

115TH CONGRESS  
1ST SESSION

# H. R. 3848

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

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2017

Mr. PRICE of North Carolina introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on the Judiciary, Ways and Means, Financial Services, Oversight and Government Reform, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

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

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

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

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

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

Sec. 1. Short title; etc.

**TITLE I—INCREASING TRANSPARENCY, REMOVING CONFLICTS  
OF INTEREST, AND RESTORING ENFORCEMENT**

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

**PART I—DISCLOSURE**

**SUBPART A—REGULATION OF CERTAIN POLITICAL SPENDING**

Sec. 1001. Short title.

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

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

**SUBPART B—CAMPAIGN DISBURSEMENT REPORTING**

Sec. 1011. Campaign disbursement reporting.

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

Sec. 1013. Lobbyists’ campaign funding disclosure.

Sec. 1014. Effective date.

**PART II—CANDIDATE-SUPER PAC COORDINATION**

Sec. 1021. Short title.

Sec. 1022. Clarification of treatment of coordinated expenditures as contribu-  
tions to candidates.

Sec. 1023. Clarification of ban on fundraising for Super PACs by Federal can-  
didates and officeholders.

**PART III—REAL-TIME TRANSPARENCY**

Sec. 1031. Short title.

Sec. 1032. 48-hour notification required for all political committees receiving  
cumulative contributions of \$1,000 or more during a year from  
any contributor.

Sec. 1033. Filing by Senate candidates with Federal Election Commission.

**PART IV—STAND BY YOUR AD**

Sec. 1041. Stand By Your Ad.

**PART V—OTHER CAMPAIGN FINANCE REFORMS**

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

Subtitle B—Establishment of Federal Election Administration

- Sec. 1101. Short title.

PART I—FEDERAL ELECTION ADMINISTRATION

- Sec. 1111. Establishment of the Federal Election Administration.

“Subtitle B—Administrative Provisions

“CHAPTER 1—ESTABLISHMENT OF THE FEDERAL ELECTION ADMINISTRATION

- “Sec. 351. Establishment of the Federal Election Administration.
- “Sec. 352. Composition of the Federal Election Administration.
- “Sec. 353. Staff director.
- “Sec. 354. General counsel.
- “Sec. 355. Inspector general.

“CHAPTER 2—OPERATION OF THE FEDERAL ELECTION ADMINISTRATION

- “Sec. 361. Powers of the Chair and Administration.
- “Sec. 362. Independent budget requests and legislative proposals.
- “Sec. 363. Advisory opinions.
- “Sec. 364. Issuance and enforcement of subpoenas.
- “Sec. 365. Rulemaking authority.
- “Sec. 366. Litigation authority.
- “Sec. 367. Availability of reports.
- “Sec. 368. Audits and field examinations.
- “Sec. 369. Congressional oversight.

“CHAPTER 3—ENFORCEMENT

- “Sec. 371. Initiation of enforcement actions by Administration.
- “Sec. 372. Complaint to initiate enforcement action.
- “Sec. 373. Civil enforcement actions.
- “Sec. 374. Notification of nonfilers.
- “Sec. 375. Civil monetary penalties.
- “Sec. 376. Cease-and-desist orders.
- “Sec. 377. Collection.
- “Sec. 378. Confidentiality.
- “Sec. 379. Criminal penalties.
- “Sec. 380. Period of limitations.
- “Sec. 381. Authorization of appropriations.
- Sec. 1112. Executive Schedule positions.
- Sec. 1113. GAO examination of enforcement of campaign finance laws by the Department of Justice.

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

“Subtitle A—General Provisions

PART II—TRANSITION PROVISIONS

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

Subtitle C—Lobbying Reform

- Sec. 1201. Lobbyist registration reforms.

Subtitle D—Revolving Door Reform

- Sec. 1301. Short title.
- Sec. 1302. Restrictions on private sector payment for Government service.
- Sec. 1303. Requirements relating to slowing the revolving door among financial services regulators.

“TITLE VI—SPECIAL REQUIREMENTS FOR FINANCIAL SERVICES REGULATORS

- “Sec. 601. Definitions.
- “Sec. 602. Conflict of interest and eligibility standards for financial services regulators.
- “Sec. 603. Negotiating future private sector employment.
- “Sec. 604. Recordkeeping.
- “Sec. 605. Penalties and injunctions.
- Sec. 1304. Prohibition of procurement officers accepting employment from Government contractors.
- Sec. 1305. Revolving door restrictions on financial services regulators moving into the private sector.
- Sec. 1306. Restrictions on Federal examiners and supervisors of financial institutions.

Subtitle E—Addressing Conflicts of Interest

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

Subtitle F—Public Access to Visitor Logs

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

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

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

TITLE II—PUBLIC FINANCING

Subtitle A—Reforming Presidential Election Financing

PART I—PRIMARY ELECTIONS

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

PART II—GENERAL ELECTIONS

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

Subtitle B—Public Financing for Congressional Election Campaigns

- Sec. 2101. Benefits and eligibility requirements for Congressional candidates.

“TITLE V—PUBLIC FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

“Subtitle A—Benefits

- “Sec. 501. Benefits for participating candidates.
- “Sec. 502. Administration of payments.
- “Sec. 503. Qualified contribution defined.

“Subtitle B—Eligibility and Certification

- “Sec. 511. Eligibility.
- “Sec. 512. Qualified contribution requirements.
- “Sec. 513. Certification.

“Subtitle C—Requirements for Candidates Certified as Participating Candidates

- “Sec. 521. Restrictions on certain contributions and expenditures.
- “Sec. 522. Remitting unspent funds after election.

“Subtitle D—Administrative Provisions

“Sec. 531. Administration by Commission.

“Sec. 532. Violations and penalties.

“Sec. 533. Election cycle defined.

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

Sec. 2103. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.

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

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

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

Sec. 2203. Donation to Presidential Election Campaign Fund.

#### Subtitle D—Effective Date

Sec. 2301. Effective date.

### TITLE III—REDISTRICTING

Sec. 3001. Short title.

Sec. 3002. Finding of Constitutional authority.

#### Subtitle A—Requirements for Congressional Redistricting

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

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

#### Subtitle B—Independent Redistricting Commissions

Sec. 3201. Independent redistricting commission.

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

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

Sec. 3204. Establishment of related entities.

#### Subtitle C—Role of Courts in Development of Redistricting Plans

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

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

#### Subtitle D—Administrative and Miscellaneous Provisions

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

Sec. 3402. Civil enforcement.

Sec. 3403. State apportionment notice defined.

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

Sec. 3405. Effective date.

### TITLE IV—VOTER REGISTRATION

#### Subtitle A—Automatic Voter Registration

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

#### Subtitle B—Same Day Registration

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

#### TITLE V—SEVERABILITY

Sec. 5001. Severability.

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

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

### 7 **PART I—DISCLOSURE**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 15 **Subpart B—Campaign Disbursement Reporting**

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

17 (a) INFORMATION REQUIRED TO BE REPORTED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15       “(a) DISCLOSURE STATEMENT.—

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

18 “(3) EXCEPTIONS.—

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

ganization or in the form of investments in the covered organization.

“(B) DONOR RESTRICTION ON USE OF FUNDS.—The requirement to include in a statement submitted under paragraph (1) the information described in subparagraph (F) of paragraph (2) shall not apply if—

“(i) the person described in such subparagraph prohibited, in writing, the use of the contribution, donation, transfer, payment of dues, or other payment made by such person for campaign-related disbursements; and

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

“(4) DISCLOSURE DATE.—

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

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

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

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

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

20 “(b) COORDINATION WITH OTHER PROVISIONS.—

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

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

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

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

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

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

19               “(3) A covered transfer.

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

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

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

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

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

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

18          “(f) COVERED TRANSFER DEFINED.—

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

contingent upon the approval of the other organization; or

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

“(D) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(c)(3) ORGANIZATIONS.—This paragraph shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this paragraph applies to an amount transferred by a covered organization to another covered organization.”.

(2) CONFORMING AMENDMENT.—Section 304(f)(6) of such Act (52 U.S.C. 30104) is amended by striking “Any requirement” and inserting “Except as provided in section 324(b), any requirement”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **PART II—CANDIDATE-SUPER PAC**  
 17 **COORDINATION**

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

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



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

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

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

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

9 (ii) and inserting “; or”; and

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

12 “(iii) any payment made by any person  
 13 (other than a candidate, an authorized com-  
 14 mittee of a candidate, or a political committee  
 15 of a political party) for a coordinated expendi-  
 16 ture (as such term is defined in section 325)  
 17 which is not otherwise treated as a contribution  
 18 under clause (i) or clause (ii).”.

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

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

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

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

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

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

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

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

tion, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

“(B) the communication constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission pursuant to section 304(f)(3)(B)(iii), or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum.

“(b) COORDINATION DESCRIBED.—

“(1) IN GENERAL.—For purposes of this section, a payment is made ‘in cooperation, consultation, or concert with, or at the request or suggestion of,’ a candidate, an authorized committee of a candidate, a political committee of a political party, or agents of the candidate or committee, if the payment, or any communication for which the payment is made, is not made entirely independently of the candidate, committee, or agents. For purposes of the previous sentence, a payment or communication not made entirely independently of the candidate or committee includes any payment or communication made pursuant to any general or particular under-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(d) COVERED COMMUNICATION DEFINED.—

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



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

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

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

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

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

tion with respect to a candidate for election for an office other than the office of President or Vice President unless it is publicly disseminated or distributed in the jurisdiction of the office the candidate is seeking.

“(e) PENALTY.—

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

“(A) in the case of a person who makes a contribution which consists of a payment for a coordinated expenditure in an amount exceeding the applicable contribution limit under this Act, 300 percent of the amount by which the amount of the payment made by the person exceeds such applicable contribution limit; or

“(B) in the case of a person who is prohibited under this Act from making a contribution in any amount, 300 percent of the amount of the payment made by the person for the coordinated expenditure.

“(2) JOINT AND SEVERAL LIABILITY.—Any director, manager or officer of a person who is subject

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

9 (c) EFFECTIVE DATE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **PART IV—STAND BY YOUR AD**

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

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

22 (b) STAND BY YOUR AD REQUIREMENTS.—

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



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

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

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

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

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

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

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

25 “(e) COMMUNICATIONS BY OTHERS.—

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

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

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

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

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

17 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

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

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

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

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

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

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

“(3) METHOD OF CONVEYANCE OF STATEMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3 (2) COMMUNICATIONS BY OTHERS.—

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

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

9 (ii) by inserting after subparagraph

10 (A) the following new subparagraph:

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

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

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

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

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

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

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

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

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

4 (2) TREATMENT AS AUDIO COMMUNICATION.—

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

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

21 (B) COMMUNICATIONS BY OTHERS.—

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

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

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

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

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

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

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

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

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

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

1   **PART V—OTHER CAMPAIGN FINANCE REFORMS**

2   **SEC. 1051. REGULATIONS WITH RESPECT TO BEST EFFORTS**

3                   **FOR IDENTIFYING PERSONS MAKING CON-**  
4                   **TRIBUTIONS.**

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

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

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

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

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

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

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

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

12                      (C) by striking clause (ii).

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

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

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

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

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

11 “(1) IN GENERAL.—

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



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

3 “(B) DISCLOSURE OF BUNDLED CON-  
4 TRIBUTIONS BY POLITICAL COMMITTEES.—

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

18 “(C) DISCLOSURE OF BUNDLED CON-  
19 TRIBUTIONS TO PRESIDENTIAL CAMPAIGNS.—

20 Each committee which is an authorized com-  
21 mittee of a candidate for the office of President  
22 or for nomination to such office shall include in  
23 the first report required to be filed under this  
24 section after each covered period (as defined in  
25 paragraph (2)) a separate schedule setting forth

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

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

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

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

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

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

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

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

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

19 “(3) APPLICABLE THRESHOLD.—

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

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

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

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

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

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

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

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

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

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

14 (3) in paragraph (8)(A)—

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

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

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

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

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

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

14 **“SEC. 407. JUDICIAL REVIEW.**

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

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

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

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

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

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

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

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

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

12 (b) CONFORMING AMENDMENTS.—

13 (1) IN GENERAL.—

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

16 **“SEC. 9011. JUDICIAL REVIEW.**

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

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



1 **“SEC. 9041. JUDICIAL REVIEW.**

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

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

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

11 **SEC. 1055. TREATMENT OF INTERNET COMMUNICATIONS**

12 **MADE BY POLITICAL COMMITTEES AS PUB-**  
13 **LIC COMMUNICATIONS.**

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

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

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

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

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

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

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

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

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

1   **PART I—FEDERAL ELECTION ADMINISTRATION**

2   **SEC. 1111. ESTABLISHMENT OF THE FEDERAL ELECTION**  
3                   **ADMINISTRATION.**

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

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

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

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

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

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

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

24                   “(1) This Act.

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

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

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

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

16       “(f) MEETINGS AND QUORUM.—

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

19           “(A) at least once each month; and

20           “(B) at the call of the Chair.

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

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

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

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

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

11 “(a) IN GENERAL.—The Administration shall be  
12 composed of 5 members, 1 of whom shall serve as the  
13 Chair of the Administration. Not more than 2 members  
14 of the Administration shall be affiliated with the same po-  
15 litical party while serving as a member of the Administra-  
16 tion. For purposes of the preceding sentence, a member  
17 shall be treated as affiliated with a political party if such  
18 member was affiliated with such political party at any time  
19 during the 5-year period ending on the date on which such  
20 individual is nominated to be a member of the Administra-  
21 tion.

22 “(b) APPOINTMENT.—

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

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

7           “(3) QUALIFICATIONS.—

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

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

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

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

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

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

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

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

4           “(c) TERM OF OFFICE.—

5           “(1) IN GENERAL.—

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

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

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

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

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



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

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

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

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

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

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

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

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

6       **“SEC. 353. STAFF DIRECTOR.**

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

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

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

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

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

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

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

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

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

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

9   **“SEC. 354. GENERAL COUNSEL.**

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

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

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

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

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

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

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

4       **“SEC. 355. INSPECTOR GENERAL.**

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

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

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

12       “(a) CHAIR.—

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

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

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

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

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

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

12              “(D) to administer oaths or affirmations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **“SEC. 363. ADVISORY OPINIONS.**

9 “(a) REQUESTS FOR ADVISORY OPINIONS.—

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

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



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

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

12      “(c) RELIANCE ON ADVISORY OPINIONS.—

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

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

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

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

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

9 “(d) NOTICE AND COMMENT.—

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

13 “(2) OPPORTUNITY TO COMMENT.—

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

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

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

8           “(e) JUDICIAL REVIEW.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5       “(d) FORMS.—

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

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

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

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

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

6 “(g) JUDICIAL REVIEW.—

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “(d) RANDOM AUDITS.—

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

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

3               “(2) APPLICABLE RULES.—

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

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

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

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

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

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

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

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

4 **“CHAPTER 3—ENFORCEMENT**

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

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

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

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

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

3 “(a) FILING OF COMPLAINT.—

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

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

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

12 “(B) notarized; and

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

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

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

25 “(B) dismiss the complaint.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(c) CONCILIATION.—

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

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

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

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

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

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

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

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

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

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

3 “(e) APPEAL TO ADMINISTRATION.—

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

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

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

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

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

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

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

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

4           “(f) JUDICIAL REVIEW.—

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

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

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

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

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

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

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

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

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



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

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

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

25 “(d) REFERRAL TO ATTORNEY GENERAL.—

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

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

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

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

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

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

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

5 **“SEC. 377. COLLECTION.**

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

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

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

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

1 **“SEC. 378. CONFIDENTIALITY.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

**“SEC. 379. CRIMINAL PENALTIES.**

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

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

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

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

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

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

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

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

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

21 “(A) \$50,000; or

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

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

4           “(e) EFFECT OF CONCILIATION AGREEMENTS.—

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

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

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

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

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

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

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

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

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

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

20   **SEC. 1112. EXECUTIVE SCHEDULE POSITIONS.**

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

24           “Chair, Federal Election Administration.”.

1 (b) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—

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

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

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

8 **SEC. 1113. GAO EXAMINATION OF ENFORCEMENT OF CAM-**  
9 **PAIGN FINANCE LAWS BY THE DEPARTMENT**  
10 **OF JUSTICE.**

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

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

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

3 **SEC. 1114. GAO STUDY AND REPORT ON APPROPRIATE**  
4 **FUNDING LEVELS.**

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

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

19 **SEC. 1115. CONFORMING AMENDMENTS.**

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

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

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

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

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

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

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

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

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

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

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

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

2                   **PART II—TRANSITION PROVISIONS**

3    **SEC. 1151. TRANSFER OF FUNCTIONS OF FEDERAL ELEC-**  
4                   **TION COMMISSION.**

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

10   **SEC. 1152. TRANSFER OF PROPERTY, RECORDS, AND PER-**  
11                   **SONNEL.**

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

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

22   **SEC. 1153. REPEALS.**

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



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

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

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

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

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

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

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

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

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

12 **SEC. 1154. CONFORMING AMENDMENTS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

4       (f)(1) Section 9032(3) of the Internal Revenue Code  
5 of 1986 is amended to read as follows:

6               “(3) The term ‘Administration’ means the Fed-  
7 eral Election Administration established under sec-  
8 tion 351 of the Federal Election Campaign Act of  
9 1971.”.

10       (2) Chapter 96 of the Internal Revenue Code of 1986  
11 is amended by striking “Commission” and inserting “Ad-  
12 ministration” each place it appears.

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

16               (1) in paragraph (1)—

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

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

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

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

5 **SEC. 1155. TREATMENT OF CERTAIN REGULATIONS.**

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

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

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

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

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

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

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

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

3 **SEC. 1156. EFFECTIVE DATE.**

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

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

13 **Subtitle C—Lobbying Reform**

14 **SEC. 1201. LOBBYIST REGISTRATION REFORMS.**

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

19 **Subtitle D—Revolving Door Reform**

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

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

1 **SEC. 1302. RESTRICTIONS ON PRIVATE SECTOR PAYMENT**  
2 **FOR GOVERNMENT SERVICE.**

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

5 (1) in subsection (a)—

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

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

10 (2) in subsection (b)—

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

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

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

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

1 **SEC. 1303. REQUIREMENTS RELATING TO SLOWING THE RE-**  
2 **VOLVING DOOR AMONG FINANCIAL SERVICES**  
3 **REGULATORS.**

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

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

10 **“SEC. 601. DEFINITIONS.**

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

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

15 “(1) COVERED FINANCIAL SERVICES AGENCY.—

16 The term ‘covered financial services agency’—

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

21 “(B) includes—

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

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



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

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

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

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

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

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

13 “(ix) the Department of the Treasury.

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

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

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

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

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

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

13          “(B) does not include—

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

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

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

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

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

6           “(B) does not include—

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

10                   “(ii) a State or local government;

11                   “(iii) the District of Columbia;

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

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

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

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

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

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

6 “(c) WAIVER.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1                   rangement concerning prospective employ-  
2                   ment; and

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

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

9   **“SEC. 604. RECORDKEEPING.**

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

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

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

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

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

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

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

8           “(a) CRIMINAL PENALTIES.—

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

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

17          “(b) CIVIL ENFORCEMENT.—

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

24          “(2) CIVIL PENALTY.—



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

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

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

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

15           “(3) INJUNCTIVE RELIEF.—

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

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

6   **SEC. 1304. PROHIBITION OF PROCUREMENT OFFICERS AC-**  
 7                           **CEPTING EMPLOYMENT FROM GOVERNMENT**  
 8                           **CONTRACTORS.**

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

13           (1) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **SEC. 1305. REVOLVING DOOR RESTRICTIONS ON FINANCIAL**  
 7 **SERVICES REGULATORS MOVING INTO THE**  
 8 **PRIVATE SECTOR.**

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

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

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

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

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

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

23           “(i) knowingly act as agent or attor-  
 24           ney for, or otherwise represent, any other  
 25           person for compensation (except the

1 United States) in any formal or informal  
2 appearance before;

3 “(ii) with the intent to influence,  
4 make any oral or written communication  
5 on behalf of any other person (except the  
6 United States) to; or

7 “(iii) knowingly aid, advise, or assist  
8 in—

9 “(I) representing any other per-  
10 son (except the United States) in any  
11 formal or informal appearance before;  
12 or

13 “(II) making, with the intent to  
14 influence, any oral or written commu-  
15 nication on behalf of any other person  
16 (except the United States) to,

17 any court of the United States, or any officer  
18 or employee thereof, in connection with any ju-  
19 dicial or other proceeding, which was actually  
20 pending under his or her official responsibility  
21 as a covered financial services regulator during  
22 the 1-year period ending on the date his or her  
23 employment as a covered financial services reg-  
24 ulator ceases or in which he or she participated

1 personally and substantially as a covered finan-  
2 cial services regulator; or

3 “(B) during the 2-year period beginning on  
4 the date his or her employment as a covered fi-  
5 nancial services regulator ceases—

6 “(i) knowingly act as a lobbyist or  
7 agent for, or otherwise represent, any  
8 other person for compensation (except the  
9 United States) in any formal or informal  
10 appearance before;

11 “(ii) with the intent to influence,  
12 make any oral or written communication  
13 or conduct any lobbying activities on behalf  
14 of any other person (except the United  
15 States) to; or

16 “(iii) knowingly aid, advise, or assist  
17 in—

18 “(I) representing any other per-  
19 son (except the United States) in any  
20 formal or informal appearance before;  
21 or

22 “(II) making, with the intent to  
23 influence, any oral or written commu-  
24 nication or conduct any lobbying ac-

1                   tivities on behalf of any other person  
2                   (except the United States) to,  
3           any department or agency of the executive  
4           branch or Congress (including any committee of  
5           Congress), or any officer or employee thereof,  
6           in connection with any matter which is pending  
7           before the department, agency, or Congress.

8           “(2) PENALTY.—Any person who violates para-  
9           graph (1) shall be punished as provided in section  
10          216.

11          “(3) DEFINITIONS.—In this subsection—

12                  “(A) the term ‘covered financial services  
13                  regulator’ has the meaning given that term  
14                  under section 601 of the Ethics in Government  
15                  Act of 1978 (5 U.S.C. App.); and

16                  “(B) the terms ‘lobbyist’ and ‘lobbying ac-  
17                  tivities’ have the meanings given such terms in  
18                  section 3 of the Lobbying Disclosure Act of  
19                  1995 (2 U.S.C. 1602).”.

20          (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21                  (1) Section 103(a) of the Honest Leadership  
22                  and Open Government Act of 2007 (2 U.S.C.  
23                  4702(a)) is amended by striking “section 207(e)”  
24                  each place it appears and inserting “section 207(f)”.



1           (2) Section 207 of title 18, United States Code,  
2       as amended by subsection (a), is amended—

3           (A) in subsection (g), as so redesignated,  
4       by striking “or (e)” and inserting “or (f)”;

5           (B) in subsection (j)(1)(B), as so redesign-  
6       nated, by striking “subsection (f)” and insert-  
7       ing “subsection (g)”;

8           (C) in subsection (k), as so redesignated—

9           (i) in paragraph (2), in the matter  
10       preceding subparagraph (A), by striking  
11       “and (e)” and inserting “(e), and (f)”;

12          (ii) in paragraph (4), by striking “and  
13       (e)” and inserting “(e), and (f)”;

14          (iii) in paragraph (7)—

15           (I) in subparagraph (A), by strik-  
16       ing “and (e)” and inserting “(e), and  
17       (f)”;

18           (II) in subparagraph (B)(ii), in  
19       the matter preceding subclause (I), by  
20       striking “subsections (c), (d), or (e)”  
21       and inserting “subsection (c), (d), (e),  
22       or (f)”.

23       (3) Section 141(b)(3) of the Trade Act of 1974  
24       (19 U.S.C. 2171(b)(3)) is amended by striking “sec-  
25       tion 207(f)(3)” and inserting “207(g)(3)”.

1           (4) Section 7802(b)(3)(B) of the Internal Rev-  
 2           enue Code of 1986 is amended by striking “and (f)  
 3           of section 207” and inserting “and (g) of section  
 4           207”.

5           (5) Section 106(p)(6)(I)(ii) of title 49, United  
 6           States Code, is amended by striking “and (f) of sec-  
 7           tion 207” and inserting “and (g) of section 207”.

8   **SEC. 1306. RESTRICTIONS ON FEDERAL EXAMINERS AND**  
 9                           **SUPERVISORS OF FINANCIAL INSTITUTIONS.**

10          (a) IN GENERAL.—Section 10(k) of the Federal De-  
 11         posit Insurance Act (12 U.S.C. 1820(k)) is amended—

12                 (1) in the subsection heading—

13                         (A) by striking “One-Year” and inserting  
 14                         “Two-Year”; and

15                         (B) by striking “Examiners” and inserting  
 16                         “Examiners and Supervisors”;

17                 (2) in paragraph (1)—

18                         (A) by striking subparagraph (B) and in-  
 19                         serting the following:

20                                 “(B) served—

21   “(i) not less than 2 months during the  
 22   final 12 months of the employment of the  
 23   person with such agency or entity as the  
 24   senior examiner (or a functionally equiva-  
 25   lent position) of a depository institution or

1           depository institution holding company  
2           with continuing, broad responsibility for  
3           the examination (or inspection) of that de-  
4           pository institution or depository institu-  
5           tion holding company on behalf of the rel-  
6           evant agency or Federal reserve bank; or

7           “(ii) as a supervisor of the senior ex-  
8           aminer with responsibility for managing  
9           the oversight of not more than 5 deposi-  
10          tory institutions or depository institution  
11          holding companies on behalf of the rel-  
12          evant agency or Federal reserve bank;  
13          and”; and

14          (B) in subparagraph (C)—

15               (i) in the matter preceding clause (i),  
16               by striking “1 year” and inserting “2  
17               years”;

18               (ii) in clause (i), by striking “or” and  
19               inserting a semicolon;

20               (iii) in clause (ii), by striking the pe-  
21               riod at the end and inserting a semicolon;  
22               and

23               (iv) by adding at the end the fol-  
24               lowing:

1 “(iii) a business entity, firm, or asso-  
2 ciation that represents the depository insti-  
3 tution or depository institution holding  
4 company for compensation.”;

5 (3) by redesignating paragraphs (2) through  
6 (6) as paragraphs (3) through (7), respectively;

7 (4) by inserting after paragraph (1) the fol-  
8 lowing:

9 “(2) APPLICATION OF PENALTIES FOR SUPER-  
10 VISORS.—A supervisor of a large financial service  
11 regulatory agency or a supervisor of a senior exam-  
12 iner shall be subject to the penalties described in  
13 paragraph (7) if the supervisor of the senior exam-  
14 iner or the senior examiner knowingly accepts com-  
15 pensation during the period beginning on the date  
16 on which the service of the supervisor or senior ex-  
17 aminer is terminated and ending on the date that is  
18 2 years after the date on which the service on which  
19 the service of the supervisor or senior examiner is  
20 terminated—

21 “(A) as—

22 “(i) an employee;

23 “(ii) an officer;

24 “(iii) a director; or

25 “(iv) a consultant; and

1 “(B) from—

2 “(i) a depository institution;

3 “(ii) a depository institution holding  
4 company that is designated by the Finan-  
5 cial Stability Oversight Council as a sys-  
6 temically important financial market utility  
7 under section 804 of the Payment, Clear-  
8 ing, and Settlement Supervision Act of  
9 2010 (12 U.S.C. 5463); or

10 “(iii) a business entity, firm, or asso-  
11 ciation that represents an institution de-  
12 scribed in clause (ii) for compensation.”;

13 (5) in paragraph (4), as so redesignated, by  
14 striking “or other company.” and inserting “or other  
15 company, firm, or association.”; and

16 (6) in the matter preceding clause (i) of sub-  
17 paragraph (A) of paragraph (7), as so redesignated,  
18 by striking “other company” and inserting “other  
19 company, firm, or association”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 Section 10(k) of the Federal Deposit Insurance Act (12  
22 U.S.C. 1820(k)) is amended—

23 (1) in paragraph (1), by striking “paragraph  
24 (6)” and inserting “paragraph (7)”;

1           (2) in paragraph (5)(A), as so redesignated, by  
 2       inserting “and paragraph (2)” before the period at  
 3       the end; and

4           (3) in paragraph (7), as so redesignated—

5               (A) in subparagraph (A)—

6                   (i) by striking “subject to paragraph  
 7                   (1)” and inserting “subject to paragraph  
 8                   (1) or (2)”; and

9                   (ii) by striking “paragraph (1)(C)”  
 10                   and inserting “paragraph (1)(C) or para-  
 11                   graph (2)”; and

12               (B) in subparagraph (C)—

13                   (i) by striking “person described in  
 14                   paragraph (1)” and inserting “person de-  
 15                   scribed in paragraph (1) or (2)”; and

16                   (ii) by inserting “paragraph (2)” be-  
 17                   fore the period at the end.

## 18   **Subtitle E—Addressing Conflicts of** 19                   **Interest**

### 20   **SEC. 1401. SHORT TITLE.**

21       This subtitle may be cited as the “Presidential Con-  
 22       flicts of Interest Act of 2017”.

1 **SEC. 1402. DIVESTITURE OF PERSONAL FINANCIAL INTER-**  
2 **ESTS OF THE PRESIDENT AND VICE PRESI-**  
3 **DENT THAT POSE A POTENTIAL CONFLICT OF**  
4 **INTEREST.**

5 (a) DEFINITIONS.—

6 (1) IN GENERAL.—In this section—

7 (A) the term “conflict-free holding” means  
8 a financial interest described in section  
9 102(f)(8) of the Ethics in Government Act of  
10 1978 (5 U.S.C. App.);

11 (B) the term “financial interest posing a  
12 potential conflict of interest” means a financial  
13 interest of the President, the Vice President,  
14 the spouse of the President or Vice President,  
15 or a minor child of the President or Vice Presi-  
16 dent, as applicable, that—

17 (i) would constitute a financial inter-  
18 est described in subsection (a) of section  
19 208 of title 18, United States Code—

20 (I) if—

21 (aa) for purposes of such  
22 section 208, the terms “officer”  
23 and “employee” included the  
24 President and the Vice President;  
25 and

1 (bb) the President or Vice  
2 President, as applicable, partici-  
3 pated as described in subsection  
4 (a) of such section 208 in rela-  
5 tion to such financial interest;  
6 and

7 (II) determined without regard to  
8 any exception under subsection (b) of  
9 such section 208; or

10 (ii) may constitute a present, emolu-  
11 ment, office, or title, of any kind whatever,  
12 from any king, prince, or foreign state (in-  
13 cluding from an entity owned or controlled  
14 by a foreign government), within the  
15 meaning of article I, section 9 of the Con-  
16 stitution of the United States;

17 (C) the term “qualified blind trust” has  
18 the meaning given that term in section  
19 102(f)(3) of the Ethics in Government Act of  
20 1978 (5 U.S.C. App.), unless otherwise speci-  
21 fied in this Act; and

22 (D) the term “tax return”—

23 (i) means any Federal income tax re-  
24 turn and any amendment or supplement  
25 thereto, including supporting schedules, at-



1           tachments, or lists which are supplemental  
2           to, or part of, the return for the taxable  
3           year; and

4           (ii) includes any information return  
5           that reports information that does or may  
6           affect the liability for tax for the taxable  
7           year.

8           (2) APPLICABILITY OF ETHICS IN GOVERNMENT  
9           ACT OF 1978.—For purposes of the definition of  
10          “qualified blind trust” in this section, the term “su-  
11          pervising ethics officer” in section 102(f)(3) of the  
12          Ethics in Government Act of 1978 (5 U.S.C. App.)  
13          means the Director of the Office of Government  
14          Ethics.

15          (b) INITIAL FINANCIAL DISCLOSURE.—

16               (1) SUBMISSION OF DISCLOSURE.—

17                   (A) IN GENERAL.—Not later than 30 days  
18                   after assuming the office of President or Vice  
19                   President, respectively, the President and Vice  
20                   President shall submit to Congress and the Di-  
21                   rector of the Office of Government Ethics a dis-  
22                   closure of financial interests.

23                   (B) APPLICATION TO SITTING PRESIDENT  
24                   AND VICE PRESIDENT.—For any individual who  
25                   is serving as the President or Vice President on

1 the date of enactment of this Act, the disclosure  
2 of financial interests shall be submitted to Con-  
3 gress and the Director of the Office of Govern-  
4 ment Ethics not later than 30 days after the  
5 date of enactment of this Act.

6 (2) CONTENTS.—

7 (A) PRESIDENT.—The disclosure of finan-  
8 cial interests submitted under paragraph (1) by  
9 the President shall—

10 (i) describe in detail each financial in-  
11 terest of the President, the spouse of the  
12 President, or a minor child of the Presi-  
13 dent;

14 (ii) at a minimum, include the infor-  
15 mation relating to each such financial in-  
16 terest that is required for reports under  
17 section 102 of the Ethics in Government  
18 Act of 1978 (5 U.S.C. App.); and

19 (iii) include the tax returns filed by or  
20 on behalf of the President for—

21 (I) the 3 most recent taxable  
22 years; and

23 (II) each taxable year for which  
24 an audit of the return by the Internal

1 Revenue Service is pending on the  
2 date the report is filed.

3 (B) VICE PRESIDENT.—The disclosure of  
4 financial interests submitted under paragraph  
5 (1) by the Vice President shall—

6 (i) describe in detail each financial in-  
7 terest of the Vice President, the spouse of  
8 the Vice President, or a minor child of the  
9 Vice President;

10 (ii) at a minimum, include the infor-  
11 mation relating to each such financial in-  
12 terest that is required for reports under  
13 section 102 of the Ethics in Government  
14 Act of 1978 (5 U.S.C. App.); and

15 (iii) include the tax returns filed by or  
16 on behalf of the Vice President for—

17 (I) the 3 most recent taxable  
18 years; and

19 (II) each taxable year for which  
20 an audit of the return by the Internal  
21 Revenue Service is pending on the  
22 date the report is filed.

23 (c) DIVESTITURE OF FINANCIAL INTERESTS POSING  
24 A POTENTIAL CONFLICT OF INTEREST.—

1           (1) IN GENERAL.—The President, the Vice  
2 President, the spouse of the President or Vice Presi-  
3 dent, and any minor child of the President or Vice  
4 President shall divest of any financial interest posing  
5 a potential conflict of interest by transferring such  
6 interest to a qualified blind trust.

7           (2) TRUSTEE DUTIES.—Within a reasonable pe-  
8 riod of time after the date a financial interest is  
9 transferred to a qualified blind trust under para-  
10 graph (1), the trustee of the qualified blind trust  
11 shall—

12                   (A) sell the financial interest; and

13                   (B) use the proceeds of the sale of the fi-  
14 nancial interest to purchase conflict-free hold-  
15 ings.

16       (d) REVIEW BY OFFICE OF GOVERNMENT ETHICS.—

17           (1) IN GENERAL.—The Director of the Office of  
18 Government Ethics shall submit to Congress, the  
19 President, and the Vice President an annual report  
20 regarding the financial interests of the President,  
21 the Vice President, the spouse of the President or  
22 Vice President, and any minor child of the President  
23 or Vice President.

24           (2) CONTENTS.—Each report submitted under  
25 paragraph (1) shall—

1 (A) indicate whether any financial interest  
2 of the President, the Vice President, the spouse  
3 of the President or Vice President, or a minor  
4 child of the President or Vice President is a fi-  
5 nancial interest posing a potential conflict of in-  
6 terest;

7 (B) evaluate whether any previously held  
8 financial interest of the President, the Vice  
9 President, the spouse of the President or Vice  
10 President, or a minor child of the President or  
11 Vice President that was a financial interest pos-  
12 ing a potential conflict of interest was divested  
13 in accordance with subsection (c); and

14 (C) redact such information as the Direc-  
15 tor of the Office of Government Ethics deter-  
16 mines necessary for preventing identity theft,  
17 such as social security numbers or taxpayer  
18 identification numbers.

19 (e) ENFORCEMENT.—

20 (1) IN GENERAL.—The Attorney General, the  
21 attorney general of any State, or any person ag-  
22 grieved by any violation of subsection (c) may seek  
23 declaratory or injunctive relief in a court of com-  
24 petent jurisdiction if—

1 (A) the Director of the Office of Govern-  
 2 ment Ethics is unable to issue a report indi-  
 3 cating whether the President or the Vice Presi-  
 4 dent is in substantial compliance with sub-  
 5 section (c); or

6 (B) there is probable cause to believe that  
 7 the President or the Vice President has not  
 8 complied with subsection (c).

9 (2) FAIR MARKET VALUE.—In granting injunc-  
 10 tive relief to the plaintiff, the court shall ensure that  
 11 any divestment procedure shall ensure the fair mar-  
 12 ket return for any asset that is liquidated.

13 **SEC. 1403. RECUSAL OF APPOINTEES.**

14 Section 208 of title 18, United States Code, is  
 15 amended by adding at the end the following:

16 “(e)(1) Any officer or employee appointed by the  
 17 President shall recuse himself or herself from any par-  
 18 ticular matter involving specific parties in which a party  
 19 to that matter is—

20 “(A) the President who appointed the officer or  
 21 employee, which shall include any entity in which the  
 22 President has a substantial interest; or

23 “(B) the spouse of the President who appointed  
 24 the officer or employee, which shall include any enti-

1       ty in which the spouse of the President has a sub-  
2       stantial interest.

3       “(2)(A) Subject to subparagraph (B), if an officer or  
4       employee is recused under paragraph (1), a career ap-  
5       pointee in the agency of the officer or employee shall per-  
6       form the functions and duties of the officer or employee  
7       with respect to the matter.

8       “(B)(i) In this subparagraph, the term ‘Commission’  
9       means a board, commission, or other agency for which the  
10      authority of the agency is vested in more than 1 member.

11      “(ii) If the recusal of a member of a Commission  
12      from a matter under paragraph (1) would result in there  
13      not being a statutorily required quorum of members of the  
14      Commission available to participate in the matter, not-  
15      withstanding such statute or any other provision of law,  
16      the members of the Commission not recused under para-  
17      graph (1) may—

18              “(I) consider the matter without regard to the  
19      quorum requirement under such statute;

20              “(II) delegate the authorities and responsibil-  
21      ities of the Commission with respect to the matter  
22      to a subcommittee of the Commission; or

23              “(III) designate an officer or employee of the  
24      Commission who was not appointed by the President  
25      who appointed the member of the Commission

1       recused from the matter to exercise the authorities  
 2       and duties of the recused member with respect to  
 3       the matter.

4       “(3) Any officer or employee who negligently violates  
 5 paragraph (1) shall be subject to the penalties set forth  
 6 in section 216.

7       “(4) For purposes of this section, the term ‘particular  
 8 matter’ shall have the meaning given the term in section  
 9 207(i).”.

10 **SEC. 1404. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**  
 11 **DENT.**

12       (a) AMENDMENT.—Section 431 of title 18, United  
 13 States Code, is amended—

14           (1) in the section heading, by inserting “**the**  
 15 **President, Vice President, or a**” after  
 16 “**Contracts by**”; and

17           (2) in the first undesignated paragraph, by in-  
 18 serting “the President or Vice President,” after  
 19 “Whoever, being”.

20       (b) TABLE OF SECTIONS AMENDMENT.—The table of  
 21 sections for chapter 23 of title 18, United States Code,  
 22 is amended by striking the item relating to section 431  
 23 and inserting the following:

“431. Contracts by the President, Vice President, or a Member of Congress.”.



1 **SEC. 1405. PRESIDENTIAL TAX TRANSPARENCY.**

2 (a) IN GENERAL.—Title I of the Ethics in Govern-  
3 ment Act of 1978 (5 U.S.C. App.) is amended—

4 (1) by inserting after section 102 the following:

5 **“SEC. 102A. DISCLOSURE OF TAX RETURNS.**

6 **“(a) DEFINITIONS.—**In this section—

7 “(1) the term ‘covered candidate’ means an in-  
8 dividual—

9 “(A) required to file a report under section  
10 101(c); and

11 “(B) who is nominated by a major party  
12 as a candidate for the office of President;

13 “(2) the term ‘covered individual’ means—

14 “(A) a President required to file a report  
15 under subsection (a) or (d) of section 101; and

16 “(B) an individual who occupies the office  
17 of the President required to file a report under  
18 section 101(e);

19 “(3) the term ‘major party’ has the meaning  
20 given the term in section 9002 of the Internal Rev-  
21 enue Code of 1986; and

22 “(4) the term ‘income tax return’ means, with  
23 respect to any covered candidate or covered indi-  
24 vidual, any return (within the meaning of section  
25 6103(b) of the Internal Revenue Code of 1986) re-

1       lated to Federal income taxes, but does not in-  
2       clude—

3               “(A) information returns issued to persons  
4               other than such covered candidate or covered  
5               individual; and

6               “(B) declarations of estimated tax.

7       “(b) DISCLOSURE.—

8               “(1) COVERED INDIVIDUALS.—

9               “(A) IN GENERAL.—In addition to the in-  
10              formation described in subsections (a) and (b)  
11              of section 102, a covered individual shall in-  
12              clude in each report required to be filed under  
13              this title a copy of the income tax returns of the  
14              covered individual for the 3 most recent taxable  
15              years for which a return have been filed with  
16              the Internal Revenue Service as of the date on  
17              which the report is filed.

18              “(B) FAILURE TO DISCLOSE.—If an in-  
19              come tax return is not disclosed under subpara-  
20              graph (A), the Director of the Office of Govern-  
21              ment Ethics shall submit to the Secretary of  
22              the Treasury a request that the Secretary of  
23              the Treasury provide the Director of the Office  
24              of Government Ethics with a copy of the in-  
25              come tax return.

1           “(C) PUBLICLY AVAILABLE.—Each income  
2           tax return submitted under this paragraph shall  
3           be filed with the Director of the Office of Gov-  
4           ernment Ethics and made publicly available in  
5           the same manner as the information described  
6           in subsections (a) and (b) of section 102.

7           “(D) REDACTION OF CERTAIN INFORMA-  
8           TION.—Before making any income tax return  
9           submitted under this paragraph available to the  
10          public, the Director of the Office of Government  
11          Ethics shall redact such information as the Di-  
12          rector of the Office of Government Ethics, in  
13          consultation with the Secretary of the Treasury  
14          (or a delegate of the Secretary), determines ap-  
15          propriate.

16          “(2) CANDIDATES.—

17                 “(A) IN GENERAL.—Not later than 15  
18                 days after the date on which a covered can-  
19                 didate is nominated, the covered candidate shall  
20                 amend the report filed by the covered candidate  
21                 under section 101(c) with the Federal Election  
22                 Commission to include a copy of the income tax  
23                 returns of the covered candidate for the 3 most  
24                 recent taxable years for which a return has  
25                 been filed with the Internal Revenue Service.

1           “(B) FAILURE TO DISCLOSE.—If an in-  
2           come tax return is not disclosed under subpara-  
3           graph (A) the Federal Election Commission  
4           shall submit to the Secretary of the Treasury a  
5           request that the Secretary of the Treasury pro-  
6           vide the Federal Election Commission with the  
7           income tax return.

8           “(C) PUBLICLY AVAILABLE.—Each income  
9           tax return submitted under this paragraph shall  
10          be filed with the Federal Election Commission  
11          and made publicly available in the same manner  
12          as the information described in section 102(b).

13          “(D) REDACTION OF CERTAIN INFORMA-  
14          TION.—Before making any income tax return  
15          submitted under this paragraph available to the  
16          public, the Federal Election Commission shall  
17          redact such information as the Federal Election  
18          Commission, in consultation with the Secretary  
19          of the Treasury (or a delegate of the Secretary)  
20          and the Director of the Office of Government  
21          Ethics, determines appropriate.

22          “(3) SPECIAL RULE FOR SITTING PRESI-  
23          DENTS.—Not later than 30 days after the date of  
24          enactment of this section, the President shall submit  
25          to the Director of the Office of Government Ethics

1 a copy of the income tax returns described in para-  
2 graph (1)(A).”; and

3 (2) in section 104—

4 (A) in subsection (a)—

5 (i) in paragraph (1), in the first sen-  
6 tence, by inserting “or any individual who  
7 knowingly and willfully falsifies or who  
8 knowingly and willfully fails to file an in-  
9 come tax return that such individual is re-  
10 quired to disclose pursuant to section  
11 102A” before the period; and

12 (ii) in paragraph (2)(A)—

13 (I) in clause (i), by inserting “or  
14 falsify any income tax return that  
15 such person is required to disclose  
16 under section 102A” before the semi-  
17 colon; and

18 (II) in clause (ii), by inserting  
19 “or fail to file any income tax return  
20 that such person is required to dis-  
21 closed under section 102A” before the  
22 period;

23 (B) in subsection (b), in the first sentence  
24 by inserting “or willfully failed to file or has  
25 willfully falsified an income tax return required

to be disclosed under section 102A” before the period;

(C) in subsection (c), by inserting “or failing to file or falsifying an income tax return required to be disclosed under section 102A” before the period; and

(D) in subsection (d)(1)—

(i) in the matter preceding subparagraph (A), by inserting “or files an income tax return required to be disclosed under section 102A” after “title”; and

(ii) in subparagraph (A), by inserting “or such income tax return, as applicable,” after “report”.

(b) AUTHORITY TO DISCLOSE INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(23) DISCLOSURE OF RETURN INFORMATION OF PRESIDENTS AND CERTAIN PRESIDENTIAL CANDIDATES.—

“(A) DISCLOSURE OF RETURNS OF PRESIDENTS.—

“(i) IN GENERAL.—The Secretary shall, upon written request from the Direc-

1           tor of the Office of Government Ethics  
2           pursuant to section 102A(b)(1)(B) of the  
3           Ethics in Government Act of 1978, provide  
4           to officers and employees of the Office of  
5           Government Ethics a copy of any income  
6           tax return of the President which is re-  
7           quired to be filed under section 102A of  
8           such Act.

9           “(ii) DISCLOSURE TO PUBLIC.—The  
10          Director of the Office of Government Eth-  
11          ics may disclose to the public the income  
12          tax return of any President which is re-  
13          quired to be filed with the Director pursu-  
14          ant to section 102A of the Ethics in Gov-  
15          ernment Act of 1978.

16          “(B) DISCLOSURE OF RETURNS OF CER-  
17          TAIN CANDIDATES FOR PRESIDENT.—

18          “(i) IN GENERAL.—The Secretary  
19          shall, upon written request from the Chair-  
20          man of the Federal Election Commission  
21          pursuant to section 102A(b)(2)(B) of the  
22          Ethics in Government Act of 1978, provide  
23          to officers and employees of the Federal  
24          Election Commission copies of the applica-  
25          ble returns of any person who has been

1 nominated as a candidate of a major party  
2 (as defined in section 9002(a)) for the of-  
3 fice of President.

4 “(ii) DISCLOSURE TO PUBLIC.—The  
5 Federal Election Commission may disclose  
6 to the public applicable returns of any per-  
7 son who has been nominated as a can-  
8 didate of a major party (as defined in sec-  
9 tion 9002(6)) for the office of President  
10 and which is required to be filed with the  
11 Commission pursuant to section 102A of  
12 the Ethics in Government Act.

13 “(C) APPLICABLE RETURNS.—For pur-  
14 poses of this paragraph, the term ‘applicable re-  
15 turns’ means, with respect to any candidate for  
16 the office of President, income tax returns for  
17 the 3 most recent taxable years for which a re-  
18 turn has been filed as of the date of the nomi-  
19 nation.”.

20 (2) CONFORMING AMENDMENTS.—Section  
21 6103(p)(4) of such Code, in the matter preceding  
22 subparagraph (A) and in subparagraph (F)(ii), is  
23 amended by striking “or (22)” and inserting “(22),  
24 or (23)” each place it appears.



1 **SEC. 1406. SENSE OF CONGRESS REGARDING VIOLATIONS.**

2 It is the sense of Congress that a violation of section  
3 1402 of this Act or the Ethics in Government Act of 1978  
4 (5 U.S.C. App.) by the President or the Vice President  
5 would constitute a high crime or misdemeanor under arti-  
6 cle II, section 4 of the Constitution of the United States.

7 **SEC. 1407. RULE OF CONSTRUCTION.**

8 Nothing in this subtitle or an amendment made by  
9 this subtitle shall be construed to violate the Constitution  
10 of the United States.

11 **Subtitle F—Public Access to Visitor**  
12 **Logs**

13 **SEC. 1501. SHORT TITLE.**

14 This subtitle may be cited as the “Making Access  
15 Records Available to Lead American Government Open-  
16 ness Act” or the “MAR–A–LAGO Act”.

17 **SEC. 1502. FINDINGS.**

18 Congress finds the following:

19 (1) Beginning in 2009, the Obama administra-  
20 tion instituted a policy to release the visitor access  
21 records for the White House complex.

22 (2) This policy was responsible for making pub-  
23 lic the names of nearly 6,000,000 visitors to the  
24 White House in the 8 years of the Obama adminis-  
25 tration.

1           (3) This policy provided the people of the  
2       United States with insight into who influences the  
3       White House and transparency regarding efforts by  
4       lobbyists to effect policies, legislation, and Presi-  
5       dential actions.

6           (4) To date, the Trump administration has not  
7       indicated whether it will continue the policy of pub-  
8       licly releasing White House visitor access records.

9           (5) Since taking office on January 20, 2017,  
10      President Trump has conducted official business not  
11      only in the White House, but also at several of his  
12      privately owned clubs and resorts.

13          (6) President Trump’s Mar-a-Lago Club in  
14      Palm Beach, Florida, has been dubbed the “Winter  
15      White House” and the “Southern White House”.

16          (7) President Trump has spent 5 of his first 9  
17      weekends in office at Mar-a-Lago.

18          (8) Mar-a-Lago is a private membership facility  
19      open to members, their guests, and others who have  
20      been invited as guests for special events.

21          (9) Visitors to Mar-a-Lago do not undergo the  
22      same background checks as White House visitors  
23      and visitor access records to the club have not been  
24      released to the public.

1           (10) The President has conducted official busi-  
2           ness and hosted international leaders at Mar-a-Lago.

3           (11) Media reports have shown President  
4           Trump and members of his Cabinet at Mar-a-Lago  
5           and nearby Trump International Golf Club inter-  
6           acting with members and guests, providing access  
7           unavailable to the general public.

8           (12) President Trump owns many other prop-  
9           erties that offer similar amenities and membership-  
10          only access where he is likely to conduct official  
11          business during his term in office.

12          (13) On March 11, 2017, President Trump  
13          hosted several members of his Cabinet at his Trump  
14          National Golf Club in Potomac Falls, Virginia, to  
15          discuss homeland security, health care, and the  
16          economy according to media reports.

17          (14) Media reports have indicated that the  
18          President may use his Bedminster, New Jersey, re-  
19          sort as a “Summer White House”.

20          (15) The people of the United States expect  
21          and deserve transparency in government. The policy  
22          to release visitor access records instituted by the  
23          previous administration appropriately balanced  
24          transparency with the need for confidentiality in  
25          government actions.

1           (16) To the extent Mar-a-Lago and any other  
2       private facilities become locations where the Presi-  
3       dent conducts business and interacts with individ-  
4       uals who are not government officials, the same dis-  
5       closures should apply.

6 **SEC. 1503. IMPROVING ACCESS TO INFLUENTIAL VISITOR**  
7           **ACCESS RECORDS.**

8       (a) DEFINITIONS.—In this section:

9           (1) COVERED LOCATION.—The term “covered  
10       location” means—

11               (A) the White House;

12               (B) the residence of the Vice President;

13               and

14               (C) any other location at which the Presi-  
15       dent or the Vice President regularly conducts  
16       official business.

17           (2) COVERED RECORDS.—The term “covered  
18       records” means information relating to a visit at a  
19       covered location, which shall include—

20               (A) the name of each visitor at the covered  
21       location;

22               (B) the name of each individual with whom  
23       each visitor described in subparagraph (A) met  
24       at the covered location; and

25               (C) the purpose of the visit.

1       (b) REQUIREMENT.—Except as provided in sub-  
2 section (c), not later than 30 days after the date of enact-  
3 ment of this Act, the President shall establish, and update  
4 every 90 days, a publicly available database that contains  
5 covered records for the preceding 90-day period.

6       (c) EXCEPTIONS.—

7           (1) IN GENERAL.—The President shall not in-  
8 clude in the database established under subsection  
9 (b) any covered record—

10               (A) the posting of which would implicate  
11 personal privacy or law enforcement concerns or  
12 threaten national security; or

13               (B) relating to a purely personal guest at  
14 a covered location.

15       (2) SENSITIVE MEETINGS.—With respect to a  
16 particularly sensitive meeting at a covered location,  
17 the President shall—

18               (A) include the number of visitors at the  
19 covered location in the database established  
20 under subsection (b); and

21               (B) post the applicable covered records in  
22 the database established under subsection (b)  
23 when the President determines that release of  
24 the covered records is no longer sensitive.

1 **Subtitle G—Requiring Individuals**  
2 **Nominated or Appointed to Cer-**  
3 **tain Positions To Disclose Cer-**  
4 **tain Types of Contributions**

5 **SEC. 1601. SHORT TITLE.**

6 This subtitle may be cited as the “Conflicts from Po-  
7 litical Fundraising Act of 2017”.

8 **SEC. 1602. FINDINGS.**

9 Congress finds the following:

10 (1) Public confidence in the Federal Govern-  
11 ment is based on the expectation that officers and  
12 employees will discharge their duties impartially, and  
13 avoid either actual conflicts of interest or the ap-  
14 pearance thereof.

15 (2) The risk of an actual conflict of interest, or  
16 the appearance thereof, arises when a nominee or  
17 appointee to a Senate-confirmed position or an indi-  
18 vidual in a position of a confidential or policymaking  
19 character has previously donated to, solicited for, or  
20 received funds from a political action committee or  
21 entity organized under section 501(c)(4) or section  
22 501(c)(6) of the Internal Revenue Code of 1986.

23 (3) Since the 2010 decision by the Supreme  
24 Court of the United States in *Citizens United v.*  
25 *Federal Election Commission*, spending by corpora-

1        tions subject to Federal laws and regulations has in-  
2        creased dramatically.

3            (4) While some corporate political spending is  
4        done publicly, contributions to entities organized  
5        under section 501(c)(4) of the Internal Revenue  
6        Code of 1986 need not be disclosed, making this  
7        spending effectively anonymous. The risk of an ac-  
8        tual conflict of interest, or the appearance thereof,  
9        arises whether political spending is public or anony-  
10       mous.

11           (5) Current financial disclosure requirements do  
12        not require filers to report funds they have donated  
13        to, solicited for, or received from political action  
14        committees or entities organized under section  
15        501(c)(4) or section 501(c)(6) of the Internal Rev-  
16        enue Code of 1986.

17           (6) Apparent or actual conflicts of interest are  
18        best ameliorated through public disclosure of this ac-  
19        tivity to the Office of Government Ethics so the ap-  
20        parent or actual conflicts can be addressed in ethics  
21        agreements negotiated between the filer and the  
22        agency in which the filer will serve.

1 **SEC. 1603. DISCLOSURE OF CERTAIN TYPES OF CONTRIBU-**  
2 **TIONS.**

3 (a) DEFINITIONS.—Section 109 of the Ethics in Gov-  
4 ernment Act of 1978 (5 U.S.C. App.) is amended—

5 (1) by redesignating paragraphs (2) through  
6 (19) as paragraphs (5) through (22), respectively;  
7 and

8 (2) by inserting after paragraph (1) the fol-  
9 lowing:

10 “(2) ‘covered contribution’ means a payment,  
11 advance, forbearance, rendering, or deposit of  
12 money, or any thing of value—

13 “(A)(i) that—

14 “(I) is—

15 “(aa) made by or on behalf of a  
16 covered individual; or

17 “(bb) solicited in writing by or on  
18 behalf of a covered individual; and

19 “(II) is made—

20 “(aa) to a political organization,  
21 as defined in section 527 of the Inter-  
22 nal Revenue Code of 1986; or

23 “(bb) to an organization—

24 “(AA) that is described in  
25 paragraph (4) or (6) of section  
26 501(c) of the Internal Revenue



1 Code of 1986 and exempt from  
2 tax under section 501(a) of such  
3 Code; and

4 “(BB) that promotes or op-  
5 poses changes in Federal laws or  
6 regulations that are (or would  
7 be) administered by the agency in  
8 which the covered individual has  
9 been nominated for appointment  
10 to a covered position or is serving  
11 in a covered position; or

12 “(ii) that is—

13 “(I) solicited in writing by or on be-  
14 half of a covered individual; and

15 “(II) made—

16 “(aa) by an individual or entity  
17 the activities of which are subject to  
18 Federal laws or regulations that are  
19 (or would be) administered by the  
20 agency in which the covered individual  
21 has been nominated for appointment  
22 to a covered position or is serving in  
23 a covered position; and

24 “(bb) to—

1                   “(AA) a political organiza-  
2                   tion, as defined in section 527 of  
3                   the Internal Revenue Code of  
4                   1986; or

5                   “(BB) an organization that  
6                   is described in paragraph (4) or  
7                   (6) of section 501(c) of the Inter-  
8                   nal Revenue Code of 1986 and  
9                   exempt from tax under section  
10                  501(a) of such Code; and

11                 “(B) that is made to an organization de-  
12                 scribed in item (aa) or (bb) of clause (i)(II) or  
13                 clause (ii)(II)(bb) of subparagraph (A) for  
14                 which the total amount of such payments, ad-  
15                 vances, forbearances, renderings, or deposits of  
16                 money, or any thing of value, during the cal-  
17                 endar year in which it is made is not less than  
18                 the contribution limitation in effect under sec-  
19                 tion 315(a)(1)(A) of the Federal Election Cam-  
20                 paign Act of 1971 (52 U.S.C. 30116(a)(1)(A))  
21                 for elections occurring during such calendar  
22                 year;

23                 “(3) ‘covered individual’ means an individual  
24                 who has been nominated or appointed to a covered  
25                 position; and

1 “(4) ‘covered position’—

2 “(A) means—

3 “(i) a position described under sec-  
4 tions 5312 through 5316 of title 5, United  
5 States Code;

6 “(ii) a position placed in level IV or V  
7 of the Executive Schedule under section  
8 5317 of title 5, United States Code;

9 “(iii) a position as a limited term ap-  
10 pointee, limited emergency appointee, or  
11 noncareer appointee in the Senior Execu-  
12 tive Service, as defined under paragraphs  
13 (5), (6), and (7), respectively, of section  
14 3132(a) of title 5, United States Code; and

15 “(iv) a position in the executive  
16 branch of the Government of a confidential  
17 or policy-determining character under  
18 schedule C of subpart C of part 213 of  
19 title 5 of the Code of Federal Regulations;  
20 and

21 “(B) does not include a position if the in-  
22 dividual serving in the position has been ex-  
23 cluded from the application of section  
24 101(f)(5);”.

1       (b) DISCLOSURE REQUIREMENTS.—The Ethics in  
2 Government Act of 1978 (5 U.S.C. App.) is amended—

3               (1) in section 101—

4                       (A) in subsection (a)—

5                               (i) by inserting “(1)” before “With-  
6 in”;

7                               (ii) by striking “unless” and inserting  
8 “and, if the individual is assuming a cov-  
9 ered position, the information described in  
10 section 102(j), except that, subject to para-  
11 graph (2), the individual shall not be re-  
12 quired to file a report if”; and

13                               (iii) by adding at the end the fol-  
14 lowing:

15       “(2) If an individual has left a position described in  
16 subsection (f) that is not a covered position and, within  
17 30 days, assumes a position that is a covered position, the  
18 individual shall, within 30 days of assuming the covered  
19 position, file a report containing the information described  
20 in section 102(j)(2)(A).”;

21               (B) in subsection (b)(1), in the first sen-  
22 tence, by inserting “and the information re-  
23 quired by section 102(j)” after “described in  
24 section 102(b)”;

1 (C) in subsection (d), by inserting “and, if  
2 the individual is serving in a covered position,  
3 the information required by section  
4 102(j)(2)(A)” after “described in section  
5 102(a)”;

6 (D) in subsection (e), by inserting “and, if  
7 the individual was serving in a covered position,  
8 the information required by section  
9 102(j)(2)(A)” after “described in section  
10 102(a)”;

11 (2) in section 102—

12 (A) in subsection (g), by striking “Political  
13 campaign funds” and inserting “Except as pro-  
14 vided in subsection (j), political campaign  
15 funds”;

16 (B) by adding at the end the following:

17 “(j)(1) In this subsection—

18 “(A) the term ‘applicable period’ means—

19 “(i) with respect to a report filed pursuant  
20 to subsection (a) or (b) of section 101, the year  
21 of filing and the 4 calendar years preceding the  
22 year of the filing; and

23 “(ii) with respect to a report filed pursuant  
24 to subsection (d) or (e) of section 101, the pre-  
25 ceding calendar year; and

1 “(B) the term ‘covered gift’ means a gift that—

2 “(i) is made to a covered individual, the  
3 spouse of a covered individual, or the dependent  
4 child of a covered individual;

5 “(ii) is made by an entity described in item  
6 (aa) or (bb) of section 109(2)(A)(i)(II); and

7 “(iii) would have been required to be re-  
8 ported under subsection (a)(2) if the covered in-  
9 dividual had been required to file a report  
10 under section 101(d) with respect to the cal-  
11 endar year during which the gift was made.

12 “(2)(A) A report filed pursuant to subsection (a), (b),  
13 (d), or (e) of section 101 by a covered individual shall in-  
14 clude, for each covered contribution made by or on behalf  
15 of, or that was solicited in writing by or on behalf of, the  
16 covered individual during the applicable period—

17 “(i) the date on which the covered contribution  
18 was made;

19 “(ii) if applicable, the date or dates on which  
20 the covered contribution was solicited;

21 “(iii) the value of the covered contribution;

22 “(iv) the name of the person making the cov-  
23 ered contribution; and

24 “(v) the name of the person receiving the cov-  
25 ered contribution.

1       “(B)(i) Subject to clause (ii), a covered contribution  
2 made by or on behalf of, or that was solicited in writing  
3 by or on behalf of, a covered individual shall constitute  
4 a conflict of interest, or an appearance thereof, with re-  
5 spect to the official duties of the covered individual.

6       “(ii) The Director of the Office of Government Ethics  
7 may exempt a covered contribution from the application  
8 of clause (i) if the Director determines the circumstances  
9 of the solicitation and making of the covered contribution  
10 do not present a risk of a conflict of interest and the ex-  
11 emption of the covered contribution would not affect ad-  
12 versely the integrity of the Government or the public’s con-  
13 fidence in the integrity of the Government.

14       “(3) A report filed pursuant to subsection (a) or (b)  
15 of section 101 by a covered individual shall include the  
16 information described in subsection (a)(2) with respect to  
17 each covered gift received during the applicable period.”.

18       (c) PROVISION OF REPORTS AND ETHICS AGREE-  
19 MENTS TO CONGRESS.—Section 105 of the Ethics in Gov-  
20 ernment Act of 1978 (5 U.S.C. App.) is amended by add-  
21 ing at the end the following:

22       “(e) Not later than 30 days after receiving a written  
23 request from the Chairman or Ranking Member of a com-  
24 mittee or subcommittee of either House of Congress with  
25 jurisdiction of the agency in which a covered individual

1 has been nominated for appointment to a covered position  
 2 or is serving in a covered position, the Director of the Of-  
 3 fice of Government Ethics shall provide to the Chairman  
 4 or Ranking Member, respectively, each report filed under  
 5 this title by the covered individual and any ethics agree-  
 6 ment entered into between the agency and the covered in-  
 7 dividual.”.

8 (d) RULES ON ETHICS AGREEMENTS.—The Director  
 9 of the Office of Government Ethics shall promptly issue  
 10 rules regarding how an agency in the executive branch  
 11 shall address information required to be disclosed under  
 12 the amendments made by this Act in drafting ethics agree-  
 13 ments between the agency and individuals appointed to po-  
 14 sitions in the agency.

15 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) The Ethics in Government Act of 1978 (5  
 17 U.S.C. App.) is amended—

18 (A) in section 101(f)—

19 (i) in paragraph (9), by striking “sec-  
 20 tion 109(12)” and inserting “section  
 21 109(15)”;

22 (ii) in paragraph (10), by striking  
 23 “section 109(13)” and inserting “section  
 24 109(16)”;



1 (iii) in paragraph (11), by striking  
2 “section 109(10)” and inserting “section  
3 109(13)”; and

4 (iv) in paragraph (12), by striking  
5 “section 109(8)” and inserting “section  
6 109(11)”; and

7 (B) in section 103(l)—

8 (i) in paragraph (9), by striking “sec-  
9 tion 109(12)” and inserting “section  
10 109(15)”; and

11 (ii) in paragraph (10), by striking  
12 “section 109(13)” and inserting “section  
13 109(16)”; and

14 (C) in section 105(b)(3)(A), by striking  
15 “section 109(8) or 109(10)” and inserting “sec-  
16 tion 109(11) or 109(13)”.

17 (2) Section 3(4)(D) of the Lobbying Disclosure  
18 Act of 1995 (2 U.S.C. 1602(4)(D)) is amended by  
19 striking “section 109(13)” and inserting “section  
20 109(16)”.

21 (3) Section 21A of the Securities Exchange Act  
22 of 1934 (15 U.S.C. 78u–1) is amended—

23 (A) in subsection (g)(2)(B)(ii), by striking  
24 “section 109(11) of the Ethics in Government  
25 Act of 1978 (5 U.S.C. App. 109(11)))” and in-

serting “section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.)”; and

(B) in subsection (h)(2)—

(i) in subparagraph (B), by striking “section 109(8) of the Ethics in Government Act of 1978 (5 U.S.C. App. 109(8))” and inserting “section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.)”; and

(ii) in subparagraph (C), by striking “section 109(10) of the Ethics in Government Act of 1978 (5 U.S.C. App. 109(10))” and inserting “section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.)”.

(4) Section 499(j)(2) of the Public Health Service Act (42 U.S.C. 290b(j)(2)) is amended by striking “section 109(16) of the Ethics in Government Act of 1978” and inserting “section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.)”.

1     **TITLE II—PUBLIC FINANCING**  
2     **Subtitle A—Reforming Presidential**  
3             **Election Financing**

4             **PART I—PRIMARY ELECTIONS**

5     **SEC. 2001. INCREASE IN AND MODIFICATIONS TO MATCH-**  
6             **ING PAYMENTS.**

7             (a) INCREASE AND MODIFICATION.—

8                 (1) IN GENERAL.—The first sentence of section  
9             9034(a) of the Internal Revenue Code of 1986 is  
10            amended—

11                 (A) by striking “an amount equal to the  
12             amount of each contribution” and inserting “an  
13             amount equal to 600 percent of the amount of  
14             each matchable contribution (disregarding any  
15             amount of contributions from any person to the  
16             extent that the total of the amounts contributed  
17             by such person for the election exceeds \$200)”;  
18             and

19                 (B) by striking “authorized committees”  
20             and all that follows through “\$250” and insert-  
21             ing “authorized committees”.

22             (2) MATCHABLE CONTRIBUTIONS.—Section  
23             9034 of such Code is amended—

24                 (A) by striking the last sentence of sub-  
25             section (a); and

1 (B) by inserting after subsection (b) the  
2 following new subsection:

3 “(c) MATCHABLE CONTRIBUTION DEFINED.—For  
4 purposes of this section and section 9033(b)—

5 “(1) MATCHABLE CONTRIBUTION.—The term  
6 ‘matchable contribution’ means, with respect to the  
7 nomination for election to the office of President of  
8 the United States, a contribution by an individual to  
9 a candidate or an authorized committee of a can-  
10 didate with respect to which the candidate has cer-  
11 tified in writing that—

12 “(A) the individual making such contribu-  
13 tion has not made aggregate contributions (in-  
14 cluding such matchable contribution) to such  
15 candidate and the authorized committees of  
16 such candidate in excess of \$1,000 for the elec-  
17 tion;

18 “(B) such candidate and the authorized  
19 committees of such candidate will not accept  
20 contributions from such individual (including  
21 such matchable contribution) aggregating more  
22 than the amount described in subparagraph  
23 (A); and

24 “(C) such contribution was not—

1 “(i) forwarded from the contributor  
2 by any person other than an individual, or

3 “(ii) received by the candidate or com-  
4 mittee from a contributor or contributors,  
5 but credited by the committee or candidate  
6 to another person who is not an individual  
7 through records, designations, or other  
8 means of recognizing (whether in writing  
9 or not in writing) that a certain amount of  
10 money has been raised by such person.

11 “(2) CONTRIBUTION.—For purposes of this  
12 subsection, the term ‘contribution’ means a gift of  
13 money made by a written instrument which identi-  
14 fies the individual making the contribution by full  
15 name and mailing address, but does not include a  
16 subscription, loan, advance, or deposit of money, or  
17 anything of value or anything described in subpara-  
18 graph (B), (C), or (D) of section 9032(4).”.

19 (3) CONFORMING AMENDMENTS.—

20 (A) Section 9032(4) of such Code is  
21 amended by striking “section 9034(a)” and in-  
22 serting “section 9034”.

23 (B) Section 9033(b)(3) of such Code is  
24 amended by striking “matching contributions”  
25 and inserting “matchable contributions”.

1 (b) MODIFICATION OF PAYMENT LIMITATION.—

2 (1) IN GENERAL.—Section 9034(b) of such  
3 Code is amended—

4 (A) by striking “Every” and inserting the  
5 following:

6 “(1) IN GENERAL.—Every”;

7 (B) by striking “shall not exceed” and all  
8 that follows and inserting “shall not exceed  
9 \$300,000,000.”; and

10 (C) by adding at the end the following new  
11 paragraph:

12 “(3) INFLATION ADJUSTMENT.—

13 “(A) IN GENERAL.—In the case of any ap-  
14 plicable period beginning after 2019, the dollar  
15 amount in paragraph (1) shall be increased by  
16 an amount equal to—

17 “(i) such dollar amount, multiplied by

18 “(ii) the cost-of-living adjustment de-  
19 termined under section 1(f)(3) for the cal-  
20 endar year following the year which such  
21 applicable period begins, determined by  
22 substituting ‘calendar year 2018’ for ‘cal-  
23 endar year 1992’ in subparagraph (B)  
24 thereof.

“(B) APPLICABLE PERIOD.—For purposes of this paragraph, the term ‘applicable period’ means the 4-year period beginning with the first day following the date of the general election for the office of President and ending on the date of the next such general election.

“(C) ROUNDING.—If any amount as adjusted under subparagraph (1) is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”.

**SEC. 2002. ELIGIBILITY REQUIREMENTS FOR MATCHING PAYMENTS.**

(a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN EXCESS OF \$200.—Section 9033(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking “\$5,000” and inserting “\$25,000”; and

(2) by striking “20 States” and inserting the following: “20 States (disregarding any amount of contributions from any such resident to the extent that the total of the amounts contributed by such resident for the election exceeds \$200)”.

(b) CONTRIBUTION LIMIT.—

1           (1) IN GENERAL.—Paragraph (4) of section  
2       9033(b) of such Code is amended to read as follows:

3           “(4) the candidate and the authorized commit-  
4       tees of the candidate will not accept aggregate con-  
5       tributions from any person with respect to the nomi-  
6       nation for election to the office of President of the  
7       United States in excess of \$1,000 for the election.”.

8           (2) CONFORMING AMENDMENTS.—

9           (A) Section 9033(b) of such Code is  
10       amended by adding at the end the following  
11       new flush sentence:

12       “For purposes of paragraph (4), the term ‘contribution’  
13       has the meaning given such term in section 301(8) of the  
14       Federal Election Campaign Act of 1971.”.

15           (B) Section 9032(4) of such Code, as  
16       amended by section 2001(a)(3)(A) is amended  
17       by inserting “or 9033(b)” after “9034”.

18       (c) BAN ON ACCEPTANCE OF BUNDLED CONTRIBU-  
19       TIONS.—Section 9033(b) of such Code, as amended by  
20       subsection (b), is amended—

21           (1) by striking “and” at the end of paragraph  
22       (3);

23           (2) by striking the period at the end of para-  
24       graph (4) and inserting “, and”; and



1           (3) by adding at the end the following new  
2 paragraph:

3           “(5) the candidate and the authorized com-  
4 mittee of the candidate will not accept any bundled  
5 contribution (as defined in section 304(i)(8) of the  
6 Federal Election Campaign Act of 1971) forwarded  
7 by or credited to a person described in section  
8 304(i)(7) of such Act.”.

9           (d) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR  
10 GENERAL ELECTION.—Section 9033(b) of such Code, as  
11 amended by subsection (c), is amended—

12           (1) by striking “and” at the end of paragraph  
13 (4);

14           (2) by striking the period at the end of para-  
15 graph (5) and inserting “, and”; and

16           (3) by adding at the end the following new  
17 paragraph:

18           “(6) if the candidate is nominated by a political  
19 party for election to the office of President, the can-  
20 didate will apply for and accept payments with re-  
21 spect to the general election for such office in ac-  
22 cordance with chapter 95.”.

1 **SEC. 2003. REPEAL OF EXPENDITURE LIMITATIONS.**

2 (a) IN GENERAL.—Subsection (a) of section 9035 of  
3 the Internal Revenue Code of 1986 is amended to read  
4 as follows:

5 “(a) PERSONAL EXPENDITURE LIMITATION.—No  
6 candidate shall knowingly make expenditures from his per-  
7 sonal funds, or the personal funds of his immediate family,  
8 in connection with his campaign for nomination for elec-  
9 tion to the office of President in excess of, in the aggre-  
10 gate, \$50,000.”.

11 (b) CONFORMING AMENDMENT.—Paragraph (1) of  
12 section 9033(b) of the Internal Revenue Code of 1986 is  
13 amended to read as follows:

14 “(1) the candidate will comply with the per-  
15 sonal expenditure limitation under section 9035,”.

16 **SEC. 2004. PERIOD OF AVAILABILITY OF MATCHING PAY-**  
17 **MENTS.**

18 Section 9032(6) of the Internal Revenue Code of  
19 1986 is amended by striking “the beginning of the cal-  
20 endar year in which a general election for the office of  
21 President of the United States will be held” and inserting  
22 “the date that is 6 months prior to the date of the earliest  
23 State primary election”.

1 **SEC. 2005. EXAMINATION AND AUDITS OF MATCHABLE CON-**  
2 **TRIBUTIONS.**

3 Section 9038(a) of the Internal Revenue Code of  
4 1986 is amended by inserting “and matchable contribu-  
5 tions accepted by” after “qualified campaign expenses of”.

6 **SEC. 2006. MODIFICATION TO LIMITATION ON CONTRIBU-**  
7 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**  
8 **DIDATES.**

9 Section 315(a)(6) of the Federal Election Campaign  
10 Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by strik-  
11 ing “calendar year” and inserting “four-year election  
12 cycle”.

13 **PART II—GENERAL ELECTIONS**

14 **SEC. 2011. MODIFICATION OF ELIGIBILITY REQUIREMENTS**  
15 **FOR PUBLIC FINANCING.**

16 Subsection (a) of section 9003 of the Internal Rev-  
17 enue Code of 1986 is amended to read as follows:

18 “(a) IN GENERAL.—In order to be eligible to receive  
19 any payments under section 9006, the candidates of a po-  
20 litical party in a presidential election shall meet the fol-  
21 lowing requirements:

22 “(1) PARTICIPATION IN PRIMARY PAYMENT  
23 SYSTEM.—The candidate for President received pay-  
24 ments under chapter 96 for the campaign for nomi-  
25 nation for election to be President.

1           “(2) AGREEMENTS WITH COMMISSION.—The  
2 candidates, in writing—

3           “(A) agree to obtain and furnish to the  
4 Commission such evidence as it may request of  
5 the qualified campaign expenses of such can-  
6 didates,

7           “(B) agree to keep and furnish to the  
8 Commission such records, books, and other in-  
9 formation as it may request, and

10          “(C) agree to an audit and examination by  
11 the Commission under section 9007 and to pay  
12 any amounts required to be paid under such  
13 section.

14          “(3) BAN ON BUNDLED CONTRIBUTIONS.—The  
15 candidates certify to the Commission, under penalty  
16 of perjury and within such time prior to the day of  
17 the presidential election as the Commission shall  
18 prescribe by rules or regulations, that the candidates  
19 and the authorized committees of such candidates  
20 will not accept any bundled contribution (as defined  
21 in section 304(i)(8) of the Federal Election Cam-  
22 paign Act of 1971) forwarded by or credited to a  
23 person described in section 304(i)(7) of such Act.”.

1 **SEC. 2012. REPEAL OF EXPENDITURE LIMITATIONS AND**  
2 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**  
3 **TIONS.**

4 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS  
5 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME  
6 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-  
7 TIES.—Section 9003 of the Internal Revenue Code of  
8 1986 is amended by striking subsections (b) and (c) and  
9 inserting the following:

10 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS  
11 TO DEFRAY EXPENSES.—

12 “(1) IN GENERAL.—In order to be eligible to  
13 receive any payments under section 9006, the can-  
14 didates of a party in a presidential election shall cer-  
15 tify to the Commission, under penalty of perjury,  
16 that—

17 “(A) such candidates and their authorized  
18 committees have not and will not accept any  
19 contributions to defray qualified campaign ex-  
20 penses other than—

21 “(i) qualified campaign contributions,  
22 and

23 “(ii) contributions to the extent nec-  
24 essary to make up any deficiency payments  
25 received out of the fund on account of the  
26 application of section 9006(c), and

1           “(B) such candidates and their authorized  
2           committees have not and will not accept any  
3           contribution to defray expenses which would be  
4           qualified campaign expenses but for subpara-  
5           graph (C) of section 9002(11).

6           “(2) TIMING OF CERTIFICATION.—The can-  
7           didate shall make the certification required under  
8           this subsection at the same time the candidate  
9           makes the certification required under subsection  
10          (a)(3).”.

11          (b) DEFINITION OF QUALIFIED CAMPAIGN CON-  
12          TRIBUTION.—Section 9002 of such Code is amended by  
13          adding at the end the following new paragraph:

14               “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—  
15               The term ‘qualified campaign contribution’ means,  
16               with respect to any election for the office of Presi-  
17               dent of the United States, a contribution from an in-  
18               dividual to a candidate or an authorized committee  
19               of a candidate which—

20                       “(A) does not exceed \$1,000 for the elec-  
21                       tion; and

22                       “(B) with respect to which the candidate  
23                       has certified in writing that—

24                               “(i) the individual making such con-  
25                               tribution has not made aggregate contribu-

tions (including such qualified contribution) to such candidate and the authorized committees of such candidate in excess of the amount described in subparagraph (A), and

“(ii) such candidate and the authorized committees of such candidate will not accept contributions from such individual (including such qualified contribution) aggregating more than the amount described in subparagraph (A) with respect to such election.”.

(c) CONFORMING AMENDMENTS.—

(1) REPEAL OF EXPENDITURE LIMITS.—

(A) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116) is amended by striking subsection (b).

(B) CONFORMING AMENDMENTS.—Section 315(c) of such Act (52 U.S.C. 30116(c)) is amended—

(i) in paragraph (1)(B)(i), by striking “, (b)”;

(ii) in paragraph (2)(B)(i), by striking “subsections (b) and (d)” and inserting “subsection (d)”.

1           (2) REPEAL OF REPAYMENT REQUIREMENT.—

2           (A) IN GENERAL.—Section 9007(b) of the  
3 Internal Revenue Code of 1986 is amended by  
4 striking paragraph (2) and redesignating para-  
5 graphs (3), (4), and (5) as paragraphs (2), (3),  
6 and (4), respectively.

7           (B) CONFORMING AMENDMENT.—Para-  
8 graph (2) of section 9007(b) of such Code, as  
9 redesignated by subparagraph (A), is amend-  
10 ed—

11           (i) by striking “a major party” and  
12 inserting “a party”;

13           (ii) by inserting “qualified contribu-  
14 tions and” after “contributions (other  
15 than”; and

16           (iii) by striking “(other than qualified  
17 campaign expenses with respect to which  
18 payment is required under paragraph  
19 (2))”.

20           (3) CRIMINAL PENALTIES.—

21           (A) REPEAL OF PENALTY FOR EXCESS EX-  
22 PENSES.—Section 9012 of the Internal Revenue  
23 Code of 1986 is amended by striking subsection  
24 (a).



1 (B) PENALTY FOR ACCEPTANCE OF DIS-  
2 ALLOWED CONTRIBUTIONS; APPLICATION OF  
3 SAME PENALTY FOR CANDIDATES OF MAJOR,  
4 MINOR, AND NEW PARTIES.—Subsection (b) of  
5 section 9012 of such Code is amended to read  
6 as follows:

7 “(b) CONTRIBUTIONS.—

8 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-  
9 TIONS.—It shall be unlawful for an eligible can-  
10 didate of a party in a presidential election or any of  
11 his authorized committees knowingly and willfully to  
12 accept any contribution to defray qualified campaign  
13 expenses, except to the extent necessary to make up  
14 any deficiency in payments received out of the fund  
15 on account of the application of section 9006(c), or  
16 to defray expenses which would be qualified cam-  
17 paign expenses but for subparagraph (C) of section  
18 9002(11).

19 “(2) PENALTY.—Any person who violates para-  
20 graph (1) shall be fined not more than \$5,000, or  
21 imprisoned not more than one year, or both. In the  
22 case of a violation by an authorized committee, any  
23 officer or member of such committee who knowingly  
24 and willfully consents to such violation shall be fined

1 not more than \$5,000, or imprisoned not more than  
2 one year, or both.”.

3 **SEC. 2013. MATCHING PAYMENTS AND OTHER MODIFICA-**  
4 **TIONS TO PAYMENT AMOUNTS.**

5 (a) IN GENERAL.—

6 (1) AMOUNT OF PAYMENTS; APPLICATION OF  
7 SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,  
8 AND NEW PARTIES.—Subsection (a) of section 9004  
9 of the Internal Revenue Code of 1986 is amended to  
10 read as follows:

11 “(a) IN GENERAL.—Subject to the provisions of this  
12 chapter, the eligible candidates of a party in a presidential  
13 election shall be entitled to equal payment under section  
14 9006 in an amount equal to 600 percent of the amount  
15 of each matchable contribution received by such candidate  
16 or by the candidate’s authorized committees (disregarding  
17 any amount of contributions from any person to the extent  
18 that the total of the amounts contributed by such person  
19 for the election exceeds \$200), except that total amount  
20 to which a candidate is entitled under this paragraph shall  
21 not exceed \$300,000,000.”.

22 (2) REPEAL OF SEPARATE LIMITATIONS FOR  
23 CANDIDATES OF MINOR AND NEW PARTIES; INFLA-  
24 TION ADJUSTMENT.—Subsection (b) of section 9004  
25 of such Code is amended to read as follows:

1 “(b) INFLATION ADJUSTMENT.—

2 “(1) IN GENERAL.—In the case of any applica-  
3 ble period beginning after 2019, the \$300,000,000  
4 dollar amount in subsection (a) shall be increased by  
5 an amount equal to—

6 “(A) such dollar amount; multiplied by

7 “(B) the cost-of-living adjustment deter-  
8 mined under section 1(f)(3) for the calendar  
9 year following the year which such applicable  
10 period begins, determined by substituting ‘cal-  
11 endar year 2018’ for ‘calendar year 1992’ in  
12 subparagraph (B) thereof.

13 “(2) APPLICABLE PERIOD.—For purposes of  
14 this subsection, the term ‘applicable period’ means  
15 the 4-year period beginning with the first day fol-  
16 lowing the date of the general election for the office  
17 of President and ending on the date of the next such  
18 general election.

19 “(3) ROUNDING.—If any amount as adjusted  
20 under paragraph (1) is not a multiple of \$10,000,  
21 such amount shall be rounded to the nearest mul-  
22 tiple of \$10,000.”.

23 (3) CONFORMING AMENDMENT.—Section  
24 9005(a) of such Code is amended by adding at the  
25 end the following new sentence: “The Commission

1       shall make such additional certifications as may be  
2       necessary to receive payments under section 9004.”.

3       (b) MATCHABLE CONTRIBUTION.—Section 9002 of  
4       such Code, as amended by section 2012, is amended by  
5       adding at the end the following new paragraph:

6               “(14) MATCHABLE CONTRIBUTION.—The term  
7       ‘matchable contribution’ means, with respect to the  
8       election to the office of President of the United  
9       States, a contribution by an individual to a can-  
10      didate or an authorized committee of a candidate  
11      with respect to which the candidate has certified in  
12      writing that—

13              “(A) the individual making such contribu-  
14      tion has not made aggregate contributions (in-  
15      cluding such matchable contribution) to such  
16      candidate and the authorized committees of  
17      such candidate in excess of \$1,000 for the elec-  
18      tion;

19              “(B) such candidate and the authorized  
20      committees of such candidate will not accept  
21      contributions from such individual (including  
22      such matchable contribution) aggregating more  
23      than the amount described in subparagraph (A)  
24      with respect to such election; and

25              “(C) such contribution was not—

1                   “(i) forwarded from the contributor  
 2                   by any person other than an individual, or  
 3                   “(ii) received by the candidate or com-  
 4                   mittee from a contributor or contributors,  
 5                   but credited by the committee or candidate  
 6                   to another person who is not an individual  
 7                   through records, designations, or other  
 8                   means of recognizing (whether in writing  
 9                   or not in writing) that a certain amount of  
 10                  money has been raised by such person.”.

11 **SEC. 2014. INCREASE IN LIMIT ON COORDINATED PARTY**  
 12 **EXPENDITURES.**

13           (a) IN GENERAL.—Section 315(d)(2) of the Federal  
 14 Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))  
 15 is amended to read as follows:

16           “(2)(A) The national committee of a political party  
 17 may not make any expenditure in connection with the gen-  
 18 eral election campaign of any candidate for President of  
 19 the United States who is affiliated with such party which  
 20 exceeds \$100,000,000.

21           “(B) For purposes of this paragraph—

22                   “(i) any expenditure made by or on behalf of a  
 23                   national committee of a political party and in con-  
 24                   nection with a presidential election shall be consid-  
 25                   ered to be made in connection with the general elec-

1       tion campaign of a candidate for President of the  
 2       United States who is affiliated with such party; and

3           “(ii) any communication made by or on behalf  
 4       of such party shall be considered to be made in con-  
 5       nection with the general election campaign of a can-  
 6       didate for President of the United States who is af-  
 7       filiated with such party if any portion of the commu-  
 8       nication is in connection with such election.

9       “(C) Any expenditure under this paragraph shall be  
 10      in addition to any expenditure by a national committee  
 11      of a political party serving as the principal campaign com-  
 12      mittee of a candidate for the office of President of the  
 13      United States.”.

14       (b) CONFORMING AMENDMENTS RELATING TO TIM-  
 15      ING OF COST-OF-LIVING ADJUSTMENT.—

16           (1) IN GENERAL.—Section 315(c)(1) of such  
 17      Act (52 U.S.C. 30116(c)(1)), as amended by section  
 18      2012(c)(1)(B), is amended—

19           (A) in subparagraph (B), by striking “(d)”  
 20           and inserting “(d)(3)”; and

21           (B) by inserting at the end the following  
 22           new subparagraph:

23       “(D) In any calendar year after 2018—

1 “(i) the dollar amount in subsection (d)(2) shall  
 2 be increased by the percent difference determined  
 3 under subparagraph (A);

4 “(ii) the amount so increased shall remain in  
 5 effect for the calendar year; and

6 “(iii) if the amount after adjustment under  
 7 clause (i) is not a multiple of \$100, such amount  
 8 shall be rounded to the nearest multiple of \$100.”.

9 (2) BASE YEAR.—Section 315(c)(2)(B) of such  
 10 Act (52 U.S.C. 30116(c)(2)(B)), as amended by sec-  
 11 tion 2012(c)(1)(B), is amended—

12 (A) in clause (i)—

13 (i) by striking “(d)” and inserting  
 14 “(d)(3)”; and

15 (ii) by striking “and” at the end;

16 (B) in clause (ii), by striking the period at  
 17 the end and inserting “; and”; and

18 (C) by adding at the end the following new  
 19 clause:

20 “(iii) for purposes of subsection (d)(2), cal-  
 21 endar year 2017.”.

22 **SEC. 2015. ESTABLISHMENT OF UNIFORM DATE FOR RE-**  
 23 **LEASE OF PAYMENTS.**

24 (a) DATE FOR PAYMENTS.—

1           (1) IN GENERAL.—Section 9006(b) of the In-  
2       ternal Revenue Code of 1986 is amended to read as  
3       follows:

4       “(b) PAYMENTS FROM THE FUND.—If the Secretary  
5       of the Treasury receives a certification from the Commis-  
6       sion under section 9005 for payment to the eligible can-  
7       didates of a political party, the Secretary shall pay to such  
8       candidates out of the fund the amount certified by the  
9       Commission on the later of—

10           “(1) the last Friday occurring before the first  
11       Monday in September; or

12           “(2) 24 hours after receiving the certifications  
13       for the eligible candidates of all major political par-  
14       ties.

15       Amounts paid to any such candidates shall be under the  
16       control of such candidates.”.

17           (2) CONFORMING AMENDMENT.—The first sen-  
18       tence of section 9006(c) of such Code is amended by  
19       striking “the time of a certification by the Commis-  
20       sion under section 9005 for payment” and inserting  
21       “the time of making a payment under subsection  
22       (b)”.

23       (b) TIME FOR CERTIFICATION.—Section 9005(a) of  
24       the Internal Revenue Code of 1986 is amended by striking  
25       “10 days” and inserting “24 hours”.



1 **SEC. 2016. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**  
2 **PAIGN FUND.**

3 (a) DETERMINATION OF AMOUNTS IN FUND.—Sec-  
4 tion 9006(c) of the Internal Revenue Code of 1986 is  
5 amended by adding at the end the following new sentence:  
6 “In making a determination of whether there are insuffi-  
7 cient moneys in the fund for purposes of the previous sen-  
8 tence, the Secretary shall take into account in determining  
9 the balance of the fund for a Presidential election year  
10 the Secretary’s best estimate of the amount of moneys  
11 which will be deposited into the fund during the year, ex-  
12 cept that the amount of the estimate may not exceed the  
13 average of the annual amounts deposited in the fund dur-  
14 ing the previous 3 years.”.

15 (b) SPECIAL RULE FOR FIRST CAMPAIGN CYCLE  
16 UNDER THIS ACT.—

17 (1) IN GENERAL.—Section 9006 of the Internal  
18 Revenue Code of 1986 is amended by adding at the  
19 end the following new subsection:

20 “(d) SPECIAL AUTHORITY TO BORROW.—

21 “(1) IN GENERAL.—Notwithstanding subsection  
22 (c), there are authorized to be appropriated to the  
23 fund, as repayable advances, such sums as are nec-  
24 essary to carry out the purposes of the fund during  
25 the period ending on the first presidential election

1 occurring after the date of the enactment of this  
2 subsection.

3 “(2) REPAYMENT OF ADVANCES.—

4 “(A) IN GENERAL.—Advances made to the  
5 fund shall be repaid, and interest on such ad-  
6 vances shall be paid, to the general fund of the  
7 Treasury when the Secretary determines that  
8 moneys are available for such purposes in the  
9 fund.

10 “(B) RATE OF INTEREST.—Interest on ad-  
11 vances made to the fund shall be at a rate de-  
12 termined by the Secretary of the Treasury (as  
13 of the close of the calendar month preceding the  
14 month in which the advance is made) to be  
15 equal to the current average market yield on  
16 outstanding marketable obligations of the  
17 United States with remaining periods to matu-  
18 rity comparable to the anticipated period during  
19 which the advance will be outstanding and shall  
20 be compounded annually.”.

21 (2) EFFECTIVE DATE.—The amendment made  
22 by this subsection shall take effect January 1, 2018.

1 **SEC. 2017. USE OF GENERAL ELECTION PAYMENTS FOR**  
 2 **GENERAL ELECTION LEGAL AND ACCOUNT-**  
 3 **ING COMPLIANCE.**

4 Section 9002(11) of the Internal Revenue Code of  
 5 1986 is amended by adding at the end the following new  
 6 sentence: “For purposes of subparagraph (A), an expense  
 7 incurred by a candidate or authorized committee for gen-  
 8 eral election legal and accounting compliance purposes  
 9 shall be considered to be an expense to further the election  
 10 of such candidate.”.

11 **Subtitle B—Public Financing for**  
 12 **Congressional Election Campaigns**

13 **SEC. 2101. BENEFITS AND ELIGIBILITY REQUIREMENTS**  
 14 **FOR CONGRESSIONAL CANDIDATES.**

15 The Federal Election Campaign Act of 1971 (52  
 16 U.S.C. 30101 et seq.) is amended by adding at the end  
 17 the following:

18 **“TITLE V—PUBLIC FINANCING**  
 19 **OF CONGRESSIONAL ELEC-**  
 20 **TION CAMPAIGNS**

21 **“Subtitle A—Benefits**

22 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

23 “(a) IN GENERAL.—If a candidate for election to the  
 24 office of Senator or Representative in, or Delegate or Resi-  
 25 dent Commissioner to, the Congress is a participating can-  
 26 didate under this title with respect to an election for such

1 office, the candidate shall be entitled to payments under  
2 this title, to be used only for authorized expenditures in  
3 connection with the election.

4 “(b) AMOUNT OF PAYMENT.—

5 “(1) MATCH OF QUALIFIED CONTRIBUTIONS.—

6 Subject to paragraph (2), the amount of a payment  
7 made to a participating candidate under this title  
8 shall be equal to 600 percent of the amount of quali-  
9 fied contributions received by the candidate since the  
10 most recent payment made to the candidate under  
11 this title with respect to the election, as set forth—

12 “(A) in the case of the first payment made  
13 to the candidate with respect to the election, in  
14 the report filed under section 511(a)(2); and

15 “(B) in the case of any subsequent pay-  
16 ment made to the candidate with respect to the  
17 election, in the report of qualified contributions  
18 filed under subsection (c).

19 “(2) LIMITATION.—In determining the amount  
20 of qualified contributions received by a candidate for  
21 purposes of making a payment under this section,  
22 there shall be disregarded any amount of contribu-  
23 tions from any person to the extent that the total of  
24 the amounts contributed by such person for the elec-  
25 tion exceeds \$200.

1 “(c) REPORTS.—

2 “(1) IN GENERAL.—Each participating can-  
3 didate shall file reports of receipts of qualified con-  
4 tributions at such times and in such manner as the  
5 Commission may by regulations prescribe.

6 “(2) CONTENTS OF REPORTS.—Each report  
7 under this subsection shall disclose each qualified  
8 contribution received by the candidate since the most  
9 recent report filed under this section, and shall state  
10 the aggregate amount of all such qualified contribu-  
11 tions received since the most recent report filed  
12 under this section.

13 “(3) FREQUENCY OF REPORTS.—Reports under  
14 this subsection shall be made no more frequently  
15 than—

16 “(A) once every month until the date that  
17 is 90 days before the date of the election;

18 “(B) once every week after the period de-  
19 scribed in subparagraph (A) and until the date  
20 that is 21 days before the election; and

21 “(C) once every day after the period de-  
22 scribed in subparagraph (B).

23 “(4) LIMITATION ON REGULATIONS.—The  
24 Commission may not prescribe any regulations with  
25 respect to reporting under this subsection with re-

1       spect to any election after the date that is 180 days  
2       before the date of such election.

3       “(d) LIMIT ON AGGREGATE AMOUNT OF PAY-  
4 MENTS.—The aggregate amount of payments that may be  
5 made under this title to a participating candidate during  
6 an election cycle may not exceed—

7           “(1) \$2,000,000, in the case of a candidate for  
8 the office of Representative in, or Delegate or Resi-  
9 dent Commissioner to, the Congress; or

10          “(2) \$10,000,000, in the case of a candidate for  
11 the office of Senator.

12       “(e) INFLATION ADJUSTMENT.—In each odd-num-  
13 bered calendar year after 2018—

14           “(1) each of the dollar amounts under sub-  
15 sections (b)(2), (d)(1), and (d)(2) shall be increased  
16 by the percent difference determined under section  
17 315(c)(1)(A) (determined by substituting ‘calendar  
18 year 2017’ for ‘the base period’);

19           “(2) each amount so increased shall remain in  
20 effect for the election cycle beginning on the first  
21 day following the year in which the amount is in-  
22 creased; and

23           “(3) if any amount after adjustment under  
24 paragraph (1) is—

1           “(A) in the case of an amount under sub-  
2           section (b)(2), not a multiple of \$10, such  
3           amount shall be rounded to the nearest multiple  
4           of \$10, and

5           “(B) in the case of an amount under sub-  
6           section (d), not a multiple of \$1,000, such  
7           amount shall be rounded to the nearest multiple  
8           of \$1,000.

9   **“SEC. 502. ADMINISTRATION OF PAYMENTS.**

10       “(a) **TIMING.**—The Commission shall make payments  
11   under this title to a participating candidate—

12           “(1) in the case of the first payment made to  
13       the candidate with respect to the election, not later  
14       than 48 hours after the date on which such can-  
15       didate is certified as a participating candidate under  
16       section 513; and

17           “(2) in the case of any subsequent payment  
18       made to the candidate with respect to the election,  
19       not later than 5 business days after the receipt of  
20       a report made under section 501(c).

21       “(b) **METHOD OF PAYMENT.**—The Commission shall  
22   distribute funds available to participating candidates  
23   under this title through the use of an electronic funds ex-  
24   change or a debit card.

1       “(c) APPEALS.—The Commission shall provide a  
2 written explanation with respect to any denial of any pay-  
3 ment under this title and shall provide for the opportunity  
4 for review and reconsideration within 5 business days of  
5 such denial.

6       **“SEC. 503. QUALIFIED CONTRIBUTION DEFINED.**

7       “In this title, the term ‘qualified contribution’ means,  
8 with respect to a candidate, a contribution that meets each  
9 of the following requirements:

10           “(1) The contribution is in an amount that is  
11 not greater than the limit on the amount of a con-  
12 tribution that may be accepted by a participating  
13 candidate from an individual under section 521(a).

14           “(2) The contribution is made by an individual  
15 who is not otherwise prohibited from making a con-  
16 tribution under this Act.

17           “(3) The contribution is not—

18               “(A) forwarded from the contributor by  
19 any person other than an individual; or

20               “(B) received by the candidate or an au-  
21 thorized committee of the candidate from a con-  
22 tributor or contributors, but credited by the  
23 committee or candidate to another person who  
24 is not an individual through records, designa-  
25 tions, or other means of recognizing (whether in



1 writing or not in writing) that a certain amount  
2 of money has been raised by such person.

3 “(4) The contribution meets the requirements  
4 of section 512(b).

5 **“Subtitle B—Eligibility and**  
6 **Certification**

7 **“SEC. 511. ELIGIBILITY.**

8 “(a) IN GENERAL.—A candidate for the office of  
9 Senator or Representative in, or Delegate or Resident  
10 Commissioner to, the Congress is eligible to be certified  
11 as a participating candidate under this title with respect  
12 to an election if the candidate meets the following require-  
13 ments:

14 “(1) During the election cycle for the office in-  
15 volved, the candidate files with the Commission a  
16 statement of intent to seek certification as a partici-  
17 pating candidate.

18 “(2) The candidate meets the qualified con-  
19 tribution requirements of section 512 and submits to  
20 the Commission a report disclosing each qualified  
21 contribution received by the candidate and stating  
22 the aggregate amount of all such qualified contribu-  
23 tions received.

24 “(3) Not later than the last day of the quali-  
25 fying period, the candidate files with the Commis-

1        sion an affidavit signed by the candidate and the  
2        treasurer of the candidate’s principal campaign com-  
3        mittee declaring that the candidate—

4                “(A) has complied and, if certified, will  
5        comply with the contribution and expenditure  
6        requirements of section 521;

7                “(B) if certified, will run only as a partici-  
8        pating candidate for all elections for the office  
9        that such candidate is seeking during the elec-  
10       tion cycle; and

11               “(C) has either qualified or will take steps  
12       to qualify under State law to be on the ballot.

13        “(b) GENERAL ELECTION.—Notwithstanding sub-  
14       section (a), a candidate shall not be eligible to receive a  
15       payment under this title for a general election or a general  
16       runoff election unless the candidate’s party nominated the  
17       candidate to be placed on the ballot for the general elec-  
18       tion or the candidate is otherwise qualified to be on the  
19       ballot under State law.

20        “(c) QUALIFYING PERIOD DEFINED.—The term  
21       ‘qualifying period’ means, with respect to any candidate  
22       for the office of Senator or Representative in, or Delegate  
23       or Resident Commissioner to, the Congress, the 120-day  
24       period (during the election cycle for such office) which be-  
25       gins on the date on which the candidate files a statement

1 of intent under section 511(a)(1), except that such period  
2 may not continue after the date that is 60 days before—

3 “(1) the date of the primary election; or

4 “(2) in the case of a State that does not hold  
5 a primary election, the date prescribed by State law  
6 as the last day to qualify for a position on the gen-  
7 eral election ballot.

8 **“SEC. 512. QUALIFIED CONTRIBUTION REQUIREMENTS.**

9 “(a) RECEIPT OF QUALIFIED CONTRIBUTIONS.—

10 “(1) IN GENERAL.—A candidate meets the re-  
11 quirements of this section if, during the qualifying  
12 period described in section 511(c), the candidate ob-  
13 tains—

14 “(A) a single qualified contribution from a  
15 number of individuals equal to or greater  
16 than—

17 “(i) in the case of a candidate for  
18 election the office of Representative in, or  
19 Delegate or Resident Commissioner to, the  
20 Congress, 400, or

21 “(ii) in the case of a candidate for the  
22 office of Senator, the product of 400 and  
23 the number of Congressional districts in  
24 the State involved as of the date of the  
25 election; and

1           “(B) a total dollar amount of qualified  
2           contributions equal to or greater than—

3           “(i) in the case of a candidate for  
4           election the office of Representative in, or  
5           Delegate or Resident Commissioner to, the  
6           Congress, \$40,000, disregarding any  
7           amount of contributions from any person  
8           to the extent that the total of the amounts  
9           contributed by such person for the election  
10          exceeds \$200, or

11          “(ii) in the case of a candidate for the  
12          office of Senator, the product of \$40,000  
13          and the number of Congressional districts  
14          in the State involved as of the date of the  
15          election, disregarding any amount of con-  
16          tributions from any person to the extent  
17          that the total of the amounts contributed  
18          by such person for the election exceeds  
19          \$200.

20          “(2) EXCLUSION OF CONTRIBUTIONS FROM  
21          OUT-OF-STATE RESIDENTS.—In determining the  
22          number of qualified contributions obtained by a can-  
23          didate under paragraph (1)(A) and the dollar  
24          amount of qualified contributions obtained by a can-  
25          didate under paragraph (1)(B), there shall be ex-

1       cluded any contributions made by an individual who  
2       does not have a primary residence in the State in  
3       which such candidate is seeking election.

4       “(b) REQUIREMENTS RELATING TO RECEIPT OF  
5 QUALIFIED CONTRIBUTION.—Each qualified contribu-  
6 tion—

7               “(1) may be made by means of a personal  
8       check, money order, debit card, credit card, or elec-  
9       tronic payment account;

10              “(2) shall be accompanied by a signed state-  
11       ment containing the contributor’s name and the con-  
12       tributor’s address in the State in which the primary  
13       residence of the contributor is located; and

14              “(3) shall be acknowledged by a receipt that is  
15       sent to the contributor with a copy kept by the can-  
16       didate for the Commission and a copy kept by the  
17       candidate for the election authorities in the State  
18       with respect to which the candidate is seeking elec-  
19       tion.

20       “(c) PROHIBITING PAYMENT ON COMMISSION BASIS  
21 OF INDIVIDUALS COLLECTING QUALIFIED CONTRIBU-  
22 TIONS.—No person may be paid a commission on a per  
23 qualified contribution basis for collecting qualified con-  
24 tributions.

1 **“SEC. 513. CERTIFICATION.**

2 “(a) DEADLINE AND NOTIFICATION.—

3 “(1) IN GENERAL.—Not later than 10 days  
4 after a candidate files an affidavit under section  
5 511(a)(3), the Commission shall—

6 “(A) determine whether or not the can-  
7 didate meets the requirements for certification  
8 as a participating candidate;

9 “(B) if the Commission determines that  
10 the candidate meets such requirements, certify  
11 the candidate as a participating candidate; and

12 “(C) notify the candidate of the Commis-  
13 sion’s determination.

14 “(2) DEEMED CERTIFICATION FOR ALL ELEC-  
15 TIONS IN ELECTION CYCLE.—If the Commission cer-  
16 tifies a candidate as a participating candidate with  
17 respect to the first election of the election cycle in-  
18 volved, the Commissioner shall be deemed to have  
19 certified the candidate as a participating candidate  
20 with respect to all subsequent elections of the elec-  
21 tion cycle.

22 “(b) REVOCATION OF CERTIFICATION.—

23 “(1) IN GENERAL.—The Commission may re-  
24 voke a certification under subsection (a) if—

25 “(A) a candidate fails to qualify to appear  
26 on the ballot at any time after the date of cer-

1           tification (other than a candidate certified as a  
2           participating candidate with respect to a pri-  
3           mary election who fails to qualify to appear on  
4           the ballot for a subsequent election in that elec-  
5           tion cycle); or

6           “(B) a candidate otherwise fails to comply  
7           with the requirements of this title, including  
8           any regulatory requirements prescribed by the  
9           Commission.

10          “(2) REPAYMENT OF BENEFITS.—If certifi-  
11          cation is revoked under paragraph (1), the candidate  
12          shall repay to the Empowering Citizens Payment Ac-  
13          count of the Presidential Election Campaign Fund  
14          (established under section 9051 of the Internal Rev-  
15          enue Code of 1986) an amount equal to the value  
16          of benefits received under this title with respect to  
17          the election cycle involved plus interest (at a rate de-  
18          termined by the Commission) on any such amount  
19          received.

20          “(c) PARTICIPATING CANDIDATE DEFINED.—In this  
21          title, a ‘participating candidate’ means a candidate for the  
22          office of Senator or Representative in, or Delegate or Resi-  
23          dent Commissioner to, the Congress who is certified under  
24          this section as eligible to receive benefits under this title.

1 **“Subtitle C—Requirements for Can-**  
 2 **didates Certified as Partici-**  
 3 **pating Candidates**

4 **“SEC. 521. RESTRICTIONS ON CERTAIN CONTRIBUTIONS**  
 5 **AND EXPENDITURES.**

6 “(a) REDUCTION IN OTHERWISE APPLICABLE CON-  
 7 TRIBUTION LIMITS.—

8 “(1) IN GENERAL.—In the case of a candidate  
 9 who is certified as a participating candidate under  
 10 this title with respect to an election, each limit appli-  
 11 cable under paragraph (1)(A) and paragraph (2)(A)  
 12 of section 315(a) to the amount of a contribution  
 13 which may be made to the candidate and any au-  
 14 thorized committee of the candidate with respect to  
 15 the election shall be equal to \$1,000 for the election.

16 “(2) INFLATION ADJUSTMENT.—In each odd-  
 17 numbered calendar year after 2018—

18 “(A) the \$1,000 amount under paragraph  
 19 (1) shall be increased by the percent difference  
 20 determined under section 315(c)(1)(A) (deter-  
 21 mined by substituting ‘calendar year 2017’ for  
 22 ‘the base period’);

23 “(B) the amount so increased shall remain  
 24 in effect for the election cycle beginning on the



1 first day following the year in which the amount  
 2 is increased; and

3 “(C) if any amount after adjustment under  
 4 subparagraph (A) not a multiple of \$100, such  
 5 amount shall be rounded to the nearest multiple  
 6 of \$100.

7 “(b) PROHIBITING ACCEPTANCE OF CONTRIBUTIONS  
 8 BUNDLED BY REGISTERED LOBBYISTS.—A candidate  
 9 who is certified as a participating candidate under this  
 10 title with respect to an election, and any authorized com-  
 11 mittee of such a candidate, may not accept—

12 “(1) any contribution with respect to the elec-  
 13 tion which is a bundled contribution (as defined in  
 14 section 304(i)(8)) forwarded by or credited to a per-  
 15 son described in section 304(i)(7); or

16 “(2) any contribution forwarded by or credited  
 17 to a multicandidate political committee described in  
 18 section 315(a)(4) which would be treated as a bun-  
 19 dled contribution under section 304(i)(8) if it were  
 20 forwarded by or credited to a person described in  
 21 section 304(i)(7).

22 “(c) LIMIT ON EXPENDITURES FROM PERSONAL  
 23 FUNDS.—A candidate who is certified as a participating  
 24 candidate under this title may not make expenditures from  
 25 personal funds (as defined in section 304(a)(6)(B)) in an

1 aggregate amount exceeding \$50,000 with respect to any  
2 election in the election cycle involved.

3 “(d) PROHIBITING SOLICITATION OF FUNDS FOR PO-  
4 LITICAL PARTY COMMITTEES.—A candidate who is cer-  
5 tified as a participating candidate under this title may not  
6 solicit funds for any political committee of a political  
7 party, except that the candidate may solicit funds for a  
8 separate account of the committee which is established  
9 under section 315(d)(5).

10 **“SEC. 522. REMITTING UNSPENT FUNDS AFTER ELECTION.**

11 “(a) IN GENERAL.—Not later than the date that is  
12 60 days after the last election for which a candidate cer-  
13 tified as a participating candidate qualifies to be on the  
14 ballot during the election cycle involved, such participating  
15 candidate shall remit to the Commission for deposit in the  
16 Empowering Citizens Payment Account of the Presi-  
17 dential Election Campaign Fund (established under sec-  
18 tion 9051 of the Internal Revenue Code of 1986) an  
19 amount equal to the lesser of—

20 “(1) the amount of money in the candidate’s  
21 campaign account; or

22 “(2) the amount of the payments received by  
23 the candidate under this title.

24 “(b) EXCEPTION FOR EXPENDITURES INCURRED  
25 BUT NOT PAID AS OF DATE OF REMITTANCE.—

1           “(1) IN GENERAL.—Subject to subsection (a), a  
 2           candidate may withhold from the amount required to  
 3           be remitted under paragraph (1) of such subsection  
 4           the amount of any authorized expenditures which  
 5           were incurred in connection with the candidate’s  
 6           campaign but which remain unpaid as of the dead-  
 7           line applicable to the candidate under such sub-  
 8           section, except that any amount withheld pursuant  
 9           to this paragraph shall be remitted to the Commis-  
 10          sion not later than 120 days after the date of the  
 11          election to which such subsection applies.

12           “(2) DOCUMENTATION REQUIRED.—A can-  
 13          didate may withhold an amount of an expenditure  
 14          pursuant to paragraph (1) only if the candidate sub-  
 15          mits documentation of the expenditure and the  
 16          amount to the Commission not later than the dead-  
 17          line applicable to the candidate under subsection (a).

18           **“Subtitle D—Administrative**  
 19           **Provisions**

20          **“SEC. 531. ADMINISTRATION BY COMMISSION.**

21           “The Commission shall prescribe regulations to carry  
 22          out the purposes of this title, including regulations to es-  
 23          tablish procedures for—

24           “(1) verifying the amount of qualified contribu-  
 25          tions with respect to a candidate;

1           “(2) effectively and efficiently monitoring and  
2           enforcing the limits on the raising of qualified con-  
3           tributions;

4           “(3) effectively and efficiently monitoring and  
5           enforcing the limits on the use of personal funds by  
6           participating candidates; and

7           “(4) monitoring the use of payments under this  
8           title through audits of not fewer than  $\frac{1}{3}$  of all par-  
9           ticipating candidates or other mechanisms.

10   **“SEC. 532. VIOLATIONS AND PENALTIES.**

11           “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-  
12   TION AND EXPENDITURE REQUIREMENTS.—If a can-  
13   didate who has been certified as a participating candidate  
14   accepts a contribution or makes an expenditure that is  
15   prohibited under section 521, the Commission shall assess  
16   a civil penalty against the candidate in an amount that  
17   is not more than 3 times the amount of the contribution  
18   or expenditure. Any amounts collected under this sub-  
19   section shall be deposited into the Empowering Citizens  
20   Payment Account of the Presidential Election Campaign  
21   Fund (established under section 9051 of the Internal Rev-  
22   enue Code of 1986).

23           “(b) REPAYMENT FOR IMPROPER USE OF EMPOW-  
24   ERING CITIZENS PAYMENT ACCOUNT.—

1           “(1) IN GENERAL.—If the Commission deter-  
2 mines that any benefit made available to a partici-  
3 pating candidate was not used as provided for in  
4 this title or that a participating candidate has vio-  
5 lated any of the dates for remission of funds con-  
6 tained in this title, the Commission shall so notify  
7 the candidate and the candidate shall pay to the  
8 Empowering Citizens Payment Account of the Presi-  
9 dential Election Campaign Fund an amount equal  
10 to—

11                   “(A) the amount of benefits so used or not  
12 remitted, as appropriate; and

13                   “(B) interest on any such amounts (at a  
14 rate determined by the Commission).

15           “(2) OTHER ACTION NOT PRECLUDED.—Any  
16 action by the Commission in accordance with this  
17 subsection shall not preclude enforcement pro-  
18 ceedings by the Commission in accordance with sec-  
19 tion 309(a), including a referral by the Commission  
20 to the Attorney General in the case of an apparent  
21 knowing and willful violation of this title.

22 **“SEC. 533. ELECTION CYCLE DEFINED.**

23           “‘In this title, the term ‘election cycle’ means, with  
24 respect to an election for the office of Senator or Rep-  
25 resentative in, or Delegate or Resident Commissioner to,

1 the Congress, the period beginning on the day after the  
 2 date of the most recent general election for that office (or,  
 3 if the general election resulted in a runoff election, the  
 4 date of the runoff election) and ending on the date of the  
 5 next general election for that office (or, if the general elec-  
 6 tion resulted in a runoff election, the date of the runoff  
 7 election).’’.

8 **SEC. 2102. PERMITTING UNLIMITED COORDINATED EX-**  
 9 **PENDITURES BY POLITICAL PARTY COMMIT-**  
 10 **TEES ON BEHALF OF PARTICIPATING CAN-**  
 11 **DIDATES IF EXPENDITURES ARE DERIVED**  
 12 **FROM SMALL DOLLAR CONTRIBUTIONS.**

13 Section 315(d) of the Federal Election Campaign Act  
 14 of 1971 (52 U.S.C. 30116(d)), as amended by section  
 15 2101(b) of Division N of the Consolidated and Further  
 16 Continuing Appropriations Act, 2015 (Public Law 113–  
 17 235; 128 Stat. 2773), is amended by adding at the end  
 18 the following new paragraph:

19 “(6) In determining the amount of expenditures  
 20 made by a committee under paragraph (3) in connection  
 21 with the campaign of a candidate who is certified as a  
 22 participating candidate under title V, there shall be ex-  
 23 cluded any expenditures which are derived from a separate  
 24 account established by the committee for which the only  
 25 sources of funds are contributions made during the elec-

1 tion cycle in an amount which does not exceed \$1,000 per  
2 contributor.”.

3 **SEC. 2103. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**  
4 **TICIPATING CANDIDATES FOR PURPOSES**  
5 **OTHER THAN CAMPAIGN FOR ELECTION.**

6 Section 313 of the Federal Election Campaign Act  
7 of 1971 (52 U.S.C. 30114) is amended by adding at the  
8 end the following new subsection:

9 “(d) RESTRICTIONS ON PERMITTED USES OF FUNDS  
10 BY CANDIDATES RECEIVING MATCHING PUBLIC  
11 FUNDS.—Notwithstanding paragraph (2), (3), or (4) of  
12 subsection (a), if a candidate for election for the office  
13 of Senator or Representative in, or Delegate or Resident  
14 Commissioner to, the Congress is certified as a partici-  
15 pating candidate under title V with respect to the election,  
16 any contribution which the candidate is permitted to ac-  
17 cept under such title may be used only for authorized ex-  
18 penditures in connection with the candidate’s campaign  
19 for such office.”.

1 **Subtitle C—Use of Presidential**  
 2 **Election Campaign Fund for**  
 3 **Public Financing of Federal**  
 4 **Elections**

5 **SEC. 2201. USE OF PRESIDENTIAL ELECTION CAMPAIGN**  
 6 **FUND FOR CONGRESSIONAL CANDIDATES.**

7 Subtitle H of the Internal Revenue Code of 1986 is  
 8 amended by adding at the end the following new chapter:

9 **“CHAPTER 97—EMPOWERING CITIZENS**  
 10 **PAYMENT ACCOUNT**

“Sec. 9051. Payments to Congressional candidates.

11 **“SEC. 9051. PAYMENTS TO CONGRESSIONAL CANDIDATES.**

12 “(a) ESTABLISHMENT OF ACCOUNT.—The Secretary  
 13 shall maintain in the Presidential Election Campaign  
 14 Fund established by section 9006(a), in addition to any  
 15 account which he maintains under such section, a separate  
 16 account to be known as the Empowering Citizens Payment  
 17 Account (hereinafter in this section referred to as the ‘Ac-  
 18 count’).

19 “(b) AMOUNTS TRANSFERRED TO ACCOUNT.—

20 “(1) IN GENERAL.—The Secretary shall deposit  
 21 into the Account the excess of—

22 “(A) the balance of the Federal Election  
 23 Campaign Fund (determined without regard to  
 24 the Account), over



1           “(B) the amount determined by the Sec-  
2           retary to be required for payments under sec-  
3           tion 9006(c) and for payments under section  
4           9037(b).

5           “(2) SUPPLEMENTAL TRANSFERS.—There are  
6           hereby appropriated to the Account an amount equal  
7           to the excess (if any) of—

8           “(A) the amount required to provide pay-  
9           ments to candidates for election to the office of  
10          Senator or Representative in, or Delegate or  
11          Resident Commissioner to, the Congress who  
12          are participating candidates under title V of the  
13          Federal Election Campaign Act of 1971, over

14          “(B) the amounts transferred to such Ac-  
15          count under paragraph (1).

16          “(c) USE OF ACCOUNT FOR PAYMENTS TO CONGRES-  
17          SIONAL CANDIDATES PARTICIPATING IN PUBLIC FINANC-  
18          ING PROGRAM.—The Secretary shall transfer amounts in  
19          the Account to the Federal Election Commission, at such  
20          times and in such amounts as the Federal Election Com-  
21          mission may certify, for payments to candidates for elec-  
22          tion to the office of Senator or Representative in, or Dele-  
23          gate or Resident Commissioner to, the Congress who are  
24          participating candidates under title V of the Federal Elec-  
25          tion Campaign Act of 1971.”.

1 **SEC. 2202. REVISIONS TO DESIGNATION OF INCOME TAX**  
2 **PAYMENTS BY INDIVIDUAL TAXPAYERS.**

3 (a) INCREASE IN AMOUNT DESIGNATED.—Section  
4 6096(a) of the Internal Revenue Code of 1986 is amend-  
5 ed—

6 (1) in the first sentence, by striking “\$3” each  
7 place it appears and inserting “\$20”; and

8 (2) in the second sentence—

9 (A) by striking “\$6” and inserting “\$40”;  
10 and

11 (B) by striking “\$3” and inserting “\$20”.

12 (b) INDEXING.—Section 6096 of such Code is amend-  
13 ed by adding at the end the following new subsection:

14 “(d) INDEXING OF AMOUNT DESIGNATED.—

15 “(1) IN GENERAL.—With respect to each tax-  
16 able year after 2017, each amount referred to in  
17 subsection (a) shall be increased by the percent dif-  
18 ference described in paragraph (2), except that if  
19 any such amount after such an increase is not a  
20 multiple of \$1, such amount shall be rounded to the  
21 nearest multiple of \$1.

22 “(2) PERCENT DIFFERENCE DESCRIBED.—The  
23 percent difference described in this paragraph with  
24 respect to a taxable year is the percent difference  
25 determined under section 315(c)(1)(A) of the Fed-  
26 eral Election Campaign Act of 1971 with respect to

1 the calendar year during which the taxable year be-  
2 gins, except that the base year involved shall be  
3 2016.”.

4 (c) ENSURING TAX PREPARATION SOFTWARE DOES  
5 NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION  
6 QUESTION.—Section 6096 of such Code, as amended by  
7 subsection (b), is amended by adding at the end the fol-  
8 lowing new subsection:

9 “(e) ENSURING TAX PREPARATION SOFTWARE DOES  
10 NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION  
11 QUESTION.—The Secretary shall promulgate regulations  
12 to ensure that electronic software used in the preparation  
13 or filing of individual income tax returns does not auto-  
14 matically accept or decline a designation of a payment  
15 under this section.”.

16 (d) PUBLIC INFORMATION PROGRAM ON DESIGNA-  
17 TION.—Section 6096 of such Code, as amended by sub-  
18 sections (b) and (c), is amended by adding at the end the  
19 following new subsection:

20 “(f) PUBLIC INFORMATION PROGRAM.—

21 “(1) IN GENERAL.—The Federal Election Com-  
22 mission shall conduct a program to inform and edu-  
23 cate the public regarding the purposes of the Presi-  
24 dential Election Campaign Fund, the procedures for  
25 the designation of payments under this section, and

1 the effect of such a designation on the income tax  
2 liability of taxpayers.

3 “(2) USE OF FUNDS FOR PROGRAM.—Amounts  
4 in the Presidential Election Campaign Fund shall be  
5 made available to the Federal Election Commission  
6 to carry out the program under this subsection.”.

7 (e) EFFECTIVE DATE.—The amendments made by  
8 this section shall take effect January 1, 2018.

9 **SEC. 2203. DONATION TO PRESIDENTIAL ELECTION CAM-**  
10 **PAIGN FUND.**

11 (a) GENERAL RULE.—Every taxpayer who makes a  
12 return of the tax imposed by subtitle A of the Internal  
13 Revenue Code of 1986 for any taxable year ending after  
14 December 31, 2017, may donate an amount (not less than  
15 \$1), in addition to any designation of income tax liability  
16 under section 6096 of such Code for such taxable year,  
17 which shall be deposited in the general fund of the Treas-  
18 ury.

19 (b) MANNER AND TIME OF DESIGNATION.—Any do-  
20 nation under subsection (a) for any taxable year—

21 (1) shall be made at the time of filing the re-  
22 turn of the tax imposed by subtitle A of such Code  
23 for such taxable year and in such manner as the  
24 Secretary may by regulation prescribe, except that—

1 (A) the designation for such donation shall  
 2 be either on the first page of the return or on  
 3 the page bearing the taxpayer's signature, and

4 (B) the designation shall be by a box  
 5 added to the return, and the text beside the box  
 6 shall provide:

7 “By checking here, I signify that in  
 8 addition to my tax liability (if any), I  
 9 would like to donate the included payment  
 10 to be used exclusively as a contribution to  
 11 the Presidential Election Campaign  
 12 Fund.”, and

13 (2) shall be accompanied by a payment of the  
 14 amount so designated.

15 (c) TRANSFERS TO PRESIDENTIAL ELECTION CAM-  
 16 PAIGN FUND.—The Secretary shall, from time to time,  
 17 transfer to the Presidential Election Campaign Fund es-  
 18 tablished under section 9006(a) of such Code amounts  
 19 equal to the amounts donated under this section.

## 20 **Subtitle D—Effective Date**

### 21 **SEC. 2301. EFFECTIVE DATE.**

22 Except as otherwise provided in this title, the amend-  
 23 ments made by this title shall apply with respect to elec-  
 24 tions occurring after January 1, 2018.

1       **TITLE III—REDISTRICTING**

2   **SEC. 3001. SHORT TITLE.**

3       This title may be cited as the “Redistricting Reform  
4   Act”.

5   **SEC. 3002. FINDING OF CONSTITUTIONAL AUTHORITY.**

6       Congress finds that it has the authority to establish  
7   the terms and conditions States must follow in carrying  
8   out Congressional redistricting after an apportionment of  
9   Members of the House of Representatives because—

10           (1) the authority granted to Congress under ar-  
11   ticle I, section 4 of the Constitution of the United  
12   States gives Congress the power to enact laws gov-  
13   erning the time, place, and manner of elections for  
14   Members of the House of Representatives; and

15           (2) the authority granted to Congress under  
16   section 5 of the fourteenth amendment to the Con-  
17   stitution gives Congress the power to enact laws to  
18   enforce section 2 of such amendment, which requires  
19   Representatives to be apportioned among the several  
20   States according to their number.

**Subtitle A—Requirements for  
Congressional Redistricting**

**SEC. 3101. LIMIT ON CONGRESSIONAL REDISTRICTING  
AFTER AN APPORTIONMENT.**

The Act entitled “An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting”, approved December 14, 1967 (2 U.S.C. 2c), is amended by adding at the end the following: “A State which has been redistricted in the manner provided by law after an apportionment under section 22(a) of the Act entitled ‘An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress’, approved June 18, 1929 (2 U.S.C. 2a), may not be redistricted again until after the next apportionment of Representatives under such section, unless a court requires the State to conduct such subsequent redistricting to comply with the Constitution or to enforce the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).”.

**SEC. 3102. REQUIRING CONGRESSIONAL REDISTRICTING  
TO BE CONDUCTED THROUGH PLAN OF INDEPENDENT STATE COMMISSION.**

(a) USE OF PLAN REQUIRED.—Notwithstanding any other provision of law, any Congressional redistricting

1 conducted by a State shall be conducted in accordance  
2 with—

3 (1) the redistricting plan developed and enacted  
4 into law by the independent redistricting commission  
5 established in the State, in accordance with title II;  
6 or

7 (2) if a plan developed by such commission is  
8 not enacted into law, the redistricting plan developed  
9 and enacted into law by a 3-judge court of the  
10 United States District Court for the District of Co-  
11 lumbia, in accordance with section 301.

12 (b) CONFORMING AMENDMENT.—Section 22(c) of  
13 the Act entitled “An Act to provide for the fifteenth and  
14 subsequent decennial censuses and to provide for an ap-  
15 portionment of Representatives in Congress”, approved  
16 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking  
17 “in the manner provided by the law thereof” and insert-  
18 ing: “in the manner provided by the Redistricting Reform  
19 Act”.

## 20 **Subtitle B—Independent** 21 **Redistricting Commissions**

### 22 **SEC. 3201. INDEPENDENT REDISTRICTING COMMISSION.**

23 (a) APPOINTMENT OF MEMBERS.—

24 (1) IN GENERAL.—The nonpartisan agency es-  
25 tablished or designated by a State under section



1       3204(a) shall establish an independent redistricting  
2       commission for the State, which shall consist of 12  
3       members appointed by the agency as follows:

4               (A) The agency shall appoint 4 members  
5       on a random basis from the majority category  
6       of the approved selection pool (as described in  
7       section 3202(b)(1)(A)).

8               (B) The agency shall appoint 4 members  
9       on a random basis from the minority category  
10      of the approved selection pool (as described in  
11      section 3202(b)(1)(B)).

12              (C) The agency shall appoint 4 members  
13      on a random basis from the independent cat-  
14      egory of the approved selection pool (as de-  
15      scribed in section 3202(b)(1)(C)).

16              (2) APPOINTMENT OF ALTERNATES TO SERVE  
17      IN CASE OF VACANCIES.—At the time the agency ap-  
18      points the members of the independent redistricting  
19      commission under paragraph (1) from each of the  
20      categories referred to in such paragraph, the agency  
21      shall, on a random basis, designate 2 other individ-  
22      uals from such category to serve as alternate mem-  
23      bers who may be appointed to fill vacancies in the  
24      commission in accordance with paragraph (3).

1           (3) VACANCY.—If a vacancy occurs in the com-  
2 mission with respect to a member who was ap-  
3 pointed from one of the categories referred to in  
4 paragraph (1), the nonpartisan agency shall fill the  
5 vacancy by appointing, on a random basis, one of  
6 the 2 alternates from such category who was des-  
7 ignated under paragraph (2). At the time the agency  
8 appoints an alternate to fill a vacancy under the pre-  
9 vious sentence, the agency shall designate, on a ran-  
10 dom basis, another individual from the same cat-  
11 egory to serve as an alternate member, in accord-  
12 ance with paragraph (2).

13       (b) PROCEDURES FOR CONDUCTING COMMISSION  
14 BUSINESS.—

15           (1) CHAIR.—Members of an independent redis-  
16 tricting commission established under this section  
17 shall select by majority vote one member who was  
18 appointed from the independent category of the ap-  
19 proved selection pool described in section  
20 3202(b)(1)(C) to serve as chair of the commission.  
21 The commission may not take any action to develop  
22 a redistricting plan for the State under section 203  
23 until the appointment of the commission's chair.

24           (2) REQUIRING MAJORITY APPROVAL FOR AC-  
25 TIONS.—The independent redistricting commission

1 of a State may not publish and disseminate any  
2 draft or final redistricting plan, or take any other  
3 action, without the approval of at least—

4 (A) a majority of the whole membership of  
5 the commission; and

6 (B) at least one member of the commission  
7 appointed from each of the categories of the ap-  
8 proved selection pool described in section  
9 3202(b)(1).

10 (3) QUORUM.—A majority of the members of  
11 the commission shall constitute a quorum.

12 (c) STAFF; CONTRACTORS.—

13 (1) STAFF.—The independent redistricting  
14 commission of a State may appoint and set the pay  
15 of such staff as it considers appropriate, subject to  
16 State law.

17 (2) CONTRACTORS.—The independent redistricting  
18 commission of a State may enter into such  
19 contracts with vendors as it considers appropriate,  
20 subject to State law, except that any such contract  
21 shall be valid only if approved by the vote of a ma-  
22 jority of the members of the commission, including  
23 at least one member appointed from each of the cat-  
24 egories of the approved selection pool described in  
25 section 3202(b)(1).

1           (3) GOAL OF IMPARTIALITY.—The commission  
2       shall take such steps as it considers appropriate to  
3       ensure that any staff appointed under this sub-  
4       section, and any vendor with whom the commission  
5       enters into a contract under this subsection, will  
6       work in an impartial manner, and may require any  
7       person who applies for an appointment to a staff po-  
8       sition or for a vendor’s contract with the commission  
9       to provide information on the person’s history of po-  
10      litical activity (including donations to candidates, po-  
11      litical committees, and political parties) as a condi-  
12      tion of the appointment or the contract.

13      (d) TERMINATION.—

14           (1) IN GENERAL.—The independent redistricting  
15      commission of a State shall terminate on the  
16      earlier of—

17           (A) June 14 of the following year ending  
18      in the numeral zero; or

19           (B) the day on which the nonpartisan  
20      agency established or designated by a State  
21      under section 3204(a) has, in accordance with  
22      section 3202(b)(1), submitted a selection pool  
23      to the Select Committee on Redistricting for the  
24      State established under section 3204(b).

1           (2) PRESERVATION OF RECORDS.—The State  
2       shall ensure that the records of the independent re-  
3       districting commission are retained in the appro-  
4       priate State archive in such manner as may be nec-  
5       essary to enable the State to respond to any civil ac-  
6       tion brought with respect to Congressional redistricting in the State.

8   **SEC. 3202. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS**  
9                                   **OF COMMISSION.**

11       (a) CRITERIA FOR ELIGIBILITY.—

12           (1) IN GENERAL.—An individual is eligible to  
13       serve as a member of an independent redistricting  
14       commission if the individual meets each of the following criteria:

16           (A) As of the date of appointment, the individual is registered to vote in elections for  
17       Federal office held in the State.

19           (B) During the 3-year period ending on  
20       the date of the individual's appointment, the individual has been continuously registered to  
21       vote with the same political party, or has not  
22       been registered to vote with any political party.

24           (C) The individual submits to the non-  
25       partisan agency established or designated by a

1 State under section 203, at such time and in  
2 such form as the agency may require, an appli-  
3 cation for inclusion in the selection pool under  
4 this section, and includes with the application a  
5 written statement containing the following in-  
6 formation and assurances:

7 (i) A statement of the political party  
8 with which the individual is affiliated, if  
9 any.

10 (ii) An assurance that the individual  
11 shall commit to carrying out the individ-  
12 ual's duties under this title in an honest,  
13 independent, and impartial fashion, and to  
14 upholding public confidence in the integrity  
15 of the redistricting process.

16 (iii) An assurance that, during the  
17 covered periods described in paragraph (3),  
18 the individual has not taken and will not  
19 take any action which would disqualify the  
20 individual from serving as a member of the  
21 commission under paragraph (2).

22 (2) DISQUALIFICATIONS.—An individual is not  
23 eligible to serve as a member of the commission if  
24 any of the following applies during any of the cov-  
25 ered periods described in paragraph (3):

1           (A) The individual or (in the case of the  
2 covered periods described in subparagraphs (A)  
3 and (B) of paragraph (3)) an immediate family  
4 member of the individual holds public office or  
5 is a candidate for election for public office.

6           (B) The individual or (in the case of the  
7 covered periods described in subparagraphs (A)  
8 and (B) of paragraph (3)) an immediate family  
9 member of the individual serves as an officer of  
10 a political party or as an officer, employee, or  
11 paid consultant of a campaign committee of a  
12 candidate for public office.

13          (C) The individual or (in the case of the  
14 covered periods described in subparagraphs (A)  
15 and (B) of paragraph (3)) an immediate family  
16 member of the individual holds a position as a  
17 registered lobbyist under the Lobbying Disclo-  
18 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an  
19 equivalent State or local law.

20          (D) The individual or (in the case of the  
21 covered periods described in subparagraphs (A)  
22 and (B) of paragraph (3)) an immediate family  
23 member of the individual is an employee of an  
24 elected public official, a contractor with the leg-  
25 islature of the State, or a donor to the cam-

1           paign of any candidate for public office (other  
2           than a donor who, during any of such covered  
3           periods, gives an aggregate amount of \$20,000  
4           or less to the campaigns of all candidates for all  
5           public offices).

6           (3) COVERED PERIODS DESCRIBED.—In this  
7           subsection, the term “covered period” means, with  
8           respect to the appointment of an individual to the  
9           commission, any of the following:

10                 (A) The 5-year period ending on the date  
11                 of the individual’s appointment.

12                 (B) The period beginning on the date of  
13                 the individual’s appointment and ending on Au-  
14                 gust 14 of the next year ending in the numeral  
15                 one.

16                 (C) The 5-year period beginning on the  
17                 day after the last day of the period described in  
18                 subparagraph (B).

19           (4) IMMEDIATE FAMILY MEMBER DEFINED.—In  
20           this subsection, the term “immediate family mem-  
21           ber” means, with respect to an individual, a father,  
22           stepfather, mother, stepmother, son, stepson, daugh-  
23           ter, stepdaughter, brother, stepbrother, sister, step-  
24           sister, husband, wife, father-in-law, or mother-in-  
25           law.



1 (b) DEVELOPMENT AND SUBMISSION OF SELECTION  
2 POOL.—

3 (1) IN GENERAL.—Not later than June 15 of  
4 each year ending in the numeral zero, the non-  
5 partisan agency established or designated by a State  
6 under section 3204(a) shall develop and submit to  
7 the Select Committee on Redistricting for the State  
8 established under section 3204(b) a selection pool of  
9 36 individuals who are eligible to serve as members  
10 of the independent redistricting commission of the  
11 State under this title, consisting of individuals in the  
12 following categories:

13 (A) A majority category, consisting of 12  
14 individuals who are affiliated with the political  
15 party with the largest percentage of the reg-  
16 istered voters in the State who are affiliated  
17 with a political party (as determined with re-  
18 spect to the most recent statewide election for  
19 Federal office held in the State for which such  
20 information is available).

21 (B) A minority category, consisting of 12  
22 individuals who are affiliated with the political  
23 party with the second largest percentage of the  
24 registered voters in the State who are affiliated  
25 with a political party (as so determined).

1 (C) An independent category, consisting of  
2 12 individuals who are not affiliated with either  
3 of the political parties described in subpara-  
4 graph (A) or subparagraph (B).

5 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-  
6 OPING POOL.—In selecting individuals for the selec-  
7 tion pool under this subsection, the nonpartisan  
8 agency shall—

9 (A) to the maximum extent practicable, en-  
10 sure that the pool reflects the representative de-  
11 mographic groups (including races, ethnicities,  
12 and genders) and geographic regions of the  
13 State; and

14 (B) take into consideration the analytical  
15 skills of the individuals selected in relevant  
16 fields (including mapping, data management,  
17 law, community outreach, demography, and the  
18 geography of the State) and their ability to  
19 work on an impartial basis.

20 (3) DETERMINATION OF POLITICAL PARTY AF-  
21 FILIATION OF INDIVIDUALS IN SELECTION POOL.—  
22 For purposes of this section, an individual shall be  
23 considered to be affiliated with a political party on  
24 the basis of the information the individual provides

1 in the application submitted under subsection  
2 (a)(1)(D).

3 (4) ENCOURAGING RESIDENTS TO APPLY FOR  
4 INCLUSION IN POOL.—The nonpartisan agency shall  
5 take such steps as may be necessary to ensure that  
6 residents of the State across various geographic re-  
7 gions and demographic groups are aware of the op-  
8 portunity to serve on the independent redistricting  
9 commission, including publicizing the role of the  
10 panel and using newspapers, broadcast media, and  
11 online sources, including ethnic media, to encourage  
12 individuals to apply for inclusion in the selection  
13 pool developed under this subsection.

14 (5) REPORT ON ESTABLISHMENT OF SELEC-  
15 TION POOL.—At the time the nonpartisan agency  
16 submits the selection pool to the Select Committee  
17 on Redistricting under paragraph (1), it shall pub-  
18 lish a report describing the process by which the  
19 pool was developed, and shall include in the report  
20 a description of how the individuals in the pool meet  
21 the eligibility criteria of subsection (a) and of how  
22 the pool reflects the factors the agency is required  
23 to take into consideration under paragraph (2).

24 (6) ACTION BY SELECT COMMITTEE.—

1 (A) IN GENERAL.—Not later than 14 days  
2 after receiving the selection pool from the non-  
3 partisan agency under paragraph (1), the Select  
4 Committee on Redistricting shall—

5 (i) approve the pool as submitted by  
6 the nonpartisan agency, in which case the  
7 pool shall be considered the approved selec-  
8 tion pool for purposes of section  
9 3201(a)(1); or

10 (ii) reject the pool, in which case the  
11 nonpartisan agency shall develop and sub-  
12 mit a replacement selection pool in accord-  
13 ance with subsection (c).

14 (B) INACTION DEEMED REJECTION.—If  
15 the Select Committee on Redistricting fails to  
16 approve or reject the pool within the deadline  
17 set forth in subparagraph (A), the Select Com-  
18 mittee shall be deemed to have rejected the pool  
19 for purposes of such subparagraph.

20 (c) DEVELOPMENT OF REPLACEMENT SELECTION  
21 POOL.—

22 (1) IN GENERAL.—If the Select Committee on  
23 Redistricting rejects the selection pool submitted by  
24 the nonpartisan agency under subsection (b), not  
25 later than 14 days after the rejection, the non-

1 partisan agency shall develop and submit to the Se-  
2 lect Committee a replacement selection pool, under  
3 the same terms and conditions that applied to the  
4 development and submission of the selection pool  
5 under paragraphs (1) through (5) of subsection (b).  
6 The replacement pool submitted under this para-  
7 graph may include individuals who were included in  
8 the rejected selection pool submitted under sub-  
9 section (b), so long as at least one of the individuals  
10 in the replacement pool was not included in such re-  
11 jected pool.

12 (2) ACTION BY SELECT COMMITTEE.—

13 (A) IN GENERAL.—Not later than 14 days  
14 after receiving the replacement selection pool  
15 from the nonpartisan agency under paragraph  
16 (1), the Select Committee on Redistricting  
17 shall—

18 (i) approve the pool as submitted by  
19 the nonpartisan agency, in which case the  
20 pool shall be considered the approved selec-  
21 tion pool for purposes of section  
22 3201(a)(1); or

23 (ii) reject the pool, in which case the  
24 nonpartisan agency shall develop and sub-

1 mit a second replacement selection pool in  
2 accordance with subsection (d).

3 (B) INACTION DEEMED REJECTION.—If  
4 the Select Committee on Redistricting fails to  
5 approve or reject the pool within the deadline  
6 set forth in subparagraph (A), the Select Com-  
7 mittee shall be deemed to have rejected the pool  
8 for purposes of such subparagraph.

9 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-  
10 LECTION POOL.—

11 (1) IN GENERAL.—If the Select Committee on  
12 Redistricting rejects the replacement selection pool  
13 submitted by the nonpartisan agency under sub-  
14 section (c), not later than 14 days after the rejec-  
15 tion, the nonpartisan agency shall develop and sub-  
16 mit to the Select Committee a second replacement  
17 selection pool, under the same terms and conditions  
18 that applied to the development and submission of  
19 the selection pool under paragraphs (1) through (5)  
20 of subsection (b). The second replacement selection  
21 pool submitted under this paragraph may include in-  
22 dividuals who were included in the rejected selection  
23 pool submitted under subsection (b) or the rejected  
24 replacement selection pool submitted under sub-  
25 section (c), so long as at least one of the individuals

1 in the replacement pool was not included in either  
2 such rejected pool.

3 (2) ACTION BY SELECT COMMITTEE.—

4 (A) IN GENERAL.—Not later than 14 days  
5 after receiving the second replacement selection  
6 pool from the nonpartisan agency under para-  
7 graph (1), the Select Committee on Redis-  
8 tricting shall—

9 (i) approve the pool as submitted by  
10 the nonpartisan agency, in which case the  
11 pool shall be considered the approved selec-  
12 tion pool for purposes of section  
13 3201(a)(1); or

14 (ii) reject the pool, in which case—

15 (I) the nonpartisan agency shall  
16 not develop or submit any other selec-  
17 tion pool for purposes of this title;  
18 and

19 (II) the United States District  
20 Court for the District of Columbia  
21 shall develop and enact the redis-  
22 tricting plan for the State, in accord-  
23 ance with section 3301.

24 (B) INACTION DEEMED REJECTION.—If  
25 the Select Committee on Redistricting fails to

1 approve or reject the pool within the deadline  
2 set forth in subparagraph (A), the Select Com-  
3 mittee shall be deemed to have rejected the pool  
4 for purposes of such subparagraph.

5 **SEC. 3203. CRITERIA FOR REDISTRICTING PLAN BY INDE-**  
6 **PENDENT COMMISSION; PUBLIC NOTICE AND**  
7 **INPUT.**

8 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

9 (1) CRITERIA.—The independent redistricting  
10 commission of a State shall develop a redistricting  
11 plan for the State in accordance with the following  
12 criteria, prioritized according to the following order:

13 (A) Districts shall each have equal popu-  
14 lation per representative as nearly as prac-  
15 ticable, in accordance with the Constitution of  
16 the United States.

17 (B) To the extent not inconsistent with the  
18 above criteria, districts shall comply with the  
19 Voting Rights Act of 1965 (52 U.S.C. 10301 et  
20 seq.).

21 (C) To the extent not inconsistent with the  
22 above criteria, districts shall be geographically  
23 contiguous.

24 (D) To the extent practicable and not in-  
25 consistent with the above criteria, district



1 boundaries shall minimize the division of any  
2 community of interest, municipality, county, or  
3 neighborhood. For purposes of this subpara-  
4 graph, a community of interest is a contiguous  
5 population which shares common social or eco-  
6 nomic interests that should be included within  
7 a single district for purposes of its effective and  
8 fair representation. Examples of such shared in-  
9 terests are those common to an urban area, a  
10 rural area, an industrial area, or an agricultural  
11 area, and those common to areas in which the  
12 people share similar living standards, use the  
13 same transportation facilities, have similar work  
14 opportunities, or have access to the same media  
15 of communication relevant to the election proc-  
16 ess. Communities of interest shall not include  
17 relationships with political parties, incumbent  
18 officeholders, or political candidates.

19 (E) To the extent practicable and not in-  
20 consistent with the above criteria, districts shall  
21 be geographically compact such that nearby  
22 areas of population are not bypassed for more  
23 distant areas of population.

24 (2) FACTORS PROHIBITED FROM CONSIDER-  
25 ATION.—In developing the redistricting plan for the

1 State, the independent redistricting commission may  
2 not take into consideration any of the following fac-  
3 tors, except to the extent necessary to comply with  
4 the Voting Rights Act of 1965:

5 (A) The political party affiliation or voting  
6 history of the population of a district.

7 (B) The residence of any Member of the  
8 House of Representatives or candidate.

9 (b) PUBLIC NOTICE AND INPUT.—

10 (1) USE OF OPEN AND TRANSPARENT PROC-  
11 ESS.—The independent redistricting commission of a  
12 State shall hold each of its meetings in public, shall  
13 solicit and take into consideration comments from  
14 the public throughout the process of developing the  
15 redistricting plan for the State, and shall carry out  
16 its duties in an open and transparent manner which  
17 provides for the widest public dissemination reason-  
18 ably possible of its proposed and final redistricting  
19 plans.

20 (2) WEBSITE.—The commission shall maintain  
21 a public Internet site which is not affiliated with or  
22 maintained by the office of any elected official and  
23 which includes the following features:

24 (A) General information on the commission  
25 and its members, including contact information.

1 (B) An updated schedule of commission  
2 hearings and activities, including deadlines for  
3 the submission of comments.

4 (C) All draft redistricting plans developed  
5 by the commission under subsection (c) and the  
6 final redistricting plan developed under sub-  
7 section (d).

8 (D) Live streaming of commission hearings  
9 and an archive of previous meetings and other  
10 commission records.

11 (E) A method by which members of the  
12 public may submit comments directly to the  
13 commission.

14 (F) Access to the demographic data used  
15 by the commission to develop the proposed re-  
16 districting plans, together with any software  
17 used to draw maps of proposed districts.

18 (3) PUBLIC COMMENT PERIOD.—The commis-  
19 sion shall solicit, accept, and consider comments  
20 from the public with respect to its duties, activities,  
21 and procedures at any time during the period—

22 (A) which begins on January 1 of the year  
23 ending in the numeral one; and

24 (B) which ends 7 days before the date of  
25 the meeting at which the commission shall vote

1 on approving the final redistricting plan for en-  
2 actment into law under subsection (d)(2).

3 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-  
4 GRAPHIC LOCATIONS.—To the greatest extent prac-  
5 ticable, the commission shall hold its meetings and  
6 hearings in various geographic regions and locations  
7 throughout the State.

8 (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-  
9 NARY REDISTRICTING PLAN.—

10 (1) IN GENERAL.—Prior to developing and pub-  
11 lishing a final redistricting plan under subsection  
12 (d), the independent redistricting commission of a  
13 State shall develop and publish a preliminary redis-  
14 tricting plan.

15 (2) MINIMUM PUBLIC HEARINGS PRIOR TO DE-  
16 VELOPMENT.—

17 (A) 3 HEARINGS REQUIRED.—Prior to de-  
18 veloping a preliminary redistricting plan under  
19 this subsection, the commission shall hold not  
20 fewer than 3 public hearings at which members  
21 of the public may provide input and comments  
22 regarding the potential contents of redistricting  
23 plans for the State and the process by which  
24 the commission will develop the preliminary  
25 plan under this subsection.

1 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
2 TO HEARINGS.—The commission shall notify  
3 the public through the website maintained  
4 under subsection (b)(2), as well as through pub-  
5 lication of notice in newspapers of general cir-  
6 culation throughout the State, of the date, time,  
7 and location of each of the hearings held under  
8 this paragraph not fewer than 14 days prior to  
9 the date of the hearing.

10 (3) PUBLICATION OF PRELIMINARY PLAN.—

11 (A) IN GENERAL.—The commission shall  
12 post the preliminary redistricting plan devel-  
13 oped under this subsection, together with a re-  
14 port that includes the commission's responses  
15 to any public comments received under sub-  
16 section (b)(3), on the website maintained under  
17 subsection (b)(2), and shall provide for the pub-  
18 lication of each such plan in newspapers of gen-  
19 eral circulation throughout the State.

20 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
21 TO PUBLICATION.—Not fewer than 14 days  
22 prior to the date on which the commission posts  
23 and publishes the preliminary plan under this  
24 paragraph, the commission shall notify the pub-  
25 lic through the website maintained under sub-

1 section (b)(2), as well as through publication of  
2 notice in newspapers of general circulation  
3 throughout the State, of the pending publica-  
4 tion of the plan.

5 (4) MINIMUM PERIOD FOR PUBLIC COMMENT  
6 AFTER PUBLICATION OF PLAN.—The commission  
7 shall accept and consider comments from the public  
8 with respect to the preliminary redistricting plan  
9 published under paragraph (3) for not fewer than 30  
10 days after the date on which the plan is published.

11 (5) POST-PUBLICATION HEARINGS.—

12 (A) 3 HEARINGS REQUIRED.—After post-  
13 ing and publishing the preliminary redistricting  
14 plan under paragraph (3), the commission shall  
15 hold not fewer than 3 public hearings at which  
16 members of the public may provide input and  
17 comments regarding the preliminary plan.

18 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
19 TO HEARINGS.—The commission shall notify  
20 the public through the website maintained  
21 under subsection (b)(2), as well as through pub-  
22 lication of notice in newspapers of general cir-  
23 culation throughout the State, of the date, time,  
24 and location of each of the hearings held under

1           this paragraph not fewer than 14 days prior to  
2           the date of the hearing.

3           (6) PERMITTING MULTIPLE PRELIMINARY  
4           PLANS.—At the option of the commission, after de-  
5           veloping and publishing the preliminary redistricting  
6           plan under this subsection, the commission may de-  
7           velop and publish subsequent preliminary redis-  
8           tricting plans, so long as the process for the develop-  
9           ment and publication of each such subsequent plan  
10          meets the requirements set forth in this subsection  
11          for the development and publication of the first pre-  
12          liminary redistricting plan.

13          (d) PROCESS FOR ENACTMENT OF FINAL REDIS-  
14          TRICTING PLAN.—

15               (1) IN GENERAL.—After taking into consider-  
16               ation comments from the public on any preliminary  
17               redistricting plan developed and published under  
18               subsection (c), the independent redistricting commis-  
19               sion of a State shall develop and publish a final re-  
20               districting plan for the State.

21               (2) MEETING; FINAL VOTE.—Not later than  
22               August 15 of each year ending in the numeral one,  
23               the commission shall hold a public hearing at which  
24               the members of the commission shall vote on approv-  
25               ing the final plan for enactment into law.

1           (3) PUBLICATION OF PLAN AND ACCOMPANYING  
2 MATERIALS.—Not fewer than 14 days before the  
3 date of the meeting under paragraph (2), the com-  
4 mission shall provide the following information to  
5 the public through the website maintained under  
6 subsection (b)(2), as well as through newspapers of  
7 general circulation throughout the State:

8           (A) The final redistricting plan, including  
9 all relevant maps.

10           (B) A report by the commission to accom-  
11 pany the plan which provides the background  
12 for the plan and the commission's reasons for  
13 selecting the plan as the final redistricting plan,  
14 including responses to the public comments re-  
15 ceived on any preliminary redistricting plan de-  
16 veloped and published under subsection (c).

17           (C) Any dissenting or additional views with  
18 respect to the plan of individual members of the  
19 commission.

20           (4) ENACTMENT.—The final redistricting plan  
21 developed and published under this subsection shall  
22 be deemed to be enacted into law if—

23           (A) the plan is approved by a majority of  
24 the whole membership of the commission; and



1 (B) at least one member of the commission  
2 appointed from each of the categories of the ap-  
3 proved selection pool described in section  
4 3202(b)(1) approves the plan.

5 (e) DEADLINE.—The independent redistricting com-  
6 mission of a State shall approve a final redistricting plan  
7 for the State not later than August 15 of each year ending  
8 in the numeral one.

9 **SEC. 3204. ESTABLISHMENT OF RELATED ENTITIES.**

10 (a) ESTABLISHMENT OR DESIGNATION OF NON-  
11 PARTISAN AGENCY OF STATE LEGISLATURE.—

12 (1) IN GENERAL.—Each State shall establish a  
13 nonpartisan agency in the legislative branch of the  
14 State government to appoint the members of the  
15 independent redistricting commission for the State  
16 in accordance with section 3201.

17 (2) NONPARTISANSHIP DESCRIBED.—For pur-  
18 poses of this subsection, an agency shall be consid-  
19 ered to be nonpartisan if under law the agency—

20 (A) is required to provide services on a  
21 nonpartisan basis;

22 (B) is required to maintain impartiality;  
23 and

24 (C) is prohibited from advocating for the  
25 adoption or rejection of any legislative proposal.

1           (3) DESIGNATION OF EXISTING AGENCY.—At  
2       its option, a State may designate an existing agency  
3       in the legislative branch of its government to appoint  
4       the members of the independent redistricting com-  
5       mission plan for the State under this title, so long  
6       as the agency meets the requirements for non-  
7       partisanship under this subsection.

8           (4) TERMINATION OF AGENCY SPECIFICALLY  
9       ESTABLISHED FOR REDISTRICTING.—If a State does  
10      not designate an existing agency under paragraph  
11      (3) but instead establishes a new agency to serve as  
12      the nonpartisan agency under this section, the new  
13      agency shall terminate upon the enactment into law  
14      of the redistricting plan for the State.

15          (5) DEADLINE.—The State shall meet the re-  
16      quirements of this subsection not later than each  
17      August 15 of a year ending in the numeral nine.

18      (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-  
19      DISTRICTING.—

20          (1) IN GENERAL.—Each State shall appoint a  
21      Select Committee on Redistricting to approve or dis-  
22      approve a selection pool developed by the inde-  
23      pendent redistricting commission for the State under  
24      section 3202.

1           (2) APPOINTMENT.—The Select Committee on  
2     Redistricting for a State under this subsection shall  
3     consist of the following members:

4           (A) 1 member of the upper house of the  
5     State legislature, who shall be appointed by the  
6     leader of the party with the greatest number of  
7     seats in the upper house.

8           (B) 1 member of the upper house of the  
9     State legislature, who shall be appointed by the  
10    leader of the party with the second greatest  
11    number of seats in the upper house.

12          (C) 1 member of the lower house of the  
13    State legislature, who shall be appointed by the  
14    leader of the party with the greatest number of  
15    seats in the lower house.

16          (D) 1 member of the lower house of the  
17    State legislature, who shall be appointed by the  
18    leader of the party with the second greatest  
19    number of seats in the lower house.

20          (3) SPECIAL RULE FOR STATES WITH UNICAM-  
21    ERAL LEGISLATURE.—In the case of a State with a  
22    unicameral legislature, the Select Committee on Re-  
23    districting for the State under this subsection shall  
24    consist of the following members:

1 (A) 2 members of the State legislature ap-  
 2 pointed by the leader of the party with the  
 3 greatest number of seats in the legislature.

4 (B) 2 members of the State legislature ap-  
 5 pointed by the leader of the party with the sec-  
 6 ond greatest number of seats in legislature.

7 (4) DEADLINE.—The State shall meet the re-  
 8 quirements of this subsection not later than each  
 9 January 15 of a year ending in the numeral zero.

## 10 **Subtitle C—Role of Courts in** 11 **Development of Redistricting Plans**

### 12 **SEC. 3301. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE** 13 **COURT.**

14 (a) DEVELOPMENT OF PLAN.—If any of the trig-  
 15 gering events described in subsection (c) occur with re-  
 16 spect to a State—

17 (1) not later than December 15 of the year in  
 18 which the triggering event occurs, the United States  
 19 District Court for the District of Columbia, acting  
 20 through a 3-judge court convened pursuant to sec-  
 21 tion 2284 of title 28, United States Code, shall de-  
 22 velop and publish the Congressional redistricting  
 23 plan for the State; and

24 (2) the plan developed and published by the  
 25 Court under this subsection shall be deemed to be

1 enacted on the date on which the Court publishes  
2 the plan.

3 (b) PROCEDURES FOR DEVELOPMENT OF PLAN.—

4 (1) CRITERIA.—It is the sense of Congress  
5 that, in developing a redistricting plan for a State  
6 under this section, the Court should adhere to the  
7 same terms and conditions that applied (or that  
8 would have applied, as the case may be) to the devel-  
9 opment of a plan by the independent redistricting  
10 commission of the State under section 3203(a).

11 (2) ACCESS TO INFORMATION AND RECORDS OF  
12 COMMISSION.—The Court shall have access to any  
13 information, data, software, or other records and  
14 material that was used (or that would have been  
15 used, as the case may be) by the independent redis-  
16 tricting commission of the State in carrying out its  
17 duties under this title.

18 (c) TRIGGERING EVENTS DESCRIBED.—The “trig-  
19 gering events” described in this subsection are as follows:

20 (1) The failure of the State to establish or des-  
21 ignate a nonpartisan agency of the State legislature  
22 under section 204(a) prior to the expiration of the  
23 deadline set forth in section 3204(a)(5).

24 (2) The failure of the State to appoint a Select  
25 Committee on Redistricting under section 3204(b)

1 prior to the expiration of the deadline set forth in  
2 section 3204(b)(4).

3 (3) The failure of the Select Committee on Re-  
4 districting to approve any selection pool under sec-  
5 tion 3202 prior to the expiration of the deadline set  
6 forth for the approval of the second replacement se-  
7 lection pool in section 3202(d)(2).

8 (4) The failure of the independent redistricting  
9 commission of the State to approve a final redis-  
10 tricting plan for the State prior to the expiration of  
11 the deadline set forth in section 3203(e).

12 **SEC. 3302. SPECIAL RULE FOR REDISTRICTING CON-**  
13 **DUCTED UNDER ORDER OF FEDERAL COURT.**

14 If a Federal court requires a State to conduct redis-  
15 tricting subsequent to an apportionment of Representa-  
16 tives in the State in order to comply with the Constitution  
17 or to enforce the Voting Rights Act of 1965, section 3203  
18 shall apply with respect to the redistricting, except that  
19 the court may revise any of the deadlines set forth in such  
20 section if the court determines that a revision is appro-  
21 priate in order to provide for a timely enactment of a new  
22 redistricting plan for the State.

1       **Subtitle D—Administrative and**  
2               **Miscellaneous Provisions**

3       **SEC. 3401. PAYMENTS TO STATES FOR CARRYING OUT RE-**  
4               **DISTRICTING.**

5           (a) AUTHORIZATION OF PAYMENTS.—Subject to sub-  
6 section (d), not later than 30 days after a State receives  
7 a State apportionment notice, the Election Assistance  
8 Commission shall make a payment to the State in an  
9 amount equal to the product of—

10               (1) the number of Representatives to which the  
11 State is entitled, as provided under the notice; and

12               (2) \$150,000.

13           (b) USE OF FUNDS.—A State shall use the payment  
14 made under this section to establish and operate the  
15 State’s independent redistricting commission, to imple-  
16 ment the State redistricting plan, and to otherwise carry  
17 out Congressional redistricting in the State.

18           (c) NO PAYMENT TO STATES WITH SINGLE MEM-  
19 BER.—The Election Assistance Commission shall not  
20 make a payment under this section to any State which  
21 is not entitled to more than one Representative under its  
22 State apportionment notice.

23           (d) REQUIRING SUBMISSION OF SELECTION POOL AS  
24 CONDITION OF PAYMENT.—The Election Assistance Com-  
25 mission may not make a payment to a State under this

1 section until the State certifies to the Commission that  
2 the nonpartisan agency established or designated by a  
3 State under section 3204(a) has, in accordance with sec-  
4 tion 3202(b)(1), submitted a selection pool to the Select  
5 Committee on Redistricting for the State established  
6 under section 3204(b).

7 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated such sums as may be  
9 necessary for payments under this section.

10 **SEC. 3402. CIVIL ENFORCEMENT.**

11 (a) CIVIL ENFORCEMENT.—

12 (1) ACTIONS BY ATTORNEY GENERAL.—The At-  
13 torney General may bring a civil action in an appro-  
14 priate district court for such relief as may be appro-  
15 priate to carry out this title.

16 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-  
17 TION.—Any citizen of a State who is aggrieved by  
18 the failure of the State redistricting plan which is  
19 enacted into law under section 3203 to meet the re-  
20 quirements for such a plan under this title may  
21 bring a civil action in an appropriate district court  
22 for such relief as may be appropriate to remedy the  
23 failure, so long as the individual brings the action  
24 during the 45-day period which begins on the date  
25 on which the plan is enacted into law.



1       (b) EXPEDITED CONSIDERATION.—In any action  
2 brought forth under this section, the following rules shall  
3 apply:

4           (1) The action shall be filed in the United  
5 States District Court for the District of Columbia  
6 and shall be heard by a 3-judge court convened pur-  
7 suant to section 2284 of title 28, United States  
8 Code.

9           (2) The 3-judge court shall consolidate actions  
10 brought for relief under subsection (b)(1) with re-  
11 spect to the same State redistricting plan.

12          (3) A copy of the complaint shall be delivered  
13 promptly to the Clerk of the House of Representa-  
14 tives and the Secretary of the Senate.

15          (4) A final decision in the action shall be re-  
16 viewable only by appeal directly to the Supreme  
17 Court of the United States. Such appeal shall be  
18 taken by the filing of a notice of appeal within 10  
19 days, and the filing of a jurisdictional statement  
20 within 30 days, of the entry of the final decision.

21          (5) It shall be the duty of the district court and  
22 the Supreme Court of the United States to advance  
23 on the docket and to expedite to the greatest pos-  
24 sible extent the disposition of the action and appeal.

1       (c) ATTORNEY’S FEES.—In a civil action under this  
2 section, the court may allow the prevailing party (other  
3 than the United States) reasonable attorney fees, includ-  
4 ing litigation expenses, and costs.

5       (d) RELATION TO OTHER LAWS.—

6           (1) RIGHTS AND REMEDIES ADDITIONAL TO  
7 OTHER RIGHTS AND REMEDIES.—The rights and  
8 remedies established by this section are in addition  
9 to all other rights and remedies provided by law, and  
10 neither the rights and remedies established by this  
11 section nor any other provision of this title shall su-  
12 persede, restrict, or limit the application of the Vot-  
13 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

14           (2) VOTING RIGHTS ACT OF 1965.—Nothing in  
15 this title authorizes or requires conduct that is pro-  
16 hibited by the Voting Rights Act of 1965 (52 U.S.C.  
17 10301 et seq.).

18 **SEC. 3403. STATE APPORTIONMENT NOTICE DEFINED.**

19       In this title, the “State apportionment notice” means,  
20 with respect to a State, the notice sent to the State from  
21 the Clerk of the House of Representatives under section  
22 22(b) of the Act entitled “An Act to provide for the fif-  
23 teenth and subsequent decennial censuses and to provide  
24 for an apportionment of Representatives in Congress”, ap-

1 proved June 18, 1929 (2 U.S.C. 2a), of the number of  
 2 Representatives to which the State is entitled.

3 **SEC. 3404. NO EFFECT ON ELECTIONS FOR STATE AND**  
 4 **LOCAL OFFICE.**

5 Nothing in this title or in any amendment made by  
 6 this title may be construed to affect the manner in which  
 7 a State carries out elections for State or local office, in-  
 8 cluding the process by which a State establishes the dis-  
 9 tricts used in such elections.

10 **SEC. 3405. EFFECTIVE DATE.**

11 This title and the amendments made by this title  
 12 shall apply with respect to redistricting carried out pursu-  
 13 ant to the decennial census conducted during 2020 or any  
 14 succeeding decennial census.

15 **TITLE IV—VOTER**  
 16 **REGISTRATION**  
 17 **Subtitle A—Automatic Voter**  
 18 **Registration**

19 **SEC. 4001. SHORT TITLE; FINDINGS AND PURPOSE.**

20 (a) SHORT TITLE.—This subtitle may be cited as the  
 21 “Automatic Voter Registration Act of 2017”.

22 (b) FINDINGS AND PURPOSE.—

23 (1) FINDINGS.—Congress finds that—

24 (A) the right to vote is a fundamental  
 25 right of citizens of the United States;

1 (B) it is the responsibility of the State and  
2 Federal governments to ensure that every eligi-  
3 ble citizen is registered to vote;

4 (C) existing voter registration systems can  
5 be inaccurate, costly, inaccessible and con-  
6 fusing, with damaging effects on voter partici-  
7 pation in elections and disproportionate impacts  
8 on young people, persons with disabilities, and  
9 racial and ethnic minorities; and

10 (D) voter registration systems must be up-  
11 dated with 21st century technologies and proce-  
12 dures to maintain their security.

13 (2) PURPOSE.—It is the purpose of this sub-  
14 title—

15 (A) to establish that it is the responsibility  
16 of government at every level to ensure that all  
17 eligible citizens are registered to vote;

18 (B) to enable the State and Federal gov-  
19 ernments to register all eligible citizens to vote  
20 with accurate, cost-efficient, and up-to-date pro-  
21 cedures;

22 (C) to modernize voter registration and list  
23 maintenance procedures with electronic and  
24 Internet capabilities; and

1 (D) to protect and enhance the integrity,  
2 accuracy, efficiency, and accessibility of the  
3 electoral process for all eligible citizens.

4 **SEC. 4002. AUTOMATIC REGISTRATION OF ELIGIBLE INDIVIDUALS.**  
5

6 (a) REQUIRING STATES TO ESTABLISH AND OPERATE  
7 AUTOMATIC REGISTRATION SYSTEM.—

8 (1) IN GENERAL.—The chief State election official  
9 of each State shall establish and operate a system  
10 of automatic registration for the registration of  
11 eligible individuals to vote for elections for Federal  
12 office in the State, in accordance with the provisions  
13 of this Act.

14 (2) DEFINITION.—The term “automatic registration”  
15 means a system that registers an individual  
16 to vote in elections for Federal office in a  
17 State, if eligible, by electronically transferring the  
18 information necessary for registration from government  
19 agencies to election officials of the State so  
20 that, unless the individual affirmatively declines to  
21 be registered, the individual will be registered to vote  
22 in such elections.

23 (b) REGISTRATION OF VOTERS BASED ON NEW  
24 AGENCY RECORDS.—The chief State election official  
25 shall—

1           (1) not later than 15 days after a contributing  
2           agency has transmitted information with respect to  
3           an individual pursuant to section 4003, ensure that  
4           the individual is registered to vote in elections for  
5           Federal office in the State if the individual is eligible  
6           to be registered to vote in such elections; and

7           (2) send written notice to the individual, in ad-  
8           dition to other means of notice established by this  
9           title, of the individual's voter registration status.

10          (c) ONE-TIME REGISTRATION OF VOTERS BASED ON  
11          EXISTING CONTRIBUTING AGENCY RECORDS.—The chief  
12          State election official shall—

13               (1) identify all individuals whose information is  
14               transmitted by a contributing agency pursuant to  
15               section 4004 and who are eligible to be, but are not  
16               currently, registered to vote in that State;

17               (2) promptly send each such individual written  
18               notice, in addition to other means of notice estab-  
19               lished by this title, which shall not identify the con-  
20               tributing agency that transmitted the information  
21               but shall include—

22                       (A) an explanation that voter registration  
23                       is voluntary, but if the individual does not de-  
24                       cline registration, the individual will be reg-  
25                       istered to vote;

1           (B) a statement offering the opportunity to  
2           decline voter registration through means con-  
3           sistent with the requirements of this title;

4           (C) in the case of a State in which affili-  
5           ation or enrollment with a political party is re-  
6           quired in order to participate in an election to  
7           select the party's candidate in an election for  
8           Federal office, a statement offering the indi-  
9           vidual the opportunity to affiliate or enroll with  
10          a political party or to decline to affiliate or en-  
11          roll with a political party, through means con-  
12          sistent with the requirements of this title;

13          (D) the substantive qualifications of an  
14          elector in the State as listed in the mail voter  
15          registration application form for elections for  
16          Federal office prescribed pursuant to section 9  
17          of the National Voter Registration Act of 1993,  
18          the consequences of false registration, and a  
19          statement that the individual should decline to  
20          register if the individual does not meet all those  
21          qualifications;

22          (E) instructions for correcting any erro-  
23          neous information; and

24          (F) instructions for providing any addi-  
25          tional information which is listed in the mail

1 voter registration application form for elections  
2 for Federal office prescribed pursuant to section  
3 9 of the National Voter Registration Act of  
4 1993;

5 (3) ensure that each such individual who is eli-  
6 gible to register to vote in elections for Federal of-  
7 fice in the State is promptly registered to vote not  
8 later than 45 days after the official sends the indi-  
9 vidual the written notice under paragraph (2), un-  
10 less, during the 30-day period which begins on the  
11 date the election official sends the individual such  
12 written notice, the individual declines registration in  
13 writing, through a communication made over the  
14 Internet, or by an officially logged telephone commu-  
15 nication; and

16 (4) send written notice to each such individual,  
17 in addition to other means of notice established by  
18 this title, of the individual's voter registration status.

19 (d) CONTRIBUTING AGENCY DEFINED.—In this title,  
20 the term “contributing agency” means, with respect to a  
21 State, an agency listed in section 4003(e).

22 **SEC. 4003. CONTRIBUTING AGENCY ASSISTANCE IN REG-**  
23 **ISTRATION.**

24 (a) IN GENERAL.—In accordance with this title, each  
25 contributing agency in a State shall assist the State's chief



1 election official in registering to vote all eligible individuals  
2 served by that agency.

3 (b) REQUIREMENTS FOR CONTRIBUTING AGEN-  
4 CIES.—

5 (1) INSTRUCTIONS ON AUTOMATIC REGISTRA-  
6 TION.—With each application for service or assist-  
7 ance, and with each related recertification, renewal,  
8 or change of address, or, in the case of an institu-  
9 tion of higher education, with each registration of a  
10 student for enrollment in a course of study, each  
11 contributing agency that (in the normal course of its  
12 operations) requests individuals to affirm United  
13 States citizenship (either directly or as part of the  
14 overall application for service or assistance) shall in-  
15 form each such individual who is a citizen of the  
16 United States of the following:

17 (A) Unless that individual declines to reg-  
18 ister to vote, or is found ineligible to vote, the  
19 individual will be registered to vote or, if appli-  
20 cable, the individual's registration will be up-  
21 dated.

22 (B) The substantive qualifications of an  
23 elector in the State as listed in the mail voter  
24 registration application form for elections for  
25 Federal office prescribed pursuant to section 9

1 of the National Voter Registration Act of 1993,  
2 the consequences of false registration, and the  
3 individual should decline to register if the indi-  
4 vidual does not meet all those qualifications.

5 (C) In the case of a State in which affili-  
6 ation or enrollment with a political party is re-  
7 quired in order to participate in an election to  
8 select the party's candidate in an election for  
9 Federal office, the requirement that the indi-  
10 vidual must affiliate or enroll with a political  
11 party in order to participate in such an election.

12 (D) Voter registration is voluntary, and  
13 neither registering nor declining to register to  
14 vote will in any way affect the availability of  
15 services or benefits, nor be used for other pur-  
16 poses.

17 (2) OPPORTUNITY TO DECLINE REGISTRATION  
18 REQUIRED.—Each contributing agency shall ensure  
19 that each application for service or assistance, and  
20 each related recertification, renewal, or change of  
21 address, or, in the case of an institution of higher  
22 education, each registration of a student for enroll-  
23 ment in a course of study, cannot be completed until  
24 the individual is given the opportunity to decline to  
25 be registered to vote.

1           (3) INFORMATION TRANSMITTAL.—Upon the  
2           expiration of the 30-day period which begins on the  
3           date the contributing agency informs the individual  
4           of the information described in paragraph (1), each  
5           contributing agency shall electronically transmit to  
6           the appropriate State election official, in a format  
7           compatible with the statewide voter database main-  
8           tained under section 303 of the Help America Vote  
9           Act of 2002 (52 U.S.C. 21083), the following infor-  
10          mation, unless during such 30-day period the indi-  
11          vidual declined to be registered to vote:

12                   (A) The individual's given name(s) and  
13                   surname(s).

14                   (B) The individual's date of birth.

15                   (C) The individual's residential address.

16                   (D) Information showing that the indi-  
17                   vidual is a citizen of the United States.

18                   (E) The date on which information per-  
19                   taining to that individual was collected or last  
20                   updated.

21                   (F) If available, the individual's signature  
22                   in electronic form.

23                   (G) Information regarding the individual's  
24                   affiliation or enrollment with a political party,  
25                   if the individual provides such information.

1           (H) Any additional information listed in  
2           the mail voter registration application form for  
3           elections for Federal office prescribed pursuant  
4           to section 9 of the National Voter Registration  
5           Act of 1993, including any valid driver's license  
6           number or the last 4 digits of the individual's  
7           social security number, if the individual pro-  
8           vided such information.

9           (c) ALTERNATE PROCEDURE FOR CERTAIN CON-  
10          TRIBUTING AGENCIES.—With each application for service  
11          or assistance, and with each related recertification, re-  
12          newal, or change of address, or in the case of an institu-  
13          tion of higher education, with each registration of a stu-  
14          dent for enrollment in a course of study, any contributing  
15          agency that in the normal course of its operations does  
16          not request individuals applying for service or assistance  
17          to affirm United States citizenship (either directly or as  
18          part of the overall application for service or assistance)  
19          shall—

20                (1) complete the requirements of section 7(a)(6)  
21                of the National Voter Registration Act of 1993 (52  
22                U.S.C. 20506(a)(6));

23                (2) ensure that each applicant's transaction  
24                with the agency cannot be completed until the appli-  
25                cant has indicated whether the applicant wishes to

1 register to vote or declines to register to vote in elec-  
2 tions for Federal office held in the State; and

3 (3) for each individual who wishes to register to  
4 vote, transmit that individual's information in ac-  
5 cordance with subsection (b)(3).

6 (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-  
7 ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR  
8 SERVICE OR ASSISTANCE.—Each contributing agency  
9 shall offer each individual, with each application for serv-  
10 ice or assistance, and with each related recertification, re-  
11 newal, or change of address, or in the case of an institu-  
12 tion of higher education, with each registration of a stu-  
13 dent for enrollment in a course of study, the opportunity  
14 to register to vote as prescribed by this section without  
15 regard to whether the individual previously declined a reg-  
16 istration opportunity.

17 (e) CONTRIBUTING AGENCIES.—

18 (1) STATE AGENCIES.—In each State, each of  
19 the following agencies shall be treated as a contrib-  
20 uting agency:

21 (A) Each agency in a State that is re-  
22 quired by Federal law to provide voter registra-  
23 tion services, including the State motor vehicle  
24 authority and other voter registration agencies

1 under the National Voter Registration Act of  
2 1993.

3 (B) Each agency in a State that admin-  
4 isters a program pursuant to title III of the So-  
5 cial Security Act (42 U.S.C. 501 et seq.), title  
6 XIX of the Social Security Act (42 U.S.C. 1396  
7 et seq.), or the Patient Protection and Afford-  
8 able Care Act (Public Law 111–148).

9 (C) Each State agency primarily respon-  
10 sible for regulating the private possession of  
11 firearms.

12 (D) Each State agency primarily respon-  
13 sible for maintaining identifying information for  
14 students enrolled at public secondary schools,  
15 including, where applicable, the State agency  
16 responsible for maintaining the education data  
17 system described in section 6201(e)(2) of the  
18 America COMPETES Act (20 U.S.C.  
19 9871(e)(2)).

20 (E) In the case of a State in which an in-  
21 dividual disenfranchised by a criminal convic-  
22 tion may become eligible to vote upon comple-  
23 tion of a criminal sentence or any part thereof,  
24 or upon formal restoration of rights, the State  
25 agency responsible for administering that sen-

1           tence, or part thereof, or that restoration of  
2           rights.

3           (F) Any other agency of the State which is  
4           designated by the State as a contributing agen-  
5           cy.

6           (2) FEDERAL AGENCIES.—In each State, each  
7           of the following agencies of the Federal Government  
8           shall be treated as a contributing agency with re-  
9           spect to individuals who are residents of that State  
10          (except as provided in subparagraph (C)):

11          (A) The Social Security Administration,  
12          the Department of Veterans Affairs, the De-  
13          fense Manpower Data Center of the Depart-  
14          ment of Defense, the Employee and Training  
15          Administration of the Department of Labor,  
16          and the Centers for Medicare & Medicaid Serv-  
17          ices of the Department of Health and Human  
18          Services.

19          (B) The Bureau of Citizenship and Immi-  
20          gration Services, but only with respect to indi-  
21          viduals who have completed the naturalization  
22          process.

23          (C) In the case of an individual who is a  
24          resident of a State in which an individual  
25          disenfranchised by a criminal conviction under

1 Federal law may become eligible to vote upon  
2 completion of a criminal sentence or any part  
3 thereof, or upon formal restoration of rights,  
4 the Federal agency responsible for admin-  
5 istering that sentence or part thereof (without  
6 regard to whether the agency is located in the  
7 same State in which the individual is a resi-  
8 dent), but only with respect to individuals who  
9 have completed the criminal sentence or any  
10 part thereof.

11 (D) Any other agency of the Federal Gov-  
12 ernment which the State designates as a con-  
13 tributing agency, but only if the State and the  
14 head of the agency determine that the agency  
15 collects information sufficient to carry out the  
16 responsibilities of a contributing agency under  
17 this section.

18 (3) INSTITUTIONS OF HIGHER EDUCATION.—  
19 Each institution of higher education that receives  
20 Federal funds shall be treated as a contributing  
21 agency in the State in which it is located, but only  
22 with respect to students of the institution (including  
23 students who attend classes online) who reside in the  
24 State. An institution of higher education described  
25 in the previous sentence shall be exempt from the



1 voter registration requirements of section 487(a)(23)  
2 of the Higher Education Act of 1965 (20 U.S.C.  
3 1094(a)(23)) if the institution is in compliance with  
4 the applicable requirements of this Act.

5 (4) PUBLICATION.—Not later than 180 days  
6 prior to the date of each election for Federal office  
7 held in the State, the chief State election official  
8 shall publish on the public website of the official an  
9 updated list of all contributing agencies in that  
10 State.

11 (5) PUBLIC EDUCATION.—The chief State elec-  
12 tion official of each State, in collaboration with each  
13 contributing agency, shall take appropriate measures  
14 to educate the public about voter registration under  
15 this section.

16 **SEC. 4004. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE**  
17 **IN REGISTRATION OF ELIGIBLE VOTERS IN**  
18 **EXISTING RECORDS.**

19 (a) INITIAL TRANSMITTAL OF INFORMATION.—For  
20 each individual already listed in a contributing agency's  
21 records as of the date of enactment of this Act, and for  
22 whom the agency has the information listed in section  
23 4003(b)(3), the agency shall promptly transmit that infor-  
24 mation to the appropriate State election official in accord-

1   ance with section 4003(b)(3) not later than the effective  
2   date described in section 4011(a).

3           (b) TRANSITION.—For each individual listed in a con-  
4   tributing agency’s records as of the effective date de-  
5   scribed in section 4011(a) (but who was not listed in a  
6   contributing agency’s records as of the date of enactment  
7   of this Act), and for whom the agency has the information  
8   listed in section 4003(b)(3), the Agency shall promptly  
9   transmit that information to the appropriate State election  
10  official in accordance with section 4003(b)(3) not later  
11  than 6 months after the effective date described in section  
12  4011(a).

13   **SEC. 4005. VOTER PROTECTION AND SECURITY IN AUTO-**  
14                           **MATIC REGISTRATION.**

15           (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—  
16  An individual shall not be prosecuted under any Federal  
17  law, adversely affected in any civil adjudication concerning  
18  immigration status or naturalization, or subject to an alle-  
19  gation in any legal proceeding that the individual is not  
20  a citizen of the United States on any of the following  
21  grounds:

22                   (1) The individual notified an election office of  
23                   the individual’s automatic registration to vote under  
24                   this title.

1           (2) The individual is not eligible to vote in elec-  
2           tions for Federal office but was automatically reg-  
3           istered to vote under this title.

4           (3) The individual was automatically registered  
5           to vote under this title at an incorrect address.

6           (4) The individual declined the opportunity to  
7           register to vote or did not make an affirmation of  
8           citizenship, including through automatic registration,  
9           under this title.

10       (b) LIMITS ON USE OF AUTOMATIC REGISTRA-  
11       TION.—The automatic registration of any individual or the  
12       fact that an individual declined the opportunity to register  
13       to vote or did not make an affirmation of citizenship (in-  
14       cluding through automatic registration) under this title  
15       may not be used as evidence against that individual in any  
16       State or Federal law enforcement proceeding, and an indi-  
17       vidual's lack of knowledge or willfulness of such registra-  
18       tion may be demonstrated by the individual's testimony  
19       alone.

20       (c) PROTECTION OF ELECTION INTEGRITY.—Noth-  
21       ing in subsection (a) or (b) may be construed to prohibit  
22       or restrict any action under color of law against an indi-  
23       vidual who—

1           (1) knowingly and willfully makes a false state-  
2           ment to effectuate or perpetuate automatic voter  
3           registration by any individual; or

4           (2) casts a ballot knowingly and willfully in vio-  
5           lation of State law or the laws of the United States.

6           (d) CONTRIBUTING AGENCIES' PROTECTION OF IN-  
7           FORMATION.—Nothing in this title authorizes a contrib-  
8           uting agency to collect, retain, transmit, or publicly dis-  
9           close any of the following:

10           (1) An individual's decision to decline to reg-  
11           ister to vote or not to register to vote.

12           (2) An individual's decision not to affirm his or  
13           her citizenship.

14           (3) Any information that a contributing agency  
15           transmits pursuant to section 4003(b)(3), except in  
16           pursuing the agency's ordinary course of business.

17           (e) ELECTION OFFICIALS' PROTECTION OF INFOR-  
18           MATION.—

19           (1) PUBLIC DISCLOSURE PROHIBITED.—

20           (A) IN GENERAL.—Subject to subpara-  
21           graph (B), with respect to any individual for  
22           whom any State election official receives infor-  
23           mation from a contributing agency, the State  
24           election officials shall not publicly disclose any  
25           of the following:

1 (i) The identity of the contributing  
2 agency.

3 (ii) Any information not necessary to  
4 voter registration.

5 (iii) Any voter information otherwise  
6 shielded from disclosure under State law or  
7 section 8(a) of the National Voter Reg-  
8 istration Act of 1993 (52 U.S.C.  
9 20507(a)).

10 (iv) Any portion of the individual's so-  
11 cial security number.

12 (v) Any portion of the individual's  
13 motor vehicle driver's license number.

14 (vi) The individual's signature.

15 (vii) The individual's telephone num-  
16 ber.

17 (viii) The individual's email address.

18 (B) SPECIAL RULE FOR INDIVIDUALS REG-  
19 ISTERED TO VOTE.—With respect to any indi-  
20 vidual for whom any State election official re-  
21 ceives information from a contributing agency  
22 and who, on the basis of such information, is  
23 registered to vote in the State under this title,  
24 the State election officials shall not publicly dis-  
25 close any of the following:

1 (i) The identity of the contributing  
2 agency.

3 (ii) Any information not necessary to  
4 voter registration.

5 (iii) Any voter information otherwise  
6 shielded from disclosure under State law or  
7 section 8(a) of the National Voter Reg-  
8 istration Act of 1993 (52 U.S.C.  
9 20507(a)).

10 (iv) Any portion of the individual's so-  
11 cial security number.

12 (v) Any portion of the individual's  
13 motor vehicle driver's license number.

14 (vi) The individual's signature.

15 (2) VOTER RECORD CHANGES.—Each State  
16 shall maintain for at least 2 years and shall make  
17 available for public inspection and, where available,  
18 photocopying at a reasonable cost, all records of  
19 changes to voter records, including removals and up-  
20 dates.

21 (3) DATABASE MANAGEMENT STANDARDS.—  
22 The Director of the National Institute of Standards  
23 and Technology shall, after providing the public with  
24 notice and the opportunity to comment—

1 (A) establish standards governing the com-  
2 parison of data for voter registration list main-  
3 tenance purposes, identifying as part of such  
4 standards the specific data elements, the  
5 matching rules used, and how a State may use  
6 the data to determine and deem that an indi-  
7 vidual is ineligible under State law to vote in an  
8 election, or to deem a record to be a duplicate  
9 or outdated;

10 (B) ensure that the standards developed  
11 pursuant to this paragraph are uniform and  
12 nondiscriminatory and are applied in a uniform  
13 and nondiscriminatory manner; and

14 (C) publish the standards developed pursu-  
15 ant to this paragraph on the Director's website  
16 and make those standards available in written  
17 form upon request.

18 (4) SECURITY POLICY.—The Director of the  
19 National Institute of Standards and Technology  
20 shall, after providing the public with notice and the  
21 opportunity to comment, publish privacy and secu-  
22 rity standards for voter registration information.  
23 The standards shall require the chief State election  
24 official of each State to adopt a policy that shall  
25 specify—

1 (A) each class of users who shall have au-  
2 thorized access to the computerized statewide  
3 voter registration list, specifying for each class  
4 the permission and levels of access to be grant-  
5 ed, and setting forth other safeguards to pro-  
6 tect the privacy, security, and accuracy of the  
7 information on the list; and

8 (B) security safeguards to protect personal  
9 information transmitted through the informa-  
10 tion transmittal processes of section 4003 or  
11 section 4004, the online system used pursuant  
12 to section 4007, any telephone interface, the  
13 maintenance of the voter registration database,  
14 and any audit procedure to track access to the  
15 system.

16 (5) STATE COMPLIANCE WITH NATIONAL  
17 STANDARDS.—

18 (A) CERTIFICATION.—The chief executive  
19 officer of the State shall annually file with the  
20 Election Assistance Commission a statement  
21 certifying to the Director of the National Insti-  
22 tute of Standards and Technology that the  
23 State is in compliance with the standards re-  
24 ferred to in paragraphs (4) and (5). A State  
25 may meet the requirement of the previous sen-



1           tence by filing with the Commission a statement  
2           which reads as follows: “\_\_\_\_\_ hereby  
3           certifies that it is in compliance with the stand-  
4           ards referred to in paragraphs (4) and (5) of  
5           section 4005(e) of the Automatic Voter Reg-  
6           istration Act of 2017.” (with the blank to be  
7           filled in with the name of the State involved).

8           (B) PUBLICATION OF POLICIES AND PRO-  
9           CEDURES.—The chief State election official of a  
10          State shall publish on the official’s website the  
11          policies and procedures established under this  
12          section, and shall make those policies and pro-  
13          cedures available in written form upon public  
14          request.

15          (C) FUNDING DEPENDENT ON CERTIFI-  
16          CATION.—If a State does not timely file the cer-  
17          tification required under this paragraph, it shall  
18          not receive any payment under this Act for the  
19          upcoming fiscal year.

20          (D) COMPLIANCE OF STATES THAT RE-  
21          QUIRE CHANGES TO STATE LAW.—In the case  
22          of a State that requires State legislation to  
23          carry out an activity covered by any certifi-  
24          cation submitted under this paragraph, for a  
25          period of not more than 2 years the State shall

1           be permitted to make the certification notwith-  
2           standing that the legislation has not been en-  
3           acted at the time the certification is submitted,  
4           and such State shall submit an additional cer-  
5           tification once such legislation is enacted.

6           (f) RESTRICTIONS ON USE OF INFORMATION.—No  
7   person acting under color of law may discriminate against  
8   any individual based on, or use for any purpose other than  
9   voter registration, election administration, or enforcement  
10 relating to election crimes, any of the following:

11           (1) Voter registration records.

12           (2) An individual's declination to register to  
13   vote or complete an affirmation of citizenship under  
14   section 4003(b).

15           (3) An individual's voter registration status.

16           (g) PROHIBITION ON THE USE OF VOTER REGISTRA-  
17   TION INFORMATION FOR COMMERCIAL PURPOSES.—In-  
18   formation collected under this title shall not be used for  
19   commercial purposes. Nothing in this subsection may be  
20   construed to prohibit the transmission, exchange, or dis-  
21   semination of information for political purposes, including  
22   the support of campaigns for election for Federal, State,  
23   or local public office or the activities of political commit-  
24   tees (including committees of political parties) under the  
25   Federal Election Campaign Act of 1971.

1 **SEC. 4006. REGISTRATION PORTABILITY AND CORRECTION.**

2 (a) CORRECTING REGISTRATION INFORMATION AT  
3 POLLING PLACE.—Notwithstanding section 302(a) of the  
4 Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if  
5 an individual is registered to vote in elections for Federal  
6 office held in a State, the appropriate election official at  
7 the polling place for any such election (including a location  
8 used as a polling place on a date other than the date of  
9 the election) shall permit the individual to—

10 (1) update the individual's address for purposes  
11 of the records of the election official;

12 (2) correct any incorrect information relating to  
13 the individual, including the individual's name and  
14 political party affiliation, in the records of the elec-  
15 tion official; and

16 (3) cast a ballot in the election on the basis of  
17 the updated address or corrected information, and to  
18 have the ballot treated as a regular ballot and not  
19 as a provisional ballot under section 302(a) of such  
20 Act.

21 (b) UPDATES TO COMPUTERIZED STATEWIDE VOTER  
22 REGISTRATION LISTS.—If an election official at the poll-  
23 ing place receives an updated address or corrected infor-  
24 mation from an individual under subsection (a), the offi-  
25 cial shall ensure that the address or information is  
26 promptly entered into the computerized statewide voter

1 registration list in accordance with section  
2 303(a)(1)(A)(vi) of the Help America Vote Act of 2002  
3 (52 U.S.C. 21083(a)(1)(A)(vi)).

4 **SEC. 4007. ONLINE REGISTRATION.**

5 (a) IN GENERAL.—Each State shall ensure that the  
6 following services are available on the official public  
7 websites of the appropriate State election officials:

8 (1) Application for or update to voter registra-  
9 tion using an electronic version of the mail voter  
10 registration application form the Election Assistance  
11 Commission prescribes, and any additional voter reg-  
12 istration form the State develops pursuant to section  
13 6(a) of the National Voter Registration Act of 1993  
14 (52 U.S.C. 20505(a)).

15 (2) Completion of a printable version of the  
16 mail voter registration application form the Election  
17 Assistance Commission prescribes, and any addi-  
18 tional voter registration form the State develops pur-  
19 suant to section 6(a) of the National Voter Registra-  
20 tion Act of 1993 (52 U.S.C. 20505(a)).

21 (3) Correction of voter registration.

22 (4) Designation of political party affiliation,  
23 where applicable.

24 (5) Cancellation of registration and removal  
25 from the voter rolls.

1           (6) Declination of any automatic registration.

2           (b) SIGNATURE REQUIREMENTS.—The appropriate  
3 State election official shall accept an online voter registra-  
4 tion application and register each eligible individual to  
5 vote if the application provides a signature by any of the  
6 following:

7           (1) In the case of an individual who has a sig-  
8 nature on file with a State agency, including the  
9 State motor vehicle authority, that is required to  
10 provide voter registration services by the National  
11 Voter Registration Act of 1993 (52 U.S.C. 20501 et  
12 seq.), the individual consents to the transfer of that  
13 electronic signature.

14          (2) The individual submits with the application  
15 an electronic copy of the individual's handwritten  
16 signature.

17          (3) If the State chooses to accept it, the indi-  
18 vidual's execution of a computerized mark in the sig-  
19 nature field on an online voter registration applica-  
20 tion.

21          (4) The individual otherwise completes registra-  
22 tion under this section and provides a signature at  
23 the time of casting a ballot in an election or at the  
24 time of applying for a ballot (including an absentee  
25 ballot) in an upcoming election. The online system

1       and disposition notice sent to any individual pursu-  
2       ant to this paragraph must inform the individual of  
3       the process for providing a signature.

4       (c) INTERAGENCY TRANSMISSION OF ELECTRONIC  
5       SIGNATURES.—Each State agency that is required by the  
6       National Voter Registration Act of 1993 (52 U.S.C.  
7       20501 et seq.) to provide voter registration services, in-  
8       cluding the State motor vehicle authority, shall electroni-  
9       cally transmit to the appropriate State election official the  
10      signature of any individual who has a signature on file  
11      with the agency and who consents to the transfer of that  
12      electronic signature under subsection (b)(1).

13      (d) PRE-ELECTION CORRECTION.—Any correction to  
14      the statewide voter registration database pursuant to this  
15      section that is made no later than the lesser of thirty days,  
16      or the period State law provides, before a Federal election  
17      shall be effective for purposes of that Federal election and  
18      succeeding elections.

19      (e) ACCESSIBILITY OF SERVICES.—Each State shall  
20      ensure that all of the services provided under this section  
21      are provided in a manner accessible to individuals with  
22      disabilities.

1 **SEC. 4008. PAYMENTS AND GRANTS.**

2 (a) IN GENERAL.—The Election Assistance Commis-  
3 sion shall make grants to each eligible State to assist the  
4 State in implementing the requirements of this title.

5 (b) ELIGIBILITY; APPLICATION.—A State is eligible  
6 to receive a grant under this section if the State submits  
7 to the Commission, at such time and in such form as the  
8 Commission may require, an application containing—

9 (1) a description of the activities the State will  
10 carry out with the grant;

11 (2) an assurance that the State shall carry out  
12 such activities without partisan bias and without  
13 promoting any particular point of view regarding  
14 any issue; and

15 (3) such other information and assurances as  
16 the Commission may require.

17 (c) AMOUNT OF GRANT; PRIORITIES.—The Commis-  
18 sion shall determine the amount of a grant made to an  
19 eligible State under this section. In determining the  
20 amounts of the grants, the Commission shall give priority  
21 to providing funds for those activities which are most like-  
22 ly to accelerate compliance with the requirements of this  
23 title, including—

24 (1) investments supporting electronic informa-  
25 tion transfer, including electronic collection and

1 transfer of signatures, between contributing agencies  
2 and the appropriate State election officials;

3 (2) updates to online or electronic voter reg-  
4 istration systems already operating as of the date of  
5 the enactment of this Act;

6 (3) introduction of online voter registration sys-  
7 tems in jurisdictions in which those systems did not  
8 previously exist; and

9 (4) public education on the availability of new  
10 methods of registering to vote, updating registration,  
11 and correcting registration.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) AUTHORIZATION.—There are authorized to  
14 be appropriated to carry out this section—

15 (A) \$500,000,000 for fiscal year 2018; and

16 (B) such sums as may be necessary for  
17 each succeeding fiscal year.

18 (2) CONTINUING AVAILABILITY OF FUNDS.—

19 Any amounts appropriated pursuant to the authority  
20 of this subsection shall remain available without fis-  
21 cal year limitation until expended.

22 **SEC. 4009. MISCELLANEOUS PROVISIONS.**

23 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—

24 Each contributing agency shall ensure that the services  
25 it provides under this title are made available to individ-



1 uals with disabilities to the same extent as services are  
2 made available to all other individuals.

3 (b) TRANSMISSION THROUGH SECURE THIRD PARTY  
4 PERMITTED.—Nothing in this title shall be construed to  
5 prevent a contributing agency from contracting with a  
6 third party to assist the agency in meeting the information  
7 transmittal requirements of this Act, so long as the data  
8 transmittal complies with the applicable requirements of  
9 this title, including the privacy and security provisions of  
10 section 4005.

11 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION  
12 OF SERVICES.—The services made available by contrib-  
13 uting agencies under this title and by the State under sec-  
14 tions 4006 and 4007 shall be made in a manner consistent  
15 with paragraphs (4), (5), and (6)(C) of section 7(a) of  
16 the National Voter Registration Act of 1993 (52 U.S.C.  
17 20506(a)).

18 (d) NOTICES.—Each State may send notices under  
19 this title via electronic mail if the individual has provided  
20 an electronic mail address and consented to electronic mail  
21 communications for election-related materials. All notices  
22 sent pursuant to this title that require a response must  
23 offer the individual notified the opportunity to respond at  
24 no cost to the individual.

1       (e) ENFORCEMENT.—Section 11 of the National  
2 Voter Registration Act of 1993 (52 U.S.C. 20510), relat-  
3 ing to civil enforcement and the availability of private  
4 rights of action, shall apply with respect to this title in  
5 the same manner as such section applies to such Act.

6       (f) RELATION TO OTHER LAWS.—Except as pro-  
7 vided, nothing in this title may be construed to authorize  
8 or require conduct prohibited under, or to supersede, re-  
9 strict, or limit the application of any of the following:

10           (1) The Voting Rights Act of 1965 (52 U.S.C.  
11 10301 et seq.).

12           (2) The Uniformed and Overseas Citizens Ab-  
13 sentee Voting Act (52 U.S.C. 20301 et seq.).

14           (3) The National Voter Registration Act of  
15 1993 (52 U.S.C. 20501 et seq.).

16           (4) The Help America Vote Act of 2002 (52  
17 U.S.C. 20901 et seq.).

18 **SEC. 4010. DEFINITIONS.**

19       In this title, the following definitions apply:

20           (1) The term “chief State election official”  
21 means, with respect to a State, the individual des-  
22 ignated by the State under section 10 of the Na-  
23 tional Voter Registration Act of 1993 (52 U.S.C.  
24 20509) to be responsible for coordination of the  
25 State’s responsibilities under such Act.

1           (2) The term “Commission” means the Election  
2       Assistance Commission.

3           (3) The term “State” means each of the several  
4       States and the District of Columbia.

5   **SEC. 4011. EFFECTIVE DATE.**

6       (a) IN GENERAL.—Except as provided in subsection  
7   (b), this subtitle and the amendments made by this sub-  
8   title shall apply with respect to a State beginning January  
9   1, 2019.

10      (b) WAIVER.—Subject to the approval of the Com-  
11   mission, if a State certifies to the Commission that the  
12   State will not meet the deadline referred to in subsection  
13   (a) because of extraordinary circumstances and includes  
14   in the certification the reasons for the failure to meet the  
15   deadline, subsection (a) shall apply to the State as if the  
16   reference in such subsection to “January 1, 2019” were  
17   a reference to “January 1, 2021”.

18   **Subtitle B—Same Day Registration**

19   **SEC. 4101. SHORT TITLE.**

20       This subtitle may be cited as the “Same Day Reg-  
21   istration Act of 2017”.

22   **SEC. 4102. SAME DAY REGISTRATION.**

23       (a) IN GENERAL.—Title III of the Help America  
24   Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

1           (1) by redesignating sections 304 and 305 as  
2           sections 305 and 306, respectively; and

3           (2) by inserting after section 303 the following  
4           new section:

5   **“SEC. 304. SAME DAY REGISTRATION.**

6           “(a) IN GENERAL.—

7               “(1) REGISTRATION.—Notwithstanding section  
8           8(a)(1)(D) of the National Voter Registration Act of  
9           1993 (52 U.S.C. 20507(a)(1)(D)), each State shall  
10          permit any eligible individual on the day of a Fed-  
11          eral election and on any day when voting, including  
12          early voting, is permitted for a Federal election—

13               “(A) to register to vote in such election at  
14          the polling place using a form that meets the  
15          requirements under section 9(b) of the National  
16          Voter Registration Act of 1993 (or, if the indi-  
17          vidual is already registered to vote, to revise  
18          any of the individual’s voter registration infor-  
19          mation); and

20               “(B) to cast a vote in such election.

21           “(2) EXCEPTION.—The requirements under  
22          paragraph (1) shall not apply to a State in which,  
23          under a State law in effect continuously on and after  
24          the date of the enactment of this section, there is no

1 voter registration requirement for individuals in the  
2 State with respect to elections for Federal office.

3 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this  
4 section, the term ‘eligible individual’ means, with respect  
5 to any election for Federal office, an individual who is oth-  
6 erwise qualified to vote in that election.

7 “(c) EFFECTIVE DATE.—Each State shall be re-  
8 quired to comply with the requirements of subsection (a)  
9 for the regularly scheduled general election for Federal of-  
10 fice occurring in November 2018 and for any subsequent  
11 election for Federal office.”.

12 (b) CONFORMING AMENDMENT RELATING TO EN-  
13 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
14 is amended by striking “and 303” and inserting “303, and  
15 304”.

16 (c) CLERICAL AMENDMENT.—The table of contents  
17 of such Act is amended—

18 (1) by redesignating the items relating to sec-  
19 tions 304 and 305 as relating to sections 305 and  
20 306, respectively; and

21 (2) by inserting after the item relating to sec-  
22 tion 303 the following new item:

“Sec. 304. Same day registration.”.

1           **TITLE V—SEVERABILITY**

2   **SEC. 5001. SEVERABILITY.**

3           If any provision of this Act or amendment made by  
4 this Act, or the application of a provision or amendment  
5 to any person or circumstance, is held to be unconstitu-  
6 tional, the remainder of this and amendments made by  
7 this Act, and the application of the provisions and amend-  
8 ment to any person or circumstance, shall not be affected  
9 by the holding.

○