

117TH CONGRESS
1ST SESSION

H. R. 1414

To amend the Federal Election Campaign Act of 1971 to reduce the number of members of the Federal Election Commission from 6 to 5, to revise the method of selection and terms of service of members of the Commission, to distribute the powers of the Commission between the Chair and the remaining members, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2021

Mr. KILMER (for himself, Mr. FITZPATRICK, Mr. SARBANES, Miss RICE of New York, and Ms. BROWNLEY) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to reduce the number of members of the Federal Election Commission from 6 to 5, to revise the method of selection and terms of service of members of the Commission, to distribute the powers of the Commission between the Chair and the remaining members, 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.**

2 This Act may be cited as the “Restoring Integrity
3 to America’s Elections Act”.

4 **SEC. 2. MEMBERSHIP OF FEDERAL ELECTION COMMIS-**
5 **SION.**

6 (a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL
7 OF SECRETARY OF SENATE AND CLERK OF HOUSE AS
8 EX OFFICIO MEMBERS.—

9 (1) IN GENERAL; QUORUM.—Section 306(a)(1)
10 of the Federal Election Campaign Act of 1971 (52
11 U.S.C. 30106(a)(1)) is amended by striking the sec-
12 ond and third sentences and inserting the following:
13 “The Commission is composed of 5 members ap-
14 pointed by the President by and with the advice and
15 consent of the Senate, of whom no more than 2 may
16 be affiliated with the same political party. A member
17 shall be treated as affiliated with a political party if
18 the member was affiliated, including as a registered
19 voter, employee, consultant, donor, officer, or attor-
20 ney, with such political party or any of its can-
21 didates or elected public officials at any time during
22 the 5-year period ending on the date on which such
23 individual is nominated to be a member of the Com-
24 mission. A majority of the number of members of
25 the Commission who are serving at the time shall
26 constitute a quorum.”.

1 (2) CONFORMING AMENDMENTS RELATING TO
2 REDUCTION IN NUMBER OF MEMBERS.—(A) Section
3 306(c) of such Act (52 U.S.C. 30106(c)) is amended
4 by striking the period at the end of the first sen-
5 tence and all that follows and inserting the fol-
6 lowing: “, except that an affirmative vote of a major-
7 ity of the members of the Commission who are serv-
8 ing at the time shall be required in order for the
9 Commission to take any action in accordance with
10 paragraph (6), (7), (8), or (9) of section 307(a) or
11 with chapter 95 or chapter 96 of the Internal Rev-
12 enue Code of 1986. A member of the Commission
13 may not delegate to any person his or her vote or
14 any decision-making authority or duty vested in the
15 Commission by the provisions of this Act”.

16 (B) Such Act is further amended by striking
17 “affirmative vote of 4 of its members” and inserting
18 “affirmative vote of a majority of the members of
19 the Commission who are serving at the time” each
20 place it appears in the following sections:

21 (i) Section 309(a)(2) (52 U.S.C.
22 30109(a)(2)).

23 (ii) Section 309(a)(4)(A)(i) (52 U.S.C.
24 30109(a)(4)(A)(i)).

1 (iii) Section 309(a)(5)(C) (52 U.S.C.
2 30109(a)(5)(C)).

3 (iv) Section 309(a)(6)(A) (52 U.S.C.
4 30109(a)(6)(A)).

5 (v) Section 311(b) (52 U.S.C. 30111(b)).

6 (3) CONFORMING AMENDMENT RELATING TO
7 REMOVAL OF EX OFFICIO MEMBERS.—Section
8 306(a) of such Act (52 U.S.C. 30106(a)) is amend-
9 ed by striking “(other than the Secretary of the Sen-
10 ate and the Clerk of the House of Representatives)”
11 each place it appears in paragraphs (4) and (5).

12 (b) TERMS OF SERVICE.—Section 306(a)(2) of such
13 Act (52 U.S.C. 30106(a)(2)) is amended to read as fol-
14 lows:

15 “(2) TERMS OF SERVICE.—

16 “(A) IN GENERAL.—Each member of the
17 Commission shall serve for a single term of 6
18 years.

19 “(B) SPECIAL RULE FOR INITIAL APPOINT-
20 MENTS.—Of the members first appointed to
21 serve terms that begin in January 2022, the
22 President shall designate 2 to serve for a 3-year
23 term.

24 “(C) NO REAPPOINTMENT PERMITTED.—
25 An individual who served a term as a member

1 of the Commission may not serve for an addi-
2 tional term, except that—

3 “(i) an individual who served a 3-year
4 term under subparagraph (B) may also be
5 appointed to serve a 6-year term under
6 subparagraph (A); and

7 “(ii) for purposes of this subpara-
8 graph, an individual who is appointed to
9 fill a vacancy under subparagraph (D)
10 shall not be considered to have served a
11 term if the portion of the unexpired term
12 the individual fills is less than 50 percent
13 of the period of the term.

14 “(D) VACANCIES.—Any vacancy occurring
15 in the membership of the Commission shall be
16 filled in the same manner as in the case of the
17 original appointment. Except as provided in
18 subparagraph (C), an individual appointed to
19 fill a vacancy occurring other than by the expi-
20 ration of a term of office shall be appointed
21 only for the unexpired term of the member he
22 or she succeeds.

23 “(E) LIMITATION ON SERVICE AFTER EX-
24 PIRATION OF TERM.—A member of the Com-
25 mission may continue to serve on the Commis-

1 sion after the expiration of the member’s term
2 for an additional period, but only until the ear-
3 lier of—

4 “(i) the date on which the member’s
5 successor has taken office as a member of
6 the Commission; or

7 “(ii) the expiration of the 1-year pe-
8 riod that begins on the last day of the
9 member’s term.”.

10 (c) QUALIFICATIONS.—Section 306(a)(3) of such Act
11 (52 U.S.C. 30106(a)(3)) is amended to read as follows:

12 “(3) QUALIFICATIONS.—

13 “(A) IN GENERAL.—The President may
14 select an individual for service as a member of
15 the Commission if the individual has experience
16 in election law and has a demonstrated record
17 of integrity, impartiality, and good judgment.

18 “(B) ASSISTANCE OF BLUE RIBBON ADVI-
19 SORY PANEL.—

20 “(i) IN GENERAL.—Prior to the regu-
21 larly scheduled expiration of the term of a
22 member of the Commission and upon the
23 occurrence of a vacancy in the membership
24 of the Commission prior to the expiration
25 of a term, the President shall convene a

1 Blue Ribbon Advisory Panel that includes
2 individuals representing each major polit-
3 ical party and individuals who are inde-
4 pendent of a political party and that con-
5 sists of an odd number of individuals se-
6 lected by the President from retired Fed-
7 eral judges, former law enforcement offi-
8 cials, or individuals with experience in elec-
9 tion law, except that the President may not
10 select any individual to serve on the panel
11 who holds any public office at the time of
12 selection. The President shall also make
13 reasonable efforts to encourage racial, eth-
14 nic, and gender diversity on the panel.

15 “(ii) RECOMMENDATIONS.—With re-
16 spect to each member of the Commission
17 whose term is expiring or each vacancy in
18 the membership of the Commission (as the
19 case may be), the Blue Ribbon Advisory
20 Panel shall recommend to the President at
21 least one but not more than 3 individuals
22 for nomination for appointment as a mem-
23 ber of the Commission.

24 “(iii) PUBLICATION.—At the time the
25 President submits to the Senate the nomi-

1 nations for individuals to be appointed as
2 members of the Commission, the President
3 shall publish the Blue Ribbon Advisory
4 Panel’s recommendations for such nomina-
5 tions.

6 “(iv) EXEMPTION FROM FEDERAL AD-
7 VISORY COMMITTEE ACT.—The Federal
8 Advisory Committee Act (5 U.S.C. App.)
9 does not apply to a Blue Ribbon Advisory
10 Panel convened under this subparagraph.

11 “(C) PROHIBITING ENGAGEMENT WITH
12 OTHER BUSINESS OR EMPLOYMENT DURING
13 SERVICE.—A member of the Commission shall
14 not engage in any other business, vocation, or
15 employment. Any individual who is engaging in
16 any other business, vocation, or employment at
17 the time of his or her appointment to the Com-
18 mission shall terminate or liquidate such activ-
19 ity no later than 90 days after such appoint-
20 ment.”.

21 **SEC. 3. ASSIGNMENT OF POWERS TO CHAIR OF FEDERAL**
22 **ELECTION COMMISSION.**

23 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

1 (1) IN GENERAL.—Section 306(a)(5) of the
2 Federal Election Campaign Act of 1971 (52 U.S.C.
3 30106(a)(5)) is amended to read as follows:

4 “(5) CHAIR.—

5 “(A) INITIAL APPOINTMENT.—Of the
6 members first appointed to serve terms that
7 begin in January 2022, one such member (as
8 designated by the President at the time the
9 President submits nominations to the Senate)
10 shall serve as Chair of the Commission.

11 “(B) SUBSEQUENT APPOINTMENTS.—Any
12 individual who is appointed to succeed the
13 member who serves as Chair of the Commission
14 for the term beginning in January 2022 (as
15 well as any individual who is appointed to fill
16 a vacancy if such member does not serve a full
17 term as Chair) shall serve as Chair of the Com-
18 mission.

19 “(C) VICE CHAIR.—The Commission shall
20 select, by majority vote of its members, one of
21 its members to serve as Vice Chair, who shall
22 act as Chair in the absence or disability of the
23 Chair or in the event of a vacancy in the posi-
24 tion of Chair.”.

1 (2) CONFORMING AMENDMENT.—Section
2 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is
3 amended by striking “through its chairman or vice
4 chairman” and inserting “through the Chair”.

5 (b) POWERS.—

6 (1) ASSIGNMENT OF CERTAIN POWERS TO
7 CHAIR.—Section 307(a) of such Act (52 U.S.C.
8 30107(a)) is amended to read as follows:

9 “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR
10 AND COMMISSION.—

11 “(1) POWERS ASSIGNED TO CHAIR.—

12 “(A) ADMINISTRATIVE POWERS.—The
13 Chair of the Commission shall be the chief ad-
14 ministrative officer of the Commission and shall
15 have the authority to administer the Commis-
16 sion and its staff, and (in consultation with the
17 other members of the Commission) shall have
18 the power—

19 “(i) to appoint and remove the staff
20 director of the Commission;

21 “(ii) to request the assistance (includ-
22 ing personnel and facilities) of other agen-
23 cies and departments of the United States,
24 whose heads may make such assistance

1 available to the Commission with or with-
2 out reimbursement; and

3 “(iii) to prepare and establish the
4 budget of the Commission and to make
5 budget requests to the President, the Di-
6 rector of the Office of Management and
7 Budget, and Congress.

8 “(B) OTHER POWERS.—The Chair of the
9 Commission shall have the power—

10 “(i) to appoint and remove the gen-
11 eral counsel of the Commission with the
12 concurrence of at least 2 other members of
13 the Commission;

14 “(ii) to require by special or general
15 orders, any person to submit, under oath,
16 such written reports and answers to ques-
17 tions as the Chair may prescribe;

18 “(iii) to administer oaths or affirma-
19 tions;

20 “(iv) to require by subpoena, signed
21 by the Chair, the attendance and testimony
22 of witnesses and the production of all doc-
23 umentary evidence relating to the execu-
24 tion of its duties;

1 “(v) in any proceeding or investiga-
2 tion, to order testimony to be taken by
3 deposition before any person who is des-
4 ignated by the Chair, and shall have the
5 power to administer oaths and, in such in-
6 stances, to compel testimony and the pro-
7 duction of evidence in the same manner as
8 authorized under clause (iv); and

9 “(vi) to pay witnesses the same fees
10 and mileage as are paid in like cir-
11 cumstances in the courts of the United
12 States.

13 “(2) POWERS ASSIGNED TO COMMISSION.—The
14 Commission shall have the power—

15 “(A) to initiate (through civil actions for
16 injunctive, declaratory, or other appropriate re-
17 lief), defend (in the case of any civil action
18 brought under section 309(a)(8) of this Act) or
19 appeal (including a proceeding before the Su-
20 preme Court on certiorari) any civil action in
21 the name of the Commission to enforce the pro-
22 visions of this Act and chapter 95 and chapter
23 96 of the Internal Revenue Code of 1986,
24 through its general counsel;

1 “(B) to render advisory opinions under
2 section 308 of this Act;

3 “(C) to develop such prescribed forms and
4 to make, amend, and repeal such rules, pursu-
5 ant to the provisions of chapter 5 of title 5,
6 United States Code, as are necessary to carry
7 out the provisions of this Act and chapter 95
8 and chapter 96 of the Internal Revenue Code of
9 1986;

10 “(D) to conduct investigations and hear-
11 ings expeditiously, to encourage voluntary com-
12 pliance, and to report apparent violations to the
13 appropriate law enforcement authorities; and

14 “(E) to transmit to the President and Con-
15 gress not later than June 1 of each year a re-
16 port which states in detail the activities of the
17 Commission in carrying out its duties under
18 this Act, and which includes any recommenda-
19 tions for any legislative or other action the
20 Commission considers appropriate.

21 “(3) PERMITTING COMMISSION TO EXERCISE
22 OTHER POWERS OF CHAIR.—With respect to any in-
23 vestigation, action, or proceeding, the Commission,
24 by an affirmative vote of a majority of the members

1 who are serving at the time, may exercise any of the
2 powers of the Chair described in paragraph (1)(B).”.

3 (2) CONFORMING AMENDMENTS RELATING TO
4 PERSONNEL AUTHORITY.—Section 306(f) of such
5 Act (52 U.S.C. 30106(f)) is amended—

6 (A) by amending the first sentence of
7 paragraph (1) to read as follows: “The Com-
8 mission shall have a staff director who shall be
9 appointed by the Chair of the Commission in
10 consultation with the other members and a gen-
11 eral counsel who shall be appointed by the
12 Chair with the concurrence of at least two other
13 members.”;

14 (B) in paragraph (2), by striking “With
15 the approval of the Commission” and inserting
16 “With the approval of the Chair of the Commis-
17 sion”; and

18 (C) by striking paragraph (3).

19 (3) CONFORMING AMENDMENT RELATING TO
20 BUDGET SUBMISSION.—Section 307(d)(1) of such
21 Act (52 U.S.C. 30107(d)(1)) is amended by striking
22 “the Commission submits any budget” and inserting
23 “the Chair (or, pursuant to subsection (a)(3), the
24 Commission) submits any budget”.

1 (4) OTHER CONFORMING AMENDMENTS.—Sec-
2 tion 306(c) of such Act (52 U.S.C. 30106(c)) is
3 amended by striking “All decisions” and inserting
4 “Subject to section 307(a), all decisions”.

5 (5) TECHNICAL AMENDMENT.—The heading of
6 section 307 of such Act (52 U.S.C. 30107) is
7 amended by striking “THE COMMISSION” and insert-
8 ing “THE CHAIR AND THE COMMISSION”.

9 **SEC. 4. REVISION TO ENFORCEMENT PROCESS.**

10 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
11 DETERMINING WHETHER VIOLATIONS HAVE OC-
12 CURRED.—

13 (1) REVISION OF STANDARDS.—Section 309(a)
14 of the Federal Election Campaign Act of 1971 (52
15 U.S.C. 30109(a)) is amended by striking paragraphs
16 (2) and (3) and inserting the following:

17 “(2)(A) The general counsel, upon receiving a com-
18 plaint filed with the Commission under paragraph (1) or
19 upon the basis of information ascertained by the Commis-
20 sion in the normal course of carrying out its supervisory
21 responsibilities, shall make a determination as to whether
22 or not there is reason to believe that a person has com-
23 mitted, or is about to commit, a violation of this Act or
24 chapter 95 or chapter 96 of the Internal Revenue Code
25 of 1986, and as to whether or not the Commission should

1 either initiate an investigation of the matter or that the
2 complaint should be dismissed. The general counsel shall
3 promptly provide notification to the Commission of such
4 determination and the reasons therefore, together with
5 any written response submitted under paragraph (1) by
6 the person alleged to have committed the violation. Upon
7 the expiration of the 30-day period which begins on the
8 date the general counsel provides such notification, the
9 general counsel's determination shall take effect, unless
10 during such 30-day period the Commission, by vote of a
11 majority of the members of the Commission who are serv-
12 ing at the time, overrules the general counsel's determina-
13 tion. If the determination by the general counsel that the
14 Commission should investigate the matter takes effect, or
15 if the determination by the general counsel that the com-
16 plaint should be dismissed is overruled as provided under
17 the previous sentence, the general counsel shall initiate an
18 investigation of the matter on behalf of the Commission.

19 “(B) If the Commission initiates an investigation
20 pursuant to subparagraph (A), the Commission, through
21 the Chair, shall notify the subject of the investigation of
22 the alleged violation. Such notification shall set forth the
23 factual basis for such alleged violation. The Commission
24 shall make an investigation of such alleged violation, which
25 may include a field investigation or audit, in accordance

1 with the provisions of this section. The general counsel
2 shall provide notification to the Commission of any intent
3 to issue a subpoena or conduct any other form of discovery
4 pursuant to the investigation. Upon the expiration of the
5 15-day period which begins on the date the general counsel
6 provides such notification, the general counsel may issue
7 the subpoena or conduct the discovery, unless during such
8 15-day period the Commission, by vote of a majority of
9 the members of the Commission who are serving at the
10 time, prohibits the general counsel from issuing the sub-
11 poena or conducting the discovery.

12 “(3)(A) Upon completion of an investigation under
13 paragraph (2), the general counsel shall promptly submit
14 to the Commission the general counsel’s recommendation
15 that the Commission find either that there is probable
16 cause or that there is not probable cause to believe that
17 a person has committed, or is about to commit, a violation
18 of this Act or chapter 95 or chapter 96 of the Internal
19 Revenue Code of 1986, and shall include with the rec-
20 ommendation a brief stating the position of the general
21 counsel on the legal and factual issues of the case.

22 “(B) At the time the general counsel submits to the
23 Commission the recommendation under subparagraph (A),
24 the general counsel shall simultaneously notify the re-
25 spondent of such recommendation and the reasons there-

1 fore, shall provide the respondent with an opportunity to
2 submit a brief within 30 days stating the position of the
3 respondent on the legal and factual issues of the case and
4 replying to the brief of the general counsel. The general
5 counsel and shall promptly submit such brief to the Com-
6 mission upon receipt.

7 “(C) Not later than 30 days after the general counsel
8 submits the recommendation to the Commission under
9 subparagraph (A) (or, if the respondent submits a brief
10 under subparagraph (B), not later than 30 days after the
11 general counsel submits the respondent’s brief to the Com-
12 mission under such subparagraph), the Commission shall
13 approve or disapprove the recommendation by vote of a
14 majority of the members of the Commission who are serv-
15 ing at the time.”.

16 (2) CONFORMING AMENDMENT RELATING TO
17 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-
18 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))
19 is amended—

20 (A) in the third sentence, by striking “the
21 Commission” and inserting “the general coun-
22 sel”; and

23 (B) by amending the fourth sentence to
24 read as follows: “Not later than 15 days after
25 receiving notice from the general counsel under

1 the previous sentence, the person may provide
2 the general counsel with a written response that
3 no action should be taken against such person
4 on the basis of the complaint.”.

5 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
6 MISSAL OF COMPLAINTS.—

7 (1) IN GENERAL.—Section 309(a)(8) of such
8 Act (52 U.S.C. 30109(a)(8)) is amended to read as
9 follows:

10 “(8)(A)(i) Any party aggrieved by an order of the
11 Commission dismissing a complaint filed by such party
12 after finding either no reason to believe a violation has
13 occurred or no probable cause a violation has occurred
14 may file a petition with the United States District Court
15 for the District of Columbia. Any petition under this sub-
16 paragraph shall be filed within 60 days after the date on
17 which the party received notice of the dismissal of the
18 complaint.

19 “(ii) In any proceeding under this subparagraph, the
20 court shall determine by de novo review whether the agen-
21 cy’s dismissal of the complaint is contrary to law. In any
22 matter in which the penalty for the alleged violation is
23 greater than \$50,000, the court should disregard any
24 claim or defense by the Commission of prosecutorial dis-
25 cretion as a basis for dismissing the complaint.

1 “(B)(i) Any party who has filed a complaint with the
2 Commission and who is aggrieved by a failure of the Com-
3 mission, within one year after the filing of the complaint,
4 to either dismiss the complaint or to find reason to believe
5 a violation has occurred or is about to occur, may file a
6 petition with the United States District Court for the Dis-
7 trict of Columbia.

8 “(ii) In any proceeding under this subparagraph, the
9 court shall treat the failure to act on the complaint as
10 a dismissal of the complaint, and shall determine by de
11 novo review whether the agency’s failure to act on the
12 complaint is contrary to law.

13 “(C) In any proceeding under this paragraph the
14 court may declare that the dismissal of the complaint or
15 the failure to act is contrary to law, and may direct the
16 Commission to conform with such declaration within 30
17 days, failing which the complainant may bring, in the
18 name of such complainant, a civil action to remedy the
19 violation involved in the original complaint.”.

20 (2) EFFECTIVE DATE.—The amendments made
21 by paragraph (1) shall apply—

22 (A) in the case of complaints which are
23 dismissed by the Federal Election Commission,
24 with respect to complaints which are dismissed

1 on or after the date of the enactment of this
2 Act; and

3 (B) in the case of complaints upon which
4 the Federal Election Commission failed to act,
5 with respect to complaints which were filed on
6 or after the date of the enactment of this Act.

7 **SEC. 5. PERMITTING APPEARANCE AT HEARINGS ON RE-**
8 **QUESTS FOR ADVISORY OPINIONS BY PER-**
9 **SONS OPPOSING THE REQUESTS.**

10 (a) IN GENERAL.—Section 308 of such Act (52
11 U.S.C. 30108) is amended by adding at the end the fol-
12 lowing new subsection:

13 “(e) To the extent that the Commission provides an
14 opportunity for a person requesting an advisory opinion
15 under this section (or counsel for such person) to appear
16 before the Commission to present testimony in support of
17 the request, and the person (or counsel) accepts such op-
18 portunity, the Commission shall provide a reasonable op-
19 portunity for an interested party who submitted written
20 comments under subsection (d) in response to the request
21 (or counsel for such interested party) to appear before the
22 Commission to present testimony in response to the re-
23 quest.”.

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

1 sory opinions under section 308 of the Federal Election
2 Campaign Act of 1971 which are made on or after the
3 date of the enactment of this Act.

4 **SEC. 6. PERMANENT EXTENSION OF ADMINISTRATIVE PEN-**
5 **ALTY AUTHORITY.**

6 (a) EXTENSION OF AUTHORITY.—Section
7 309(a)(4)(C)(v) of the Federal Election Campaign Act of
8 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by strik-
9 ing “, and that end on or before December 31, 2023”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect on December 31, 2021.

12 **SEC. 7. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

13 Section 306(e) of the Federal Election Campaign Act
14 of 1971 (52 U.S.C. 30106(e)) is amended—

15 (1) by striking “(e) The Commission” and in-
16 serting “(e)(1) The Commission”; and

17 (2) by adding at the end the following new
18 paragraph:

19 “(2) Members and employees of the Commission shall
20 be subject to limitations on ex parte communications, as
21 provided in the regulations promulgated by the Commis-
22 sion regarding such communications which are in effect
23 on the date of the enactment of this paragraph.”.

1 **SEC. 8. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**
2 **REPRESENT FEC IN SUPREME COURT.**

3 (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of
4 the Federal Election Campaign Act of 1971 (52 U.S.C.
5 30106(f)(4)) is amended by striking “any action instituted
6 under this Act, either (A) by attorneys” and inserting
7 “any action instituted under this Act, including an action
8 before the Supreme Court of the United States, either (A)
9 by the General Counsel of the Commission and other at-
10 torneys”.

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

14 **SEC. 9. REQUIRING FORMS TO PERMIT USE OF ACCENT**
15 **MARKS.**

16 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-
17 eral Election Campaign Act of 1971 (52 U.S.C.
18 30111(a)(1)) is amended by striking the semicolon at the
19 end and inserting the following: “, and shall ensure that
20 all such forms (including forms in an electronic format)
21 permit the person using the form to include an accent
22 mark as part of the person’s identification;”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect upon the expiration of the
25 90-day period which begins on the date of the enactment
26 of this Act.

1 **SEC. 10. EFFECTIVE DATE; TRANSITION.**

2 (a) IN GENERAL.—Except as otherwise provided, the
3 amendments made by this Act shall apply beginning Janu-
4 ary 1, 2022.

5 (b) TRANSITION.—

6 (1) TERMINATION OF SERVICE OF CURRENT
7 MEMBERS.—Notwithstanding any provision of the
8 Federal Election Campaign Act of 1971, the term of
9 any individual serving as a member of the Federal
10 Election Commission as of December 31, 2021, shall
11 expire on that date.

12 (2) NO EFFECT ON EXISTING CASES OR PRO-
13 CEEDINGS.—Nothing in this Act or in any amend-
14 ment made by this Act shall affect any of the powers
15 exercised by the Federal Election Commission prior
16 to December 31, 2021, including any investigation
17 initiated by the Commission prior to such date or
18 any proceeding (including any enforcement action)
19 pending as of such date.

○