19 Act of 1978” and inserting “section 109 of the Eth-
20 ics in Government Act of 1978 (5 U.S.C. App.)”.

1 **TITLE II—PUBLIC FINANCING**
2 **Subtitle A—Reforming Presidential**
3 **Election Financing**

4 **PART I—PRIMARY ELECTIONS**

5 **SEC. 2001. INCREASE IN AND MODIFICATIONS TO MATCH-**
6 **ING PAYMENTS.**

7 (a) INCREASE AND MODIFICATION.—

8 (1) IN GENERAL.—The first sentence of section
9 9034(a) of the Internal Revenue Code of 1986 is
10 amended—

11 (A) by striking “an amount equal to the
12 amount of each contribution” and inserting “an
13 amount equal to 600 percent of the amount of
14 each matchable contribution (disregarding any
15 amount of contributions from any person to the
16 extent that the total of the amounts contributed
17 by such person for the election exceeds \$200)”;
18 and

19 (B) by striking “authorized committees”
20 and all that follows through “\$250” and insert-
21 ing “authorized committees”.

22 (2) MATCHABLE CONTRIBUTIONS.—Section
23 9034 of such Code is amended—

24 (A) by striking the last sentence of sub-
25 section (a); and

1 (B) by inserting after subsection (b) the
2 following new subsection:

3 “(c) MATCHABLE CONTRIBUTION DEFINED.—For
4 purposes of this section and section 9033(b)—

5 “(1) MATCHABLE CONTRIBUTION.—The term
6 ‘matchable contribution’ means, with respect to the
7 nomination for election to the office of President of
8 the United States, a contribution by an individual to
9 a candidate or an authorized committee of a can-
10 didate with respect to which the candidate has cer-
11 tified in writing that—

12 “(A) the individual making such contribu-
13 tion has not made aggregate contributions (in-
14 cluding such matchable contribution) to such
15 candidate and the authorized committees of
16 such candidate in excess of \$1,000 for the elec-
17 tion;

18 “(B) such candidate and the authorized
19 committees of such candidate will not accept
20 contributions from such individual (including
21 such matchable contribution) aggregating more
22 than the amount described in subparagraph
23 (A); and

24 “(C) such contribution was not—

1 “(i) forwarded from the contributor
2 by any person other than an individual, or

3 “(ii) received by the candidate or com-
4 mittee from a contributor or contributors,
5 but credited by the committee or candidate
6 to another person who is not an individual
7 through records, designations, or other
8 means of recognizing (whether in writing
9 or not in writing) that a certain amount of
10 money has been raised by such person.

11 “(2) CONTRIBUTION.—For purposes of this
12 subsection, the term ‘contribution’ means a gift of
13 money made by a written instrument which identi-
14 fies the individual making the contribution by full
15 name and mailing address, but does not include a
16 subscription, loan, advance, or deposit of money, or
17 anything of value or anything described in subpara-
18 graph (B), (C), or (D) of section 9032(4).”.

19 (3) CONFORMING AMENDMENTS.—

20 (A) Section 9032(4) of such Code is
21 amended by striking “section 9034(a)” and in-
22 serting “section 9034”.

23 (B) Section 9033(b)(3) of such Code is
24 amended by striking “matching contributions”
25 and inserting “matchable contributions”.

1 (b) MODIFICATION OF PAYMENT LIMITATION.—

2 (1) IN GENERAL.—Section 9034(b) of such
3 Code is amended—

4 (A) by striking “Every” and inserting the
5 following:

6 “(1) IN GENERAL.—Every”;

7 (B) by striking “shall not exceed” and all
8 that follows and inserting “shall not exceed
9 \$300,000,000.”; and

10 (C) by adding at the end the following new
11 paragraph:

12 “(3) INFLATION ADJUSTMENT.—

13 “(A) IN GENERAL.—In the case of any ap-
14 plicable period beginning after 2019, the dollar
15 amount in paragraph (1) shall be increased by
16 an amount equal to—

17 “(i) such dollar amount, multiplied by

18 “(ii) the cost-of-living adjustment de-
19 termined under section 1(f)(3) for the cal-
20 endar year following the year which such
21 applicable period begins, determined by
22 substituting ‘calendar year 2018’ for ‘cal-
23 endar year 1992’ in subparagraph (B)
24 thereof.

1 “(B) APPLICABLE PERIOD.—For purposes
2 of this paragraph, the term ‘applicable period’
3 means the 4-year period beginning with the
4 first day following the date of the general elec-
5 tion for the office of President and ending on
6 the date of the next such general election.

7 “(C) ROUNDING.—If any amount as ad-
8 justed under subparagraph (1) is not a multiple
9 of \$10,000, such amount shall be rounded to
10 the nearest multiple of \$10,000.”.

11 **SEC. 2002. ELIGIBILITY REQUIREMENTS FOR MATCHING**
12 **PAYMENTS.**

13 (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER
14 STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN
15 EXCESS OF \$200.—Section 9033(b)(3) of the Internal
16 Revenue Code of 1986 is amended—

17 (1) by striking “\$5,000” and inserting
18 “\$25,000”; and

19 (2) by striking “20 States” and inserting the
20 following: “20 States (disregarding any amount of
21 contributions from any such resident to the extent
22 that the total of the amounts contributed by such
23 resident for the election exceeds \$200)”.

24 (b) CONTRIBUTION LIMIT.—

1 (1) IN GENERAL.—Paragraph (4) of section
2 9033(b) of such Code is amended to read as follows:

3 “(4) the candidate and the authorized commit-
4 tees of the candidate will not accept aggregate con-
5 tributions from any person with respect to the nomi-
6 nation for election to the office of President of the
7 United States in excess of \$1,000 for the election.”.

8 (2) CONFORMING AMENDMENTS.—

9 (A) Section 9033(b) of such Code is
10 amended by adding at the end the following
11 new flush sentence:

12 “For purposes of paragraph (4), the term ‘contribution’
13 has the meaning given such term in section 301(8) of the
14 Federal Election Campaign Act of 1971.”.

15 (B) Section 9032(4) of such Code, as
16 amended by section 2001(a)(3)(A) is amended
17 by inserting “or 9033(b)” after “9034”.

18 (c) BAN ON ACCEPTANCE OF BUNDLED CONTRIBU-
19 TIONS.—Section 9033(b) of such Code, as amended by
20 subsection (b), is amended—

21 (1) by striking “and” at the end of paragraph

22 (3);

23 (2) by striking the period at the end of para-
24 graph (4) and inserting “, and”; and

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

3 “(5) the candidate and the authorized com-
4 mittee of the candidate will not accept any bundled
5 contribution (as defined in section 304(i)(8) of the
6 Federal Election Campaign Act of 1971) forwarded
7 by or credited to a person described in section
8 304(i)(7) of such Act.”.

9 (d) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR
10 GENERAL ELECTION.—Section 9033(b) of such Code, as
11 amended by subsection (c), is amended—

12 (1) by striking “and” at the end of paragraph
13 (4);

14 (2) by striking the period at the end of para-
15 graph (5) and inserting “, and”; and

16 (3) by adding at the end the following new
17 paragraph:

18 “(6) if the candidate is nominated by a political
19 party for election to the office of President, the can-
20 didate will apply for and accept payments with re-
21 spect to the general election for such office in ac-
22 cordance with chapter 95.”.

1 **SEC. 2003. REPEAL OF EXPENDITURE LIMITATIONS.**

2 (a) IN GENERAL.—Subsection (a) of section 9035 of
3 the Internal Revenue Code of 1986 is amended to read
4 as follows:

5 “(a) PERSONAL EXPENDITURE LIMITATION.—No
6 candidate shall knowingly make expenditures from his per-
7 sonal funds, or the personal funds of his immediate family,
8 in connection with his campaign for nomination for elec-
9 tion to the office of President in excess of, in the aggre-
10 gate, \$50,000.”.

11 (b) CONFORMING AMENDMENT.—Paragraph (1) of
12 section 9033(b) of the Internal Revenue Code of 1986 is
13 amended to read as follows:

14 “(1) the candidate will comply with the per-
15 sonal expenditure limitation under section 9035,”.

16 **SEC. 2004. PERIOD OF AVAILABILITY OF MATCHING PAY-**
17 **MENTS.**

18 Section 9032(6) of the Internal Revenue Code of
19 1986 is amended by striking “the beginning of the cal-
20 endar year in which a general election for the office of
21 President of the United States will be held” and inserting
22 “the date that is 6 months prior to the date of the earliest
23 State primary election”.

1 **SEC. 2005. EXAMINATION AND AUDITS OF MATCHABLE CON-**
2 **TRIBUTIONS.**

3 Section 9038(a) of the Internal Revenue Code of
4 1986 is amended by inserting “and matchable contribu-
5 tions accepted by” after “qualified campaign expenses of”.

6 **SEC. 2006. MODIFICATION TO LIMITATION ON CONTRIBU-**
7 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**
8 **DIDATES.**

9 Section 315(a)(6) of the Federal Election Campaign
10 Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by strik-
11 ing “calendar year” and inserting “four-year election
12 cycle”.

13 **PART II—GENERAL ELECTIONS**

14 **SEC. 2011. MODIFICATION OF ELIGIBILITY REQUIREMENTS**
15 **FOR PUBLIC FINANCING.**

16 Subsection (a) of section 9003 of the Internal Rev-
17 enue Code of 1986 is amended to read as follows:

18 “(a) IN GENERAL.—In order to be eligible to receive
19 any payments under section 9006, the candidates of a po-
20 litical party in a presidential election shall meet the fol-
21 lowing requirements:

22 “(1) PARTICIPATION IN PRIMARY PAYMENT
23 SYSTEM.—The candidate for President received pay-
24 ments under chapter 96 for the campaign for nomi-
25 nation for election to be President.

1 “(2) AGREEMENTS WITH COMMISSION.—The
2 candidates, in writing—

3 “(A) agree to obtain and furnish to the
4 Commission such evidence as it may request of
5 the qualified campaign expenses of such can-
6 didates,

7 “(B) agree to keep and furnish to the
8 Commission such records, books, and other in-
9 formation as it may request, and

10 “(C) agree to an audit and examination by
11 the Commission under section 9007 and to pay
12 any amounts required to be paid under such
13 section.

14 “(3) BAN ON BUNDLED CONTRIBUTIONS.—The
15 candidates certify to the Commission, under penalty
16 of perjury and within such time prior to the day of
17 the presidential election as the Commission shall
18 prescribe by rules or regulations, that the candidates
19 and the authorized committees of such candidates
20 will not accept any bundled contribution (as defined
21 in section 304(i)(8) of the Federal Election Cam-
22 paign Act of 1971) forwarded by or credited to a
23 person described in section 304(i)(7) of such Act.”.

1 **SEC. 2012. REPEAL OF EXPENDITURE LIMITATIONS AND**
2 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**
3 **TIONS.**

4 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
5 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME
6 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-
7 TIES.—Section 9003 of the Internal Revenue Code of
8 1986 is amended by striking subsections (b) and (c) and
9 inserting the following:

10 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
11 TO DEFRAY EXPENSES.—

12 “(1) IN GENERAL.—In order to be eligible to
13 receive any payments under section 9006, the can-
14 didates of a party in a presidential election shall cer-
15 tify to the Commission, under penalty of perjury,
16 that—

17 “(A) such candidates and their authorized
18 committees have not and will not accept any
19 contributions to defray qualified campaign ex-
20 penses other than—

21 “(i) qualified campaign contributions,
22 and

23 “(ii) contributions to the extent nec-
24 essary to make up any deficiency payments
25 received out of the fund on account of the
26 application of section 9006(c), and

1 “(B) such candidates and their authorized
2 committees have not and will not accept any
3 contribution to defray expenses which would be
4 qualified campaign expenses but for subpara-
5 graph (C) of section 9002(11).

6 “(2) TIMING OF CERTIFICATION.—The can-
7 didate shall make the certification required under
8 this subsection at the same time the candidate
9 makes the certification required under subsection
10 (a)(3).”.

11 (b) DEFINITION OF QUALIFIED CAMPAIGN CON-
12 TRIBUTION.—Section 9002 of such Code is amended by
13 adding at the end the following new paragraph:

14 “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—
15 The term ‘qualified campaign contribution’ means,
16 with respect to any election for the office of Presi-
17 dent of the United States, a contribution from an in-
18 dividual to a candidate or an authorized committee
19 of a candidate which—

20 “(A) does not exceed \$1,000 for the elec-
21 tion; and

22 “(B) with respect to which the candidate
23 has certified in writing that—

24 “(i) the individual making such con-
25 tribution has not made aggregate contribu-

1 tions (including such qualified contribu-
2 tion) to such candidate and the authorized
3 committees of such candidate in excess of
4 the amount described in subparagraph (A),
5 and

6 “(ii) such candidate and the author-
7 ized committees of such candidate will not
8 accept contributions from such individual
9 (including such qualified contribution) ag-
10 gregating more than the amount described
11 in subparagraph (A) with respect to such
12 election.”.

13 (c) CONFORMING AMENDMENTS.—

14 (1) REPEAL OF EXPENDITURE LIMITS.—

15 (A) IN GENERAL.—Section 315 of the Fed-
16 eral Election Campaign Act of 1971 (52 U.S.C.
17 30116) is amended by striking subsection (b).

18 (B) CONFORMING AMENDMENTS.—Section
19 315(c) of such Act (52 U.S.C. 30116(c)) is
20 amended—

21 (i) in paragraph (1)(B)(i), by striking
22 “, (b)”;

23 (ii) in paragraph (2)(B)(i), by striking
24 “subsections (b) and (d)” and inserting
25 “subsection (d)”.

1 (2) REPEAL OF REPAYMENT REQUIREMENT.—

2 (A) IN GENERAL.—Section 9007(b) of the
3 Internal Revenue Code of 1986 is amended by
4 striking paragraph (2) and redesignating para-
5 graphs (3), (4), and (5) as paragraphs (2), (3),
6 and (4), respectively.

7 (B) CONFORMING AMENDMENT.—Para-
8 graph (2) of section 9007(b) of such Code, as
9 redesignated by subparagraph (A), is amend-
10 ed—

11 (i) by striking “a major party” and
12 inserting “a party”;

13 (ii) by inserting “qualified contribu-
14 tions and” after “contributions (other
15 than”; and

16 (iii) by striking “(other than qualified
17 campaign expenses with respect to which
18 payment is required under paragraph
19 (2))”.

20 (3) CRIMINAL PENALTIES.—

21 (A) REPEAL OF PENALTY FOR EXCESS EX-
22 PENSES.—Section 9012 of the Internal Revenue
23 Code of 1986 is amended by striking subsection
24 (a).

1 (B) PENALTY FOR ACCEPTANCE OF DIS-
2 ALLOWED CONTRIBUTIONS; APPLICATION OF
3 SAME PENALTY FOR CANDIDATES OF MAJOR,
4 MINOR, AND NEW PARTIES.—Subsection (b) of
5 section 9012 of such Code is amended to read
6 as follows:

7 “(b) CONTRIBUTIONS.—

8 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-
9 TIONS.—It shall be unlawful for an eligible can-
10 didate of a party in a presidential election or any of
11 his authorized committees knowingly and willfully to
12 accept any contribution to defray qualified campaign
13 expenses, except to the extent necessary to make up
14 any deficiency in payments received out of the fund
15 on account of the application of section 9006(e), or
16 to defray expenses which would be qualified cam-
17 paign expenses but for subparagraph (C) of section
18 9002(11).

19 “(2) PENALTY.—Any person who violates para-
20 graph (1) shall be fined not more than \$5,000, or
21 imprisoned not more than one year, or both. In the
22 case of a violation by an authorized committee, any
23 officer or member of such committee who knowingly
24 and willfully consents to such violation shall be fined

1 not more than \$5,000, or imprisoned not more than
2 one year, or both.”.

3 **SEC. 2013. MATCHING PAYMENTS AND OTHER MODIFICA-**
4 **TIONS TO PAYMENT AMOUNTS.**

5 (a) IN GENERAL.—

6 (1) AMOUNT OF PAYMENTS; APPLICATION OF
7 SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,
8 AND NEW PARTIES.—Subsection (a) of section 9004
9 of the Internal Revenue Code of 1986 is amended to
10 read as follows:

11 “(a) IN GENERAL.—Subject to the provisions of this
12 chapter, the eligible candidates of a party in a presidential
13 election shall be entitled to equal payment under section
14 9006 in an amount equal to 600 percent of the amount
15 of each matchable contribution received by such candidate
16 or by the candidate’s authorized committees (disregarding
17 any amount of contributions from any person to the extent
18 that the total of the amounts contributed by such person
19 for the election exceeds \$200), except that total amount
20 to which a candidate is entitled under this paragraph shall
21 not exceed \$300,000,000.”.

22 (2) REPEAL OF SEPARATE LIMITATIONS FOR
23 CANDIDATES OF MINOR AND NEW PARTIES; INFLA-
24 TION ADJUSTMENT.—Subsection (b) of section 9004
25 of such Code is amended to read as follows:

1 “(b) INFLATION ADJUSTMENT.—

2 “(1) IN GENERAL.—In the case of any applica-
3 ble period beginning after 2019, the \$300,000,000
4 dollar amount in subsection (a) shall be increased by
5 an amount equal to—

6 “(A) such dollar amount; multiplied by

7 “(B) the cost-of-living adjustment deter-
8 mined under section 1(f)(3) for the calendar
9 year following the year which such applicable
10 period begins, determined by substituting ‘cal-
11 endar year 2018’ for ‘calendar year 1992’ in
12 subparagraph (B) thereof.

13 “(2) APPLICABLE PERIOD.—For purposes of
14 this subsection, the term ‘applicable period’ means
15 the 4-year period beginning with the first day fol-
16 lowing the date of the general election for the office
17 of President and ending on the date of the next such
18 general election.

19 “(3) ROUNDING.—If any amount as adjusted
20 under paragraph (1) is not a multiple of \$10,000,
21 such amount shall be rounded to the nearest mul-
22 tiple of \$10,000.”.

23 (3) CONFORMING AMENDMENT.—Section
24 9005(a) of such Code is amended by adding at the
25 end the following new sentence: “The Commission

1 shall make such additional certifications as may be
2 necessary to receive payments under section 9004.”.

3 (b) MATCHABLE CONTRIBUTION.—Section 9002 of
4 such Code, as amended by section 2012, is amended by
5 adding at the end the following new paragraph:

6 “(14) MATCHABLE CONTRIBUTION.—The term
7 ‘matchable contribution’ means, with respect to the
8 election to the office of President of the United
9 States, a contribution by an individual to a can-
10 didate or an authorized committee of a candidate
11 with respect to which the candidate has certified in
12 writing that—

13 “(A) the individual making such contribu-
14 tion has not made aggregate contributions (in-
15 cluding such matchable contribution) to such
16 candidate and the authorized committees of
17 such candidate in excess of \$1,000 for the elec-
18 tion;

19 “(B) such candidate and the authorized
20 committees of such candidate will not accept
21 contributions from such individual (including
22 such matchable contribution) aggregating more
23 than the amount described in subparagraph (A)
24 with respect to such election; and

25 “(C) such contribution was not—

1 “(i) forwarded from the contributor
2 by any person other than an individual, or
3 “(ii) received by the candidate or com-
4 mittee from a contributor or contributors,
5 but credited by the committee or candidate
6 to another person who is not an individual
7 through records, designations, or other
8 means of recognizing (whether in writing
9 or not in writing) that a certain amount of
10 money has been raised by such person.”.

11 **SEC. 2014. INCREASE IN LIMIT ON COORDINATED PARTY**
12 **EXPENDITURES.**

13 (a) IN GENERAL.—Section 315(d)(2) of the Federal
14 Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))
15 is amended to read as follows:

16 “(2)(A) The national committee of a political party
17 may not make any expenditure in connection with the gen-
18 eral election campaign of any candidate for President of
19 the United States who is affiliated with such party which
20 exceeds \$100,000,000.

21 “(B) For purposes of this paragraph—

22 “(i) any expenditure made by or on behalf of a
23 national committee of a political party and in con-
24 nection with a presidential election shall be consid-
25 ered to be made in connection with the general elec-

1 tion campaign of a candidate for President of the
2 United States who is affiliated with such party; and

3 “(ii) any communication made by or on behalf
4 of such party shall be considered to be made in con-
5 nection with the general election campaign of a can-
6 didate for President of the United States who is af-
7 filiated with such party if any portion of the commu-
8 nication is in connection with such election.

9 “(C) Any expenditure under this paragraph shall be
10 in addition to any expenditure by a national committee
11 of a political party serving as the principal campaign com-
12 mittee of a candidate for the office of President of the
13 United States.”.

14 (b) CONFORMING AMENDMENTS RELATING TO TIM-
15 ING OF COST-OF-LIVING ADJUSTMENT.—

16 (1) IN GENERAL.—Section 315(c)(1) of such
17 Act (52 U.S.C. 30116(c)(1)), as amended by section
18 2012(c)(1)(B), is amended—

19 (A) in subparagraph (B), by striking “(d)”
20 and inserting “(d)(3)”; and

21 (B) by inserting at the end the following
22 new subparagraph:

23 “(D) In any calendar year after 2018—

1 “(i) the dollar amount in subsection (d)(2) shall
2 be increased by the percent difference determined
3 under subparagraph (A);

4 “(ii) the amount so increased shall remain in
5 effect for the calendar year; and

6 “(iii) if the amount after adjustment under
7 clause (i) is not a multiple of \$100, such amount
8 shall be rounded to the nearest multiple of \$100.”.

9 (2) BASE YEAR.—Section 315(c)(2)(B) of such
10 Act (52 U.S.C. 30116(c)(2)(B)), as amended by sec-
11 tion 2012(c)(1)(B), is amended—

12 (A) in clause (i)—

13 (i) by striking “(d)” and inserting
14 “(d)(3)”; and

15 (ii) by striking “and” at the end;

16 (B) in clause (ii), by striking the period at
17 the end and inserting “; and”; and

18 (C) by adding at the end the following new
19 clause:

20 “(iii) for purposes of subsection (d)(2), cal-
21 endar year 2017.”.

22 **SEC. 2015. ESTABLISHMENT OF UNIFORM DATE FOR RE-**
23 **LEASE OF PAYMENTS.**

24 (a) DATE FOR PAYMENTS.—

1 (1) IN GENERAL.—Section 9006(b) of the In-
2 ternal Revenue Code of 1986 is amended to read as
3 follows:

4 “(b) PAYMENTS FROM THE FUND.—If the Secretary
5 of the Treasury receives a certification from the Commis-
6 sion under section 9005 for payment to the eligible can-
7 didates of a political party, the Secretary shall pay to such
8 candidates out of the fund the amount certified by the
9 Commission on the later of—

10 “(1) the last Friday occurring before the first
11 Monday in September; or

12 “(2) 24 hours after receiving the certifications
13 for the eligible candidates of all major political par-
14 ties.

15 Amounts paid to any such candidates shall be under the
16 control of such candidates.”.

17 (2) CONFORMING AMENDMENT.—The first sen-
18 tence of section 9006(c) of such Code is amended by
19 striking “the time of a certification by the Commis-
20 sion under section 9005 for payment” and inserting
21 “the time of making a payment under subsection
22 (b)”.

23 (b) TIME FOR CERTIFICATION.—Section 9005(a) of
24 the Internal Revenue Code of 1986 is amended by striking
25 “10 days” and inserting “24 hours”.

1 **SEC. 2016. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**
2 **PAIGN FUND.**

3 (a) DETERMINATION OF AMOUNTS IN FUND.—Sec-
4 tion 9006(c) of the Internal Revenue Code of 1986 is
5 amended by adding at the end the following new sentence:
6 “In making a determination of whether there are insuffi-
7 cient moneys in the fund for purposes of the previous sen-
8 tence, the Secretary shall take into account in determining
9 the balance of the fund for a Presidential election year
10 the Secretary’s best estimate of the amount of moneys
11 which will be deposited into the fund during the year, ex-
12 cept that the amount of the estimate may not exceed the
13 average of the annual amounts deposited in the fund dur-
14 ing the previous 3 years.”.

15 (b) SPECIAL RULE FOR FIRST CAMPAIGN CYCLE
16 UNDER THIS ACT.—

17 (1) IN GENERAL.—Section 9006 of the Internal
18 Revenue Code of 1986 is amended by adding at the
19 end the following new subsection:

20 “(d) SPECIAL AUTHORITY TO BORROW.—

21 “(1) IN GENERAL.—Notwithstanding subsection
22 (c), there are authorized to be appropriated to the
23 fund, as repayable advances, such sums as are nec-
24 essary to carry out the purposes of the fund during
25 the period ending on the first presidential election

1 occurring after the date of the enactment of this
2 subsection.

3 “(2) REPAYMENT OF ADVANCES.—

4 “(A) IN GENERAL.—Advances made to the
5 fund shall be repaid, and interest on such ad-
6 vances shall be paid, to the general fund of the
7 Treasury when the Secretary determines that
8 moneys are available for such purposes in the
9 fund.

10 “(B) RATE OF INTEREST.—Interest on ad-
11 vances made to the fund shall be at a rate de-
12 termined by the Secretary of the Treasury (as
13 of the close of the calendar month preceding the
14 month in which the advance is made) to be
15 equal to the current average market yield on
16 outstanding marketable obligations of the
17 United States with remaining periods to matu-
18 rity comparable to the anticipated period during
19 which the advance will be outstanding and shall
20 be compounded annually.”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by this subsection shall take effect January 1, 2018.

1 **SEC. 2017. USE OF GENERAL ELECTION PAYMENTS FOR**
 2 **GENERAL ELECTION LEGAL AND ACCOUNT-**
 3 **ING COMPLIANCE.**

4 Section 9002(11) of the Internal Revenue Code of
 5 1986 is amended by adding at the end the following new
 6 sentence: “For purposes of subparagraph (A), an expense
 7 incurred by a candidate or authorized committee for gen-
 8 eral election legal and accounting compliance purposes
 9 shall be considered to be an expense to further the election
 10 of such candidate.”.

11 **Subtitle B—Public Financing for**
 12 **Congressional Election Campaigns**

13 **SEC. 2101. BENEFITS AND ELIGIBILITY REQUIREMENTS**
 14 **FOR CONGRESSIONAL CANDIDATES.**

15 The Federal Election Campaign Act of 1971 (52
 16 U.S.C. 30101 et seq.) is amended by adding at the end
 17 the following:

18 **“TITLE V—PUBLIC FINANCING**
 19 **OF CONGRESSIONAL ELEC-**
 20 **TION CAMPAIGNS**

21 **“Subtitle A—Benefits**

22 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

23 “(a) IN GENERAL.—If a candidate for election to the
 24 office of Senator or Representative in, or Delegate or Resi-
 25 dent Commissioner to, the Congress is a participating can-
 26 didate under this title with respect to an election for such

1 office, the candidate shall be entitled to payments under
2 this title, to be used only for authorized expenditures in
3 connection with the election.

4 “(b) AMOUNT OF PAYMENT.—

5 “(1) MATCH OF QUALIFIED CONTRIBUTIONS.—

6 Subject to paragraph (2), the amount of a payment
7 made to a participating candidate under this title
8 shall be equal to 600 percent of the amount of quali-
9 fied contributions received by the candidate since the
10 most recent payment made to the candidate under
11 this title with respect to the election, as set forth—

12 “(A) in the case of the first payment made
13 to the candidate with respect to the election, in
14 the report filed under section 511(a)(2); and

15 “(B) in the case of any subsequent pay-
16 ment made to the candidate with respect to the
17 election, in the report of qualified contributions
18 filed under subsection (c).

19 “(2) LIMITATION.—In determining the amount
20 of qualified contributions received by a candidate for
21 purposes of making a payment under this section,
22 there shall be disregarded any amount of contribu-
23 tions from any person to the extent that the total of
24 the amounts contributed by such person for the elec-
25 tion exceeds \$200.

1 “(c) REPORTS.—

2 “(1) IN GENERAL.—Each participating can-
3 didate shall file reports of receipts of qualified con-
4 tributions at such times and in such manner as the
5 Commission may by regulations prescribe.

6 “(2) CONTENTS OF REPORTS.—Each report
7 under this subsection shall disclose each qualified
8 contribution received by the candidate since the most
9 recent report filed under this section, and shall state
10 the aggregate amount of all such qualified contribu-
11 tions received since the most recent report filed
12 under this section.

13 “(3) FREQUENCY OF REPORTS.—Reports under
14 this subsection shall be made no more frequently
15 than—

16 “(A) once every month until the date that
17 is 90 days before the date of the election;

18 “(B) once every week after the period de-
19 scribed in subparagraph (A) and until the date
20 that is 21 days before the election; and

21 “(C) once every day after the period de-
22 scribed in subparagraph (B).

23 “(4) LIMITATION ON REGULATIONS.—The
24 Commission may not prescribe any regulations with
25 respect to reporting under this subsection with re-

1 spect to any election after the date that is 180 days
2 before the date of such election.

3 “(d) LIMIT ON AGGREGATE AMOUNT OF PAY-
4 MENTS.—The aggregate amount of payments that may be
5 made under this title to a participating candidate during
6 an election cycle may not exceed—

7 “(1) \$2,000,000, in the case of a candidate for
8 the office of Representative in, or Delegate or Resi-
9 dent Commissioner to, the Congress; or

10 “(2) \$10,000,000, in the case of a candidate for
11 the office of Senator.

12 “(e) INFLATION ADJUSTMENT.—In each odd-num-
13 bered calendar year after 2018—

14 “(1) each of the dollar amounts under sub-
15 sections (b)(2), (d)(1), and (d)(2) shall be increased
16 by the percent difference determined under section
17 315(c)(1)(A) (determined by substituting ‘calendar
18 year 2017’ for ‘the base period’);

19 “(2) each amount so increased shall remain in
20 effect for the election cycle beginning on the first
21 day following the year in which the amount is in-
22 creased; and

23 “(3) if any amount after adjustment under
24 paragraph (1) is—

1 “(A) in the case of an amount under sub-
2 section (b)(2), not a multiple of \$10, such
3 amount shall be rounded to the nearest multiple
4 of \$10, and

5 “(B) in the case of an amount under sub-
6 section (d), not a multiple of \$1,000, such
7 amount shall be rounded to the nearest multiple
8 of \$1,000.

9 **“SEC. 502. ADMINISTRATION OF PAYMENTS.**

10 “(a) **TIMING.**—The Commission shall make payments
11 under this title to a participating candidate—

12 “(1) in the case of the first payment made to
13 the candidate with respect to the election, not later
14 than 48 hours after the date on which such can-
15 didate is certified as a participating candidate under
16 section 513; and

17 “(2) in the case of any subsequent payment
18 made to the candidate with respect to the election,
19 not later than 5 business days after the receipt of
20 a report made under section 501(c).

21 “(b) **METHOD OF PAYMENT.**—The Commission shall
22 distribute funds available to participating candidates
23 under this title through the use of an electronic funds ex-
24 change or a debit card.

1 “(c) APPEALS.—The Commission shall provide a
2 written explanation with respect to any denial of any pay-
3 ment under this title and shall provide for the opportunity
4 for review and reconsideration within 5 business days of
5 such denial.

6 **“SEC. 503. QUALIFIED CONTRIBUTION DEFINED.**

7 “In this title, the term ‘qualified contribution’ means,
8 with respect to a candidate, a contribution that meets each
9 of the following requirements:

10 “(1) The contribution is in an amount that is
11 not greater than the limit on the amount of a con-
12 tribution that may be accepted by a participating
13 candidate from an individual under section 521(a).

14 “(2) The contribution is made by an individual
15 who is not otherwise prohibited from making a con-
16 tribution under this Act.

17 “(3) The contribution is not—

18 “(A) forwarded from the contributor by
19 any person other than an individual; or

20 “(B) received by the candidate or an au-
21 thorized committee of the candidate from a con-
22 tributor or contributors, but credited by the
23 committee or candidate to another person who
24 is not an individual through records, designa-
25 tions, or other means of recognizing (whether in

1 writing or not in writing) that a certain amount
2 of money has been raised by such person.

3 “(4) The contribution meets the requirements
4 of section 512(b).

5 **“Subtitle B—Eligibility and**
6 **Certification**

7 **“SEC. 511. ELIGIBILITY.**

8 “(a) IN GENERAL.—A candidate for the office of
9 Senator or Representative in, or Delegate or Resident
10 Commissioner to, the Congress is eligible to be certified
11 as a participating candidate under this title with respect
12 to an election if the candidate meets the following require-
13 ments:

14 “(1) During the election cycle for the office in-
15 volved, the candidate files with the Commission a
16 statement of intent to seek certification as a partici-
17 pating candidate.

18 “(2) The candidate meets the qualified con-
19 tribution requirements of section 512 and submits to
20 the Commission a report disclosing each qualified
21 contribution received by the candidate and stating
22 the aggregate amount of all such qualified contribu-
23 tions received.

24 “(3) Not later than the last day of the quali-
25 fying period, the candidate files with the Commis-

1 sion an affidavit signed by the candidate and the
2 treasurer of the candidate's principal campaign com-
3 mittee declaring that the candidate—

4 “(A) has complied and, if certified, will
5 comply with the contribution and expenditure
6 requirements of section 521;

7 “(B) if certified, will run only as a partici-
8 pating candidate for all elections for the office
9 that such candidate is seeking during the elec-
10 tion cycle; and

11 “(C) has either qualified or will take steps
12 to qualify under State law to be on the ballot.

13 “(b) GENERAL ELECTION.—Notwithstanding sub-
14 section (a), a candidate shall not be eligible to receive a
15 payment under this title for a general election or a general
16 runoff election unless the candidate's party nominated the
17 candidate to be placed on the ballot for the general elec-
18 tion or the candidate is otherwise qualified to be on the
19 ballot under State law.

20 “(c) QUALIFYING PERIOD DEFINED.—The term
21 ‘qualifying period’ means, with respect to any candidate
22 for the office of Senator or Representative in, or Delegate
23 or Resident Commissioner to, the Congress, the 120-day
24 period (during the election cycle for such office) which be-
25 gins on the date on which the candidate files a statement

1 of intent under section 511(a)(1), except that such period
2 may not continue after the date that is 60 days before—

3 “(1) the date of the primary election; or

4 “(2) in the case of a State that does not hold
5 a primary election, the date prescribed by State law
6 as the last day to qualify for a position on the gen-
7 eral election ballot.

8 **“SEC. 512. QUALIFIED CONTRIBUTION REQUIREMENTS.**

9 “(a) RECEIPT OF QUALIFIED CONTRIBUTIONS.—

10 “(1) IN GENERAL.—A candidate meets the re-
11 quirements of this section if, during the qualifying
12 period described in section 511(c), the candidate ob-
13 tains—

14 “(A) a single qualified contribution from a
15 number of individuals equal to or greater
16 than—

17 “(i) in the case of a candidate for
18 election the office of Representative in, or
19 Delegate or Resident Commissioner to, the
20 Congress, 400, or

21 “(ii) in the case of a candidate for the
22 office of Senator, the product of 400 and
23 the number of Congressional districts in
24 the State involved as of the date of the
25 election; and

1 “(B) a total dollar amount of qualified
2 contributions equal to or greater than—

3 “(i) in the case of a candidate for
4 election the office of Representative in, or
5 Delegate or Resident Commissioner to, the
6 Congress, \$40,000, disregarding any
7 amount of contributions from any person
8 to the extent that the total of the amounts
9 contributed by such person for the election
10 exceeds \$200, or

11 “(ii) in the case of a candidate for the
12 office of Senator, the product of \$40,000
13 and the number of Congressional districts
14 in the State involved as of the date of the
15 election, disregarding any amount of con-
16 tributions from any person to the extent
17 that the total of the amounts contributed
18 by such person for the election exceeds
19 \$200.

20 “(2) EXCLUSION OF CONTRIBUTIONS FROM
21 OUT-OF-STATE RESIDENTS.—In determining the
22 number of qualified contributions obtained by a can-
23 didate under paragraph (1)(A) and the dollar
24 amount of qualified contributions obtained by a can-
25 didate under paragraph (1)(B), there shall be ex-

1 cluded any contributions made by an individual who
2 does not have a primary residence in the State in
3 which such candidate is seeking election.

4 “(b) REQUIREMENTS RELATING TO RECEIPT OF
5 QUALIFIED CONTRIBUTION.—Each qualified contribu-
6 tion—

7 “(1) may be made by means of a personal
8 check, money order, debit card, credit card, or elec-
9 tronic payment account;

10 “(2) shall be accompanied by a signed state-
11 ment containing the contributor’s name and the con-
12 tributor’s address in the State in which the primary
13 residence of the contributor is located; and

14 “(3) shall be acknowledged by a receipt that is
15 sent to the contributor with a copy kept by the can-
16 didate for the Commission and a copy kept by the
17 candidate for the election authorities in the State
18 with respect to which the candidate is seeking elec-
19 tion.

20 “(c) PROHIBITING PAYMENT ON COMMISSION BASIS
21 OF INDIVIDUALS COLLECTING QUALIFIED CONTRIBU-
22 TIONS.—No person may be paid a commission on a per
23 qualified contribution basis for collecting qualified con-
24 tributions.

1 **“SEC. 513. CERTIFICATION.**

2 “(a) DEADLINE AND NOTIFICATION.—

3 “(1) IN GENERAL.—Not later than 10 days
4 after a candidate files an affidavit under section
5 511(a)(3), the Commission shall—

6 “(A) determine whether or not the can-
7 didate meets the requirements for certification
8 as a participating candidate;

9 “(B) if the Commission determines that
10 the candidate meets such requirements, certify
11 the candidate as a participating candidate; and

12 “(C) notify the candidate of the Commis-
13 sion’s determination.

14 “(2) DEEMED CERTIFICATION FOR ALL ELEC-
15 TIONS IN ELECTION CYCLE.—If the Commission cer-
16 tifies a candidate as a participating candidate with
17 respect to the first election of the election cycle in-
18 volved, the Commissioner shall be deemed to have
19 certified the candidate as a participating candidate
20 with respect to all subsequent elections of the elec-
21 tion cycle.

22 “(b) REVOCATION OF CERTIFICATION.—

23 “(1) IN GENERAL.—The Commission may re-
24 voke a certification under subsection (a) if—

25 “(A) a candidate fails to qualify to appear
26 on the ballot at any time after the date of cer-

1 tification (other than a candidate certified as a
2 participating candidate with respect to a pri-
3 mary election who fails to qualify to appear on
4 the ballot for a subsequent election in that elec-
5 tion cycle); or

6 “(B) a candidate otherwise fails to comply
7 with the requirements of this title, including
8 any regulatory requirements prescribed by the
9 Commission.

10 “(2) REPAYMENT OF BENEFITS.—If certifi-
11 cation is revoked under paragraph (1), the candidate
12 shall repay to the Empowering Citizens Payment Ac-
13 count of the Presidential Election Campaign Fund
14 (established under section 9051 of the Internal Rev-
15 enue Code of 1986) an amount equal to the value
16 of benefits received under this title with respect to
17 the election cycle involved plus interest (at a rate de-
18 termined by the Commission) on any such amount
19 received.

20 “(c) PARTICIPATING CANDIDATE DEFINED.—In this
21 title, a ‘participating candidate’ means a candidate for the
22 office of Senator or Representative in, or Delegate or Resi-
23 dent Commissioner to, the Congress who is certified under
24 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 “(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. 2102. 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. 2103. 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. 2201. 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. 2202. 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(e)(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. 2203. 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.

20 **Subtitle D—Effective Date**

21 **SEC. 2301. EFFECTIVE DATE.**

22 Except as otherwise provided in this title, the amend-
23 ments made by this title shall apply with respect to elec-
24 tions occurring after January 1, 2018.

1 **TITLE III—REDISTRICTING**

2 **SEC. 3001. SHORT TITLE.**

3 This title may be cited as the “Redistricting Reform
4 Act”.

5 **SEC. 3002. FINDING OF CONSTITUTIONAL AUTHORITY.**

6 Congress finds that it has the authority to establish
7 the terms and conditions States must follow in carrying
8 out Congressional redistricting after an apportionment of
9 Members of the House of Representatives because—

10 (1) the authority granted to Congress under ar-
11 ticle I, section 4 of the Constitution of the United
12 States gives Congress the power to enact laws gov-
13 erning the time, place, and manner of elections for
14 Members of the House of Representatives; and

15 (2) the authority granted to Congress under
16 section 5 of the fourteenth amendment to the Con-
17 stitution gives Congress the power to enact laws to
18 enforce section 2 of such amendment, which requires
19 Representatives to be apportioned among the several
20 States according to their number.

1 **Subtitle A—Requirements for**
2 **Congressional Redistricting**

3 **SEC. 3101. LIMIT ON CONGRESSIONAL REDISTRICTING**
4 **AFTER AN APPORTIONMENT.**

5 The Act entitled “An Act for the relief of Doctor Ri-
6 cardo Vallejo Samala and to provide for congressional re-
7 districting”, approved December 14, 1967 (2 U.S.C. 2e),
8 is amended by adding at the end the following: “A State
9 which has been redistricted in the manner provided by law
10 after an apportionment under section 22(a) of the Act en-
11 titled ‘An Act to provide for the fifteenth and subsequent
12 decennial censuses and to provide for an apportionment
13 of Representatives in Congress’, approved June 18, 1929
14 (2 U.S.C. 2a), may not be redistricted again until after
15 the next apportionment of Representatives under such sec-
16 tion, unless a court requires the State to conduct such
17 subsequent redistricting to comply with the Constitution
18 or to enforce the Voting Rights Act of 1965 (52 U.S.C.
19 10301 et seq.)”.

20 **SEC. 3102. REQUIRING CONGRESSIONAL REDISTRICTING**
21 **TO BE CONDUCTED THROUGH PLAN OF INDE-**
22 **PENDENT STATE COMMISSION.**

23 (a) **USE OF PLAN REQUIRED.**—Notwithstanding any
24 other provision of law, any Congressional redistricting

1 conducted by a State shall be conducted in accordance
2 with—

3 (1) the redistricting plan developed and enacted
4 into law by the independent redistricting commission
5 established in the State, in accordance with title II;
6 or

7 (2) if a plan developed by such commission is
8 not enacted into law, the redistricting plan developed
9 and enacted into law by a 3-judge court of the
10 United States District Court for the District of Co-
11 lumbia, in accordance with section 301.

12 (b) CONFORMING AMENDMENT.—Section 22(c) of
13 the Act entitled “An Act to provide for the fifteenth and
14 subsequent decennial censuses and to provide for an ap-
15 portionment of Representatives in Congress”, approved
16 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
17 “in the manner provided by the law thereof” and insert-
18 ing: “in the manner provided by the Redistricting Reform
19 Act”.

20 **Subtitle B—Independent** 21 **Redistricting Commissions**

22 **SEC. 3201. INDEPENDENT REDISTRICTING COMMISSION.**

23 (a) APPOINTMENT OF MEMBERS.—

24 (1) IN GENERAL.—The nonpartisan agency es-
25 tablished or designated by a State under section

1 3204(a) shall establish an independent redistricting
2 commission for the State, which shall consist of 12
3 members appointed by the agency as follows:

4 (A) The agency shall appoint 4 members
5 on a random basis from the majority category
6 of the approved selection pool (as described in
7 section 3202(b)(1)(A)).

8 (B) The agency shall appoint 4 members
9 on a random basis from the minority category
10 of the approved selection pool (as described in
11 section 3202(b)(1)(B)).

12 (C) The agency shall appoint 4 members
13 on a random basis from the independent cat-
14 egory of the approved selection pool (as de-
15 scribed in section 3202(b)(1)(C)).

16 (2) APPOINTMENT OF ALTERNATES TO SERVE
17 IN CASE OF VACANCIES.—At the time the agency ap-
18 points the members of the independent redistricting
19 commission under paragraph (1) from each of the
20 categories referred to in such paragraph, the agency
21 shall, on a random basis, designate 2 other individ-
22 uals from such category to serve as alternate mem-
23 bers who may be appointed to fill vacancies in the
24 commission in accordance with paragraph (3).

1 (3) VACANCY.—If a vacancy occurs in the com-
2 mission with respect to a member who was ap-
3 pointed from one of the categories referred to in
4 paragraph (1), the nonpartisan agency shall fill the
5 vacancy by appointing, on a random basis, one of
6 the 2 alternates from such category who was des-
7 ignated under paragraph (2). At the time the agency
8 appoints an alternate to fill a vacancy under the pre-
9 vious sentence, the agency shall designate, on a ran-
10 dom basis, another individual from the same cat-
11 egory to serve as an alternate member, in accord-
12 ance with paragraph (2).

13 (b) PROCEDURES FOR CONDUCTING COMMISSION
14 BUSINESS.—

15 (1) CHAIR.—Members of an independent redistricting
16 commission established under this section
17 shall select by majority vote one member who was
18 appointed from the independent category of the ap-
19 proved selection pool described in section
20 3202(b)(1)(C) to serve as chair of the commission.
21 The commission may not take any action to develop
22 a redistricting plan for the State under section 203
23 until the appointment of the commission's chair.

24 (2) REQUIRING MAJORITY APPROVAL FOR AC-
25 TIONS.—The independent redistricting commission

1 of a State may not publish and disseminate any
2 draft or final redistricting plan, or take any other
3 action, without the approval of at least—

4 (A) a majority of the whole membership of
5 the commission; and

6 (B) at least one member of the commission
7 appointed from each of the categories of the ap-
8 proved selection pool described in section
9 3202(b)(1).

10 (3) QUORUM.—A majority of the members of
11 the commission shall constitute a quorum.

12 (c) STAFF; CONTRACTORS.—

13 (1) STAFF.—The independent redistricting
14 commission of a State may appoint and set the pay
15 of such staff as it considers appropriate, subject to
16 State law.

17 (2) CONTRACTORS.—The independent redis-
18 tricting commission of a State may enter into such
19 contracts with vendors as it considers appropriate,
20 subject to State law, except that any such contract
21 shall be valid only if approved by the vote of a ma-
22 jority of the members of the commission, including
23 at least one member appointed from each of the cat-
24 egories of the approved selection pool described in
25 section 3202(b)(1).

1 (3) GOAL OF IMPARTIALITY.—The commission
2 shall take such steps as it considers appropriate to
3 ensure that any staff appointed under this sub-
4 section, and any vendor with whom the commission
5 enters into a contract under this subsection, will
6 work in an impartial manner, and may require any
7 person who applies for an appointment to a staff po-
8 sition or for a vendor’s contract with the commission
9 to provide information on the person’s history of po-
10 litical activity (including donations to candidates, po-
11 litical committees, and political parties) as a condi-
12 tion of the appointment or the contract.

13 (d) TERMINATION.—

14 (1) IN GENERAL.—The independent redistricting
15 commission of a State shall terminate on the
16 earlier of—

17 (A) June 14 of the following year ending
18 in the numeral zero; or

19 (B) the day on which the nonpartisan
20 agency established or designated by a State
21 under section 3204(a) has, in accordance with
22 section 3202(b)(1), submitted a selection pool
23 to the Select Committee on Redistricting for the
24 State established under section 3204(b).

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. 3202. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS OF COMMISSION.**

9 (a) CRITERIA FOR ELIGIBILITY.—

10 (1) IN GENERAL.—An individual is eligible to
11 serve as a member of an independent redistricting
12 commission if the individual meets each of the fol-
13 lowing criteria:

14 (A) As of the date of appointment, the in-
15 dividual is registered to vote in elections for
16 Federal office held in the State.

17 (B) During the 3-year period ending on
18 the date of the individual's appointment, the in-
19 dividual has been continuously registered to
20 vote with the same political party, or has not
21 been registered to vote with any political party.

22 (C) The individual submits to the non-
23 partisan agency established or designated by a
24
25

1 State under section 203, at such time and in
2 such form as the agency may require, an appli-
3 cation for inclusion in the selection pool under
4 this section, and includes with the application a
5 written statement containing the following in-
6 formation and assurances:

7 (i) A statement of the political party
8 with which the individual is affiliated, if
9 any.

10 (ii) An assurance that the individual
11 shall commit to carrying out the individ-
12 ual's duties under this title in an honest,
13 independent, and impartial fashion, and to
14 upholding public confidence in the integrity
15 of the redistricting process.

16 (iii) An assurance that, during the
17 covered periods described in paragraph (3),
18 the individual has not taken and will not
19 take any action which would disqualify the
20 individual from serving as a member of the
21 commission under paragraph (2).

22 (2) DISQUALIFICATIONS.—An individual is not
23 eligible to serve as a member of the commission if
24 any of the following applies during any of the cov-
25 ered periods described in paragraph (3):

1 (A) The individual or (in the case of the
2 covered periods described in subparagraphs (A)
3 and (B) of paragraph (3)) an immediate family
4 member of the individual holds public office or
5 is a candidate for election for public office.

6 (B) The individual or (in the case of the
7 covered periods described in subparagraphs (A)
8 and (B) of paragraph (3)) an immediate family
9 member of the individual serves as an officer of
10 a political party or as an officer, employee, or
11 paid consultant of a campaign committee of a
12 candidate for public office.

13 (C) The individual or (in the case of the
14 covered periods described in subparagraphs (A)
15 and (B) of paragraph (3)) an immediate family
16 member of the individual holds a position as a
17 registered lobbyist under the Lobbying Disclo-
18 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
19 equivalent State or local law.

20 (D) The individual or (in the case of the
21 covered periods described in subparagraphs (A)
22 and (B) of paragraph (3)) an immediate family
23 member of the individual is an employee of an
24 elected public official, a contractor with the leg-
25 islature of the State, or a donor to the cam-

1 paign of any candidate for public office (other
2 than a donor who, during any of such covered
3 periods, gives an aggregate amount of \$20,000
4 or less to the campaigns of all candidates for all
5 public offices).

6 (3) COVERED PERIODS DESCRIBED.—In this
7 subsection, the term “covered period” means, with
8 respect to the appointment of an individual to the
9 commission, any of the following:

10 (A) The 5-year period ending on the date
11 of the individual’s appointment.

12 (B) The period beginning on the date of
13 the individual’s appointment and ending on Au-
14 gust 14 of the next year ending in the numeral
15 one.

16 (C) The 5-year period beginning on the
17 day after the last day of the period described in
18 subparagraph (B).

19 (4) IMMEDIATE FAMILY MEMBER DEFINED.—In
20 this subsection, the term “immediate family mem-
21 ber” means, with respect to an individual, a father,
22 stepfather, mother, stepmother, son, stepson, daugh-
23 ter, stepdaughter, brother, stepbrother, sister, step-
24 sister, husband, wife, father-in-law, or mother-in-
25 law.

1 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
2 POOL.—

3 (1) IN GENERAL.—Not later than June 15 of
4 each year ending in the numeral zero, the non-
5 partisan agency established or designated by a State
6 under section 3204(a) shall develop and submit to
7 the Select Committee on Redistricting for the State
8 established under section 3204(b) a selection pool of
9 36 individuals who are eligible to serve as members
10 of the independent redistricting commission of the
11 State under this title, consisting of individuals in the
12 following categories:

13 (A) A majority category, consisting of 12
14 individuals who are affiliated with the political
15 party with the largest percentage of the reg-
16 istered voters in the State who are affiliated
17 with a political party (as determined with re-
18 spect to the most recent statewide election for
19 Federal office held in the State for which such
20 information is available).

21 (B) A minority category, consisting of 12
22 individuals who are affiliated with the political
23 party with the second largest percentage of the
24 registered voters in the State who are affiliated
25 with a political party (as so determined).

1 (C) An independent category, consisting of
2 12 individuals who are not affiliated with either
3 of the political parties described in subpara-
4 graph (A) or subparagraph (B).

5 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
6 OPING POOL.—In selecting individuals for the selec-
7 tion pool under this subsection, the nonpartisan
8 agency shall—

9 (A) to the maximum extent practicable, en-
10 sure that the pool reflects the representative de-
11 mographic groups (including races, ethnicities,
12 and genders) and geographic regions of the
13 State; and

14 (B) take into consideration the analytical
15 skills of the individuals selected in relevant
16 fields (including mapping, data management,
17 law, community outreach, demography, and the
18 geography of the State) and their ability to
19 work on an impartial basis.

20 (3) DETERMINATION OF POLITICAL PARTY AF-
21 FILIATION OF INDIVIDUALS IN SELECTION POOL.—
22 For purposes of this section, an individual shall be
23 considered to be affiliated with a political party on
24 the basis of the information the individual provides

1 in the application submitted under subsection
2 (a)(1)(D).

3 (4) ENCOURAGING RESIDENTS TO APPLY FOR
4 INCLUSION IN POOL.—The nonpartisan agency shall
5 take such steps as may be necessary to ensure that
6 residents of the State across various geographic re-
7 gions and demographic groups are aware of the op-
8 portunity to serve on the independent redistricting
9 commission, including publicizing the role of the
10 panel and using newspapers, broadcast media, and
11 online sources, including ethnic media, to encourage
12 individuals to apply for inclusion in the selection
13 pool developed under this subsection.

14 (5) REPORT ON ESTABLISHMENT OF SELEC-
15 TION POOL.—At the time the nonpartisan agency
16 submits the selection pool to the Select Committee
17 on Redistricting under paragraph (1), it shall pub-
18 lish a report describing the process by which the
19 pool was developed, and shall include in the report
20 a description of how the individuals in the pool meet
21 the eligibility criteria of subsection (a) and of how
22 the pool reflects the factors the agency is required
23 to take into consideration under paragraph (2).

24 (6) ACTION BY SELECT COMMITTEE.—

1 (A) IN GENERAL.—Not later than 14 days
2 after receiving the selection pool from the non-
3 partisan agency under paragraph (1), the Select
4 Committee on Redistricting shall—

5 (i) approve the pool as submitted by
6 the nonpartisan agency, in which case the
7 pool shall be considered the approved selec-
8 tion pool for purposes of section
9 3201(a)(1); or

10 (ii) reject the pool, in which case the
11 nonpartisan agency shall develop and sub-
12 mit a replacement selection pool in accord-
13 ance with subsection (c).

14 (B) INACTION DEEMED REJECTION.—If
15 the Select Committee on Redistricting fails to
16 approve or reject the pool within the deadline
17 set forth in subparagraph (A), the Select Com-
18 mittee shall be deemed to have rejected the pool
19 for purposes of such subparagraph.

20 (c) DEVELOPMENT OF REPLACEMENT SELECTION
21 POOL.—

22 (1) IN GENERAL.—If the Select Committee on
23 Redistricting rejects the selection pool submitted by
24 the nonpartisan agency under subsection (b), not
25 later than 14 days after the rejection, the non-

1 partisan agency shall develop and submit to the Se-
2 lect Committee a replacement selection pool, under
3 the same terms and conditions that applied to the
4 development and submission of the selection pool
5 under paragraphs (1) through (5) of subsection (b).
6 The replacement pool submitted under this para-
7 graph may include individuals who were included in
8 the rejected selection pool submitted under sub-
9 section (b), so long as at least one of the individuals
10 in the replacement pool was not included in such re-
11 jected pool.

12 (2) ACTION BY SELECT COMMITTEE.—

13 (A) IN GENERAL.—Not later than 14 days
14 after receiving the replacement selection pool
15 from the nonpartisan agency under paragraph
16 (1), the Select Committee on Redistricting
17 shall—

18 (i) approve the pool as submitted by
19 the nonpartisan agency, in which case the
20 pool shall be considered the approved selec-
21 tion pool for purposes of section
22 3201(a)(1); or

23 (ii) reject the pool, in which case the
24 nonpartisan agency shall develop and sub-

1 mit a second replacement selection pool in
2 accordance with subsection (d).

3 (B) INACTION DEEMED REJECTION.—If
4 the Select Committee on Redistricting fails to
5 approve or reject the pool within the deadline
6 set forth in subparagraph (A), the Select Com-
7 mittee shall be deemed to have rejected the pool
8 for purposes of such subparagraph.

9 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
10 LECTION POOL.—

11 (1) IN GENERAL.—If the Select Committee on
12 Redistricting rejects the replacement selection pool
13 submitted by the nonpartisan agency under sub-
14 section (c), not later than 14 days after the rejec-
15 tion, the nonpartisan agency shall develop and sub-
16 mit to the Select Committee a second replacement
17 selection pool, under the same terms and conditions
18 that applied to the development and submission of
19 the selection pool under paragraphs (1) through (5)
20 of subsection (b). The second replacement selection
21 pool submitted under this paragraph may include in-
22 dividuals who were included in the rejected selection
23 pool submitted under subsection (b) or the rejected
24 replacement selection pool submitted under sub-
25 section (c), so long as at least one of the individuals

1 in the replacement pool was not included in either
2 such rejected pool.

3 (2) ACTION BY SELECT COMMITTEE.—

4 (A) IN GENERAL.—Not later than 14 days
5 after receiving the second replacement selection
6 pool from the nonpartisan agency under para-
7 graph (1), the Select Committee on Redis-
8 tricting shall—

9 (i) approve the pool as submitted by
10 the nonpartisan agency, in which case the
11 pool shall be considered the approved selec-
12 tion pool for purposes of section
13 3201(a)(1); or

14 (ii) reject the pool, in which case—

15 (I) the nonpartisan agency shall
16 not develop or submit any other selec-
17 tion pool for purposes of this title;
18 and

19 (II) the United States District
20 Court for the District of Columbia
21 shall develop and enact the redis-
22 tricting plan for the State, in accord-
23 ance with section 3301.

24 (B) INACTION DEEMED REJECTION.—If
25 the Select Committee on Redistricting fails to

1 approve or reject the pool within the deadline
2 set forth in subparagraph (A), the Select Com-
3 mittee shall be deemed to have rejected the pool
4 for purposes of such subparagraph.

5 **SEC. 3203. CRITERIA FOR REDISTRICTING PLAN BY INDE-**
6 **PENDENT COMMISSION; PUBLIC NOTICE AND**
7 **INPUT.**

8 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

9 (1) CRITERIA.—The independent redistricting
10 commission of a State shall develop a redistricting
11 plan for the State in accordance with the following
12 criteria, prioritized according to the following order:

13 (A) Districts shall each have equal popu-
14 lation per representative as nearly as prac-
15 ticable, in accordance with the Constitution of
16 the United States.

17 (B) To the extent not inconsistent with the
18 above criteria, districts shall comply with the
19 Voting Rights Act of 1965 (52 U.S.C. 10301 et
20 seq.).

21 (C) To the extent not inconsistent with the
22 above criteria, districts shall be geographically
23 contiguous.

24 (D) To the extent practicable and not in-
25 consistent with the above criteria, district

1 boundaries shall minimize the division of any
2 community of interest, municipality, county, or
3 neighborhood. For purposes of this subpara-
4 graph, a community of interest is a contiguous
5 population which shares common social or eco-
6 nomic interests that should be included within
7 a single district for purposes of its effective and
8 fair representation. Examples of such shared in-
9 terests are those common to an urban area, a
10 rural area, an industrial area, or an agricultural
11 area, and those common to areas in which the
12 people share similar living standards, use the
13 same transportation facilities, have similar work
14 opportunities, or have access to the same media
15 of communication relevant to the election proc-
16 ess. Communities of interest shall not include
17 relationships with political parties, incumbent
18 officeholders, or political candidates.

19 (E) To the extent practicable and not in-
20 consistent with the above criteria, districts shall
21 be geographically compact such that nearby
22 areas of population are not bypassed for more
23 distant areas of population.

24 (2) FACTORS PROHIBITED FROM CONSIDER-
25 ATION.—In developing the redistricting plan for the

1 State, the independent redistricting commission may
2 not take into consideration any of the following fac-
3 tors, except to the extent necessary to comply with
4 the Voting Rights Act of 1965:

5 (A) The political party affiliation or voting
6 history of the population of a district.

7 (B) The residence of any Member of the
8 House of Representatives or candidate.

9 (b) PUBLIC NOTICE AND INPUT.—

10 (1) USE OF OPEN AND TRANSPARENT PROC-
11 ESS.—The independent redistricting commission of a
12 State shall hold each of its meetings in public, shall
13 solicit and take into consideration comments from
14 the public throughout the process of developing the
15 redistricting plan for the State, and shall carry out
16 its duties in an open and transparent manner which
17 provides for the widest public dissemination reason-
18 ably possible of its proposed and final redistricting
19 plans.

20 (2) WEBSITE.—The commission shall maintain
21 a public Internet site which is not affiliated with or
22 maintained by the office of any elected official and
23 which includes the following features:

24 (A) General information on the commission
25 and its members, including contact information.

1 (B) An updated schedule of commission
2 hearings and activities, including deadlines for
3 the submission of comments.

4 (C) All draft redistricting plans developed
5 by the commission under subsection (c) and the
6 final redistricting plan developed under sub-
7 section (d).

8 (D) Live streaming of commission hearings
9 and an archive of previous meetings and other
10 commission records.

11 (E) A method by which members of the
12 public may submit comments directly to the
13 commission.

14 (F) Access to the demographic data used
15 by the commission to develop the proposed re-
16 districting plans, together with any software
17 used to draw maps of proposed districts.

18 (3) PUBLIC COMMENT PERIOD.—The commis-
19 sion shall solicit, accept, and consider comments
20 from the public with respect to its duties, activities,
21 and procedures at any time during the period—

22 (A) which begins on January 1 of the year
23 ending in the numeral one; and

24 (B) which ends 7 days before the date of
25 the meeting at which the commission shall vote

1 on approving the final redistricting plan for en-
2 actment into law under subsection (d)(2).

3 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-
4 GRAPHIC LOCATIONS.—To the greatest extent prac-
5 ticable, the commission shall hold its meetings and
6 hearings in various geographic regions and locations
7 throughout the State.

8 (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-
9 NARY REDISTRICTING PLAN.—

10 (1) IN GENERAL.—Prior to developing and pub-
11 lishing a final redistricting plan under subsection
12 (d), the independent redistricting commission of a
13 State shall develop and publish a preliminary redis-
14 tricting plan.

15 (2) MINIMUM PUBLIC HEARINGS PRIOR TO DE-
16 VELOPMENT.—

17 (A) 3 HEARINGS REQUIRED.—Prior to de-
18 veloping a preliminary redistricting plan under
19 this subsection, the commission shall hold not
20 fewer than 3 public hearings at which members
21 of the public may provide input and comments
22 regarding the potential contents of redistricting
23 plans for the State and the process by which
24 the commission will develop the preliminary
25 plan under this subsection.

1 (B) MINIMUM PERIOD FOR NOTICE PRIOR
2 TO HEARINGS.—The commission shall notify
3 the public through the website maintained
4 under subsection (b)(2), as well as through pub-
5 lication of notice in newspapers of general cir-
6 culation throughout the State, of the date, time,
7 and location of each of the hearings held under
8 this paragraph not fewer than 14 days prior to
9 the date of the hearing.

10 (3) PUBLICATION OF PRELIMINARY PLAN.—

11 (A) IN GENERAL.—The commission shall
12 post the preliminary redistricting plan devel-
13 oped under this subsection, together with a re-
14 port that includes the commission’s responses
15 to any public comments received under sub-
16 section (b)(3), on the website maintained under
17 subsection (b)(2), and shall provide for the pub-
18 lication of each such plan in newspapers of gen-
19 eral circulation throughout the State.

20 (B) MINIMUM PERIOD FOR NOTICE PRIOR
21 TO PUBLICATION.—Not fewer than 14 days
22 prior to the date on which the commission posts
23 and publishes the preliminary plan under this
24 paragraph, the commission shall notify the pub-
25 lic through the website maintained under sub-

1 section (b)(2), as well as through publication of
2 notice in newspapers of general circulation
3 throughout the State, of the pending publica-
4 tion of the plan.

5 (4) MINIMUM PERIOD FOR PUBLIC COMMENT
6 AFTER PUBLICATION OF PLAN.—The commission
7 shall accept and consider comments from the public
8 with respect to the preliminary redistricting plan
9 published under paragraph (3) for not fewer than 30
10 days after the date on which the plan is published.

11 (5) POST-PUBLICATION HEARINGS.—

12 (A) 3 HEARINGS REQUIRED.—After post-
13 ing and publishing the preliminary redistricting
14 plan under paragraph (3), the commission shall
15 hold not fewer than 3 public hearings at which
16 members of the public may provide input and
17 comments regarding the preliminary plan.

18 (B) MINIMUM PERIOD FOR NOTICE PRIOR
19 TO HEARINGS.—The commission shall notify
20 the public through the website maintained
21 under subsection (b)(2), as well as through pub-
22 lication of notice in newspapers of general cir-
23 culation throughout the State, of the date, time,
24 and location of each of the hearings held under

1 this paragraph not fewer than 14 days prior to
2 the date of the hearing.

3 (6) PERMITTING MULTIPLE PRELIMINARY
4 PLANS.—At the option of the commission, after de-
5 veloping and publishing the preliminary redistricting
6 plan under this subsection, the commission may de-
7 velop and publish subsequent preliminary redis-
8 tricting plans, so long as the process for the develop-
9 ment and publication of each such subsequent plan
10 meets the requirements set forth in this subsection
11 for the development and publication of the first pre-
12 liminary redistricting plan.

13 (d) PROCESS FOR ENACTMENT OF FINAL REDIS-
14 TRICTING PLAN.—

15 (1) IN GENERAL.—After taking into consider-
16 ation comments from the public on any preliminary
17 redistricting plan developed and published under
18 subsection (c), the independent redistricting commis-
19 sion of a State shall develop and publish a final re-
20 districting plan for the State.

21 (2) MEETING; FINAL VOTE.—Not later than
22 August 15 of each year ending in the numeral one,
23 the commission shall hold a public hearing at which
24 the members of the commission shall vote on approv-
25 ing the final plan for enactment into law.

1 (3) PUBLICATION OF PLAN AND ACCOMPANYING
2 MATERIALS.—Not fewer than 14 days before the
3 date of the meeting under paragraph (2), the com-
4 mission shall provide the following information to
5 the public through the website maintained under
6 subsection (b)(2), as well as through newspapers of
7 general circulation throughout the State:

8 (A) The final redistricting plan, including
9 all relevant maps.

10 (B) A report by the commission to accom-
11 pany the plan which provides the background
12 for the plan and the commission's reasons for
13 selecting the plan as the final redistricting plan,
14 including responses to the public comments re-
15 ceived on any preliminary redistricting plan de-
16 veloped and published under subsection (c).

17 (C) Any dissenting or additional views with
18 respect to the plan of individual members of the
19 commission.

20 (4) ENACTMENT.—The final redistricting plan
21 developed and published under this subsection shall
22 be deemed to be enacted into law if—

23 (A) the plan is approved by a majority of
24 the whole membership of the commission; and

1 (B) at least one member of the commission
2 appointed from each of the categories of the ap-
3 proved selection pool described in section
4 3202(b)(1) approves the plan.

5 (e) DEADLINE.—The independent redistricting com-
6 mission of a State shall approve a final redistricting plan
7 for the State not later than August 15 of each year ending
8 in the numeral one.

9 **SEC. 3204. ESTABLISHMENT OF RELATED ENTITIES.**

10 (a) ESTABLISHMENT OR DESIGNATION OF NON-
11 PARTISAN AGENCY OF STATE LEGISLATURE.—

12 (1) IN GENERAL.—Each State shall establish a
13 nonpartisan agency in the legislative branch of the
14 State government to appoint the members of the
15 independent redistricting commission for the State
16 in accordance with section 3201.

17 (2) NONPARTISANSHIP DESCRIBED.—For pur-
18 poses of this subsection, an agency shall be consid-
19 ered to be nonpartisan if under law the agency—

20 (A) is required to provide services on a
21 nonpartisan basis;

22 (B) is required to maintain impartiality;
23 and

24 (C) is prohibited from advocating for the
25 adoption or rejection of any legislative proposal.

1 (3) DESIGNATION OF EXISTING AGENCY.—At
2 its option, a State may designate an existing agency
3 in the legislative branch of its government to appoint
4 the members of the independent redistricting com-
5 mission plan for the State under this title, so long
6 as the agency meets the requirements for non-
7 partisanship under this subsection.

8 (4) TERMINATION OF AGENCY SPECIFICALLY
9 ESTABLISHED FOR REDISTRICTING.—If a State does
10 not designate an existing agency under paragraph
11 (3) but instead establishes a new agency to serve as
12 the nonpartisan agency under this section, the new
13 agency shall terminate upon the enactment into law
14 of the redistricting plan for the State.

15 (5) DEADLINE.—The State shall meet the re-
16 quirements of this subsection not later than each
17 August 15 of a year ending in the numeral nine.

18 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
19 DISTRICTING.—

20 (1) IN GENERAL.—Each State shall appoint a
21 Select Committee on Redistricting to approve or dis-
22 approve a selection pool developed by the inde-
23 pendent redistricting commission for the State under
24 section 3202.

1 (2) APPOINTMENT.—The Select Committee on
2 Redistricting for a State under this subsection shall
3 consist of the following members:

4 (A) 1 member of the upper house of the
5 State legislature, who shall be appointed by the
6 leader of the party with the greatest number of
7 seats in the upper house.

8 (B) 1 member of the upper house of the
9 State legislature, who shall be appointed by the
10 leader of the party with the second greatest
11 number of seats in the upper house.

12 (C) 1 member of the lower house of the
13 State legislature, who shall be appointed by the
14 leader of the party with the greatest number of
15 seats in the lower house.

16 (D) 1 member of the lower house of the
17 State legislature, who shall be appointed by the
18 leader of the party with the second greatest
19 number of seats in the lower house.

20 (3) SPECIAL RULE FOR STATES WITH UNICAM-
21 ERAL LEGISLATURE.—In the case of a State with a
22 unicameral legislature, the Select Committee on Re-
23 districting for the State under this subsection shall
24 consist of the following members:

1 (A) 2 members of the State legislature ap-
2 pointed by the leader of the party with the
3 greatest number of seats in the legislature.

4 (B) 2 members of the State legislature ap-
5 pointed by the leader of the party with the sec-
6 ond greatest number of seats in legislature.

7 (4) DEADLINE.—The State shall meet the re-
8 quirements of this subsection not later than each
9 January 15 of a year ending in the numeral zero.

10 **Subtitle C—Role of Courts in**
11 **Development of Redistricting Plans**

12 **SEC. 3301. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**
13 **COURT.**

14 (a) DEVELOPMENT OF PLAN.—If any of the trig-
15 gering events described in subsection (c) occur with re-
16 spect to a State—

17 (1) not later than December 15 of the year in
18 which the triggering event occurs, the United States
19 District Court for the District of Columbia, acting
20 through a 3-judge court convened pursuant to sec-
21 tion 2284 of title 28, United States Code, shall de-
22 velop and publish the Congressional redistricting
23 plan for the State; and

24 (2) the plan developed and published by the
25 Court under this subsection shall be deemed to be

1 enacted on the date on which the Court publishes
2 the plan.

3 (b) PROCEDURES FOR DEVELOPMENT OF PLAN.—

4 (1) CRITERIA.—It is the sense of Congress
5 that, in developing a redistricting plan for a State
6 under this section, the Court should adhere to the
7 same terms and conditions that applied (or that
8 would have applied, as the case may be) to the devel-
9 opment of a plan by the independent redistricting
10 commission of the State under section 3203(a).

11 (2) ACCESS TO INFORMATION AND RECORDS OF
12 COMMISSION.—The Court shall have access to any
13 information, data, software, or other records and
14 material that was used (or that would have been
15 used, as the case may be) by the independent redis-
16 tricting commission of the State in carrying out its
17 duties under this title.

18 (c) TRIGGERING EVENTS DESCRIBED.—The “trig-
19 gering events” described in this subsection are as follows:

20 (1) The failure of the State to establish or des-
21 ignate a nonpartisan agency of the State legislature
22 under section 204(a) prior to the expiration of the
23 deadline set forth in section 3204(a)(5).

24 (2) The failure of the State to appoint a Select
25 Committee on Redistricting under section 3204(b)

1 prior to the expiration of the deadline set forth in
2 section 3204(b)(4).

3 (3) The failure of the Select Committee on Re-
4 districting to approve any selection pool under sec-
5 tion 3202 prior to the expiration of the deadline set
6 forth for the approval of the second replacement se-
7 lection pool in section 3202(d)(2).

8 (4) The failure of the independent redistricting
9 commission of the State to approve a final redis-
10 tricting plan for the State prior to the expiration of
11 the deadline set forth in section 3203(e).

12 **SEC. 3302. SPECIAL RULE FOR REDISTRICTING CON-**
13 **DUCTED UNDER ORDER OF FEDERAL COURT.**

14 If a Federal court requires a State to conduct redis-
15 tricting subsequent to an apportionment of Representa-
16 tives in the State in order to comply with the Constitution
17 or to enforce the Voting Rights Act of 1965, section 3203
18 shall apply with respect to the redistricting, except that
19 the court may revise any of the deadlines set forth in such
20 section if the court determines that a revision is appro-
21 priate in order to provide for a timely enactment of a new
22 redistricting plan for the State.

1 **Subtitle D—Administrative and**
2 **Miscellaneous Provisions**

3 **SEC. 3401. PAYMENTS TO STATES FOR CARRYING OUT RE-**
4 **DISTRICTING.**

5 (a) **AUTHORIZATION OF PAYMENTS.**—Subject to sub-
6 section (d), not later than 30 days after a State receives
7 a State apportionment notice, the Election Assistance
8 Commission shall make a payment to the State in an
9 amount equal to the product of—

10 (1) the number of Representatives to which the
11 State is entitled, as provided under the notice; and

12 (2) \$150,000.

13 (b) **USE OF FUNDS.**—A State shall use the payment
14 made under this section to establish and operate the
15 State’s independent redistricting commission, to imple-
16 ment the State redistricting plan, and to otherwise carry
17 out Congressional redistricting in the State.

18 (c) **NO PAYMENT TO STATES WITH SINGLE MEM-**
19 **BER.**—The Election Assistance Commission shall not
20 make a payment under this section to any State which
21 is not entitled to more than one Representative under its
22 State apportionment notice.

23 (d) **REQUIRING SUBMISSION OF SELECTION POOL AS**
24 **CONDITION OF PAYMENT.**—The Election Assistance Com-
25 mission may not make a payment to a State under this

1 section until the State certifies to the Commission that
2 the nonpartisan agency established or designated by a
3 State under section 3204(a) has, in accordance with sec-
4 tion 3202(b)(1), submitted a selection pool to the Select
5 Committee on Redistricting for the State established
6 under section 3204(b).

7 (e) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as may be
9 necessary for payments under this section.

10 **SEC. 3402. CIVIL ENFORCEMENT.**

11 (a) CIVIL ENFORCEMENT.—

12 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
13 torney General may bring a civil action in an appro-
14 priate district court for such relief as may be appro-
15 priate to carry out this title.

16 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
17 TION.—Any citizen of a State who is aggrieved by
18 the failure of the State redistricting plan which is
19 enacted into law under section 3203 to meet the re-
20 quirements for such a plan under this title may
21 bring a civil action in an appropriate district court
22 for such relief as may be appropriate to remedy the
23 failure, so long as the individual brings the action
24 during the 45-day period which begins on the date
25 on which the plan is enacted into law.

1 (b) EXPEDITED CONSIDERATION.—In any action
2 brought forth under this section, the following rules shall
3 apply:

4 (1) The action shall be filed in the United
5 States District Court for the District of Columbia
6 and shall be heard by a 3-judge court convened pur-
7 suant to section 2284 of title 28, United States
8 Code.

9 (2) The 3-judge court shall consolidate actions
10 brought for relief under subsection (b)(1) with re-
11 spect to the same State redistricting plan.

12 (3) A copy of the complaint shall be delivered
13 promptly to the Clerk of the House of Representa-
14 tives and the Secretary of the Senate.

15 (4) A final decision in the action shall be re-
16 viewable only by appeal directly to the Supreme
17 Court of the United States. Such appeal shall be
18 taken by the filing of a notice of appeal within 10
19 days, and the filing of a jurisdictional statement
20 within 30 days, of the entry of the final decision.

21 (5) It shall be the duty of the district court and
22 the Supreme Court of the United States to advance
23 on the docket and to expedite to the greatest pos-
24 sible extent the disposition of the action and appeal.

1 (c) ATTORNEY'S FEES.—In a civil action under this
2 section, the court may allow the prevailing party (other
3 than the United States) reasonable attorney fees, includ-
4 ing litigation expenses, and costs.

5 (d) RELATION TO OTHER LAWS.—

6 (1) RIGHTS AND REMEDIES ADDITIONAL TO
7 OTHER RIGHTS AND REMEDIES.—The rights and
8 remedies established by this section are in addition
9 to all other rights and remedies provided by law, and
10 neither the rights and remedies established by this
11 section nor any other provision of this title shall su-
12 perse, restrict, or limit the application of the Vot-
13 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

14 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
15 this title authorizes or requires conduct that is pro-
16 hibited by the Voting Rights Act of 1965 (52 U.S.C.
17 10301 et seq.).

18 **SEC. 3403. STATE APPORTIONMENT NOTICE DEFINED.**

19 In this title, the “State apportionment notice” means,
20 with respect to a State, the notice sent to the State from
21 the Clerk of the House of Representatives under section
22 22(b) of the Act entitled “An Act to provide for the fif-
23 teenth and subsequent decennial censuses and to provide
24 for an apportionment of Representatives in Congress”, ap-

1 proved June 18, 1929 (2 U.S.C. 2a), of the number of
2 Representatives to which the State is entitled.

3 **SEC. 3404. NO EFFECT ON ELECTIONS FOR STATE AND**
4 **LOCAL OFFICE.**

5 Nothing in this title or in any amendment made by
6 this title may be construed to affect the manner in which
7 a State carries out elections for State or local office, in-
8 cluding the process by which a State establishes the dis-
9 tricts used in such elections.

10 **SEC. 3405. EFFECTIVE DATE.**

11 This title and the amendments made by this title
12 shall apply with respect to redistricting carried out pursu-
13 ant to the decennial census conducted during 2020 or any
14 succeeding decennial census.

15 **TITLE IV—VOTER**
16 **REGISTRATION**
17 **Subtitle A—Automatic Voter**
18 **Registration**

19 **SEC. 4001. SHORT TITLE; FINDINGS AND PURPOSE.**

20 (a) **SHORT TITLE.**—This subtitle may be cited as the
21 “Automatic Voter Registration Act of 2017”.

22 (b) **FINDINGS AND PURPOSE.**—

23 (1) **FINDINGS.**—Congress finds that—

24 (A) the right to vote is a fundamental
25 right of citizens of the United States;

1 (B) it is the responsibility of the State and
2 Federal governments to ensure that every eligi-
3 ble citizen is registered to vote;

4 (C) existing voter registration systems can
5 be inaccurate, costly, inaccessible and con-
6 fusing, with damaging effects on voter partici-
7 pation in elections and disproportionate impacts
8 on young people, persons with disabilities, and
9 racial and ethnic minorities; and

10 (D) voter registration systems must be up-
11 dated with 21st century technologies and proce-
12 dures to maintain their security.

13 (2) PURPOSE.—It is the purpose of this sub-
14 title—

15 (A) to establish that it is the responsibility
16 of government at every level to ensure that all
17 eligible citizens are registered to vote;

18 (B) to enable the State and Federal gov-
19 ernments to register all eligible citizens to vote
20 with accurate, cost-efficient, and up-to-date pro-
21 cedures;

22 (C) to modernize voter registration and list
23 maintenance procedures with electronic and
24 Internet capabilities; and

1 (D) to protect and enhance the integrity,
2 accuracy, efficiency, and accessibility of the
3 electoral process for all eligible citizens.

4 **SEC. 4002. AUTOMATIC REGISTRATION OF ELIGIBLE INDI-**
5 **VIDUALS.**

6 (a) **REQUIRING STATES TO ESTABLISH AND OPER-**
7 **ATE AUTOMATIC REGISTRATION SYSTEM.—**

8 (1) **IN GENERAL.—**The chief State election offi-
9 cial of each State shall establish and operate a sys-
10 tem of automatic registration for the registration of
11 eligible individuals to vote for elections for Federal
12 office in the State, in accordance with the provisions
13 of this Act.

14 (2) **DEFINITION.—**The term “automatic reg-
15 istration” means a system that registers an indi-
16 vidual to vote in elections for Federal office in a
17 State, if eligible, by electronically transferring the
18 information necessary for registration from govern-
19 ment agencies to election officials of the State so
20 that, unless the individual affirmatively declines to
21 be registered, the individual will be registered to vote
22 in such elections.

23 (b) **REGISTRATION OF VOTERS BASED ON NEW**
24 **AGENCY RECORDS.—**The chief State election official
25 shall—

1 (1) not later than 15 days after a contributing
2 agency has transmitted information with respect to
3 an individual pursuant to section 4003, ensure that
4 the individual is registered to vote in elections for
5 Federal office in the State if the individual is eligible
6 to be registered to vote in such elections; and

7 (2) send written notice to the individual, in ad-
8 dition to other means of notice established by this
9 title, of the individual's voter registration status.

10 (c) ONE-TIME REGISTRATION OF VOTERS BASED ON
11 EXISTING CONTRIBUTING AGENCY RECORDS.—The chief
12 State election official shall—

13 (1) identify all individuals whose information is
14 transmitted by a contributing agency pursuant to
15 section 4004 and who are eligible to be, but are not
16 currently, registered to vote in that State;

17 (2) promptly send each such individual written
18 notice, in addition to other means of notice estab-
19 lished by this title, which shall not identify the con-
20 tributing agency that transmitted the information
21 but shall include—

22 (A) an explanation that voter registration
23 is voluntary, but if the individual does not de-
24 cline registration, the individual will be reg-
25 istered to vote;

1 (B) a statement offering the opportunity to
2 decline voter registration through means con-
3 sistent with the requirements of this title;

4 (C) in the case of a State in which affili-
5 ation or enrollment with a political party is re-
6 quired in order to participate in an election to
7 select the party's candidate in an election for
8 Federal office, a statement offering the indi-
9 vidual the opportunity to affiliate or enroll with
10 a political party or to decline to affiliate or en-
11 roll with a political party, through means con-
12 sistent with the requirements of this title;

13 (D) the substantive qualifications of an
14 elector in the State as listed in the mail voter
15 registration application form for elections for
16 Federal office prescribed pursuant to section 9
17 of the National Voter Registration Act of 1993,
18 the consequences of false registration, and a
19 statement that the individual should decline to
20 register if the individual does not meet all those
21 qualifications;

22 (E) instructions for correcting any erro-
23 neous information; and

24 (F) instructions for providing any addi-
25 tional information which is listed in the mail

1 voter registration application form for elections
2 for Federal office prescribed pursuant to section
3 9 of the National Voter Registration Act of
4 1993;

5 (3) ensure that each such individual who is eli-
6 gible to register to vote in elections for Federal of-
7 fice in the State is promptly registered to vote not
8 later than 45 days after the official sends the indi-
9 vidual the written notice under paragraph (2), un-
10 less, during the 30-day period which begins on the
11 date the election official sends the individual such
12 written notice, the individual declines registration in
13 writing, through a communication made over the
14 Internet, or by an officially logged telephone commu-
15 nication; and

16 (4) send written notice to each such individual,
17 in addition to other means of notice established by
18 this title, of the individual's voter registration status.

19 (d) CONTRIBUTING AGENCY DEFINED.—In this title,
20 the term “contributing agency” means, with respect to a
21 State, an agency listed in section 4003(e).

22 **SEC. 4003. CONTRIBUTING AGENCY ASSISTANCE IN REG-**
23 **ISTRATION.**

24 (a) IN GENERAL.—In accordance with this title, each
25 contributing agency in a State shall assist the State's chief

1 election official in registering to vote all eligible individuals
2 served by that agency.

3 (b) REQUIREMENTS FOR CONTRIBUTING AGEN-
4 CIES.—

5 (1) INSTRUCTIONS ON AUTOMATIC REGISTRA-
6 TION.—With each application for service or assist-
7 ance, and with each related recertification, renewal,
8 or change of address, or, in the case of an institu-
9 tion of higher education, with each registration of a
10 student for enrollment in a course of study, each
11 contributing agency that (in the normal course of its
12 operations) requests individuals to affirm United
13 States citizenship (either directly or as part of the
14 overall application for service or assistance) shall in-
15 form each such individual who is a citizen of the
16 United States of the following:

17 (A) Unless that individual declines to reg-
18 ister to vote, or is found ineligible to vote, the
19 individual will be registered to vote or, if appli-
20 cable, the individual's registration will be up-
21 dated.

22 (B) The substantive qualifications of an
23 elector in the State as listed in the mail voter
24 registration application form for elections for
25 Federal office prescribed pursuant to section 9

1 of the National Voter Registration Act of 1993,
2 the consequences of false registration, and the
3 individual should decline to register if the indi-
4 vidual does not meet all those qualifications.

5 (C) In the case of a State in which affili-
6 ation or enrollment with a political party is re-
7 quired in order to participate in an election to
8 select the party's candidate in an election for
9 Federal office, the requirement that the indi-
10 vidual must affiliate or enroll with a political
11 party in order to participate in such an election.

12 (D) Voter registration is voluntary, and
13 neither registering nor declining to register to
14 vote will in any way affect the availability of
15 services or benefits, nor be used for other pur-
16 poses.

17 (2) OPPORTUNITY TO DECLINE REGISTRATION
18 REQUIRED.—Each contributing agency shall ensure
19 that each application for service or assistance, and
20 each related recertification, renewal, or change of
21 address, or, in the case of an institution of higher
22 education, each registration of a student for enroll-
23 ment in a course of study, cannot be completed until
24 the individual is given the opportunity to decline to
25 be registered to vote.

1 (3) INFORMATION TRANSMITTAL.—Upon the
2 expiration of the 30-day period which begins on the
3 date the contributing agency informs the individual
4 of the information described in paragraph (1), each
5 contributing agency shall electronically transmit to
6 the appropriate State election official, in a format
7 compatible with the statewide voter database main-
8 tained under section 303 of the Help America Vote
9 Act of 2002 (52 U.S.C. 21083), the following infor-
10 mation, unless during such 30-day period the indi-
11 vidual declined to be registered to vote:

12 (A) The individual's given name(s) and
13 surname(s).

14 (B) The individual's date of birth.

15 (C) The individual's residential address.

16 (D) Information showing that the indi-
17 vidual is a citizen of the United States.

18 (E) The date on which information per-
19 taining to that individual was collected or last
20 updated.

21 (F) If available, the individual's signature
22 in electronic form.

23 (G) Information regarding the individual's
24 affiliation or enrollment with a political party,
25 if the individual provides such information.

1 (H) Any additional information listed in
2 the mail voter registration application form for
3 elections for Federal office prescribed pursuant
4 to section 9 of the National Voter Registration
5 Act of 1993, including any valid driver's license
6 number or the last 4 digits of the individual's
7 social security number, if the individual pro-
8 vided such information.

9 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-
10 TRIBUTING AGENCIES.—With each application for service
11 or assistance, and with each related recertification, re-
12 newal, or change of address, or in the case of an institu-
13 tion of higher education, with each registration of a stu-
14 dent for enrollment in a course of study, any contributing
15 agency that in the normal course of its operations does
16 not request individuals applying for service or assistance
17 to affirm United States citizenship (either directly or as
18 part of the overall application for service or assistance)
19 shall—

20 (1) complete the requirements of section 7(a)(6)
21 of the National Voter Registration Act of 1993 (52
22 U.S.C. 20506(a)(6));

23 (2) ensure that each applicant's transaction
24 with the agency cannot be completed until the appli-
25 cant has indicated whether the applicant wishes to

1 register to vote or declines to register to vote in elec-
2 tions for Federal office held in the State; and

3 (3) for each individual who wishes to register to
4 vote, transmit that individual's information in ac-
5 cordance with subsection (b)(3).

6 (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-
7 ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR
8 SERVICE OR ASSISTANCE.—Each contributing agency
9 shall offer each individual, with each application for serv-
10 ice or assistance, and with each related recertification, re-
11 newal, or change of address, or in the case of an institu-
12 tion of higher education, with each registration of a stu-
13 dent for enrollment in a course of study, the opportunity
14 to register to vote as prescribed by this section without
15 regard to whether the individual previously declined a reg-
16 istration opportunity.

17 (e) CONTRIBUTING AGENCIES.—

18 (1) STATE AGENCIES.—In each State, each of
19 the following agencies shall be treated as a contrib-
20 uting agency:

21 (A) Each agency in a State that is re-
22 quired by Federal law to provide voter registra-
23 tion services, including the State motor vehicle
24 authority and other voter registration agencies

1 under the National Voter Registration Act of
2 1993.

3 (B) Each agency in a State that admin-
4 isters a program pursuant to title III of the So-
5 cial Security Act (42 U.S.C. 501 et seq.), title
6 XIX of the Social Security Act (42 U.S.C. 1396
7 et seq.), or the Patient Protection and Afford-
8 able Care Act (Public Law 111–148).

9 (C) Each State agency primarily respon-
10 sible for regulating the private possession of
11 firearms.

12 (D) Each State agency primarily respon-
13 sible for maintaining identifying information for
14 students enrolled at public secondary schools,
15 including, where applicable, the State agency
16 responsible for maintaining the education data
17 system described in section 6201(e)(2) of the
18 America COMPETES Act (20 U.S.C.
19 9871(e)(2)).

20 (E) In the case of a State in which an in-
21 dividual disenfranchised by a criminal convic-
22 tion may become eligible to vote upon comple-
23 tion of a criminal sentence or any part thereof,
24 or upon formal restoration of rights, the State
25 agency responsible for administering that sen-

1 tence, or part thereof, or that restoration of
2 rights.

3 (F) Any other agency of the State which is
4 designated by the State as a contributing agen-
5 cy.

6 (2) FEDERAL AGENCIES.—In each State, each
7 of the following agencies of the Federal Government
8 shall be treated as a contributing agency with re-
9 spect to individuals who are residents of that State
10 (except as provided in subparagraph (C)):

11 (A) The Social Security Administration,
12 the Department of Veterans Affairs, the De-
13 fense Manpower Data Center of the Depart-
14 ment of Defense, the Employee and Training
15 Administration of the Department of Labor,
16 and the Centers for Medicare & Medicaid Serv-
17 ices of the Department of Health and Human
18 Services.

19 (B) The Bureau of Citizenship and Immi-
20 gration Services, but only with respect to indi-
21 viduals who have completed the naturalization
22 process.

23 (C) In the case of an individual who is a
24 resident of a State in which an individual
25 disenfranchised by a criminal conviction under

1 Federal law may become eligible to vote upon
2 completion of a criminal sentence or any part
3 thereof, or upon formal restoration of rights,
4 the Federal agency responsible for admin-
5 istering that sentence or part thereof (without
6 regard to whether the agency is located in the
7 same State in which the individual is a resi-
8 dent), but only with respect to individuals who
9 have completed the criminal sentence or any
10 part thereof.

11 (D) Any other agency of the Federal Gov-
12 ernment which the State designates as a con-
13 tributing agency, but only if the State and the
14 head of the agency determine that the agency
15 collects information sufficient to carry out the
16 responsibilities of a contributing agency under
17 this section.

18 (3) INSTITUTIONS OF HIGHER EDUCATION.—
19 Each institution of higher education that receives
20 Federal funds shall be treated as a contributing
21 agency in the State in which it is located, but only
22 with respect to students of the institution (including
23 students who attend classes online) who reside in the
24 State. An institution of higher education described
25 in the previous sentence shall be exempt from the

1 voter registration requirements of section 487(a)(23)
2 of the Higher Education Act of 1965 (20 U.S.C.
3 1094(a)(23)) if the institution is in compliance with
4 the applicable requirements of this Act.

5 (4) PUBLICATION.—Not later than 180 days
6 prior to the date of each election for Federal office
7 held in the State, the chief State election official
8 shall publish on the public website of the official an
9 updated list of all contributing agencies in that
10 State.

11 (5) PUBLIC EDUCATION.—The chief State elec-
12 tion official of each State, in collaboration with each
13 contributing agency, shall take appropriate measures
14 to educate the public about voter registration under
15 this section.

16 **SEC. 4004. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE**
17 **IN REGISTRATION OF ELIGIBLE VOTERS IN**
18 **EXISTING RECORDS.**

19 (a) INITIAL TRANSMITTAL OF INFORMATION.—For
20 each individual already listed in a contributing agency's
21 records as of the date of enactment of this Act, and for
22 whom the agency has the information listed in section
23 4003(b)(3), the agency shall promptly transmit that infor-
24 mation to the appropriate State election official in accord-

1 ance with section 4003(b)(3) not later than the effective
2 date described in section 4011(a).

3 (b) TRANSITION.—For each individual listed in a con-
4 tributing agency’s records as of the effective date de-
5 scribed in section 4011(a) (but who was not listed in a
6 contributing agency’s records as of the date of enactment
7 of this Act), and for whom the agency has the information
8 listed in section 4003(b)(3), the Agency shall promptly
9 transmit that information to the appropriate State election
10 official in accordance with section 4003(b)(3) not later
11 than 6 months after the effective date described in section
12 4011(a).

13 **SEC. 4005. VOTER PROTECTION AND SECURITY IN AUTO-**
14 **MATIC REGISTRATION.**

15 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—
16 An individual shall not be prosecuted under any Federal
17 law, adversely affected in any civil adjudication concerning
18 immigration status or naturalization, or subject to an alle-
19 gation in any legal proceeding that the individual is not
20 a citizen of the United States on any of the following
21 grounds:

22 (1) The individual notified an election office of
23 the individual’s automatic registration to vote under
24 this title.

1 (2) The individual is not eligible to vote in elec-
2 tions for Federal office but was automatically reg-
3 istered to vote under this title.

4 (3) The individual was automatically registered
5 to vote under this title at an incorrect address.

6 (4) The individual declined the opportunity to
7 register to vote or did not make an affirmation of
8 citizenship, including through automatic registration,
9 under this title.

10 (b) LIMITS ON USE OF AUTOMATIC REGISTRA-
11 TION.—The automatic registration of any individual or the
12 fact that an individual declined the opportunity to register
13 to vote or did not make an affirmation of citizenship (in-
14 cluding through automatic registration) under this title
15 may not be used as evidence against that individual in any
16 State or Federal law enforcement proceeding, and an indi-
17 vidual’s lack of knowledge or willfulness of such registra-
18 tion may be demonstrated by the individual’s testimony
19 alone.

20 (c) PROTECTION OF ELECTION INTEGRITY.—Noth-
21 ing in subsection (a) or (b) may be construed to prohibit
22 or restrict any action under color of law against an indi-
23 vidual who—

1 (1) knowingly and willfully makes a false state-
2 ment to effectuate or perpetuate automatic voter
3 registration by any individual; or

4 (2) casts a ballot knowingly and willfully in vio-
5 lation of State law or the laws of the United States.

6 (d) CONTRIBUTING AGENCIES' PROTECTION OF IN-
7 FORMATION.—Nothing in this title authorizes a contrib-
8 uting agency to collect, retain, transmit, or publicly dis-
9 close any of the following:

10 (1) An individual's decision to decline to reg-
11 ister to vote or not to register to vote.

12 (2) An individual's decision not to affirm his or
13 her citizenship.

14 (3) Any information that a contributing agency
15 transmits pursuant to section 4003(b)(3), except in
16 pursuing the agency's ordinary course of business.

17 (e) ELECTION OFFICIALS' PROTECTION OF INFOR-
18 MATION.—

19 (1) PUBLIC DISCLOSURE PROHIBITED.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), with respect to any individual for
22 whom any State election official receives infor-
23 mation from a contributing agency, the State
24 election officials shall not publicly disclose any
25 of the following:

1 (i) The identity of the contributing
2 agency.

3 (ii) Any information not necessary to
4 voter registration.

5 (iii) Any voter information otherwise
6 shielded from disclosure under State law or
7 section 8(a) of the National Voter Reg-
8 istration Act of 1993 (52 U.S.C.
9 20507(a)).

10 (iv) Any portion of the individual's so-
11 cial security number.

12 (v) Any portion of the individual's
13 motor vehicle driver's license number.

14 (vi) The individual's signature.

15 (vii) The individual's telephone num-
16 ber.

17 (viii) The individual's email address.

18 (B) SPECIAL RULE FOR INDIVIDUALS REG-
19 ISTERED TO VOTE.—With respect to any indi-
20 vidual for whom any State election official re-
21 ceives information from a contributing agency
22 and who, on the basis of such information, is
23 registered to vote in the State under this title,
24 the State election officials shall not publicly dis-
25 close any of the following:

1 (i) The identity of the contributing
2 agency.

3 (ii) Any information not necessary to
4 voter registration.

5 (iii) Any voter information otherwise
6 shielded from disclosure under State law or
7 section 8(a) of the National Voter Reg-
8 istration Act of 1993 (52 U.S.C.
9 20507(a)).

10 (iv) Any portion of the individual's so-
11 cial security number.

12 (v) Any portion of the individual's
13 motor vehicle driver's license number.

14 (vi) The individual's signature.

15 (2) VOTER RECORD CHANGES.—Each State
16 shall maintain for at least 2 years and shall make
17 available for public inspection and, where available,
18 photocopying at a reasonable cost, all records of
19 changes to voter records, including removals and up-
20 dates.

21 (3) DATABASE MANAGEMENT STANDARDS.—
22 The Director of the National Institute of Standards
23 and Technology shall, after providing the public with
24 notice and the opportunity to comment—

1 (A) establish standards governing the com-
2 parison of data for voter registration list main-
3 tenance purposes, identifying as part of such
4 standards the specific data elements, the
5 matching rules used, and how a State may use
6 the data to determine and deem that an indi-
7 vidual is ineligible under State law to vote in an
8 election, or to deem a record to be a duplicate
9 or outdated;

10 (B) ensure that the standards developed
11 pursuant to this paragraph are uniform and
12 nondiscriminatory and are applied in a uniform
13 and nondiscriminatory manner; and

14 (C) publish the standards developed pursu-
15 ant to this paragraph on the Director's website
16 and make those standards available in written
17 form upon request.

18 (4) SECURITY POLICY.—The Director of the
19 National Institute of Standards and Technology
20 shall, after providing the public with notice and the
21 opportunity to comment, publish privacy and secu-
22 rity standards for voter registration information.
23 The standards shall require the chief State election
24 official of each State to adopt a policy that shall
25 specify—

1 (A) each class of users who shall have au-
2 thorized access to the computerized statewide
3 voter registration list, specifying for each class
4 the permission and levels of access to be grant-
5 ed, and setting forth other safeguards to pro-
6 tect the privacy, security, and accuracy of the
7 information on the list; and

8 (B) security safeguards to protect personal
9 information transmitted through the informa-
10 tion transmittal processes of section 4003 or
11 section 4004, the online system used pursuant
12 to section 4007, any telephone interface, the
13 maintenance of the voter registration database,
14 and any audit procedure to track access to the
15 system.

16 (5) STATE COMPLIANCE WITH NATIONAL
17 STANDARDS.—

18 (A) CERTIFICATION.—The chief executive
19 officer of the State shall annually file with the
20 Election Assistance Commission a statement
21 certifying to the Director of the National Insti-
22 tute of Standards and Technology that the
23 State is in compliance with the standards re-
24 ferred to in paragraphs (4) and (5). A State
25 may meet the requirement of the previous sen-

1 tence by filing with the Commission a statement
2 which reads as follows: “_____ hereby
3 certifies that it is in compliance with the stand-
4 ards referred to in paragraphs (4) and (5) of
5 section 4005(e) of the Automatic Voter Reg-
6 istration Act of 2017.” (with the blank to be
7 filled in with the name of the State involved).

8 (B) PUBLICATION OF POLICIES AND PRO-
9 CEDURES.—The chief State election official of a
10 State shall publish on the official’s website the
11 policies and procedures established under this
12 section, and shall make those policies and pro-
13 cedures available in written form upon public
14 request.

15 (C) FUNDING DEPENDENT ON CERTIFI-
16 CATION.—If a State does not timely file the cer-
17 tification required under this paragraph, it shall
18 not receive any payment under this Act for the
19 upcoming fiscal year.

20 (D) COMPLIANCE OF STATES THAT RE-
21 QUIRE CHANGES TO STATE LAW.—In the case
22 of a State that requires State legislation to
23 carry out an activity covered by any certifi-
24 cation submitted under this paragraph, for a
25 period of not more than 2 years the State shall

1 be permitted to make the certification notwith-
2 standing that the legislation has not been en-
3 acted at the time the certification is submitted,
4 and such State shall submit an additional cer-
5 tification once such legislation is enacted.

6 (f) RESTRICTIONS ON USE OF INFORMATION.—No
7 person acting under color of law may discriminate against
8 any individual based on, or use for any purpose other than
9 voter registration, election administration, or enforcement
10 relating to election crimes, any of the following:

11 (1) Voter registration records.

12 (2) An individual's declination to register to
13 vote or complete an affirmation of citizenship under
14 section 4003(b).

15 (3) An individual's voter registration status.

16 (g) PROHIBITION ON THE USE OF VOTER REGISTRA-
17 TION INFORMATION FOR COMMERCIAL PURPOSES.—In-
18 formation collected under this title shall not be used for
19 commercial purposes. Nothing in this subsection may be
20 construed to prohibit the transmission, exchange, or dis-
21 semination of information for political purposes, including
22 the support of campaigns for election for Federal, State,
23 or local public office or the activities of political commit-
24 tees (including committees of political parties) under the
25 Federal Election Campaign Act of 1971.

1 **SEC. 4006. REGISTRATION PORTABILITY AND CORRECTION.**

2 (a) CORRECTING REGISTRATION INFORMATION AT
3 POLLING PLACE.—Notwithstanding section 302(a) of the
4 Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if
5 an individual is registered to vote in elections for Federal
6 office held in a State, the appropriate election official at
7 the polling place for any such election (including a location
8 used as a polling place on a date other than the date of
9 the election) shall permit the individual to—

10 (1) update the individual’s address for purposes
11 of the records of the election official;

12 (2) correct any incorrect information relating to
13 the individual, including the individual’s name and
14 political party affiliation, in the records of the elec-
15 tion official; and

16 (3) cast a ballot in the election on the basis of
17 the updated address or corrected information, and to
18 have the ballot treated as a regular ballot and not
19 as a provisional ballot under section 302(a) of such
20 Act.

21 (b) UPDATES TO COMPUTERIZED STATEWIDE VOTER
22 REGISTRATION LISTS.—If an election official at the poll-
23 ing place receives an updated address or corrected infor-
24 mation from an individual under subsection (a), the offi-
25 cial shall ensure that the address or information is
26 promptly entered into the computerized statewide voter

1 registration list in accordance with section
2 303(a)(1)(A)(vi) of the Help America Vote Act of 2002
3 (52 U.S.C. 21083(a)(1)(A)(vi)).

4 **SEC. 4007. ONLINE REGISTRATION.**

5 (a) IN GENERAL.—Each State shall ensure that the
6 following services are available on the official public
7 websites of the appropriate State election officials:

8 (1) Application for or update to voter registra-
9 tion using an electronic version of the mail voter
10 registration application form the Election Assistance
11 Commission prescribes, and any additional voter reg-
12 istration form the State develops pursuant to section
13 6(a) of the National Voter Registration Act of 1993
14 (52 U.S.C. 20505(a)).

15 (2) Completion of a printable version of the
16 mail voter registration application form the Election
17 Assistance Commission prescribes, and any addi-
18 tional voter registration form the State develops pur-
19 suant to section 6(a) of the National Voter Registra-
20 tion Act of 1993 (52 U.S.C. 20505(a)).

21 (3) Correction of voter registration.

22 (4) Designation of political party affiliation,
23 where applicable.

24 (5) Cancellation of registration and removal
25 from the voter rolls.

1 (6) Declination of any automatic registration.

2 (b) SIGNATURE REQUIREMENTS.—The appropriate
3 State election official shall accept an online voter registra-
4 tion application and register each eligible individual to
5 vote if the application provides a signature by any of the
6 following:

7 (1) In the case of an individual who has a sig-
8 nature on file with a State agency, including the
9 State motor vehicle authority, that is required to
10 provide voter registration services by the National
11 Voter Registration Act of 1993 (52 U.S.C. 20501 et
12 seq.), the individual consents to the transfer of that
13 electronic signature.

14 (2) The individual submits with the application
15 an electronic copy of the individual's handwritten
16 signature.

17 (3) If the State chooses to accept it, the indi-
18 vidual's execution of a computerized mark in the sig-
19 nature field on an online voter registration applica-
20 tion.

21 (4) The individual otherwise completes registra-
22 tion under this section and provides a signature at
23 the time of casting a ballot in an election or at the
24 time of applying for a ballot (including an absentee
25 ballot) in an upcoming election. The online system

1 and disposition notice sent to any individual pursu-
2 ant to this paragraph must inform the individual of
3 the process for providing a signature.

4 (c) INTERAGENCY TRANSMISSION OF ELECTRONIC
5 SIGNATURES.—Each State agency that is required by the
6 National Voter Registration Act of 1993 (52 U.S.C.
7 20501 et seq.) to provide voter registration services, in-
8 cluding the State motor vehicle authority, shall electroni-
9 cally transmit to the appropriate State election official the
10 signature of any individual who has a signature on file
11 with the agency and who consents to the transfer of that
12 electronic signature under subsection (b)(1).

13 (d) PRE-ELECTION CORRECTION.—Any correction to
14 the statewide voter registration database pursuant to this
15 section that is made no later than the lesser of thirty days,
16 or the period State law provides, before a Federal election
17 shall be effective for purposes of that Federal election and
18 succeeding elections.

19 (e) ACCESSIBILITY OF SERVICES.—Each State shall
20 ensure that all of the services provided under this section
21 are provided in a manner accessible to individuals with
22 disabilities.

1 **SEC. 4008. PAYMENTS AND GRANTS.**

2 (a) IN GENERAL.—The Election Assistance Commis-
3 sion shall make grants to each eligible State to assist the
4 State in implementing the requirements of this title.

5 (b) ELIGIBILITY; APPLICATION.—A State is eligible
6 to receive a grant under this section if the State submits
7 to the Commission, at such time and in such form as the
8 Commission may require, an application containing—

9 (1) a description of the activities the State will
10 carry out with the grant;

11 (2) an assurance that the State shall carry out
12 such activities without partisan bias and without
13 promoting any particular point of view regarding
14 any issue; and

15 (3) such other information and assurances as
16 the Commission may require.

17 (c) AMOUNT OF GRANT; PRIORITIES.—The Commis-
18 sion shall determine the amount of a grant made to an
19 eligible State under this section. In determining the
20 amounts of the grants, the Commission shall give priority
21 to providing funds for those activities which are most like-
22 ly to accelerate compliance with the requirements of this
23 title, including—

24 (1) investments supporting electronic informa-
25 tion transfer, including electronic collection and

1 transfer of signatures, between contributing agencies
2 and the appropriate State election officials;

3 (2) updates to online or electronic voter reg-
4 istration systems already operating as of the date of
5 the enactment of this Act;

6 (3) introduction of online voter registration sys-
7 tems in jurisdictions in which those systems did not
8 previously exist; and

9 (4) public education on the availability of new
10 methods of registering to vote, updating registration,
11 and correcting registration.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) AUTHORIZATION.—There are authorized to
14 be appropriated to carry out this section—

15 (A) \$500,000,000 for fiscal year 2018; and

16 (B) such sums as may be necessary for
17 each succeeding fiscal year.

18 (2) CONTINUING AVAILABILITY OF FUNDS.—

19 Any amounts appropriated pursuant to the authority
20 of this subsection shall remain available without fis-
21 cal year limitation until expended.

22 **SEC. 4009. MISCELLANEOUS PROVISIONS.**

23 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—

24 Each contributing agency shall ensure that the services
25 it provides under this title are made available to individ-

1 uals with disabilities to the same extent as services are
2 made available to all other individuals.

3 (b) TRANSMISSION THROUGH SECURE THIRD PARTY
4 PERMITTED.—Nothing in this title shall be construed to
5 prevent a contributing agency from contracting with a
6 third party to assist the agency in meeting the information
7 transmittal requirements of this Act, so long as the data
8 transmittal complies with the applicable requirements of
9 this title, including the privacy and security provisions of
10 section 4005.

11 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION
12 OF SERVICES.—The services made available by contrib-
13 uting agencies under this title and by the State under sec-
14 tions 4006 and 4007 shall be made in a manner consistent
15 with paragraphs (4), (5), and (6)(C) of section 7(a) of
16 the National Voter Registration Act of 1993 (52 U.S.C.
17 20506(a)).

18 (d) NOTICES.—Each State may send notices under
19 this title via electronic mail if the individual has provided
20 an electronic mail address and consented to electronic mail
21 communications for election-related materials. All notices
22 sent pursuant to this title that require a response must
23 offer the individual notified the opportunity to respond at
24 no cost to the individual.

1 (e) ENFORCEMENT.—Section 11 of the National
2 Voter Registration Act of 1993 (52 U.S.C. 20510), relat-
3 ing to civil enforcement and the availability of private
4 rights of action, shall apply with respect to this title in
5 the same manner as such section applies to such Act.

6 (f) RELATION TO OTHER LAWS.—Except as pro-
7 vided, nothing in this title may be construed to authorize
8 or require conduct prohibited under, or to supersede, re-
9 strict, or limit the application of any of the following:

10 (1) The Voting Rights Act of 1965 (52 U.S.C.
11 10301 et seq.).

12 (2) The Uniformed and Overseas Citizens Ab-
13 sentee Voting Act (52 U.S.C. 20301 et seq.).

14 (3) The National Voter Registration Act of
15 1993 (52 U.S.C. 20501 et seq.).

16 (4) The Help America Vote Act of 2002 (52
17 U.S.C. 20901 et seq.).

18 **SEC. 4010. DEFINITIONS.**

19 In this title, the following definitions apply:

20 (1) The term “chief State election official”
21 means, with respect to a State, the individual des-
22 ignated by the State under section 10 of the Na-
23 tional Voter Registration Act of 1993 (52 U.S.C.
24 20509) to be responsible for coordination of the
25 State’s responsibilities under such Act.

1 (2) The term “Commission” means the Election
2 Assistance Commission.

3 (3) The term “State” means each of the several
4 States and the District of Columbia.

5 **SEC. 4011. EFFECTIVE DATE.**

6 (a) IN GENERAL.—Except as provided in subsection
7 (b), this subtitle and the amendments made by this sub-
8 title shall apply with respect to a State beginning January
9 1, 2019.

10 (b) WAIVER.—Subject to the approval of the Com-
11 mission, if a State certifies to the Commission that the
12 State will not meet the deadline referred to in subsection
13 (a) because of extraordinary circumstances and includes
14 in the certification the reasons for the failure to meet the
15 deadline, subsection (a) shall apply to the State as if the
16 reference in such subsection to “January 1, 2019” were
17 a reference to “January 1, 2021”.

18 **Subtitle B—Same Day Registration**

19 **SEC. 4101. SHORT TITLE.**

20 This subtitle may be cited as the “Same Day Reg-
21 istration Act of 2017”.

22 **SEC. 4102. 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.

○