

115TH CONGRESS  
1ST SESSION

# S. 1929

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

---

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2017

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

---

## A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

### TITLE I—PRIMARY ELECTIONS

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

Sec. 1002. Eligibility requirements for matching payments.

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

#### TITLE II—GENERAL ELECTIONS

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

#### TITLE III—OTHER CAMPAIGN FINANCE REFORMS

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

## 1 **TITLE I—PRIMARY ELECTIONS**

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

#### 4 (a) INCREASE AND MODIFICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

10 “(C) such contribution was not—

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

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

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

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

4 (3) CONFORMING AMENDMENTS.—

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

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

11 (b) MODIFICATION OF PAYMENT LIMITATION.—

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

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

16 “(1) IN GENERAL.—Every”;

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

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

22 “(3) INFLATION ADJUSTMENT.—

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

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

3 “(i) such dollar amount, multiplied by

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

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

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

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

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

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

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

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

10 (b) CONTRIBUTION LIMIT.—

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

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

18 (2) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

21 **TITLE II—GENERAL ELECTIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(i) qualified campaign contributions,  
 4 and

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

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

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

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

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

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

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

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

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

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

21       (c) CONFORMING AMENDMENTS.—

22               (1) REPEAL OF EXPENDITURE LIMITS.—

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

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

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

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

9 (2) REPEAL OF REPAYMENT REQUIREMENT.—

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

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

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

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

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

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

3 (3) CRIMINAL PENALTIES.—

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

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

14 “(b) CONTRIBUTIONS.—

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



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

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

11           (a) IN GENERAL.—

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

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

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

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

7 “(b) INFLATION ADJUSTMENT.—

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

12 “(A) such dollar amount, multiplied by

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

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

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

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

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

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

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

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

7           “(C) such contribution was not—

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

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

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

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

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

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

3 “(B) For purposes of this paragraph—

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

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

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

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

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

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

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

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

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

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

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

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

17 (A) in clause (i)—

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

20 (ii) by striking “and” at the end;

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

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

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

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

5           (a) DATE FOR PAYMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

25 “(d) SPECIAL AUTHORITY TO BORROW.—



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

8           “(2) REPAYMENT OF ADVANCES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (C) by striking clause (ii).

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

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

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

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

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

23 “(1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6           “(3) APPLICABLE THRESHOLD.—

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

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

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

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

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



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

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

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

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

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

1 (3) in paragraph (8)(A)—

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

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

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

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

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

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

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

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

12          (3) by striking paragraph (9).

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

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

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

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

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

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

13 **“SEC. 407. JUDICIAL REVIEW.**

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

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

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

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

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

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

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

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

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

10 (b) CONFORMING AMENDMENTS.—

11 (1) IN GENERAL.—

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

14 **“SEC. 9011. JUDICIAL REVIEW.**

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

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

21 **“SEC. 9041. JUDICIAL REVIEW.**

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

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

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

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

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

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

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

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

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

○