

116TH CONGRESS
1ST SESSION

S. 2639

To restore integrity to America's Elections.

IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2019

Mr. UDALL (for himself, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Ms. HIRONO, Mr. MERKLEY, Mr. MARKEY, Mr. WHITEHOUSE, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To restore integrity to America's Elections.

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.**

4 This Act may be cited as the “Restoring Integrity
5 to America's Elections Act”.

6 **SEC. 2. MEMBERSHIP OF FEDERAL ELECTION COMMIS-**
7 **SION.**

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

1 (1) IN GENERAL; QUORUM.—Section 306(a)(1)
2 of the Federal Election Campaign Act of 1971 (52
3 U.S.C. 30106(a)(1)) is amended by striking the sec-
4 ond and third sentences and inserting the following:
5 “The Commission is composed of 5 members ap-
6 pointed by the President by and with the advice and
7 consent of the Senate, of whom no more than 2 may
8 be affiliated with the same political party. A member
9 shall be treated as affiliated with a political party if
10 the member was affiliated, including as a registered
11 voter, employee, consultant, donor, officer, or attor-
12 ney, with such political party or any of its can-
13 didates or elected public officials at any time during
14 the 5-year period ending on the date on which such
15 individual is nominated to be a member of the Com-
16 mission. A majority of the number of members of
17 the Commission who are serving at the time shall
18 constitute a quorum, except that 3 members shall
19 constitute a quorum if there are 4 members serving
20 at the time.”.

21 (2) CONFORMING AMENDMENTS RELATING TO
22 REDUCTION IN NUMBER OF MEMBERS.—(A) The
23 second sentence of section 306(c) of such Act (52
24 U.S.C. 30106(c)) is amended by striking “affirma-
25 tive vote of 4 members of the Commission” and in-

serting “affirmative vote of a majority of the members of the Commission who are serving at the time”.

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

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

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

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

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

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

(3) CONFORMING AMENDMENT RELATING TO REMOVAL OF EX OFFICIO MEMBERS.—Section 306(a) of such Act (52 U.S.C. 30106(a)) is amended by striking “(other than the Secretary of the Senate and the Clerk of the House of Representatives)” each place it appears in paragraphs (4) and (5).

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

4 “(2) TERMS OF SERVICE.—

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

8 “(B) SPECIAL RULE FOR INITIAL APPOINT-
 9 MENTS.—Of the members first appointed to
 10 serve terms that begin in January 2022, the
 11 President shall designate 2 to serve for a 3-year
 12 term.

13 “(C) NO REAPPOINTMENT PERMITTED.—
 14 An individual who served a term as a member
 15 of the Commission may not serve for an addi-
 16 tional term, except that—

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

21 “(ii) for purposes of this subpara-
 22 graph, an individual who is appointed to
 23 fill a vacancy under subparagraph (D)
 24 shall not be considered to have served a
 25 term if the portion of the unexpired term

1 the individual fills is less than 50 percent
2 of the period of the term.

3 “(D) VACANCIES.—Any vacancy occurring
4 in the membership of the Commission shall be
5 filled in the same manner as in the case of the
6 original appointment. Except as provided in
7 subparagraph (C), an individual appointed to
8 fill a vacancy occurring other than by the expi-
9 ration of a term of office shall be appointed
10 only for the unexpired term of the member he
11 or she succeeds.

12 “(E) LIMITATION ON SERVICE AFTER EX-
13 PIRATION OF TERM.—A member of the Com-
14 mission may continue to serve on the Commis-
15 sion after the expiration of the member’s term
16 for an additional period, but only until the ear-
17 lier of—

18 “(i) the date on which the member’s
19 successor has taken office as a member of
20 the Commission; or

21 “(ii) the expiration of the 1-year pe-
22 riod that begins on the last day of the
23 member’s term.”.

24 (c) QUALIFICATIONS.—Section 306(a)(3) of such Act
25 (52 U.S.C. 30106(a)(3)) is amended to read as follows:

1 “(3) QUALIFICATIONS.—

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

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

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

1 selection. The President shall also make
2 reasonable efforts to encourage racial, eth-
3 nic, and gender diversity on the panel.

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

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

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

1 “(C) PROHIBITING ENGAGEMENT WITH
 2 OTHER BUSINESS OR EMPLOYMENT DURING
 3 SERVICE.—A member of the Commission shall
 4 not engage in any other business, vocation, or
 5 employment. Any individual who is engaging in
 6 any other business, vocation, or employment at
 7 the time of his or her appointment to the Com-
 8 mission shall terminate or liquidate such activ-
 9 ity no later than 90 days after such appoint-
 10 ment.”.

11 **SEC. 3. ASSIGNMENT OF POWERS TO CHAIR OF FEDERAL**
 12 **ELECTION COMMISSION.**

13 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

14 (1) IN GENERAL.—Section 306(a)(5) of the
 15 Federal Election Campaign Act of 1971 (52 U.S.C.
 16 30106(a)(5)) is amended to read as follows:

17 “(5) CHAIR.—

18 “(A) INITIAL APPOINTMENT.—Of the
 19 members first appointed to serve terms that
 20 begin in January 2022, one such member (as
 21 designated by the President at the time the
 22 President submits nominations to the Senate)
 23 shall serve as Chair of the Commission.

24 “(B) SUBSEQUENT APPOINTMENTS.—Any
 25 individual who is appointed to succeed the

1 member who serves as Chair of the Commission
 2 for the term beginning in January 2022 (as
 3 well as any individual who is appointed to fill
 4 a vacancy if such member does not serve a full
 5 term as Chair) shall serve as Chair of the Com-
 6 mission.

7 “(C) VICE CHAIR.—The Commission shall
 8 select, by majority vote of its members, one of
 9 its members to serve as Vice Chair, who shall
 10 act as Chair in the absence or disability of the
 11 Chair or in the event of a vacancy in the posi-
 12 tion of Chair.”.

13 (2) CONFORMING AMENDMENT.—Section
 14 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is
 15 amended by striking “through its chairman or vice
 16 chairman” and inserting “through the Chair”.

17 (b) POWERS.—

18 (1) ASSIGNMENT OF CERTAIN POWERS TO
 19 CHAIR.—Section 307(a) of such Act (52 U.S.C.
 20 30107(a)) is amended to read as follows:

21 “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR
 22 AND COMMISSION.—

23 “(1) POWERS ASSIGNED TO CHAIR.—

24 “(A) ADMINISTRATIVE POWERS.—The
 25 Chair of the Commission shall be the chief ad-

1 ministrative officer of the Commission and shall
2 have the authority to administer the Commis-
3 sion and its staff, and (in consultation with the
4 other members of the Commission) shall have
5 the power—

6 “(i) to appoint and remove the staff
7 director of the Commission;

8 “(ii) to request the assistance (includ-
9 ing personnel and facilities) of other agen-
10 cies and departments of the United States,
11 whose heads may make such assistance
12 available to the Commission with or with-
13 out reimbursement; and

14 “(iii) to prepare and establish the
15 budget of the Commission and to make
16 budget requests to the President, the Di-
17 rector of the Office of Management and
18 Budget, and Congress.

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

21 “(i) to appoint and remove the gen-
22 eral counsel of the Commission with the
23 concurrence of at least 2 other members of
24 the Commission;

1 “(ii) to require by special or general
2 orders, any person to submit, under oath,
3 such written reports and answers to ques-
4 tions as the Chair may prescribe;

5 “(iii) to administer oaths or affirma-
6 tions;

7 “(iv) to require by subpoena, signed
8 by the Chair, the attendance and testimony
9 of witnesses and the production of all doc-
10 umentary evidence relating to the execu-
11 tion of its duties;

12 “(v) in any proceeding or investiga-
13 tion, to order testimony to be taken by
14 deposition before any person who is des-
15 ignated by the Chair, and shall have the
16 power to administer oaths and, in such in-
17 stances, to compel testimony and the pro-
18 duction of evidence in the same manner as
19 authorized under clause (iv); and

20 “(vi) to pay witnesses the same fees
21 and mileage as are paid in like cir-
22 cumstances in the courts of the United
23 States.

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

1 “(A) to initiate (through civil actions for
2 injunctive, declaratory, or other appropriate re-
3 lief), defend (in the case of any civil action
4 brought under section 309(a)(8) of this Act) or
5 appeal (including a proceeding before the Su-
6 preme Court on certiorari) any civil action in
7 the name of the Commission to enforce the pro-
8 visions of this Act and chapter 95 and chapter
9 96 of the Internal Revenue Code of 1986,
10 through its general counsel;

11 “(B) to render advisory opinions under
12 section 308 of this Act;

13 “(C) to develop such prescribed forms and
14 to make, amend, and repeal such rules, pursu-
15 ant to the provisions of chapter 5 of title 5,
16 United States Code, as are necessary to carry
17 out the provisions of this Act and chapter 95
18 and chapter 96 of the Internal Revenue Code of
19 1986;

20 “(D) to conduct investigations and hear-
21 ings expeditiously, to encourage voluntary com-
22 pliance, and to report apparent violations to the
23 appropriate law enforcement authorities; and

24 “(E) to transmit to the President and Con-
25 gress not later than June 1 of each year a re-

1 port which states in detail the activities of the
2 Commission in carrying out its duties under
3 this Act, and which includes any recommenda-
4 tions for any legislative or other action the
5 Commission considers appropriate.

6 “(3) PERMITTING COMMISSION TO EXERCISE
7 OTHER POWERS OF CHAIR.—With respect to any in-
8 vestigation, action, or proceeding, the Commission,
9 by an affirmative vote of a majority of the members
10 who are serving at the time, may exercise any of the
11 powers of the Chair described in paragraph (1)(B).”.

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

15 (A) by amending the first sentence of
16 paragraph (1) to read as follows: “The Com-
17 mission shall have a staff director who shall be
18 appointed by the Chair of the Commission in
19 consultation with the other members and a gen-
20 eral counsel who shall be appointed by the
21 Chair with the concurrence of at least two other
22 members.”;

23 (B) in paragraph (2), by striking “With
24 the approval of the Commission” and inserting

1 “With the approval of the Chair of the Commis-
 2 sion”; and

3 (C) by striking paragraph (3).

4 (3) CONFORMING AMENDMENT RELATING TO
 5 BUDGET SUBMISSION.—Section 307(d)(1) of such
 6 Act (52 U.S.C. 30107(d)(1)) is amended by striking
 7 “the Commission submits any budget” and inserting
 8 “the Chair (or, pursuant to subsection (a)(3), the
 9 Commission) submits any budget”.

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

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

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

19 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
 20 DETERMINING WHETHER VIOLATIONS HAVE OC-
 21 CURRED.—

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

1 “(2)(A) The general counsel, upon receiving a com-
2 plaint filed with the Commission under paragraph (1) or
3 upon the basis of information ascertained by the Commis-
4 sion in the normal course of carrying out its supervisory
5 responsibilities, shall make a determination as to whether
6 or not there is reason to believe that a person has com-
7 mitted, or is about to commit, a violation of this Act or
8 chapter 95 or chapter 96 of the Internal Revenue Code
9 of 1986, and as to whether or not the Commission should
10 either initiate an investigation of the matter or that the
11 complaint should be dismissed. The general counsel shall
12 promptly provide notification to the Commission of such
13 determination and the reasons therefore, together with
14 any written response submitted under paragraph (1) by
15 the person alleged to have committed the violation. Upon
16 the expiration of the 30-day period which begins on the
17 date the general counsel provides such notification, the
18 general counsel’s determination shall take effect, unless
19 during such 30-day period the Commission, by vote of a
20 majority of the members of the Commission who are serv-
21 ing at the time, overrules the general counsel’s determina-
22 tion. If the determination by the general counsel that the
23 Commission should investigate the matter takes effect, or
24 if the determination by the general counsel that the com-
25 plaint should be dismissed is overruled as provided under

1 the previous sentence, the general counsel shall initiate an
2 investigation of the matter on behalf of the Commission.

3 “(B) If the Commission initiates an investigation
4 pursuant to subparagraph (A), the Commission, through
5 the Chair, shall notify the subject of the investigation of
6 the alleged violation. Such notification shall set forth the
7 factual basis for such alleged violation. The Commission
8 shall make an investigation of such alleged violation, which
9 may include a field investigation or audit, in accordance
10 with the provisions of this section. The general counsel
11 shall provide notification to the Commission of any intent
12 to issue a subpoena or conduct any other form of discovery
13 pursuant to the investigation. Upon the expiration of the
14 15-day period which begins on the date the general counsel
15 provides such notification, the general counsel may issue
16 the subpoena or conduct the discovery, unless during such
17 15-day period the Commission, by vote of a majority of
18 the members of the Commission who are serving at the
19 time, prohibits the general counsel from issuing the sub-
20 poena or conducting the discovery.

21 “(3)(A) Upon completion of an investigation under
22 paragraph (2), the general counsel shall promptly submit
23 to the Commission the general counsel’s recommendation
24 that the Commission find either that there is probable
25 cause or that there is not probable cause to believe that

1 a person has committed, or is about to commit, a violation
2 of this Act or chapter 95 or chapter 96 of the Internal
3 Revenue Code of 1986, and shall include with the rec-
4 ommendation a brief stating the position of the general
5 counsel on the legal and factual issues of the case.

6 “(B) At the time the general counsel submits to the
7 Commission the recommendation under subparagraph (A),
8 the general counsel shall simultaneously notify the re-
9 spondent of such recommendation and the reasons there-
10 fore, shall provide the respondent with an opportunity to
11 submit a brief within 30 days stating the position of the
12 respondent on the legal and factual issues of the case and
13 replying to the brief of the general counsel. The general
14 counsel shall promptly submit such brief to the Commis-
15 sion upon receipt.

16 “(C) Not later than 30 days after the general counsel
17 submits the recommendation to the Commission under
18 subparagraph (A) (or, if the respondent submits a brief
19 under subparagraph (B), not later than 30 days after the
20 general counsel submits the respondent’s brief to the Com-
21 mission under such subparagraph), the Commission shall
22 approve or disapprove the recommendation by vote of a
23 majority of the members of the Commission who are serv-
24 ing at the time.”.

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

5 (A) in the third sentence, by striking “the
 6 Commission” and inserting “the general coun-
 7 sel”; and

8 (B) by amending the fourth sentence to
 9 read as follows: “Not later than 15 days after
 10 receiving notice from the general counsel under
 11 the previous sentence, the person may provide
 12 the general counsel with a written response that
 13 no action should be taken against such person
 14 on the basis of the complaint.”.

15 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
 16 MISSAL OF COMPLAINTS.—

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

20 “(8)(A)(i) Any party aggrieved by an order of the
 21 Commission dismissing a complaint filed by such party
 22 after finding either no reason to believe a violation has
 23 occurred or no probable cause a violation has occurred
 24 may file a petition with the United States District Court
 25 for the District of Columbia. Any petition under this sub-

1 paragraph shall be filed within 60 days after the date on
2 which the party received notice of the dismissal of the
3 complaint.

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

11 “(B)(i) Any party who has filed a complaint with the
12 Commission and who is aggrieved by a failure of the Com-
13 mission, within one year after the filing of the complaint,
14 to either dismiss the complaint or to find reason to believe
15 a violation has occurred or is about to occur, may file a
16 petition with the United States District Court for the Dis-
17 trict of Columbia.

18 “(ii) In any proceeding under this subparagraph, the
19 court shall treat the failure to act on the complaint as
20 a dismissal of the complaint, and shall determine by de
21 novo review whether the agency’s failure to act on the
22 complaint is contrary to law.

23 “(C) In any proceeding under this paragraph the
24 court may declare that the dismissal of the complaint or
25 the failure to act is contrary to law, and may direct the

1 Commission to conform with such declaration within 30
 2 days, failing which the complainant may bring, in the
 3 name of such complainant, a civil action to remedy the
 4 violation involved in the original complaint.”.

5 (2) EFFECTIVE DATE.—The amendments made
 6 by paragraph (1) shall apply—

7 (A) in the case of complaints which are
 8 dismissed by the Federal Election Commission,
 9 with respect to complaints which are dismissed
 10 on or after the date of the enactment of this
 11 Act; and

12 (B) in the case of complaints upon which
 13 the Federal Election Commission failed to act,
 14 with respect to complaints which were filed on
 15 or after the date of the enactment of this Act.

16 **SEC. 5. PERMITTING APPEARANCE AT HEARINGS ON RE-**
 17 **QUESTS FOR ADVISORY OPINIONS BY PER-**
 18 **SONS OPPOSING THE REQUESTS.**

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

22 “(e) To the extent that the Commission provides an
 23 opportunity for a person requesting an advisory opinion
 24 under this section (or counsel for such person) to appear
 25 before the Commission to present testimony in support of

1 the request, and the person (or counsel) accepts such op-
 2 portunity, the Commission shall provide a reasonable op-
 3 portunity for an interested party who submitted written
 4 comments under subsection (d) in response to the request
 5 (or counsel for such interested party) to appear before the
 6 Commission to present testimony in response to the re-
 7 quest.”.

8 (b) EFFECTIVE DATE.—The amendment made by
 9 subsection (a) shall apply with respect to requests for advi-
 10 sory opinions under section 308 of the Federal Election
 11 Campaign Act of 1971 which are made on or after the
 12 date of the enactment of this Act.

13 **SEC. 6. PERMANENT EXTENSION OF ADMINISTRATIVE PEN-**
 14 **ALTY AUTHORITY.**

15 (a) EXTENSION OF AUTHORITY.—Section
 16 309(a)(4)(C)(v) of the Federal Election Campaign Act of
 17 1971 (52 U.S.C. 30109(a)(4)(C)(v)), as amended by Pub-
 18 lic Law 115–386, is amended by striking “, and that end
 19 on or before December 31, 2023”.

20 (b) EFFECTIVE DATE.—The amendment made by
 21 subsection (a) shall take effect on December 31, 2018.

22 **SEC. 7. REQUIRING FORMS TO PERMIT USE OF ACCENT**
 23 **MARKS.**

24 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-
 25 eral Election Campaign Act of 1971 (52 U.S.C.

1 30111(a)(1)) is amended by striking the semicolon at the
 2 end and inserting the following: “, and shall ensure that
 3 all such forms (including forms in an electronic format)
 4 permit the person using the form to include an accent
 5 mark as part of the person’s identification;”.

6 (b) EFFECTIVE DATE.—The amendment made by
 7 subsection (a) shall take effect upon the expiration of the
 8 90-day period which begins on the date of the enactment
 9 of this Act.

10 **SEC. 8. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

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

13 (1) by striking “(e) The Commission” and in-
 14 serting “(e)(1) The Commission”; and

15 (2) by adding at the end the following new
 16 paragraph:

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

22 **SEC. 9. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO** 23 **REPRESENT FEC IN SUPREME COURT.**

24 (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of
 25 the Federal Election Campaign Act of 1971 (52 U.S.C.

1 30106(f)(4)) is amended by striking “any action instituted
 2 under this Act, either (A) by attorneys” and inserting
 3 “any action instituted under this Act, including an action
 4 before the Supreme Court of the United States, either (A)
 5 by the General Counsel of the Commission and other at-
 6 torneys”.

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

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

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

14 (b) TRANSITION.—

15 (1) TERMINATION OF SERVICE OF CURRENT
 16 MEMBERS.—Notwithstanding any provision of the
 17 Federal Election Campaign Act of 1971, the term of
 18 any individual serving as a member of the Federal
 19 Election Commission as of December 31, 2021, shall
 20 expire on that date.

21 (2) NO EFFECT ON EXISTING CASES OR PRO-
 22 CEEDINGS.—Nothing in this Act or in any amend-
 23 ment made by this Act shall affect any of the powers
 24 exercised by the Federal Election Commission prior
 25 to December 31, 2021, including any investigation

- 1 initiated by the Commission prior to such date or
- 2 any proceeding (including any enforcement action)
- 3 pending as of such date.

○