

115TH CONGRESS
1ST SESSION

S. 1929

To amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2017

Mr. UDALL introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Empower Act of 2017”.

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

Sec. 1. Short title; table of contents.

TITLE I—PRIMARY ELECTIONS

Sec. 1001. Increase in and modifications to matching payments.

Sec. 1002. Eligibility requirements for matching payments.

- Sec. 1003. Repeal of expenditure limitations.
- Sec. 1004. Period of availability of matching payments.
- Sec. 1005. Examination and audits of matchable contributions.
- Sec. 1006. Modification to limitation on contributions for Presidential primary candidates.

TITLE II—GENERAL ELECTIONS

- Sec. 2001. Modification of eligibility requirements for public financing.
- Sec. 2002. Repeal of expenditure limitations and use of qualified campaign contributions.
- Sec. 2003. Matching payments and other modifications to payment amounts.
- Sec. 2004. Increase in limit on coordinated party expenditures.
- Sec. 2005. Establishment of uniform date for release of payments.
- Sec. 2006. Amounts in Presidential Election Campaign Fund.
- Sec. 2007. Use of general election payments for general election legal and accounting compliance.

TITLE III—OTHER CAMPAIGN FINANCE REFORMS

- Sec. 3001. Regulations with respect to best efforts for identifying persons making contributions.
- Sec. 3002. Rules relating to joint fundraising committees.
- Sec. 3003. Disclosure of bundled contributions to Presidential campaigns; increase in threshold for bundled contributions by lobbyists.
- Sec. 3004. Repeal of special contribution limits for contributions to national parties for certain purposes.
- Sec. 3005. Judicial review of actions related to campaign finance laws.
- Sec. 3006. Treatment of internet communications made by political committees as public communications.
- Sec. 3007. Application of limitations on contributions to political committees making only independent expenditures.

1 **TITLE I—PRIMARY ELECTIONS**

2 **SEC. 1001. INCREASE IN AND MODIFICATIONS TO MATCH-** 3 **ING PAYMENTS.**

4 (a) INCREASE AND MODIFICATION.—

5 (1) IN GENERAL.—The first sentence of section
 6 9034(a) of the Internal Revenue Code of 1986 is
 7 amended—

8 (A) by striking “an amount equal to the
 9 amount of each contribution” and inserting “an
 10 amount equal to 600 percent of the amount of
 11 each matchable contribution (disregarding any

1 amount of contributions from any person to the
2 extent that the total of the amounts contributed
3 by such person for the election exceeds \$200”;
4 and

5 (B) by striking “authorized committees”
6 and all that follows through “\$250” and insert-
7 ing “authorized committees”.

8 (2) MATCHABLE CONTRIBUTIONS.—Section
9 9034 of such Code is amended—

10 (A) by striking the last sentence of sub-
11 section (a); and

12 (B) by inserting after subsection (b) the
13 following new subsection:

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

16 “(1) MATCHABLE CONTRIBUTION.—The term
17 ‘matchable contribution’ means, with respect to the
18 nomination for election to the office of President of
19 the United States, a contribution by an individual to
20 a candidate or an authorized committee of a can-
21 didate with respect to which the candidate has cer-
22 tified in writing that—

23 “(A) the individual making such contribu-
24 tion has not made aggregate contributions (in-
25 cluding such matchable contribution) to such

1 candidate and the authorized committees of
2 such candidate in excess of \$1,000 for the elec-
3 tion,

4 “(B) such candidate and the authorized
5 committees of such candidate will not accept
6 contributions from such individual (including
7 such matchable contribution) aggregating more
8 than the amount described in subparagraph
9 (A), and

10 “(C) such contribution was not—

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

13 “(ii) received by the candidate or com-
14 mittee from a contributor or contributors,
15 but credited by the committee or candidate
16 to another person who is not an individual
17 through records, designations, or other
18 means of recognizing (whether in writing
19 or not in writing) that a certain amount of
20 money has been raised by such person.

21 “(2) CONTRIBUTION.—For purposes of this
22 subsection, the term ‘contribution’ means a gift of
23 money made by a written instrument which identi-
24 fies the individual making the contribution by full
25 name and mailing address, but does not include a

1 subscription, loan, advance, or deposit of money, or
2 anything of value or anything described in subpara-
3 graph (B), (C), or (D) of section 9032(4).”.

4 (3) CONFORMING AMENDMENTS.—

5 (A) Section 9032(4) of such Code is
6 amended by striking “section 9034(a)” and in-
7 serting “section 9034”.

8 (B) Section 9033(b)(3) of such Code is
9 amended by striking “matching contributions”
10 and inserting “matchable contributions”.

11 (b) MODIFICATION OF PAYMENT LIMITATION.—

12 (1) IN GENERAL.—Section 9034(b) of such
13 Code is amended—

14 (A) by striking “Every” and inserting the
15 following:

16 “(1) IN GENERAL.—Every”;

17 (2) by striking “shall not exceed” and all that
18 follows and inserting “shall not exceed
19 \$300,000,000.”; and

20 (3) by adding at the end the following new
21 paragraph:

22 “(3) INFLATION ADJUSTMENT.—

23 “(A) IN GENERAL.—In the case of any ap-
24 plicable period beginning after 2019, the dollar

1 amount in paragraph (1) shall be increased by
 2 an amount equal to—

3 “(i) such dollar amount, multiplied by

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

11 “(B) APPLICABLE PERIOD.—For purposes
 12 of this paragraph, the term ‘applicable period’
 13 means the 4-year period beginning with the
 14 first day following the date of the general elec-
 15 tion for the office of President and ending on
 16 the date of the next such general election.

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

21 **SEC. 1002. ELIGIBILITY REQUIREMENTS FOR MATCHING**
 22 **PAYMENTS.**

23 (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER
 24 STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN

1 EXCESS OF \$200.—Section 9033(b)(3) of the Internal
2 Revenue Code of 1986 is amended—

3 (1) by striking “\$5,000” and inserting
4 “\$25,000”; and

5 (2) by striking “20 States” and inserting the
6 following: “20 States (disregarding any amount of
7 contributions from any such resident to the extent
8 that the total of the amounts contributed by such
9 resident for the election exceeds \$200)”.

10 (b) CONTRIBUTION LIMIT.—

11 (1) IN GENERAL.—Paragraph (4) of section
12 9033(b) of such Code is amended to read as follows:

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

18 (2) CONFORMING AMENDMENTS.—

19 (A) Section 9033(b) of such Code is
20 amended by adding at the end the following
21 new flush sentence:

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

1 (B) Section 9032(4) of such Code, as
2 amended by section 1001(a)(3)(A) is amended
3 by inserting “or 9033(b)” after “9034”.

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

7 (1) by striking “and” at the end of paragraph
8 (3);

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

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

13 “(5) the candidate and the authorized com-
14 mittee of the candidate will not accept any bundled
15 contribution (as defined in section 304(i)(8) of the
16 Federal Election Campaign Act of 1971) forwarded
17 by or credited to a person described in section
18 304(i)(7) of such Act.”.

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

22 (1) by striking “and” at the end of paragraph
23 (4);

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

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

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

8 **SEC. 1003. REPEAL OF EXPENDITURE LIMITATIONS.**

9 (a) IN GENERAL.—Subsection (a) of section 9035 of
10 the Internal Revenue Code of 1986 is amended to read
11 as follows:

12 “(a) PERSONAL EXPENDITURE LIMITATION.—No
13 candidate shall knowingly make expenditures from his per-
14 sonal funds, or the personal funds of his immediate family,
15 in connection with his campaign for nomination for elec-
16 tion to the office of President in excess of, in the aggre-
17 gate, \$50,000.”.

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

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

1 **SEC. 1004. PERIOD OF AVAILABILITY OF MATCHING PAY-**
 2 **MENTS.**

3 Section 9032(6) of the Internal Revenue Code of
 4 1986 is amended by striking “the beginning of the cal-
 5 endar year in which a general election for the office of
 6 President of the United States will be held” and inserting
 7 “the date that is 6 months prior to the date of the earliest
 8 State primary election”.

9 **SEC. 1005. EXAMINATION AND AUDITS OF MATCHABLE CON-**
 10 **TRIBUTIONS.**

11 Section 9038(a) of the Internal Revenue Code of
 12 1986 is amended by inserting “and matchable contribu-
 13 tions accepted by” after “qualified campaign expenses of”.

14 **SEC. 1006. MODIFICATION TO LIMITATION ON CONTRIBU-**
 15 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**
 16 **DIDATES.**

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

21 **TITLE II—GENERAL ELECTIONS**

22 **SEC. 2001. MODIFICATION OF ELIGIBILITY REQUIREMENTS**
 23 **FOR PUBLIC FINANCING.**

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

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

5 “(1) PARTICIPATION IN PRIMARY PAYMENT
6 SYSTEM.—The candidate for President received pay-
7 ments under chapter 96 for the campaign for nomi-
8 nation for election to be President.

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

11 “(A) agree to obtain and furnish to the
12 Commission such evidence as it may request of
13 the qualified campaign expenses of such can-
14 didates,

15 “(B) agree to keep and furnish to the
16 Commission such records, books, and other in-
17 formation as it may request, and

18 “(C) agree to an audit and examination by
19 the Commission under section 9007 and to pay
20 any amounts required to be paid under such
21 section.

22 “(3) BAN ON BUNDLED CONTRIBUTIONS.—The
23 candidates certify to the Commission, under penalty
24 of perjury and within such time prior to the day of
25 the presidential election as the Commission shall

1 prescribe by rules or regulations, that the candidates
 2 and the authorized committees of such candidates
 3 will not accept any bundled contribution (as defined
 4 in section 304(i)(8) of the Federal Election Cam-
 5 paign Act of 1971) forwarded by or credited to a
 6 person described in section 304(i)(7) of such Act.”.

7 **SEC. 2002. REPEAL OF EXPENDITURE LIMITATIONS AND**
 8 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**
 9 **TIONS.**

10 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
 11 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME
 12 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-
 13 TIES.—Section 9003 of the Internal Revenue Code of
 14 1986 is amended by striking subsections (b) and (c) and
 15 inserting the following:

16 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
 17 TO DEFRAY EXPENSES.—

18 “(1) IN GENERAL.—In order to be eligible to
 19 receive any payments under section 9006, the can-
 20 didates of a party in a presidential election shall cer-
 21 tify to the Commission, under penalty of perjury,
 22 that—

23 “(A) such candidates and their authorized
 24 committees have not and will not accept any

1 contributions to defray qualified campaign ex-
2 penses other than—

3 “(i) qualified campaign contributions,
4 and

5 “(ii) contributions to the extent nec-
6 essary to make up any deficiency payments
7 received out of the fund on account of the
8 application of section 9006(c), and

9 “(B) such candidates and their authorized
10 committees have not and will not accept any
11 contribution to defray expenses which would be
12 qualified campaign expenses but for subpara-
13 graph (C) of section 9002(11).

14 “(2) TIMING OF CERTIFICATION.—The can-
15 didate shall make the certification required under
16 this subsection at the same time the candidate
17 makes the certification required under subsection
18 (a)(3).”.

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

22 “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—
23 The term ‘qualified campaign contribution’ means,
24 with respect to any election for the office of Presi-
25 dent of the United States, a contribution from an in-

1 dividual to a candidate or an authorized committee
2 of a candidate which—

3 “(A) does not exceed \$1,000 for the elec-
4 tion, and

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

7 “(i) the individual making such con-
8 tribution has not made aggregate contribu-
9 tions (including such qualified contribu-
10 tion) to such candidate and the authorized
11 committees of such candidate in excess of
12 the amount described in subparagraph (A),
13 and

14 “(ii) such candidate and the author-
15 ized committees of such candidate will not
16 accept contributions from such individual
17 (including such qualified contribution) ag-
18 gregating more than the amount described
19 in subparagraph (A) with respect to such
20 election.”.

21 (c) CONFORMING AMENDMENTS.—

22 (1) REPEAL OF EXPENDITURE LIMITS.—

23 (A) IN GENERAL.—Section 315 of the Fed-
24 eral Election Campaign Act of 1971 (52 U.S.C.
25 30116) is amended by striking subsection (b).

1 (B) CONFORMING AMENDMENTS.—Section
2 315(c) of such Act (52 U.S.C. 30116(e)) is
3 amended—

4 (i) in paragraph (1)(B)(i), by striking
5 “, (b)”;

6 (ii) in paragraph (2)(B)(i), by striking
7 “subsections (b) and (d)” and inserting
8 “subsection (d)”.

9 (2) REPEAL OF REPAYMENT REQUIREMENT.—

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

15 (B) CONFORMING AMENDMENT.—Para-
16 graph (2) of section 9007(b) of such Code, as
17 redesignated by subparagraph (A), is amend-
18 ed—

19 (i) by striking “a major party” and
20 inserting “a party”;

21 (ii) by inserting “qualified contribu-
22 tions and” after “contributions (other
23 than”;

24 (iii) by striking “(other than qualified
25 campaign expenses with respect to which

1 payment is required under paragraph
2 (2))”.

3 (3) CRIMINAL PENALTIES.—

4 (A) REPEAL OF PENALTY FOR EXCESS EX-
5 PENSES.—Section 9012 of the Internal Revenue
6 Code of 1986 is amended by striking subsection
7 (a).

8 (B) PENALTY FOR ACCEPTANCE OF DIS-
9 ALLOWED CONTRIBUTIONS; APPLICATION OF
10 SAME PENALTY FOR CANDIDATES OF MAJOR,
11 MINOR, AND NEW PARTIES.—Subsection (b) of
12 section 9012 of such Code is amended to read
13 as follows:

14 “(b) CONTRIBUTIONS.—

15 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-
16 TIONS.—It shall be unlawful for an eligible can-
17 didate of a party in a presidential election or any of
18 his authorized committees knowingly and willfully to
19 accept any contribution to defray qualified campaign
20 expenses, except to the extent necessary to make up
21 any deficiency in payments received out of the fund
22 on account of the application of section 9006(c), or
23 to defray expenses which would be qualified cam-
24 paign expenses but for subparagraph (C) of section
25 9002(11).

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

9 **SEC. 2003. MATCHING PAYMENTS AND OTHER MODIFICA-**
10 **TIONS TO PAYMENT AMOUNTS.**

11 (a) IN GENERAL.—

12 (1) AMOUNT OF PAYMENTS; APPLICATION OF
13 SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,
14 AND NEW PARTIES.—Subsection (a) of section 9004
15 of the Internal Revenue Code of 1986 is amended to
16 read as follows:

17 “(a) IN GENERAL.—Subject to the provisions of this
18 chapter, the eligible candidates of a party in a presidential
19 election shall be entitled to equal payment under section
20 9006 in an amount equal to 600 percent of the amount
21 of each matchable contribution received by such candidate
22 or by the candidate’s authorized committees (disregarding
23 any amount of contributions from any person to the extent
24 that the total of the amounts contributed by such person
25 for the election exceeds \$200), except that total amount

1 to which a candidate is entitled under this paragraph shall
2 not exceed \$300,000,000.”.

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

7 “(b) INFLATION ADJUSTMENT.—

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

12 “(A) such dollar amount, multiplied by

13 “(B) the cost-of-living adjustment deter-
14 mined under section 1(f)(3) for the calendar
15 year following the year which such applicable
16 period begins, determined by substituting ‘cal-
17 endar year 2018’ for ‘calendar year 1992’ in
18 subparagraph (B) thereof.

19 “(2) APPLICABLE PERIOD.—For purposes of
20 this subsection, the term ‘applicable period’ means
21 the 4-year period beginning with the first day fol-
22 lowing the date of the general election for the office
23 of President and ending on the date of the next such
24 general election.

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

5 (3) CONFORMING AMENDMENT.—Section
6 9005(a) of such Code is amended by adding at the
7 end the following new sentence: “The Commission
8 shall make such additional certifications as may be
9 necessary to receive payments under section 9004.”.

10 (b) MATCHABLE CONTRIBUTION.—Section 9002 of
11 such Code, as amended by section 2002, is amended by
12 adding at the end the following new paragraph:

13 “(14) MATCHABLE CONTRIBUTION.—The term
14 ‘matchable contribution’ means, with respect to the
15 election to the office of President of the United
16 States, a contribution by an individual to a can-
17 didate or an authorized committee of a candidate
18 with respect to which the candidate has certified in
19 writing that—

20 “(A) the individual making such contribu-
21 tion has not made aggregate contributions (in-
22 cluding such matchable contribution) to such
23 candidate and the authorized committees of
24 such candidate in excess of \$1,000 for the elec-
25 tion,

1 “(B) such candidate and the authorized
2 committees of such candidate will not accept
3 contributions from such individual (including
4 such matchable contribution) aggregating more
5 than the amount described in subparagraph (A)
6 with respect to such election, and

7 “(C) such contribution was not—

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

10 “(ii) received by the candidate or com-
11 mittee from a contributor or contributors,
12 but credited by the committee or candidate
13 to another person who is not an individual
14 through records, designations, or other
15 means of recognizing (whether in writing
16 or not in writing) that a certain amount of
17 money has been raised by such person.”.

18 **SEC. 2004. INCREASE IN LIMIT ON COORDINATED PARTY**

19 **EXPENDITURES.**

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

23 “(2)(A) The national committee of a political party
24 may not make any expenditure in connection with the gen-
25 eral election campaign of any candidate for President of

1 the United States who is affiliated with such party which
2 exceeds \$100,000,000.

3 “(B) For purposes of this paragraph—

4 “(i) any expenditure made by or on behalf of a
5 national committee of a political party and in con-
6 nection with a presidential election shall be consid-
7 ered to be made in connection with the general elec-
8 tion campaign of a candidate for President of the
9 United States who is affiliated with such party; and

10 “(ii) any communication made by or on behalf
11 of such party shall be considered to be made in con-
12 nection with the general election campaign of a can-
13 didate for President of the United States who is af-
14 filiated with such party if any portion of the commu-
15 nication is in connection with such election.

16 “(C) Any expenditure under this paragraph shall be
17 in addition to any expenditure by a national committee
18 of a political party serving as the principal campaign com-
19 mittee of a candidate for the office of President of the
20 United States.”.

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

23 (1) IN GENERAL.—Section 315(c)(1) of such
24 Act (52 U.S.C. 30116(c)(1)), as amended by section
25 2002(e)(1)(B), is amended—

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

3 (B) by inserting at the end the following
4 new subparagraph:

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

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

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

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

14 (2) BASE YEAR.—Section 315(c)(2)(B) of such
15 Act (52 U.S.C. 30116(c)(2)(B)), as amended by sec-
16 tion 2002(c)(1)(B), is amended—

17 (A) in clause (i)—

18 (i) by striking “(d)” and inserting
19 “(d)(3)”; and

20 (ii) by striking “and” at the end;

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

23 (C) by adding at the end the following new
24 clause:

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

3 **SEC. 2005. ESTABLISHMENT OF UNIFORM DATE FOR RE-**
4 **LEASE OF PAYMENTS.**

5 (a) DATE FOR PAYMENTS.—

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

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

15 “(1) the last Friday occurring before the first
16 Monday in September, or

17 “(2) 24 hours after receiving the certifications
18 for the eligible candidates of all major political par-
19 ties.

20 Amounts paid to any such candidates shall be under the
21 control of such candidates.”.

22 (2) CONFORMING AMENDMENT.—The first sen-
23 tence of section 9006(c) of such Code is amended by
24 striking “the time of a certification by the Commis-
25 sion under section 9005 for payment” and inserting

1 “the time of making a payment under subsection
2 (b)”.

3 (b) TIME FOR CERTIFICATION.—Section 9005(a) of
4 the Internal Revenue Code of 1986 is amended by striking
5 “10 days” and inserting “24 hours”.

6 **SEC. 2006. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**
7 **PAIGN FUND.**

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

20 (b) SPECIAL RULE FOR FIRST CAMPAIGN CYCLE
21 UNDER THIS ACT.—

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

25 “(d) SPECIAL AUTHORITY TO BORROW.—

1 “(1) IN GENERAL.—Notwithstanding subsection
2 (c), there are authorized to be appropriated to the
3 fund, as repayable advances, such sums as are nec-
4 essary to carry out the purposes of the fund during
5 the period ending on the first presidential election
6 occurring after the date of the enactment of this
7 subsection.

8 “(2) REPAYMENT OF ADVANCES.—

9 “(A) IN GENERAL.—Advances made to the
10 fund shall be repaid, and interest on such ad-
11 vances shall be paid, to the general fund of the
12 Treasury when the Secretary determines that
13 moneys are available for such purposes in the
14 fund.

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

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

3 **SEC. 2007. USE OF GENERAL ELECTION PAYMENTS FOR**
4 **GENERAL ELECTION LEGAL AND ACCOUNT-**
5 **ING COMPLIANCE.**

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

13 **TITLE III—OTHER CAMPAIGN**
14 **FINANCE REFORMS**

15 **SEC. 3001. REGULATIONS WITH RESPECT TO BEST EFFORTS**
16 **FOR IDENTIFYING PERSONS MAKING CON-**
17 **TRIBUTIONS.**

18 Not later than 6 months after the date of enactment
19 of this Act, the Federal Election Commission shall pro-
20 mulgate regulations with respect to what constitutes best
21 efforts under section 302(i) of the Federal Election Cam-
22 paign Act of 1971 (52 U.S.C. 30102(i)) for determining
23 the identification of persons making contributions to polit-
24 ical committees, including the identifications of persons
25 making contributions over the internet or by credit card.

1 Such regulations shall include a requirement that in the
2 case of contributions made by a credit card, the political
3 committee shall ensure that the name on the credit card
4 used to make the contribution matches the name of the
5 person making the contribution.

6 **SEC. 3002. RULES RELATING TO JOINT FUNDRAISING COM-**
7 **MITTEES.**

8 (a) PROHIBITION ON JOINT FUNDRAISING COMMIT-
9 TEES FOR CANDIDATES.—

10 (1) IN GENERAL.—Section 302(e) of the Fed-
11 eral Election Campaign Act of 1971 (52 U.S.C.
12 30102(e)) is amended by adding at the end the fol-
13 lowing new paragraph:

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

17 (2) CONFORMING AMENDMENT.—Section
18 302(e)(3)(A) of such Act (52 U.S.C. 30102(e)(3)) is
19 amended—

20 (A) by striking “except that” and all that
21 follows through “the candidate” and inserting
22 “except that the candidate”;

23 (B) by striking “; and” and inserting a pe-
24 riod; and

25 (C) by striking clause (ii).

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

6 “(j) PARTICIPATION OF PARTY COMMITTEES IN
 7 JOINT FUNDRAISING COMMITTEES.—No committee of a
 8 political party may establish, participate in, or have any
 9 involvement with any joint fundraising committee other
 10 than a joint fundraising committee that consists of the
 11 national committee of a political party and one other com-
 12 mittee of the political party.”.

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

15 **SEC. 3003. DISCLOSURE OF BUNDLED CONTRIBUTIONS TO**
 16 **PRESIDENTIAL CAMPAIGNS; INCREASE IN**
 17 **THRESHOLD FOR BUNDLED CONTRIBUTIONS**
 18 **BY LOBBYISTS.**

19 (a) IN GENERAL.—Paragraphs (1) through (3) of
 20 section 304(i) of the Federal Election Campaign Act of
 21 1971 (52 U.S.C. 30104(i)) are amended to read as fol-
 22 lows:

23 “(1) IN GENERAL.—

24 “(A) DISCLOSURE OF BUNDLED CON-
 25 TRIBUTIONS BY LOBBYISTS.—Each committee

1 described in paragraph (6) shall include in the
2 first report required to be filed under this sec-
3 tion after each covered period (as defined in
4 paragraph (2)) a separate schedule setting forth
5 the name, address, and employer of each person
6 reasonably known by the committee to be a per-
7 son described in paragraph (7) who provided
8 two or more bundled contributions to the com-
9 mittee in an aggregate amount greater than the
10 applicable threshold (as defined in paragraph
11 (3)) during the covered period, and the aggre-
12 gate amount of the bundled contributions pro-
13 vided by each such person during the covered
14 period.

15 “(B) DISCLOSURE OF BUNDLED CON-
16 TRIBUTIONS BY POLITICAL COMMITTEES.—
17 Each committee described in paragraph (6)
18 shall include in the first report required to be
19 filed under this section after each covered pe-
20 riod (as defined in paragraph (2)) a separate
21 schedule setting forth the name of each political
22 committee (other than a committee of a polit-
23 ical party) which provided two or more bundled
24 contributions to the committee in an aggregate
25 amount greater than the applicable threshold

1 (as defined in paragraph (3)) during the cov-
2 ered period, and the aggregate amount of the
3 bundled contributions provided by each such po-
4 litical committee during the covered period.

5 “(C) DISCLOSURE OF BUNDLED CON-
6 TRIBUTIONS TO PRESIDENTIAL CAMPAIGNS.—

7 Each committee which is an authorized com-
8 mittee of a candidate for the office of President
9 or for nomination to such office shall include in
10 the first report required to be filed under this
11 section after each covered period (as defined in
12 paragraph (2)) a separate schedule setting forth
13 the name, address, and employer of each person
14 who provided two or more bundled contribu-
15 tions to the committee in an aggregate amount
16 greater than the applicable threshold (as de-
17 fined in paragraph (3)) during the election
18 cycle, and the aggregate amount of the bundled
19 contributions provided by each such person dur-
20 ing the covered period and such election cycle.
21 Such schedule shall include a separate listing of
22 the name, address, and employer of each person
23 included on such schedule who is reasonably
24 known by the committee to be a person de-
25 scribed in paragraph (7), together with the ag-

1 gregate amount of bundled contributions pro-
2 vided by such person during such period and
3 such cycle.

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

6 “(A) with respect to a committee which is
7 an authorized committee of a candidate for the
8 office of President or for nomination to such of-
9 fice—

10 “(i) the 4-year election cycle ending
11 with the date of the election for the office
12 of the President; and

13 “(ii) any reporting period applicable
14 to the committee under this section during
15 which any person provided two or more
16 bundled contributions to the committee;
17 and

18 “(B) with respect to any other com-
19 mittee—

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

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

24 “(iii) any reporting period applicable
25 to the committee under this section during

1 which any person described in paragraph
2 (7) provided two or more bundled contribu-
3 tions to the committee in an aggregate
4 amount greater than the applicable thresh-
5 old.

6 “(3) APPLICABLE THRESHOLD.—

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

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

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

15 In determining whether the amount of bundled
16 contributions provided to a committee by a per-
17 son exceeds the applicable threshold, there shall
18 be excluded any contribution made to the com-
19 mittee by the person or the person’s spouse.

20 “(B) INDEXING.—In any calendar year
21 after 2018, section 315(c)(1)(B) shall apply to
22 each amount applicable under subparagraph
23 (A) in the same manner as such section applies
24 to the limitations established under subsections
25 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such

1 section, except that for purposes of applying
2 such section to the amount applicable under
3 subparagraph (A), the ‘base period’ shall be
4 2017.

5 “(C) AGGREGATION OF CONTRIBUTIONS
6 FROM COSPONSORS OF FUNDRAISING EVENT.—
7 For purposes of determining the amount of
8 bundled contributions provided by a person to a
9 committee which were received by the person at
10 a fundraising event sponsored by the person, or
11 in response to an invitation to attend a fund-
12 raising event sponsored by the person, each per-
13 son who is a sponsor of the event shall be con-
14 sidered to have provided to the committee the
15 aggregate amount of all bundled contributions
16 which were provided to the committee by all
17 sponsors of the event.”.

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

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

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

1 (3) in paragraph (8)(A)—

2 (A) by striking “, with respect to a com-
3 mittee described in paragraph (6) and a person
4 described in paragraph (7),” and inserting “,
5 with respect to a committee described in para-
6 graph (6) or an authorized committee of a can-
7 didate for the office of President or for nomina-
8 tion to such office,”;

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

11 (C) by striking “the person” each place it
12 appears in clause (ii) and inserting “such per-
13 son”.

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

18 **SEC. 3004. REPEAL OF SPECIAL CONTRIBUTION LIMITS FOR**
19 **CONTRIBUTIONS TO NATIONAL PARTIES FOR**
20 **CERTAIN PURPOSES.**

21 (a) IN GENERAL.—Section 315(a) of the Federal
22 Election Campaign Act of 1971 (52 U.S.C. 30116(a)), as
23 amended by section 2101(b) of Division N of the Consoli-
24 dated and Further Continuing Appropriations Act, 2015
25 (Public Law 113–235; 128 Stat. 2773), is amended—

1 (1) in paragraph (1)(B), by striking “, or, in
2 the case of contributions made to any of the ac-
3 counts described in paragraph (9), exceed 300 per-
4 cent of the amount otherwise applicable under this
5 subparagraph with respect to such calendar year”;

6 (2) in paragraph (2)(B), by striking “, or, in
7 the case of contributions made to any of the ac-
8 counts described in paragraph (9), exceed 300 per-
9 cent of the amount otherwise applicable under this
10 subparagraph with respect to such calendar year”;
11 and

12 (3) by striking paragraph (9).

13 (b) CONFORMING AMENDMENT.—Section 315(d) of
14 such Act (52 U.S.C. 30116(d)), as amended by section
15 3002, is amended by striking paragraph (5).

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to contributions made after the
18 date of the enactment of this Act.

19 (d) RETURN OF PREVIOUSLY CONTRIBUTED
20 AMOUNTS.—Not later than 90 days after the date of the
21 enactment of this Act, each political committee established
22 and maintained by a political party shall distribute all
23 amounts in accounts described in section 315(a)(9) of the
24 Federal Election Campaign Act of 1971 (52 U.S.C.
25 30116(a)(9)) to individuals who made contributions to

1 such accounts. The amount distributed to any contributor
2 form any account shall bear the same ratio to the amount
3 of contributions made by such contributor to such account
4 as the balance of such account on the date of the enact-
5 ment of this Act bears to the total amount of contributions
6 made to such account.

7 **SEC. 3005. JUDICIAL REVIEW OF ACTIONS RELATED TO**
8 **CAMPAIGN FINANCE LAWS.**

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

13 **“SEC. 407. JUDICIAL REVIEW.**

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

21 “(1) The action shall be filed in the United
22 States District Court for the District of Columbia
23 and an appeal from the decision of the district court
24 may be taken to the Court of Appeals for the Dis-
25 trict of Columbia Circuit.

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

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

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

15 “(b) INTERVENTION BY MEMBERS OF CONGRESS.—

16 In any action in which the constitutionality of any provi-
17 sion of this Act or chapter 95 or 96 of the Internal Rev-
18 enue Code of 1986 is raised, any member of the House
19 of Representatives (including a Delegate or Resident Com-
20 missioner to the Congress) or Senate shall have the right
21 to intervene either in support of or opposition to the posi-
22 tion of a party to the case regarding the constitutionality
23 of the provision. To avoid duplication of efforts and reduce
24 the burdens placed on the parties to the action, the court
25 in any such action may make such orders as it considers

1 necessary, including orders to require interveners taking
2 similar positions to file joint papers or to be represented
3 by a single attorney at oral argument.

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

10 (b) CONFORMING AMENDMENTS.—

11 (1) IN GENERAL.—

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

14 **“SEC. 9011. JUDICIAL REVIEW.**

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

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

21 **“SEC. 9041. JUDICIAL REVIEW.**

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

1 (C) Section 403 of the Bipartisan Cam-
2 paign Finance Reform Act of 2002 (52 U.S.C.
3 30110 note) is repealed.

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

7 **SEC. 3006. TREATMENT OF INTERNET COMMUNICATIONS**
8 **MADE BY POLITICAL COMMITTEES AS PUB-**
9 **LIC COMMUNICATIONS.**

10 Paragraph (22) of section 301 of the Federal Elec-
11 tion Campaign Act of 1971 (52 U.S.C. 30101(22)) is
12 amended by adding at the end the following new sentence:
13 “Such term shall include communications to the general
14 public made over the Internet by a political committee.”.

15 **SEC. 3007. APPLICATION OF LIMITATIONS ON CONTRIBU-**
16 **TIONS TO POLITICAL COMMITTEES MAKING**
17 **ONLY INDEPENDENT EXPENDITURES.**

18 Section 315(a)(1) of the Federal Election Campaign
19 Act of 1974 (52 U.S.C. 30116(a)(1)) is amended by strik-
20 ing subparagraph (C) and inserting the following:

21 “(C) to any other political committee
22 (other than a committee described in subpara-
23 graph (D)), including to a political committee
24 (or to an account of a political committee) that
25 makes only independent expenditures, in any

- 1 calendar year which, in the aggregate, exceed
- 2 \$5,000; or”.

○