

116TH CONGRESS
2D SESSION

S. 5070

To improve the anti-corruption and public integrity laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2020

Ms. WARREN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To improve the anti-corruption and public integrity laws,
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.**

4 This Act may be cited as the “Anti-Corruption and
5 Public Integrity Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Applicability.

TITLE I—PUBLIC INTEGRITY, ETHICS, CONFLICTS OF INTEREST,
AND REVOLVING DOOR

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- Sec. 101. Definitions.
- Sec. 102. Lobbyist ban.
- Sec. 103. Executive branch conflicts of interest law expansions.
- Sec. 104. Legislative branch conflicts of interest law expansions.
- Sec. 105. Conflicts of interest rules for all senior government officials and non-conflicted Federal employee investment accounts.
- Sec. 106. Post-employment restrictions.
- Sec. 107. Golden parachutes ban.
- Sec. 108. General public integrity rules.
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- Sec. 113. Recusal of appointees.
- Sec. 114. Contracts by the President or Vice President.
- Sec. 115. Presidential transition ethics programs.
- Sec. 116. Criminality of the President or other senior government officials.
- Sec. 117. Presidential obstruction of justice.
- Sec. 118. Sense of Congress regarding violations.
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- Sec. 120. Severability.

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- Sec. 121. Bribery of public officials and witnesses.
- Sec. 122. Prohibition on undisclosed self-dealing by public officials.

Subtitle D—Requiring Financial Disclosures Before Taking Office

- Sec. 131. Prohibition on taking office until financial disclosures are filed.

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- Sec. 141. Strengthening Inauguration Fund rules.

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- Sec. 151. Disclosure of political intelligence activities under lobbying disclosure act.
- Sec. 152. Effective date.

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- Sec. 701. Requirements relating to registered lobbyists.
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- Sec. 703. Repeal of restriction of use of funds by internal revenue service to bring transparency to political activity of certain nonprofit organizations.
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- Sec. 712. Banning contributions to members of Congress from corporations under the jurisdiction of their committees.
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SUBPART B—PROHIBITION ON THE APPOINTMENT OF BIG DONOR AMBASSADORS AND CHIEFS OF MISSION

- Sec. 738. Prohibition on the appointment of big donor ambassadors and chiefs of mission.

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- Sec. 741. Expansion of definition of public communication.
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- Sec. 751. Eligibility requirements and benefits of fair elections financing of senate election campaigns.

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- Sec. 782. Assignment of powers to Chair of Federal Election Commission.
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- Sec. 793. Severability.

1 **SEC. 3. APPLICABILITY.**

2 Except as provided otherwise in this Act, this Act and
 3 the amendments made by this Act shall apply on and after
 4 the date that is 1 year after the date of enactment of this
 5 Act.

6 **TITLE I—PUBLIC INTEGRITY,**
 7 **ETHICS, CONFLICTS OF IN-**
 8 **TEREST, AND REVOLVING**
 9 **DOOR**

10 **Subtitle A—Conflicts of Interest**

11 **SEC. 101. DEFINITIONS.**

12 In this subtitle:

13 (1) **AGENT OF A FOREIGN PRINCIPAL.**—The
 14 term “agent of a foreign principal” has the meaning
 15 given the term in section 1 of the Foreign Agents
 16 Registration Act of 1938 (22 U.S.C. 611).

17 (2) **BANK HOLDING COMPANY.**—The term
 18 “bank holding company” has the meaning given the
 19 term in section 2 of the Bank Holding Company Act
 20 of 1956 (12 U.S.C. 1841).

21 (3) **CORPORATE LOBBYIST.**—The term “cor-
 22 porate lobbyist” has the meaning given the term in
 23 section 3 of the Lobbying Disclosure Act of 1995, as
 24 amended by section 202 of this Act.

25 (4) **COVERED ENTITY.**—The term “covered en-
 26 tity” means any entity that is—

1 (A)(i) a for-profit company; or

2 (ii) a bank holding company, a savings and
3 loan holding company, or any other financial in-
4 stitution; and

5 (B)(i) operating under Federal settlement,
6 including a Federal consent decree; or

7 (ii) the subject of an enforcement action in
8 a court of the United States or by an agency.

9 (5) EXECUTIVE AGENCY.—The term “Executive
10 agency”—

11 (A) has the meaning given the term in sec-
12 tion 105 of title 5, United States Code; and

13 (B) includes—

14 (i) the Executive Office of the Presi-
15 dent and all components thereof, including
16 the White House Office; and

17 (ii) the Office of the Vice President.

18 (6) GROSS RECEIPTS.—The term “gross re-
19 ceipts” has the meaning given the term in section
20 993(f) of the Internal Revenue Code of 1986.

21 (7) LOBBYIST.—The term “lobbyist” has the
22 meaning given the term in section 3 of the Lobbying
23 Disclosure Act of 1995, as amended by section 202
24 of this Act.

1 (8) QUALIFIED SMALL BUSINESS.—The term
2 “qualified small business” means a corporation,
3 company, firm, partnership, or other business enter-
4 prise, that has gross receipts for the previous tax-
5 able year of less than \$5,000,000.

6 (9) SAVINGS AND LOAN HOLDING COMPANY.—
7 The term “savings and loan holding company” has
8 the meaning given the term in section 10(a) of the
9 Home Owners’ Loan Act (12 U.S.C. 1467a(a)).

10 (10) SENIOR EXECUTIVE.—The term “senior
11 executive” includes—

12 (A) a chief executive officer;

13 (B) a chief financial officer;

14 (C) a chief operating officer;

15 (D) a chief compliance officer;

16 (E) any senior government relationship of-
17 ficial; and

18 (F) any other senior executive, as deter-
19 mined by the Director of the Office of Public
20 Integrity.

21 (11) SENIOR GOVERNMENT OFFICIAL.—The
22 term “senior government official” means—

23 (A) any individual described in section
24 101(f) of the Ethics in Government Act of 1978
25 (5 U.S.C. App.), including—

1 (i) any individual appointed to a posi-
2 tion on any level of the Executive Schedule
3 under subchapter II of chapter 53 of title
4 5, United States Code, including positions
5 identified in sections 5312 through 5316 of
6 title 5, United States Code;

7 (ii) a noncareer officer or employee
8 serving in the Executive Office of Presi-
9 dent, including the White House Office,
10 and in the Office of the Vice President;
11 and

12 (iii) an individual employed in a posi-
13 tion in the executive branch of the Govern-
14 ment who is excepted from the competitive
15 service by reason of being of a confidential
16 or policy-determining character under
17 schedule C of subpart C of part 213 of
18 title 5, Code of Federal Regulations (or
19 any successor regulations), except that the
20 Director of the Office of Public Integrity
21 may, by regulation, exclude from the appli-
22 cation of this paragraph any individual, or
23 group of individuals, who are in such posi-
24 tions, but only in cases in which the Direc-
25 tor determines such exclusion would not

1 affect adversely the integrity of the Gov-
2 ernment or the confidence of the public in
3 the integrity of the Government;

4 (B) an individual employed in a position in
5 the Senior Executive Service;

6 (C) an individual employed in a position at
7 the GS-15 level or higher; and

8 (D) an individual employed in a position
9 not under the General Schedule for which the
10 rate of basic pay is equal to or greater than the
11 minimum rate of basic pay payable for GS-15
12 of the General Schedule.

13 **SEC. 102. LOBBYIST BAN.**

14 (a) LOBBYISTS.—

15 (1) EXECUTIVE BRANCH.—

16 (A) LOBBYISTS.—No former registered
17 lobbyist or agent of a foreign principal who has
18 engaged in a lobbying contact, as defined in
19 section 3 of the Lobbying Disclosure Act of
20 1995 (2 U.S.C. 1602), during his or her reg-
21 istration may be hired as an officer or employee
22 of an Executive agency during the 2-year period
23 beginning on the date on which the registered
24 lobbyist terminates his or her registration in ac-
25 cordance with section 4(d) of the Lobbying Dis-

1 closure Act of 1995 (2 U.S.C. 1603(d)) or the
2 agent terminates his or her status, as applica-
3 ble.

4 (B) CORPORATE LOBBYISTS.—No former
5 registered corporate lobbyist may be hired as an
6 officer or employee of an Executive agency dur-
7 ing the 6-year period beginning on the date on
8 which the registered corporate lobbyist termi-
9 nates its registration in accordance with section
10 4(d) of the Lobbying Disclosure Act of 1995 (2
11 U.S.C. 1603(d)) or the agent terminates its sta-
12 tus, as applicable.

13 (C) WAIVER RULES AND ELIGIBILITY.—

14 (i) POSITIONS REQUIRING SENATE
15 CONFIRMATION.—The President may waive
16 the ban described in subparagraph (A) for
17 any appointment to a position in an Exec-
18 utive agency that requires the advice and
19 consent of the Senate based on a compel-
20 ling national need.

21 (ii) OTHER POSITIONS.—The Presi-
22 dent or the Director of the Office of Public
23 Integrity may waive the ban described in
24 subparagraph (A) and the prior employer
25 recusal provision described in section

1 208(e) of title 18, United States Code, as
2 added by section 103 of this Act for any
3 appointment to a position in an Executive
4 agency that does not require the advice
5 and consent of the Senate.

6 (iii) REQUIREMENTS.—A waiver made
7 under this subparagraph shall—

8 (I) be made publicly available
9 and searchable by the Director of the
10 Office of Public Integrity within 30
11 days of issuance;

12 (II) include a justification sent to
13 Congress within 30 days of issuance
14 for why the registered lobbyist or
15 agent of a foreign principal, as appli-
16 cable, brings unique and relevant ex-
17 pertise such that it is not practical to
18 find an alternative candidate with the
19 same skill set; and

20 (III) with respect to a nomina-
21 tion to a position described in clause
22 (i)—

23 (aa)(AA) include a certifi-
24 cation by the President that a
25 search was conducted in good

1 faith to find an alternative can-
2 didate with comparable qualifica-
3 tions who was not a lobbyist; or

4 (BB) specifically identify the
5 next-best candidate who was not
6 a registered lobbyist or agent of
7 a foreign principal, as applicable;
8 and

9 (bb) include a justification
10 for why the next-best candidate
11 was not nominated for the posi-
12 tion.

13 (2) LEGISLATIVE BRANCH.—

14 (A) LOBBYISTS.—No former registered
15 lobbyist or agent of a foreign principal may be
16 hired as an officer or employee of a Member of
17 Congress or a committee of either House of
18 Congress during the 2-year period beginning on
19 the date on which the registered lobbyist termi-
20 nates its registration in accordance with section
21 4(d) of the Lobbying Disclosure Act of 1995 (2
22 U.S.C. 1603(d)) or the agent terminates its sta-
23 tus, as applicable.

24 (B) CORPORATE LOBBYISTS.—No former
25 registered lobbyist or agent of a foreign prin-

1 cipal may be hired as an officer or employee of
2 a Member of Congress or a committee of either
3 House of Congress during the 6-year period be-
4 ginning on the date on which the registered cor-
5 porate lobbyist terminates its registration in ac-
6 cordance with section 4(d) of the Lobbying Dis-
7 closure Act of 1995 (2 U.S.C. 1603(d)) or the
8 agent terminates its status, as applicable.

9 (C) WAIVER RULES AND ELIGIBILITY.—

10 (i) IN GENERAL.—Any Member of
11 Congress may waive the ban described in
12 subparagraph (A) for an officer or em-
13 ployee of that Member of Congress or of a
14 committee of either House of Congress on
15 which the Member serves as a chair or
16 ranking member based on a compelling na-
17 tional need.

18 (ii) REQUIREMENTS.—A waiver made
19 under this subparagraph shall—

20 (I) within 30 days of issuance be
21 submitted to the Select Committee on
22 Ethics of the Senate or the Committee
23 on Ethics of the House of Representa-
24 tives, as applicable, and to the Office
25 of Congressional Ethics;

1 (II) be made publicly available
2 and searchable by the Office of Con-
3 gressional Ethics within 30 days of
4 issuance;

5 (III) include a justification made
6 publicly available for why the reg-
7 istered lobbyist or agent of a foreign
8 principal, as applicable, brings unique
9 and relevant expertise such that it is
10 not practical to find an alternative
11 candidate with the same skill set; and

12 (IV) be made only after the Con-
13 gressional Ethics Board submits to
14 the Member of Congress and to the
15 Select Committee on Ethics of the
16 Senate or the Committee on Ethics of
17 the House of Representatives, as ap-
18 plicable, a public recommendation or
19 opinion regarding such a waiver.

20 (b) OTHER HIRING RESTRICTIONS.—

21 (1) CONTRACTORS.—

22 (A) IN GENERAL.—No former employee of
23 a for-profit entity that was awarded a Federal
24 contract or Federal license by an Executive
25 agency may be an officer or employee of the

1 Executive agency that awarded the contract or
 2 Federal license during the 4-year period begin-
 3 ning on the date on which the employee termi-
 4 nates its employment with the entity.

5 (B) WAIVER.—The ban described in sub-
 6 paragraph (A) may be waived in accordance
 7 with subsection (a)(1)(C).

8 (2) SENIOR EXECUTIVES OF LAW-BREAKING
 9 COMPANIES.—No former senior executive of a cov-
 10 ered entity may be an officer or employee of an Ex-
 11 ecutive agency during the 6-year period beginning on
 12 the later of—

13 (A) the date of the settlement; and

14 (B) the date on which the enforcement ac-
 15 tion has concluded.

16 **SEC. 103. EXECUTIVE BRANCH CONFLICTS OF INTEREST**
 17 **LAW EXPANSIONS.**

18 Section 208 of title 18, United States Code, is
 19 amended by adding at the end the following:

20 “(e) SECURITIES OWNERSHIP AND TRADING RE-
 21 STRICTIONS.—

22 “(1) DEFINITION.—In this subsection and sub-
 23 section (f), the term ‘Executive agency’—

24 “(A) has the meaning given the term in
 25 section 105 of title 5, United States Code; and

1 “(B) includes the Executive Office of the
2 President and all components thereof, including
3 the White House Office and the Office of the
4 Vice President.

5 “(2) PROHIBITION.—

6 “(A) IN GENERAL.—No officer or em-
7 ployee of an Executive agency may own an in-
8 terest in or trade (except a trade that is a di-
9 vestment required or approved by the Director
10 of the Office of Public Integrity or the des-
11 ignated agency ethics official of the Executive
12 agency that employs the individual for compli-
13 ance with this section) any individual stock,
14 bond, commodity, future, or other form of secu-
15 rity, including an interest in a hedge fund, a
16 derivative, option, or other complex investment
17 vehicle if the Director of the Office of Public
18 Integrity (or the designated agency ethics offi-
19 cial of the Executive agency that employs the
20 individual) determines that the financial inter-
21 ests of the officer or employee may be directly
22 influenced by an action of the Executive agency.

23 “(B) EXCEPTION.—Subparagraph (A)
24 shall not apply to—

1 “(i) a widely held investment fund de-
2 scribed in section 102(f)(8) of the Ethics
3 in Government Act of 1978 (5 App. U.S.C.
4 102(f)(8)), if such investment meets the
5 requirements described in section
6 105(b)(2) of the Anti-Corruption and Pub-
7 lic Integrity Act;

8 “(ii) shares of Settlement Common
9 Stock issued under section 7(g)(1)(A) of
10 the Alaska Native Claims Settlement Act
11 (43 U.S.C. 1606(g)(1)(A)); or

12 “(iii) shares of Settlement Common
13 Stock, as defined in section 3 of the Alaska
14 Native Claims Settlement Act (43 U.S.C.
15 1602).

16 “(C) PENALTY.—Whoever violates sub-
17 paragraph (A) shall be subject to the penalties
18 set forth in section 216 of this title.

19 “(D) WAIVER.—The Director of the Office
20 of Public Integrity may waive subparagraph (A)
21 for an officer or employee of an Executive agen-
22 cy on a case-by-case basis if the Director—

23 “(i) determines that there is no possi-
24 bility for, or the appearance of, a conflict
25 of interest; or

1 “(ii) approves a plan for necessary
2 recusals that ensures that no conflict of in-
3 terest exists under this section.

4 “(f) RECUSAL REQUIREMENTS.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graphs (2) and (3), each officer and employee of any
7 Executive agency shall not participate personally
8 and substantially as a Government officer or em-
9 ployee, through decision, approval, disapproval, rec-
10 ommendation, the rendering of advice, investigation,
11 or otherwise, in any particular matter, including an
12 adjudication, procurement, or rulemaking, that the
13 officer or employee knows has or is likely to have a
14 direct and predictable effect on the financial interest
15 of—

16 “(A) any person for whom the officer or
17 employee had, during the previous 4-year pe-
18 riod, served as an officer, director, trustee, gen-
19 eral partner, agent, attorney, consultant, con-
20 tractor, employee, or direct competitor; or

21 “(B) any organization other than a polit-
22 ical organization described in section 527(e) of
23 the Internal Revenue Code of 1986 in which the
24 employee is an active participant.

1 “(2) EXCLUSIONS.—This subsection shall not
2 apply to—

3 “(A) the President;

4 “(B) the Vice President;

5 “(C) any individual appointed to a position
6 in an Executive agency by and with the advice
7 and consent of the Senate;

8 “(D) an officer or employee who served as
9 an officer, director, trustee, general partner,
10 agent, attorney, consultant, contractor, or em-
11 ployee of a tribal organization (as defined in
12 section 4 of the Indian Self-Determination and
13 Education Assistance Act (25 U.S.C. 5304)) or
14 an intertribal consortium of federally recognized
15 Indian tribes with respect to a matter that is
16 likely to have a direct and predictable effect on
17 the financial interest of the tribal organization
18 or intertribal consortium; or

19 “(E) any individual who receives a waiver
20 under paragraph (3).

21 “(3) WAIVER.—

22 “(A) IN GENERAL.—The Director of Pub-
23 lic Integrity may waive the requirements of this
24 subsection for any officer or employee (except
25 individuals described in subparagraph (C)(iii)).

1 “(B) LIMITATION.—Officers and employ-
2 ees may apply to the Director of Public Integ-
3 rity for a waiver under this paragraph only if
4 the individual agrees to comply with the Con-
5 flicts of Interest Rules for Senior Government
6 Officials in section 105(a) and section 106 of
7 the Anti-Corruption and Public Integrity Act.

8 “(C) WAIVER REQUIREMENTS.—A waiver
9 made under this paragraph—

10 “(i) shall be made publicly available
11 and searchable within 30 days of issuance;

12 “(ii) shall include a justification sent
13 to Congress within 30 days of issuance ex-
14 plaining why the waiver is in the national
15 interest; and

16 “(iii) may not be granted if the indi-
17 vidual received a waiver under section
18 102(a)(1)(C) of the Anti-Corruption and
19 Public Integrity Act.

20 “(D) AUTHORITY OF DIRECTOR.—The Di-
21 rector of Public Integrity may deny a waiver
22 under this paragraph for any reason.

23 “(4) PENALTY.—An officer or employee who
24 violates this subsection shall be subject to the pen-
25 alties set forth in section 216 of this title.”.

1 **SEC. 104. LEGISLATIVE BRANCH CONFLICTS OF INTEREST**

2 **LAW EXPANSIONS.**

3 (a) **DIVESTMENT.**—Except as provided in subsection
4 (e), no senior government official in the legislative branch
5 (including Members of Congress) may own an interest in
6 or trade (except as a divestment) any stock, bond, com-
7 modity, future, and other form of security, including an
8 interest in a hedge fund, a derivative, option, or other
9 complex investment vehicle.

10 (b) **COMMITTEE STAFF RULE.**—No officer or em-
11 ployee of a committee of either House of Congress may
12 maintain, own, or trade any substantial holdings (includ-
13 ing individual stocks and securities) which may be directly
14 affected by the actions of the committee for which the in-
15 dividual works, unless the Select Committee on Ethics of
16 the Senate or the Committee on Ethics of the House of
17 Representatives, as applicable, approves of such holdings
18 in writing after consultation with the supervisor of the of-
19 ficer or employee and the Office of Congressional Ethics.

20 (c) **GENERAL CONFLICTS OF INTEREST RULE FOR**
21 **CONGRESSIONAL STAFF AND MEMBERS.**—No Member,
22 officer, or employee of a committee or Member of either
23 House of Congress may knowingly use his or her official
24 position to introduce or aid the progress or passage of leg-
25 islation, a principal purpose of which is to further only
26 his or her pecuniary interest, only the pecuniary interest

1 of his or her immediate family, or only the pecuniary inter-
2 est of a limited class of persons or enterprises, when he
3 or she, or his or her immediate family, or enterprises con-
4 trolled by them, are members of the affected class.

5 (d) GENERAL STOCK AND SECURITIES RULE.—An
6 officer or employee of a committee or Member of either
7 House of Congress, who is not a senior government em-
8 ployee covered by subsection (a), shall be in violation of
9 subsection (c) if—

10 (1) the officer or employee owns an interest in
11 or trades (except as a divestment) individual stocks
12 or securities; and

13 (2) the value of such stocks or securities may
14 be influenced by actions taken by the individual in
15 his or her official position, as determined by the Se-
16 lect Committee on Ethics of the Senate or the Com-
17 mittee on Ethics of the House of Representatives, as
18 applicable, in consultation with the Office of Con-
19 gressional Ethics.

20 (e) EXCEPTION.—Nothing in this section shall be
21 construed to prevent an employee or officials of a Member
22 of Congress or a Member of Congress from owning—

23 (1) a widely held investment fund described in
24 section 102(f)(8) of the Ethics in Government Act of
25 1978 (5 App. U.S.C. 102(f)(8)), if the investment

1 meets the requirements described in section
2 105(b)(2);

3 (2) shares of Settlement Common Stock issued
4 under section 7(g)(1)(A) of the Alaska Native
5 Claims Settlement Act (43 U.S.C. 1606(g)(1)(A));
6 or

7 (3) shares of Settlement Common Stock, as de-
8 fined in section 3 of the Alaska Native Claims Set-
9 tlement Act (43 U.S.C. 1602).

10 **SEC. 105. CONFLICTS OF INTEREST RULES FOR ALL SEN-**
11 **IOR GOVERNMENT OFFICIALS AND NONCON-**
12 **FLICTED FEDERAL EMPLOYEE INVESTMENT**
13 **ACCOUNTS.**

14 (a) **REQUIRED DIVESTMENTS OF CONFLICTED AS-**
15 **SETS.—**

16 (1) **STOCKS AND SECURITIES.—**No senior gov-
17 ernment official may own an interest in or trade (ex-
18 cept a divestment required or approved by the super-
19 vising ethics office) any stock, bond, commodity, fu-
20 ture, and other form of security, including an inter-
21 est in a hedge fund, a derivative, option, or other
22 complex investment vehicle, except nonconflicted as-
23 sets allowed under subsection (b).

24 (2) **COMMERCIAL REAL ESTATE.—**No senior
25 government official may maintain ownership in com-

1 mercial real estate, unless ownership of such com-
2 mercial real estate is necessary for a qualified small
3 business described in paragraph (4)(C).

4 (3) TRUSTS.—

5 (A) IN GENERAL.—No senior government
6 official may maintain a financial interest in any
7 trust, including a family trust, if the super-
8 vising ethics office determines that the trust in-
9 cludes any—

10 (i) asset that might present a conflict
11 of interest; or

12 (ii) stock, bond, commodity, future,
13 and other form of security, including an in-
14 terest in a hedge fund, a derivative, option,
15 or other complex investment vehicle, except
16 nonconflicted assets allowed under sub-
17 section (b).

18 (B) EXCEPTION.—Subparagraph (A) shall
19 not apply to a trust described in section
20 102(f)(2) of the Ethics in Government Act of
21 1978 (5 U.S.C. App.).

22 (4) BUSINESSES AND COMPANIES.—

23 (A) PRIVATELY OWNED OR CLOSELY HELD
24 CORPORATION.—No senior government official
25 may maintain ownership in a privately owned or

1 closely held corporation, company, firm, part-
2 nership, or other business enterprise.

3 (B) BOARD MEMBERS.—No senior govern-
4 ment official may serve on the board of direc-
5 tors of any for-profit entity, including any cor-
6 poration, company, firm, partnership, or other
7 business enterprise.

8 (C) EXCEPTION.—Subparagraphs (A) and
9 (B) shall not apply to a qualified small busi-
10 ness.

11 (b) NONCONFLICTED ASSETS.—

12 (1) IN GENERAL.—A senior government official
13 may maintain assets that do not present a conflict
14 of interest, including—

15 (A) a widely held investment fund—

16 (i) described in section 102(f)(8) of
17 the Ethics in Government Act of 1978 (5
18 U.S.C. App.); and

19 (ii) that meets the requirements de-
20 scribed in paragraph (2);

21 (B) noncommercial real estate, including
22 real estate used solely as a personal residence;

23 (C) cash, certificates of deposit, or other
24 forms of savings accounts;

25 (D) a federally managed asset, including—

1 (i) financial interests in or income de-
2 rived from—

3 (I) any retirement system under
4 title 5, United States Code (including
5 the Thrift Savings Plan under sub-
6 chapter III of chapter 84 of such
7 title); or

8 (II) any other retirement system
9 maintained by the United States for
10 officers or employees of the United
11 States, including the President, or for
12 members of the uniformed services;

13 (ii) benefits received under the Social
14 Security Act (42 U.S.C. 301 et seq.); and

15 (iii) an asset in the Federal Employee
16 Investment Account described in para-
17 graph (3);

18 (E) bonds, bills, and notes issued by gov-
19 ernmental sources, such as the Federal Govern-
20 ment, State, or other municipality;

21 (F) shares of Settlement Common Stock
22 issued under section 7(g)(1)(A) of the Alaska
23 Native Claims Settlement Act (43 U.S.C.
24 1606(g)(1)(A)); and

1 (G) shares of Settlement Common Stock,
2 as defined in section 3 of the Alaska Native
3 Claims Settlement Act (43 U.S.C. 1602).

4 (2) WIDELY HELD INVESTMENT FUND RE-
5 QUIREMENTS.—A senior government official may not
6 maintain a widely held investment fund described in
7 section 102(f)(8) of the Ethics in Government Act of
8 1978 (5 U.S.C. App.), unless—

9 (A) the widely held investment fund does
10 not present a conflict of interest; and

11 (B) any instructions to a manager of the
12 widely held investment fund are shared with the
13 applicable supervising ethics office.

14 (3) FEDERAL EMPLOYEE INVESTMENT AC-
15 COUNT.—Section 8472 of title 5, United States
16 Code, is amended—

17 (A) in subsection (f)—

18 (i) in paragraph (2), by striking
19 “and” at the end;

20 (ii) in paragraph (3), by striking the
21 period at the end and inserting a semi-
22 colon; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(4) not later than 3 years after the date of en-
2 actment of this paragraph, establish Federal Em-
3 ployee Investment Accounts in the Treasury of the
4 United States accounts for senior government offi-
5 cials to maintain investments in the stock and secu-
6 rities markets in which a senior government official
7 may—

8 “(A) sell an asset or security, including
9 those assets or securities that present a conflict
10 of interest under section 105(a) of the Anti-
11 Corruption and Public Integrity Act, and invest
12 the resulting funds into the Federal Employee
13 Investment Accounts; and

14 “(B) withdraw funds from their Federal
15 Employee Investment Account at any time;

16 “(5) act in the interest of the plan participants
17 and beneficiaries of Federal Employee Investment
18 Accounts when making decisions for the purpose of
19 providing benefits to those participants and bene-
20 ficiaries;

21 “(6) establish a new and parallel system for
22 recordkeeping with respect to Federal Employee In-
23 vestment Accounts; and

24 “(7) establish a Federal Employee Investment
25 Fund to fully cover administrative costs associated

1 with managing Federal Employee Investment Ac-
2 counts, which—

3 “(A) shall be separate from the Thrift Sav-
4 ings Fund established under section 8437, ex-
5 cept with respect to administrative costs for
6 common resources; and

7 “(B) may be used for compensation to pay
8 new employees, additional resources for infor-
9 mation technology, additional call center capac-
10 ity, and any other new capacity to handle the
11 administration of Federal Employee Investment
12 Accounts.”;

13 (B) in subsection (g)(1)—

14 (i) in subparagraph (C), by striking
15 “and” at the end;

16 (ii) by striking the period at the end
17 and inserting “; and”; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(E) promulgate regulations for the ad-
21 ministration of Federal Employee Investment
22 Accounts.”; and

23 (C) by adding at the end the following:

24 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated such sums as may be nec-

1 essary to establish and maintain Federal Employee Invest-
2 ment Accounts established under subsection (f), including
3 for the purpose of reducing any fees paid by participants
4 in the Federal Employee Investment Accounts.”.

5 **SEC. 106. POST-EMPLOYMENT RESTRICTIONS.**

6 (a) IN GENERAL.—Section 207 of title 18, United
7 States Code, is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), in the matter pre-
10 ceeding subparagraph (A), by inserting after
11 “with the intent to influence,” the following:
12 “or with the intent to gain information for use
13 in analyzing securities or commodities markets,
14 or in informing investment decisions in securi-
15 ties or commodities markets,”; and

16 (B) in paragraph (2), in the matter pre-
17 ceeding subparagraph (A), by inserting after
18 “with the intent to influence,” the following:
19 “or with the intent to gain information for use
20 in analyzing securities or commodities markets,
21 or in informing investment decisions in securi-
22 ties or commodities markets,”;

23 (2) by striking subsections (c), (d), and (e) and
24 inserting the following:

1 “(c) LOBBYING AND POLITICAL INTELLIGENCE RE-
2 STRICTIONS.—

3 “(1) IN GENERAL.—In addition to the restric-
4 tions set forth in subsections (a) and (b), any Presi-
5 dent, Vice President, Member of Congress, or officer
6 or employee compensated at a rate of pay specified
7 in or fixed according to subchapter II of chapter 53
8 of title 5, after the termination of his or her service
9 or employment with the United States who—

10 “(A) works as a registered lobbyist or po-
11 litical intelligence consultant; or

12 “(B) knowingly makes, with the intent to
13 influence, or with the intent to gain information
14 for use in analyzing securities or commodities
15 markets, or in informing investment decisions
16 in securities or commodities markets, any com-
17 munication to or appearance before any officer
18 or employee of any department, Executive agen-
19 cy, Member, officer, or employee of either
20 House of Congress or any employee of any
21 other legislative office of the Congress, on be-
22 half of any other person (except the United
23 States or the District of Columbia) for com-
24 pensation, in connection with any matter on
25 which such person seeks official action by any

1 Member, officer, or employee of either House of
2 Congress, or any employee or officer of any de-
3 partment or agency Executive agency,
4 shall be subject to the penalties set forth in section
5 216 of this title.

6 “(2) OTHER OFFICIALS.—

7 “(A) IN GENERAL.—Any officer or em-
8 ployee in the executive or legislative branch of
9 the United States who, during the time period
10 described in subparagraph (B) makes, with the
11 intent to influence, or with the intent to gain
12 information for use in analyzing securities or
13 commodities markets, or in informing invest-
14 ment decisions in securities or commodities
15 markets, any communication to or appearance
16 before their former office, Executive agency, or
17 House of Congress, for compensation, shall be
18 subject to the penalties set forth in section 216
19 of this title.

20 “(B) TIME PERIOD.—The time period de-
21 scribed in this subparagraph is as follows:

22 “(i) With respect to an officer or em-
23 ployee of the legislative branch, 2 years
24 after the termination of service or employ-
25 ment as an officer or employee.

1 “(ii) With respect to an officer or em-
2 ployee of the executive branch, the later
3 of—

4 “(I) the date on which a Presi-
5 dent other than the President serving
6 at the time of the termination of serv-
7 ice or employment of the officer or
8 employee takes office; and

9 “(II) the date on which the 2-
10 year period beginning on the date of
11 the termination of service or employ-
12 ment as an officer or employee ex-
13 pires.

14 “(iii) With respect to an officer or em-
15 ployee of the executive branch of the
16 United States who becomes a corporate
17 lobbyist, the later of—

18 “(I) the date on which a Presi-
19 dent other than the President serving
20 at the time of the termination of serv-
21 ice or employment of the officer or
22 employee takes office; and

23 “(II) the date on which the 6-
24 year period beginning on the date of
25 the termination of service or employ-

1 ment as an officer or employee ex-
2 pires.

3 “(iv) With respect to an officer or em-
4 ployee of the legislative branch of the
5 United States who becomes a corporate
6 lobbyist, the date on which the 6-year pe-
7 riod beginning on the date of the termi-
8 nation of service or employment as an offi-
9 cer or employee expires.”;

10 (3) by redesignating subsections (f) through (l)
11 as subsections (d) through (j), respectively;

12 (4) in subsection (g), as so redesignated—

13 (A) by redesignating paragraphs (1), (2),
14 and (3) as paragraphs (2), (3), and (4), respec-
15 tively;

16 (B) by inserting before paragraph (2), as
17 so redesignated, the following:

18 “(1) the terms ‘corporate lobbyist’, ‘lobbyist’,
19 and ‘political intelligence consultant’ have the mean-
20 ings given such terms in section 3 of the Lobbying
21 Disclosure Act of 1995 (2 U.S.C. 1602);” and

22 (C) in paragraph (2), as so redesignated,
23 by inserting after “with the intent to influ-
24 ence,” the following: “or with the intent to gain
25 information for use in analyzing securities or

1 commodities markets, or in informing invest-
 2 ment decisions in securities or commodities
 3 markets,”;

4 (5) in subsection (h), as so redesignated, by
 5 adding at the end the following:

6 “(8) REPRESENTATIVE OF A MEDIA ORGANIZA-
 7 TION.—The restrictions contained in this section re-
 8 lating to a communication made with the intent to
 9 gain information for use in analyzing securities or
 10 commodities markets, or in informing investment de-
 11 cisions in securities or commodities markets shall
 12 not apply to a communication made by a representa-
 13 tive of a media organization (as such term is defined
 14 in section 3 of the Lobbying Disclosure Act of 1995
 15 (2 U.S.C. 1602)), if the purpose of the communica-
 16 tion is gathering and disseminating news and infor-
 17 mation to the public.”; and

18 (6) by adding at the end the following:

19 “(k) OTHER POST-EMPLOYMENT RESTRICTIONS.—

20 “(1) DEFINITIONS.—In this subsection:

21 “(A) GIANT BANK OR COMPANY.—The
 22 term ‘giant bank or company’ includes—

23 “(i) any for-profit company or finan-
 24 cial institution with greater than an aver-
 25 age of \$150,000,000,000 in market cap-

1 italization or revenue for the previous 3-
2 year period;

3 “(ii) any Federal contractor that re-
4 ceived greater than \$5,000,000,000 in an-
5 nual revenue from the Federal Government
6 during the previous 3-year period; and

7 “(iii) any for-profit company or finan-
8 cial institution that exerts monopolistic or
9 monopsonistic control over a significant
10 share of the market in its particular indus-
11 try (as defined by the Director of the Of-
12 fice of Public Integrity, in consultation
13 with the Attorney General, by regulation).

14 “(B) LOBBYING CONTACT.—The term ‘lob-
15 bying contact’ has the meaning given the term
16 in section 3 of the Lobbying Disclosure Act of
17 1995 (2 U.S.C. 1602).

18 “(C) REGISTERED LOBBYIST.—The term
19 ‘registered lobbyist’ means a lobbyist registered
20 under the Lobbying Disclosure Act of 1995 (2
21 U.S.C. 1601 et seq.).

22 “(D) SENIOR GOVERNMENT OFFICIAL.—
23 The term ‘senior government official’ means—

1 “(i) any individual described in sec-
2 tion 101(f) of the Ethics in Government
3 Act of 1978 (5 U.S.C. App.), including—

4 “(I) any individual appointed to
5 a position on any level of the Execu-
6 tive Schedule under subchapter II of
7 chapter 53 of title 5, United States
8 Code, including positions identified in
9 sections 5312 through 5316 of title 5,
10 United States Code;

11 “(II) a noncareer officer or em-
12 ployee serving in the Executive Office
13 of President, including the White
14 House Office, and in the Office of the
15 Vice President; and

16 “(III) an individual employed in
17 a position in the executive branch of
18 the Government who is excepted from
19 the competitive service by reason of
20 being of a confidential or policy-deter-
21 mining character under schedule C of
22 subpart C of part 213 of title 5, Code
23 of Federal Regulations (or any suc-
24 cessor regulations), except that the
25 Director of the Office of Public Integ-

1 rity may, by regulation, exclude from
2 the application of this paragraph any
3 individual, or group of individuals,
4 who are in such positions, but only in
5 cases in which the Director deter-
6 mines such exclusion would not affect
7 adversely the integrity of the Govern-
8 ment or the confidence of the public
9 in the integrity of the Government;

10 “(ii) an individual employed in a posi-
11 tion in the Senior Executive Service;

12 “(iii) an individual employed in a po-
13 sition at the GS-15 level or higher; and

14 “(iv) an individual employed in a posi-
15 tion not under the General Schedule for
16 which the rate of basic pay is equal to or
17 greater than the minimum rate of basic
18 pay payable for GS-15 of the General
19 Schedule.

20 “(2) SENIOR GOVERNMENT OFFICIAL HIRING
21 RESTRICTION.—No for-profit corporation, company,
22 firm, partnership, or other business enterprise may
23 hire or directly or indirectly compensate (including
24 as consultants and lawyers) any former senior gov-
25 ernment official, for 1 year after the official leaves

1 government service, from an Executive agency, de-
2 partment, or congressional office with which the cor-
3 poration, company, firm, partnership, or other busi-
4 ness enterprise made a lobbying contact in the past
5 2 years.

6 “(3) SPECIAL RULES FOR POST EMPLOYMENT
7 WITH GIANT BANKS, COMPANIES, AND CONTRAC-
8 TORS.—

9 “(A) PROCUREMENT OFFICERS.—No com-
10 pany that is awarded a contract or license by
11 the Federal Government may hire or com-
12 pensate any former officer or employee in the
13 executive branch of the United States who
14 oversaw any of the company’s contracts or li-
15 censes (including any procurement officer, any
16 Federal employee or official who participated in
17 the contract or license selection, any Federal
18 employee or official who determined or ap-
19 proved the technical requirements of the con-
20 tract or license, and any senior government offi-
21 cial in the executive branch of the United
22 States employed at the Executive agency that
23 granted the contract or license) during the 4-
24 year period beginning on the date on which the

1 officer terminated employment with the United
2 States.

3 “(B) GIANT BANKS AND COMPANIES.—No
4 giant bank or company may hire or directly or
5 indirectly compensate (including as consultants
6 and lawyers) any senior government official
7 during the 4-year period beginning on the date
8 on which the official terminated employment
9 with the United States.

10 “(C) EARNED INCOME DISCLOSURES.—

11 “(i) IN GENERAL.—Not later than 1
12 year after the date of enactment of this
13 clause, each senior government official who
14 terminates service on or after the date that
15 is 1 year after the date of enactment of
16 this clause shall submit to the Director of
17 the Office of Public Integrity an annual
18 disclosure that includes all sources of
19 earned income for the 4-year period begin-
20 ning on the date on which the government
21 official terminated employment with the
22 United States.

23 “(ii) PUBLICLY AVAILABLE.—The Di-
24 rector of the Office of Public Integrity
25 shall make a disclosure made under clause

1 (i) publicly available for any official who
2 had a report made in accordance with title
3 I of the Ethics in Government Act of 1978
4 (5 U.S.C. App.) made publicly available.

5 “(iii) AUTOMATIC DISCLOSURE.—

6 “(I) IN GENERAL.—Each senior
7 government official subject to the dis-
8 closure requirement in clause (i) may
9 consent to allow the Director of the
10 Office of Public Integrity to obtain
11 from the Commissioner of Internal
12 Revenue the information necessary to
13 meet the requirements of subclause
14 (i), but no other information, such
15 that additional action is not required
16 of the senior government official after
17 such individual files a tax return.

18 “(II) SAFE HARBOR.—Any indi-
19 vidual who consents under subclause
20 (I) shall not be subject to clause (v).

21 “(iv) MEMORANDUM OF UNDER-
22 STANDING.—Not later than 1 year after
23 the date of enactment of this subclause,
24 the Director of the Office of Public Integ-
25 rity and the Commissioner of Internal Rev-

1 enue shall enter into a cooperative agree-
2 ment or memorandum of understanding to
3 establish secure means to allow for the
4 necessary information exchange in sub-
5 clause (III) for senior government officials
6 who wish to avail themselves of the auto-
7 matic disclosure under subclause (III).

8 “(v) PENALTIES FOR FORMER SENIOR
9 GOVERNMENT OFFICIALS.—

10 “(I) CIVIL ACTION.—The Attor-
11 ney General or the Director of the Of-
12 fice of Public Integrity may bring a
13 civil action in any appropriate United
14 States district court against any indi-
15 vidual who knowingly and willfully fal-
16 sifies or who knowingly and willfully
17 fails to disclose any information that
18 such individual is required to disclose
19 pursuant to this clause. The court in
20 which such action is brought may as-
21 sess against such individual a civil
22 penalty in any amount, not to exceed
23 \$50,000.

24 “(II) CRIMINAL PENALTIES.—

1 “(aa) PROHIBITION.—It
2 shall be unlawful for any person
3 to knowingly and willfully falsify
4 any information that such person
5 is required to disclose under this
6 clause. It shall be unlawful for
7 any person to fail to disclose any
8 information that such person is
9 required to disclose under this
10 clause.

11 “(bb) PENALTIES.—Any
12 person who violates the first sen-
13 tence of subitem (AA) shall be
14 fined under title 18, United
15 States Code, imprisoned for not
16 more than 1 year, or both. Any
17 person who violates the second
18 sentence of subitem (AA) shall be
19 fined under title 18, United
20 States Code.

21 “(4) PENALTIES FOR GIANT BANKS AND COM-
22 PANIES.—

23 “(A) IN GENERAL.—The Director of Office
24 of Public Integrity may impose a civil penalty
25 or a sanction on any entity or giant bank or

1 company upon making a determination, after
2 reasonable notice and opportunity for a hearing,
3 that the entity or giant bank or company has
4 violated paragraph (2) or (3)(B).

5 “(B) AMOUNT OF CIVIL PENALTIES.—A
6 civil penalty imposed for a violation under sub-
7 paragraph (A) shall—

8 “(i) in the case of an initial violation,
9 be not less than 1 percent of the net profit
10 of the entity or giant bank or company for
11 the previous year;

12 “(ii) in the case of a second violation,
13 be not less than 2 percent of the net profit
14 of the entity or giant bank or company for
15 the previous year; and

16 “(iii) in the case of a third or subse-
17 quent violation, be not less than 5 percent
18 of the net profit of the entity or giant bank
19 or company for the previous year.

20 “(C) OTHER PENALTIES AND SANCTIONS
21 COMPANIES.—In addition to a civil penalty im-
22 posed under this clause, after reasonable notice
23 and an opportunity for a hearing, if the Direc-
24 tor of the Office of Public Integrity determines
25 that a company has violated paragraph (2) or

1 (3)(B), the Director may impose a sanction on
2 an entity or a giant bank or company, includ-
3 ing—

4 “(i) prohibiting the entity or giant
5 bank or company from employing any
6 former employee or officer of the Federal
7 Government for a period of time not to ex-
8 ceed 8 years;

9 “(ii) prohibiting the company from
10 doing business with the Federal Govern-
11 ment, receiving a contract or license from
12 the Federal Government, or otherwise par-
13 ticipating in Federal Government pro-
14 grams, for a period of time not to exceed
15 8 years.

16 “(D) CIVIL PENALTIES FOR EXECUTIVE
17 OFFICERS OF COMPANIES.—

18 “(i) DEFINITION.—In this subclause,
19 the term ‘compensation’ includes, based on
20 information required to be reported to any
21 Federal agency during the period in which
22 a violation of paragraph (2) or (3)(B) oc-
23 curred—

24 “(I) the proceeds of any sale of
25 stock; and

1 “(II) any incentive-based com-
2 pensation (including stock options
3 awarded as compensation).

4 “(ii) CIVIL PENALTY.—In addition to
5 the penalties described in subparagraphs
6 (B) and (C), after reasonable notice and
7 an opportunity for a hearing, that an execu-
8 tive officer of an entity or giant bank or
9 company has knowingly, or with gross neg-
10 ligence, violated paragraph (2) or (3)(B),
11 or contributed to the violation of a para-
12 graph (2) or (3)(B), the Director may as-
13 sess a civil penalty against the executive
14 officer not to exceed the amount of the of-
15 ficer’s compensation for each year during
16 which the violations occurred.

17 “(E) MITIGATING FACTORS.—In deter-
18 mining the amount of any penalties assessed
19 under this paragraph, the Director of the Office
20 of Public Integrity or the court shall take into
21 account the appropriateness of the penalty with
22 respect to—

23 “(i) the size of financial resources and
24 good faith of the entity, giant bank or
25 company, or senior executive;

1 “(ii) the gravity of the violation or
2 failure to pay;

3 “(iii) the history of previous viola-
4 tions; and

5 “(iv) such other matters as justice
6 may require.

7 “(F) AUTHORITY TO MODIFY OR REMIT
8 PENALTY.—The Director of the Office of Public
9 Integrity may compromise, modify, or remit any
10 penalty under this paragraph, which may be as-
11 sessed or had already been assessed. The
12 amount of such penalty, when finally deter-
13 mined, shall be exclusive of any sums owed by
14 the person to the United States in connection
15 with the costs of the proceeding, and may be
16 deducted from any sums owing by the United
17 States to the person charged.

18 “(G) NOTICE AND HEARING.—No civil
19 penalty may be assessed under this paragraph
20 with respect to a violation of paragraph (2) or
21 (3)(B) unless—

22 “(i) the Director of the Office of Pub-
23 lic Integrity gives notice and an oppor-
24 tunity for a hearing to the person accused
25 of the violation; or

1 “(ii) the appropriate court has or-
2 dered such assessment and entered judg-
3 ment in favor of the Director of the Office
4 of Public Integrity.”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 subsection (a) relating to political intelligence contacts (as
7 defined in section 3 of the Lobbying Disclosure Act of
8 1995 (2 U.S.C. 1602), as amended by this Act) shall apply
9 with respect to any political intelligence contact that is
10 made on or after the date that is 1 year after the date
11 of the enactment of this Act.

12 (c) **TECHNICAL AND CONFORMING AMENDMENTS.**—
13 Section 207 of title 18, United States Code, is amended—

14 (1) in subsection (d), as redesignated by sub-
15 section (a) of this section, is amended by striking
16 “(d), or (e)”;

17 (2) in subsection (f)(2), as redesignated by sub-
18 section (a) of this section, in the second sentence, by
19 striking “(c)(2)(A)(i) or (iii)” and inserting “(c)”;

20 (3) in subsection (g)(1), as redesignated by sub-
21 section (a) of this section—

22 (A) in subparagraph (A), by striking “(a),
23 (c), and (d)” and inserting “(a) and (c)”;

24 (B) in subparagraph (B), by striking “(f)”
25 and inserting “(d)”;

1 (4) in subsection (h), as redesignated by sub-
2 section (a) of this section—

3 (A) by striking “subsections (c), (d), and
4 (e)” each place the term appears and inserting
5 “subsection (c)”;

6 (B) in paragraph (5), by striking “(a), (c),
7 and (d)” and inserting “(a) and (c)”; and

8 (C) in paragraph (7)(B), by striking “sub-
9 sections (c), (d), or (e)” and inserting “sub-
10 section (c)”.

11 (d) RESTRICTIONS ON FEDERAL EXAMINERS OF FI-
12 NANCIAL INSTITUTIONS.—Section 10(k) of the Federal
13 Deposit Insurance Act (12 U.S.C. 1820(k)) is amended—

14 (1) in the subsection header, by striking “ONE-
15 YEAR” and inserting “FOUR-YEAR”; and

16 (2) in paragraph (1)—

17 (A) in subparagraph (B), by striking “sen-
18 ior”; and

19 (B) in subparagraph (C), by striking “1
20 year” and inserting “4 years”.

21 **SEC. 107. GOLDEN PARACHUTES BAN.**

22 (a) IN GENERAL.—Section 209 of title 18, United
23 States Code, is amended—

24 (1) in subsection (a)—

1 (A) by striking “any salary” and inserting
2 “any bonus or salary”; and

3 (B) by striking “his services” and inserting
4 “services rendered or to be rendered”; and
5 (2) in subsection (b)—

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

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

8 “(2)(A) In this paragraph, the term ‘compensation’
9 includes a retention award or bonus, severance pay, and
10 any other payment—

11 “(i) linked to future service in the Federal Gov-
12 ernment in any way; or

13 “(ii) from a current or former employer unless
14 the recipient demonstrates that the payment would
15 have been received if the recipient had not entered
16 government service.

17 “(B) For purposes of paragraph (1), a pension, re-
18 tirement, group life, health or accident insurance, profit-
19 sharing, stock bonus, or other employee welfare or benefit
20 plan that makes payment of compensation contingent on
21 accepting a position in the Federal Government shall not
22 be considered bona fide.”.

23 (b) PERMISSIBLE PAYMENTS.—Section 1.409A-
24 3(j)(4)(iii) of title 26, Code of Federal Regulations, shall
25 have no force or effect.

1 **SEC. 108. GENERAL PUBLIC INTEGRITY RULES.**

2 (a) **OUTSIDE EMPLOYMENT BAN.**—The limitations
3 described in section 502 of the Ethics in Government Act
4 of 1978 (5 U.S.C. App.) shall apply to full-time senior
5 government officials.

6 (b) **VOLUNTEER SERVICE RULE.**—All Federal laws
7 or regulations relating to conflicts of interest or other eth-
8 ics issues (as defined in section 409 of the Ethics in Gov-
9 ernment Act of 1978, as added by section 511 of this Act)
10 shall apply to any individual who is employed by the Fed-
11 eral Government and voluntarily refuses compensation for
12 such employment consistent with applicable law.

13 (c) **SPECIAL GOVERNMENT EMPLOYEE RULE.**—All
14 Federal ethics rules shall apply to an individual designated
15 as a Special Government Employee to the same extent
16 that they apply to regular Government employees begin-
17 ning on the date that is 61 days after the date on which
18 the Special Government Employee commences employ-
19 ment during a 365-day period.

20 (d) **INDEBTEDNESS RULE.**—

21 (1) **IN GENERAL.**—Except as provided in para-
22 graph (2), no senior government official (except a
23 Member of Congress, the President, and the Vice
24 President) may—

25 (A) in the course of official duty, meet or
26 communicate with, or work on any particular

1 matter that affects, any person to whom the
2 senior government official owes more than
3 \$100,000; or

4 (B) receive a loan of more than \$100,000
5 from any person the senior government official
6 has met or communicated with, or plans to
7 meet or communicate with, during the course of
8 their official duty.

9 (2) EXCEPTION.—Paragraph (1) shall not
10 apply to—

11 (A) commercial debt such as residential
12 mortgages, car loans, credit card debt, student
13 loans, or any debts owed to domestic financial
14 institutions on terms generally available to the
15 public; or

16 (B) meetings with domestic financial insti-
17 tutions.

18 **SEC. 109. LEGAL EXPENSE FUNDS.**

19 (a) DEFINITIONS.—In this section—

20 (1) the term “legal expense fund” means a
21 fund—

22 (A) to be used to defray legal expenses in-
23 curred in investigative, civil, criminal, or other
24 legal proceedings relating to or arising by virtue

1 of service by an officer or employee as an offi-
2 cer or employee;

3 (B) that may not be used for personal
4 legal matters, including tax planning, personal
5 injury litigation, protection of property rights,
6 divorces, or estate probate;

7 (C) that may only be used to defray legal
8 expenses for a single officer or single employee;

9 (D) that may be established or controlled
10 by the officer or employee, or by a third party,
11 in accordance with the requirements of section;
12 and

13 (E) that may accept contributions, in ac-
14 cordance with this section;

15 (2) the term “lobbying activity” has the mean-
16 ing given that term in section 3 of the Lobbying
17 Disclosure Act of 1995 (2 U.S.C. 1602);

18 (3) the term “officer or employee” means—

19 (A) an officer, as defined in section 2104
20 of title 5, United States Code;

21 (B) an employee, as defined in section
22 2105 of title 5, United States Code;

23 (C) a Member of Congress, as defined in
24 section 2106 of title 5, United States Code;

25 (D) the Vice President; and

1 (E) the President;

2 (4) the term “relative” has the meaning given
3 that term in section 3110 of title 5, United States
4 Code; and

5 (5) the term “supervising ethics office” has the
6 meaning given that term in section 109 of the Eth-
7 ics in Government Act of 1978 (5 U.S.C. App.).

8 (b) AUTHORIZATION FOR LEGAL EXPENSE
9 FUNDS.—Subject to the limitations and regulations pro-
10 mulgated under this section, an officer or employee may
11 establish, maintain, and use a legal expense fund.

12 (c) LIMITS ON CONTRIBUTIONS.—The Director of the
13 Office of Public Integrity shall promulgate regulations es-
14 tablishing limits with respect to contributions to legal ex-
15 pense funds for officers or employees, which shall, at a
16 minimum, prohibit an officer or employee from accepting
17 contributions for a legal expense fund—

18 (1) from a single contributor (other than a rel-
19 ative of the officer or employee) in a total amount
20 of more than \$5,000 during any calendar year;

21 (2) from a registered lobbyist;

22 (3) from an agent of a foreign principal;

23 (4) from any person seeking official action from
24 or doing business with the Executive agency, office,
25 or entity employing the officer or employee;

1 (5) from any person conducting activities regu-
2 lated by the Executive agency, office, or entity em-
3 ploying the officer or employee;

4 (6) from any person whose interests may be
5 substantially affected by the performance or non-
6 performance of the official duties of the officer or
7 employee; or

8 (7) for an officer or employee of an Executive
9 agency, from any person that has engaged in lob-
10 bying activities, or on whose behalf lobbying activi-
11 ties have been engaged with, with respect to the Ex-
12 ecutive agency during the 2-year period ending on
13 the date of the contribution.

14 (d) WRITTEN NOTICE.—

15 (1) IN GENERAL.—An officer or employee who
16 wishes to establish, or directly or indirectly receive
17 money from, a legal expense fund shall submit to the
18 supervising ethics office with respect to the officer or
19 employee a written notice that includes—

20 (A) the name and contact information for
21 any proposed trustee of the legal expense fund;

22 (B) a copy of any proposed trust document
23 for the legal expense fund;

1 (C) the nature of the legal proceeding (or
2 proceedings) which necessitate the establish-
3 ment of the legal expense fund;

4 (D) an acknowledgment that the officer or
5 employee will be bound by the regulations and
6 limitation under this section; and

7 (E) an acknowledgment that the officer or
8 employee bears ultimate responsibility for prop-
9 er administration of the legal expense fund.

10 (2) APPROVAL.—An officer or employee may
11 not solicit or accept contributions to a legal expense
12 fund until after the supervising ethics office has re-
13 ceived and approved the written notice submitted
14 under paragraph (1).

15 (e) REPORTING.—

16 (1) IN GENERAL.—An officer or employee who
17 establishes, or directly or indirectly receives money
18 from, a legal expense fund shall submit to the super-
19 vising ethics office with respect to the officer or em-
20 ployee a quarterly report that discloses, with respect
21 to the quarter covered by the report—

22 (A) the source and amount of each con-
23 tribution to the legal expense fund; and

24 (B) the amount, recipient, and purpose of
25 each expenditure from the legal expense fund.

1 (2) PUBLIC AVAILABILITY.—Each supervising
2 ethics office shall make publicly available online each
3 report submitted under paragraph (1) in a search-
4 able, sortable, and downloadable form.

5 (f) RECUSAL.—An officer or employee in the execu-
6 tive branch, other than the President and the Vice Presi-
7 dent, who receives a contribution to a legal expense fund
8 of the officer or employee may not participate in any mat-
9 ter that has or would have a direct and substantial impact
10 on the person making the contribution during the 2-year
11 period beginning on the date on which the contribution
12 is received.

13 **SEC. 110. PENALTIES.**

14 (a) CIVIL FINES.—The Attorney General or the Di-
15 rector of the Office of Public Integrity may bring a civil
16 action in the appropriate United States district court
17 against any person who engages in conduct constituting
18 a violation of this subtitle and, upon proof of such conduct
19 by a preponderance of the evidence, such person shall be
20 subject to a civil penalty of not more than \$50,000 for
21 each violation or the amount of compensation which the
22 person received or offered for the prohibited conduct,
23 whichever amount is greater. The imposition of a civil pen-
24 alty under this subsection does not preclude any other
25 criminal or civil statutory, common law, or administrative

1 remedy, which is available by law to the United States or
2 any other person.

3 (b) ORDER PROHIBITING CONDUCT.—If the Attorney
4 General or the Director of the Office of Public Integrity
5 has reason to believe that a person is engaging in conduct
6 constituting an offense under this subtitle, the Attorney
7 General or the Director of the Office of Public Integrity,
8 as applicable, may petition an appropriate United States
9 district court for an order prohibiting that person from
10 engaging in such conduct. The court may issue an order
11 prohibiting that person from engaging in such conduct if
12 the court finds that the conduct constitutes such an of-
13 fense. The filing of a petition under this section does not
14 preclude any other remedy which is available by law to
15 the United States or any other person.

16 **Subtitle B—Presidential Conflicts** 17 **of Interest**

18 **SEC. 111. SHORT TITLE.**

19 This subtitle may be cited as the “Presidential Con-
20 flicts of Interest Act of 2018”.

21 **SEC. 112. DIVESTITURE OF PERSONAL FINANCIAL INTER-** 22 **ESTS OF THE PRESIDENT AND VICE PRESI-** 23 **DENT THAT POSE A POTENTIAL CONFLICT OF** 24 **INTEREST.**

25 (a) DEFINITIONS.—

1 (1) IN GENERAL.—In this section—

2 (A) the term “conflict-free holding” means
3 a financial interest described in section
4 102(f)(8) of the Ethics in Government Act of
5 1978 (5 U.S.C. App.);

6 (B) the term “financial interest posing a
7 potential conflict of interest” means a financial
8 interest of the President, the Vice President,
9 the spouse of the President or Vice President,
10 or a minor child of the President or Vice Presi-
11 dent, as applicable, that—

12 (i) would constitute a financial inter-
13 est described in subsection (a) of section
14 208 of title 18, United States Code—

15 (I) if—

16 (aa) for purposes of such
17 section 208, the terms “officer”
18 and “employee” included the
19 President and the Vice President;
20 and

21 (bb) the President or Vice
22 President, as applicable, partici-
23 pated as described in subsection
24 (a) of such section 208 in rela-

1 tion to such financial interest;
2 and

3 (II) if determined without regard
4 to any exception under subsection (b)
5 of such section 208; or

6 (ii) may constitute a present, emolu-
7 ment, office, or title, of any kind whatever,
8 from any king, prince, or foreign state (in-
9 cluding from an entity owned or controlled
10 by a foreign government), within the
11 meaning of article I, section 9 of the Con-
12 stitution of the United States;

13 (C) the term “qualified blind trust” has
14 the meaning given that term in section
15 102(f)(3) of the Ethics in Government Act of
16 1978 (5 U.S.C. App.), unless otherwise speci-
17 fied in this subtitle; and

18 (D) the term “tax return”—

19 (i) means any Federal income tax re-
20 turn and any amendment or supplement
21 thereto, including supporting schedules, at-
22 tachments, or lists which are supplemental
23 to, or part of, the return for the taxable
24 year; and

1 (ii) includes any information return
2 that reports information that does or may
3 affect the liability for tax for the taxable
4 year.

5 (2) APPLICABILITY OF ETHICS IN GOVERNMENT
6 ACT OF 1978.—For purposes of the definition of
7 “qualified blind trust” in this section, the term “su-
8 pervising ethics officer” in section 102(f)(3) of the
9 Ethics in Government Act of 1978 (5 U.S.C. App.)
10 means the Director of the Office of Public Integrity.

11 (b) INITIAL FINANCIAL DISCLOSURE.—

12 (1) SUBMISSION OF DISCLOSURE.—

13 (A) IN GENERAL.—Not later than 30 days
14 after assuming the office of President or Vice
15 President, respectively, the President and Vice
16 President shall submit to Congress and the Di-
17 rector of the Office of Public Integrity a disclo-
18 sure of financial interests.

19 (B) APPLICATION TO SITTING PRESIDENT
20 AND VICE PRESIDENT.—For any individual who
21 is serving as the President or Vice President on
22 the date of enactment of this Act, the disclosure
23 of financial interests shall be submitted to Con-
24 gress and the Director of the Office of Public

1 Integrity not later than 30 days after the date
2 of enactment of this Act.

3 (2) CONTENTS.—

4 (A) PRESIDENT.—The disclosure of finan-
5 cial interests submitted under paragraph (1) by
6 the President shall—

7 (i) describe in detail each financial in-
8 terest of the President, the spouse of the
9 President, or a minor child of the Presi-
10 dent;

11 (ii) at a minimum, include the infor-
12 mation relating to each such financial in-
13 terest that is required for reports under
14 section 102 of the Ethics in Government
15 Act of 1978 (5 U.S.C. App.); and

16 (iii) include the tax returns filed by or
17 on behalf of the President for—

18 (I) the 8 most recent taxable
19 years; and

20 (II) each taxable year for which
21 an audit of the return by the Internal
22 Revenue Service is pending on the
23 date the report is filed.

1 (B) VICE PRESIDENT.—The disclosure of
2 financial interests submitted under paragraph
3 (1) by the Vice President shall—

4 (i) describe in detail each financial in-
5 terest of the Vice President, the spouse of
6 the Vice President, or a minor child of the
7 Vice President;

8 (ii) at a minimum, include the infor-
9 mation relating to each such financial in-
10 terest that is required for reports under
11 section 102 of the Ethics in Government
12 Act of 1978 (5 U.S.C. App.); and

13 (iii) include the tax returns filed by or
14 on behalf of the Vice President for—

15 (I) the 8 most recent taxable
16 years; and

17 (II) each taxable year for which
18 an audit of the return by the Internal
19 Revenue Service is pending on the
20 date the report is filed.

21 (c) DIVESTITURE OF FINANCIAL INTERESTS POSING
22 A POTENTIAL CONFLICT OF INTEREST.—

23 (1) IN GENERAL.—The President, the Vice
24 President, the spouse of the President or Vice Presi-
25 dent, and any minor child of the President or Vice

1 President shall divest of any financial interest posing
2 a potential conflict of interest by transferring such
3 interest to a qualified blind trust.

4 (2) TRUSTEE DUTIES.—Within 180 days after
5 the date a financial interest is transferred to a quali-
6 fied blind trust under paragraph (1), the trustee of
7 the qualified blind trust shall—

8 (A) sell the financial interest; and

9 (B) use the proceeds of the sale of the fi-
10 nancial interest to purchase conflict-free hold-
11 ings.

12 (d) REVIEW BY OFFICE OF PUBLIC INTEGRITY.—

13 (1) IN GENERAL.—The Director of the Office of
14 Public Integrity shall submit to Congress, the Presi-
15 dent, and the Vice President an annual report re-
16 garding the financial interests of the President, the
17 Vice President, the spouse of the President or Vice
18 President, and any minor child of the President or
19 Vice President.

20 (2) CONTENTS.—Each report submitted under
21 paragraph (1) shall—

22 (A) indicate whether any financial interest
23 of the President, the Vice President, the spouse
24 of the President or Vice President, or a minor
25 child of the President or Vice President is a fi-

1 nancial interest posing a potential conflict of in-
2 terest;

3 (B) evaluate whether any previously held
4 financial interest of the President, the Vice
5 President, the spouse of the President or Vice
6 President, or a minor child of the President or
7 Vice President that was a financial interest pos-
8 ing a potential conflict of interest was divested
9 in accordance with subsection (c); and

10 (C) redact such information as the Direc-
11 tor of the Office of Public Integrity determines
12 necessary for preventing identity theft, such as
13 social security numbers or taxpayer identifica-
14 tion numbers.

15 (e) ENFORCEMENT.—

16 (1) IN GENERAL.—The Attorney General, the
17 attorney general of any State, or any person ag-
18 grieved by any violation of subsection (c) may seek
19 declaratory or injunctive relief in a court of com-
20 petent jurisdiction if—

21 (A) the Director of the Office of Public In-
22 tegrity is unable to issue a report indicating
23 whether the President or the Vice President is
24 in substantial compliance with subsection (c); or

1 (B) there is probable cause to believe that
2 the President or the Vice President has not
3 complied with subsection (c).

4 (2) FAIR MARKET VALUE.—In granting injunc-
5 tive relief to the plaintiff, the court shall take meas-
6 ures reasonably necessary to ensure that any divest-
7 ment procedure seeks to obtain a fair market value
8 for any asset that is liquidated.

9 **SEC. 113. RECUSAL OF APPOINTEES.**

10 Section 208 of title 18, United States Code, as
11 amended by section 103 of this Act, is amended by adding
12 at the end the following:

13 “(g)(1) Any officer or employee appointed by the
14 President shall recuse himself or herself from any par-
15 ticular matter involving specific parties in which a party
16 to that matter is—

17 “(A) the President who appointed the officer or
18 employee, which shall include any entity in which the
19 President has a substantial interest; or

20 “(B) the spouse of the President who appointed
21 the officer or employee, which shall include any enti-
22 ty in which the spouse of the President has a sub-
23 stantial interest.

24 “(2)(A) Subject to subparagraph (B), if an officer or
25 employee is recused under paragraph (1), a career ap-

1 pointee in the agency of the officer or employee shall per-
2 form the functions and duties of the officer or employee
3 with respect to the matter.

4 “(B)(i) In this subparagraph, the term ‘Commission’
5 means a board, commission, or other agency for which the
6 authority of the agency is vested in more than 1 member.

7 “(ii) If the recusal of a member of a Commission
8 from a matter under paragraph (1) would result in there
9 not being a statutorily required quorum of members of the
10 Commission available to participate in the matter, not-
11 withstanding such statute or any other provision of law,
12 the members of the Commission not recused under para-
13 graph (1) may—

14 “(I) consider the matter without regard to the
15 quorum requirement under such statute;

16 “(II) delegate the authorities and responsibil-
17 ities of the Commission with respect to the matter
18 to a subcommittee of the Commission; or

19 “(III) designate an officer or employee of the
20 Commission who was not appointed by the President
21 who appointed the member of the Commission
22 recused from the matter to exercise the authorities
23 and duties of the recused member with respect to
24 the matter.

1 “(3) Any officer or employee who negligently violates
2 paragraph (1) shall be subject to the penalties set forth
3 in section 216.

4 “(4) For purposes of this section, the term ‘particular
5 matter’ shall have the meaning given the term in section
6 207(g).”.

7 **SEC. 114. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**
8 **DENT.**

9 (a) AMENDMENT.—Section 431 of title 18, United
10 States Code, is amended—

11 (1) in the section heading, by inserting “**the**
12 **President, Vice President, or a**” after
13 “**Contracts by**”; and

14 (2) in the first undesignated paragraph, by in-
15 serting “the President or Vice President,” after
16 “Whoever, being”.

17 (b) TABLE OF SECTIONS AMENDMENT.—The table of
18 sections for chapter 23 of title 18, United States Code,
19 is amended by striking the item relating to section 431
20 and inserting the following:

“431. Contracts by the President, Vice President, or a Member of Congress.”.

21 **SEC. 115. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

22 The Presidential Transition Act of 1963 (3 U.S.C.
23 102 note) is amended—

24 (1) in section 3(f) by adding at the end the fol-
25 lowing:

1 “(3) The President-elect shall submit to the Com-
2 mittee on Homeland Security and Governmental Affairs
3 of the Senate and the Committee on Oversight and Re-
4 form of the House of Representatives a list of—

5 “(A) any individual for whom an application for
6 a security clearance was submitted, not later than
7 10 days after the date on which the application was
8 submitted; and

9 “(B) any individual provided a security clear-
10 ance, not later than 10 days after the date on which
11 the security clearance was provided.”;

12 (2) in section 4—

13 (A) in subsection (a)—

14 (i) in paragraph (3), by striking
15 “and” at the end;

16 (ii) by redesignating paragraph (4) as
17 paragraph (5); and

18 (iii) by inserting after paragraph (3)
19 the following:

20 “(4) the term ‘nonpublic information’—

21 “(A) means information from the Federal
22 Government that a transition member obtains
23 as part of the employment of the member that
24 such member knows or reasonably should know

1 has not been made available to the general pub-
2 lic; and

3 “(B) includes information that a member
4 of the transition team knows or reasonably
5 should know—

6 “(i) is exempt from disclosure under
7 section 552 of title 5, United States Code,
8 or otherwise protected from disclosure by
9 law; and

10 “(ii) is not authorized by the appro-
11 priate government agency or official to be
12 released to the public; and”;

13 (B) in subsection (g)—

14 (i) in paragraph (1), by striking “No-
15 vember” and inserting “October”; and

16 (ii) by adding at the end the fol-
17 lowing:

18 “(3) ETHICS PLAN.—

19 “(A) IN GENERAL.—Each memorandum of
20 understanding under paragraph (1) shall in-
21 clude an agreement that the eligible candidate
22 will implement and enforce an ethics plan to
23 guide the conduct of the transition beginning on
24 the date on which the eligible candidate be-
25 comes the President-elect.

1 “(B) CONTENTS.—The ethics plan shall
2 include, at a minimum—

3 “(i) a description of the ethics re-
4 quirements that will apply to all members
5 of the transition team, including any spe-
6 cific requirement for transition team mem-
7 bers who will have access to nonpublic or
8 classified information;

9 “(ii) a description of how the transi-
10 tion team will—

11 “(I) address the role on the tran-
12 sition team of—

13 “(aa) lobbyists registered
14 under the Lobbying Disclosure
15 Act of 1995 (2 U.S.C. 1601 et
16 seq.) and individuals who were
17 former lobbyists registered under
18 that Act;

19 “(bb) persons registered
20 under the Foreign Agents Reg-
21 istration Act (22 U.S.C. 611 et
22 seq.), foreign nationals, and other
23 foreign agents; and

24 “(cc) transition team mem-
25 bers with sources of income or

1 clients that are not disclosed to
2 the public;

3 “(II) prohibit a transition team
4 member with conflicts of interest, in-
5 cluding conflicts, as described in sec-
6 tion 2635.402(a) and section
7 2635.502(a) of title 5, Code of Fed-
8 eral Regulations, related to current or
9 former employment, affiliations, cli-
10 ents, or investments, from working on
11 particular matters involving specific
12 parties that affect the interests of
13 such member; and

14 “(III) address how the covered
15 eligible candidate will address their
16 own conflicts of interest during a
17 Presidential term if the covered eligi-
18 ble candidate becomes the President-
19 elect;

20 “(iii) a Code of Ethical Conduct, to
21 which each member of the transition team
22 will sign and be subject to, that reflects
23 the content of the ethics plans under this
24 paragraph and at a minimum requires
25 transition team members to—

1 “(I) seek authorization from
2 transition team leaders or their des-
3 ignees before seeking, on behalf of the
4 transition, access to any nonpublic in-
5 formation;

6 “(II) keep confidential any non-
7 public information provided in the
8 course of the duties of the member
9 with the transition and exclusively use
10 such information for the purposes of
11 the transition; and

12 “(III) not use any nonpublic in-
13 formation provided in the course of
14 transition duties, in any manner, for
15 personal or private gain for the mem-
16 ber or any other party at any time
17 during or after the transition; and

18 “(iv) a description of how the transi-
19 tion team will enforce the Code of Ethical
20 Conduct, including the names of the mem-
21 bers of the transition team responsible for
22 enforcement, oversight, and compliance.

23 “(C) PUBLICLY AVAILABLE.—The transi-
24 tion team shall make the ethics plan described
25 in this paragraph publicly available on the

1 internet website of the General Services Admin-
2 istration the earlier of—

3 “(i) the day on which the memo-
4 randum of understanding is completed; or

5 “(ii) October 1.”; and

6 (3) in section 6(b)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (A), by striking
9 “and” at the end;

10 (ii) in subparagraph (B), by striking
11 the period at the end and inserting a semi-
12 colon; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(C) a list of all positions each transition
16 team member has held outside the Federal Gov-
17 ernment for the previous 12-month period, in-
18 cluding paid, unpaid, and uncompensated posi-
19 tions;

20 “(D) sources of compensation of each tran-
21 sition team member exceeding \$5,000 a year for
22 the previous 12-month period;

23 “(E) a description of the role of the mem-
24 ber on the transition team, including a list of
25 any policy issues that the member expects to

1 work on, and a list of agencies the member ex-
2 pects to interact with, while serving on the
3 transition team;

4 “(F) a list of any issues from which each
5 transition team member will be recused while
6 serving as a member of the transition team pur-
7 suant to the transition team ethics plan out-
8 lined in section 4(g)(3); and

9 “(G) an affirmation that the transition
10 team member does not have a financial conflict
11 of interest that precludes the member from
12 working on the matters described in subpara-
13 graph (E).”;

14 (B) in paragraph (2), by inserting “not
15 later than 2 business days” after “public”; and

16 (C) by adding at the end the following:

17 “(3) The head of a Federal department or
18 agency, or their designee, shall not permit access to
19 the agency or employees of the agency that would
20 not be provided to a member of the public for any
21 transition team member who does not make the dis-
22 closures listed under paragraph (1).”.

1 **SEC. 116. CRIMINALITY OF THE PRESIDENT OR OTHER SEN-**
 2 **IOR GOVERNMENT OFFICIALS.**

3 Section 2 of title 18, United States Code, is amended
 4 by inserting “, including the President, the Vice President,
 5 a Member of Congress, an Associate Justice of the Su-
 6 preme Court of the United States, the Chief Justice of
 7 the United States, and any other officer of the United
 8 States,” after “Whoever” each place it appears.

9 **SEC. 117. PRESIDENTIAL OBSTRUCTION OF JUSTICE.**

10 (a) IN GENERAL.—Chapter 73 of title 18, United
 11 States Code, is amended by adding at the end the fol-
 12 lowing:

13 **“§ 1522. Applicability to all officers, including the**
 14 **President and Vice President**

15 “This chapter shall apply to all officers of the United
 16 States, including the President, the Vice President, a
 17 Member of Congress, an Associate Justice of the Supreme
 18 Court of the United States, and the Chief Justice of the
 19 United States.”.

20 (b) CONFORMING AMENDMENT.—The table of sec-
 21 tions for chapter 73 of title 18, United States Code, is
 22 amended by adding at the end the following:

“1522. Applicability to all officers, including the President and Vice President.”.

23 **SEC. 118. SENSE OF CONGRESS REGARDING VIOLATIONS.**

24 It is the sense of Congress that a violation of section
 25 112 of this Act or the Ethics in Government Act of 1978

1 (5 U.S.C. App.) by the President or the Vice President
2 would constitute a high crime or misdemeanor under arti-
3 cle II, section 4 of the Constitution of the United States.

4 **SEC. 119. RULE OF CONSTRUCTION.**

5 Nothing in this subtitle or an amendment made by
6 this subtitle shall be construed to violate the Constitution
7 of the United States.

8 **SEC. 120. SEVERABILITY.**

9 If any provision of this subtitle or any amendment
10 made by this subtitle, or any application of such provision
11 or amendment to any person or circumstance, is held to
12 be unconstitutional, the remainder of the provisions of this
13 subtitle and the amendments made by this subtitle, and
14 the application of the provision or amendment to any other
15 person or circumstance, shall not be affected.

16 **Subtitle C—Strengthening**
17 **Criminal Anti-Corruption Laws**

18 **SEC. 121. BRIBERY OF PUBLIC OFFICIALS AND WITNESSES.**

19 (a) DEFINITION.—Section 201(a) of title 18, United
20 States Code, is amended—

21 (1) in paragraph (2), by striking “and” at the
22 end;

23 (2) by striking paragraph (3) and inserting the
24 following:

25 “(3) the term ‘official act’—

1 “(A) means any decision or action on, or
2 personal and substantial participation through
3 acts, including approval, disapproval, rec-
4 ommendation, rendering of advice on, or inves-
5 tigation of any question, matter, cause, suit,
6 proceeding or controversy, that may at any time
7 be pending, or which may by law be brought be-
8 fore any public official, in such official’s capac-
9 ity, or in such official’s place of trust or profit;
10 and

11 “(B) includes—

12 “(i) advancing or advocating for an
13 application to obtain a contract with the
14 Government;

15 “(ii) aiding or impeding the progress
16 or passage of legislation;

17 “(iii) providing access to any public
18 official by arranging a meeting, event, tele-
19 phone call, or other communication with
20 the intent that such access influence the
21 public official in an official act; and

22 “(iv) a single act, more than 1 act, or
23 a course of conduct”;

24 (3) by adding at the end the following:

1 “(4) the term ‘rule or regulation’ means a Fed-
2 eral regulation or a rule of the House of Representa-
3 tives or the Senate, including rules and regulations
4 governing the acceptance of gifts and campaign con-
5 tributions.”.

6 (b) CLARIFICATION.—Section 201(c) of title 18,
7 United States Code, is amended by striking paragraph (1)
8 and inserting the following:

9 “(1) otherwise than as provided by law for the
10 proper discharge of official duty, or by rule or regu-
11 lation—

12 “(A) directly or indirectly gives, offers, or
13 promises any thing or things of value to any
14 public official, former public official, or person
15 selected to be a public official, for or because of
16 any official act performed or to be performed by
17 such public official, former public official, or
18 person selected to be a public official;

19 “(B) directly or indirectly knowingly gives,
20 offers, or promises any thing or things of value
21 with an aggregate value of not less than \$1,000
22 to any public official, former public official, or
23 person selected to be a public official for or be-
24 cause of the official’s or person’s official posi-
25 tion;

1 “(C) being a public official, former public
 2 official, or person selected to be a public offi-
 3 cial, directly or indirectly, knowingly demands,
 4 seeks, receives, accepts, or agrees to receive or
 5 accept any thing or things of value with an ag-
 6 gregate value of not less than \$1,000 for or be-
 7 cause of the official’s or person’s official posi-
 8 tion; or

9 “(D) being a public official, former public
 10 official, or person selected to be a public offi-
 11 cial, directly or indirectly demands, seeks, re-
 12 ceives, accepts, or agrees to receive or accept
 13 any thing or things of value for or because of
 14 any official act performed or to be performed by
 15 such official or person;”.

16 **SEC. 122. PROHIBITION ON UNDISCLOSED SELF-DEALING**
 17 **BY PUBLIC OFFICIALS.**

18 (a) IN GENERAL.—Section 1346 of title 18, United
 19 States Code, is amended—

20 (1) by striking “, the” and all that follows
 21 through the end and inserting and inserting “:

22 “(1) MATERIAL INFORMATION.—The term ‘ma-
 23 terial information’ means information—

1 “(A) regarding a financial interest of a
2 person described in clauses (i) through (iv) of
3 paragraph (5)(A); and

4 “(B) regarding the association, connection,
5 or dealings by a public official with an indi-
6 vidual, business, or organization described in
7 clauses (iii) through (vi) of paragraph (5)(A).

8 “(2) OFFICIAL ACT.—The term ‘official act’ has
9 the meaning given the term in section 201(a).

10 “(3) PUBLIC OFFICIAL.—The term ‘public offi-
11 cial’ means an officer, employee, or elected or ap-
12 pointed representative, or person acting for or on be-
13 half of the United States, a State, or a subdivision
14 of a State, or any department, agency, or branch of
15 government thereof, in any official function, under
16 or by authority of any such department, agency, or
17 branch of government.

18 “(4) STATE.—The term ‘State’ includes a State
19 of the United States, the District of Columbia, and
20 any commonwealth, territory, or possession of the
21 United States.

22 “(5) UNDISCLOSED SELF-DEALING.—The term
23 ‘undisclosed self-dealing’ means—

24 “(A) an official act by a public official for
25 the purpose, in whole or in material part, of

1 furthering or benefitting a financial interest, of
2 which the public official has knowledge, of—

3 “(i) the public official;

4 “(ii) the spouse or minor child of a
5 public official;

6 “(iii) a general business partner of the
7 public official;

8 “(iv) a business or organization in
9 which the public official is serving as an
10 employee, officer, director, trustee, or gen-
11 eral partner;

12 “(v) an individual, business, or orga-
13 nization with whom the public official is
14 negotiating for, or has any arrangement
15 concerning, prospective employment or fi-
16 nancial compensation; or

17 “(vi) an individual, business, or orga-
18 nization from whom the public official has
19 received any thing or things of value, oth-
20 erwise than as provided by law for the
21 proper discharge of official duty, or by rule
22 or regulation;

23 “(B) the knowing falsification, conceal-
24 ment, or covering up of material information by
25 a public official that is required to be disclosed

1 by any Federal, State, or local statute, rule,
 2 regulation, or charter applicable to the public
 3 official; or

4 “(C) the knowing failure of a public official
 5 to disclose material information in a manner
 6 that is required by any Federal, State, or local
 7 statute, rule, regulation, or charter applicable to
 8 the public official.

9 “(6) SCHEME OR ARTIFICE TO DEFRAUD.—The
 10 term ‘scheme or artifice to defraud’ includes—

11 “(A) a scheme or artifice to deprive an-
 12 other of the intangible right of honest services;
 13 and

14 “(B) a scheme or artifice by a public offi-
 15 cial to engage in undisclosed self-dealing.”.

16 (b) APPLICABILITY.—The amendments made by this
 17 section shall apply to any act on or after the date of the
 18 enactment of this Act.

19 **Subtitle D—Requiring Financial**
 20 **Disclosures Before Taking Office**

21 **SEC. 131. PROHIBITION ON TAKING OFFICE UNTIL FINAN-**
 22 **CIAL DISCLOSURES ARE FILED.**

23 Section 104 of the Ethics in Government Act of 1978
 24 (5 U.S.C. App.) is amended by adding at the end the fol-
 25 lowing:

1 “(e) A Member of Congress may not assume office
2 for the term after the date on which the Member of Con-
3 gress is elected unless the Member of Congress files or
4 reports all the information that the Member of Congress
5 is required to report under section 102.”.

6 **Subtitle E—Strengthening**
7 **Inauguration Fund Rules**

8 **SEC. 141. STRENGTHENING INAUGURATION FUND RULES.**

9 (a) REQUIREMENTS FOR INAUGURAL COMMIT-
10 TEES.—Title III of the Federal Election Campaign Act
11 of 1971 (52 U.S.C. 30101 et seq.) is amended by adding
12 at the end the following new section:

13 **“SEC. 325. INAUGURAL COMMITTEES.**

14 “(a) PROHIBITED DONATIONS.—

15 “(1) IN GENERAL.—It shall be unlawful—

16 “(A) for an Inaugural Committee—

17 “(i) to solicit, accept, or receive a do-
18 nation from a person that—

19 “(I) is not an individual;

20 “(II) is a registered lobbyist; or

21 “(III) is a Federal contractor; or

22 “(ii) to solicit, accept, or receive a do-
23 nation from a foreign national;

24 “(B) for a person—

1 “(i) to make a donation to an Inau-
2 gural Committee in the name of another
3 person, or to knowingly authorize his or
4 her name to be used to effect such a dona-
5 tion;

6 “(ii) to knowingly accept a donation
7 to an Inaugural Committee made by a per-
8 son in the name of another person; or

9 “(iii) to convert a donation to an In-
10 augural Committee to personal use as de-
11 scribed in paragraph (2);

12 “(C) for a foreign national to, directly or
13 indirectly, make a donation, or make an express
14 or implied promise to make a donation, to an
15 Inaugural Committee;

16 “(D) for a registered lobbyist to, directly
17 or indirectly, make a donation, or make an ex-
18 press or implied promise to make a donation, to
19 an Inaugural Committee; and

20 “(E) for a Federal contractor to, directly
21 or indirectly, make a donation, or make an ex-
22 press or implied promise to make a donation, to
23 an Inaugural Committee.

24 “(2) CONVERSION OF DONATION TO PERSONAL
25 USE.—For purposes of paragraph (1)(B)(iii), a do-

1 nation shall be considered to be converted to per-
2 sonal use if any part of the donated amount is used
3 to fulfill a commitment, obligation, or expense of a
4 person that would exist irrespective of the respon-
5 sibilities of the Inaugural Committee under chapter
6 5 of title 36, United States Code.

7 “(3) NO EFFECT ON DISBURSEMENT OF UN-
8 USED FUNDS TO NONPROFIT ORGANIZATIONS.—
9 Nothing in this subsection may be construed to pro-
10 hibit an Inaugural Committee from disbursing un-
11 used funds to an organization which is described in
12 section 501(c)(3) of the Internal Revenue Code of
13 1986 and is exempt from taxation under section
14 501(a) of such Code.

15 “(b) LIMITATION ON DONATIONS.—

16 “(1) IN GENERAL.—It shall be unlawful for an
17 individual to make donations to an Inaugural Com-
18 mittee which, in the aggregate, exceed \$10,000.

19 “(2) INDEXING.—At the beginning of each
20 Presidential election year (beginning with 2024), the
21 amount described in paragraph (1) shall be in-
22 creased by the cumulative percent difference deter-
23 mined in section 315(c)(1)(A) since the previous
24 Presidential election year. If any amount after such

1 increase is not a multiple of \$1,000, such amount
2 shall be rounded to the nearest multiple of \$1,000.

3 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
4 BURSEMENTS.—

5 “(1) DONATIONS OVER \$1,000.—

6 “(A) IN GENERAL.—An Inaugural Com-
7 mittee shall file with the Commission a report
8 disclosing any donation by an individual to the
9 committee in an amount of \$1,000 or more not
10 later than 24 hours after the receipt of such do-
11 nation.

12 “(B) CONTENTS OF REPORT.—A report
13 filed under subparagraph (A) shall contain—

14 “(i) the amount of the donation;

15 “(ii) the date the donation is received;

16 and

17 “(iii) the name and address of the in-
18 dividual making the donation.

19 “(2) FINAL REPORT.—Not later than the date
20 that is 90 days after the date of the Presidential in-
21 augural ceremony, the Inaugural Committee shall
22 file with the Commission a report containing the fol-
23 lowing information:

24 “(A) For each donation of money or any-
25 thing of value made to the committee in an ag-

1 aggregate amount equal to or greater than
2 \$200—

3 “(i) the amount of the donation;

4 “(ii) the date the donation is received;

5 and

6 “(iii) the name and address of the in-
7 dividual making the donation.

8 “(B) The total amount of all disburse-
9 ments, and all disbursements in the following
10 categories:

11 “(i) Disbursements made to meet
12 committee operating expenses.

13 “(ii) Repayment of all loans.

14 “(iii) Donation refunds and other off-
15 sets to donations.

16 “(iv) Any other disbursements.

17 “(C) The name and address of each per-
18 son—

19 “(i) to whom a disbursement in an ag-
20 gregate amount or value in excess of \$200
21 is made by the committee to meet a com-
22 mittee operating expense, together with
23 date, amount, and purpose of such oper-
24 ating expense;

1 “(ii) who receives a loan repayment
2 from the committee, together with the date
3 and amount of such loan repayment;

4 “(iii) who receives a donation refund
5 or other offset to donations from the com-
6 mittee, together with the date and amount
7 of such disbursement; and

8 “(iv) to whom any other disbursement
9 in an aggregate amount or value in excess
10 of \$200 is made by the committee, to-
11 gether with the date and amount of such
12 disbursement.

13 “(d) DEFINITIONS.—For purposes of this section:

14 “(1)(A) The term ‘donation’ includes—

15 “(i) any gift, subscription, loan, advance,
16 or deposit of money or anything of value made
17 by any person to the committee; or

18 “(ii) the payment by any person of com-
19 pensation for the personal services of another
20 person which are rendered to the committee
21 without charge for any purpose.

22 “(B) The term ‘donation’ does not include the
23 value of services provided without compensation by
24 any individual who volunteers on behalf of the com-
25 mittee.

1 “(2) The term ‘foreign national’ has the mean-
2 ing given that term by section 319(b).

3 “(3) The term ‘Inaugural Committee’ has the
4 meaning given that term by section 501 of title 36,
5 United States Code.

6 “(4) The term ‘registered lobbyist’ means a lob-
7 byist, as defined in section 3 of the Lobbying Disclo-
8 sure Act of 1995 (2 U.S.C. 1602), that is registered
9 or required to register under section 4(a) of that Act
10 (2 U.S.C. 1603(a))”.

11 (b) CONFIRMING AMENDMENT RELATED TO RE-
12 PORTING REQUIREMENTS.—Section 304 of the Federal
13 Election Campaign Act of 1971 (52 U.S.C. 30104) is
14 amended—

15 (1) by striking subsection (h); and

16 (2) by redesignating subsection (i) as subsection
17 (h).

18 (c) CONFORMING AMENDMENT RELATED TO STATUS
19 OF COMMITTEE.—Section 510 of title 36, United States
20 Code, is amended to read as follows:

21 **“SEC. 510. DISCLOSURE OF AND PROHIBITION ON CERTAIN**
22 **DONATIONS.**

23 “A committee shall not be considered to be the Inau-
24 gural Committee for purposes of this chapter unless the

1 committee agrees to, and meets, the requirements of sec-
 2 tion 325 of the Federal Election Campaign Act of 1971.”.

3 (d) EFFECTIVE DATE.—The amendments made by
 4 this subtitle shall apply with respect to Inaugural Commit-
 5 tees established under chapter 5 of title 36, United States
 6 Code, for inaugurations held in 2021 and any succeeding
 7 year.

8 **Subtitle F—Political Intelligence** 9 **Transparency**

10 **SEC. 151. DISCLOSURE OF POLITICAL INTELLIGENCE AC-** 11 **TIVITIES UNDER LOBBYING DISCLOSURE** 12 **ACT.**

13 (a) DEFINITIONS.—Section 3 of the Lobbying Disclo-
 14 sure Act of 1995 (2 U.S.C. 1602) is amended—

15 (1) in paragraph (2)—

16 (A) by inserting after “lobbying activities”
 17 each place that term appears the following: “or
 18 political intelligence activities”; and

19 (B) by inserting after “lobbyists” the fol-
 20 lowing: “or political intelligence consultants”;

21 (2) by redesignating paragraph (16) as para-
 22 graph (25);

23 (3) by redesignating paragraph (15) as para-
 24 graph (22);

1 (4) by redesignating paragraphs (4) through
2 (14) as paragraphs (7) through (17), respectively;

3 (5) by redesignating paragraph (3) as para-
4 graph (5);

5 (6) by inserting after paragraph (2) the fol-
6 lowing:

7 “(3) COMMODITY.—The term ‘commodity’ has
8 the meaning given such term in section 1a(9) of the
9 Commodity Exchange Act (7 U.S.C. 1a(9)).”;

10 (7) by inserting after paragraph (17), as so re-
11 designated, the following:

12 “(18) POLITICAL INTELLIGENCE ACTIVITIES.—
13 The term ‘political intelligence activities’ means po-
14 litical intelligence contacts and efforts in support of
15 such contacts, including preparation and planning
16 activities, research, and other background work that
17 is intended, at the time it is performed, for use in
18 contacts, and coordination with such contacts and
19 efforts of others.

20 “(19) POLITICAL INTELLIGENCE CONSULT-
21 ANT.—The term ‘political intelligence consultant’
22 means any individual who is employed or retained by
23 a client for financial or other compensation for serv-
24 ices that include one or more political intelligence
25 contacts, including an individual who provides bro-

1 kerage and research services under section 28(e) of
2 the Securities Exchange Act of 1934 (15 U.S.C.
3 78bb(e)).

4 “(20) POLITICAL INTELLIGENCE CONTACT.—

5 “(A) DEFINITION.—The term ‘political in-
6 telligence contact’ means any oral or written
7 communication (including an electronic commu-
8 nication)—

9 “(i) to a covered executive branch offi-
10 cial or a covered legislative branch official;

11 “(ii) the information derived from
12 which is for use in—

13 “(I) analyzing the markets for
14 securities, commodities for future de-
15 livery, swaps, or security-based swaps;
16 or

17 “(II) informing investment deci-
18 sions in any such market; and

19 “(iii) which is made on behalf of a cli-
20 ent with regard to—

21 “(I) the formulation, modifica-
22 tion, or adoption of Federal legislation
23 (including legislative proposals);

24 “(II) the formulation, modifica-
25 tion, or adoption of a Federal rule,

1 regulation, Executive order, or any
2 other program, policy, or position of
3 the United States Government;

4 “(III) the administration or exe-
5 cution of a Federal program or policy
6 (including the negotiation, award, or
7 administration of a Federal contract,
8 grant, loan, permit, or license); or

9 “(IV) the nomination or con-
10 firmation of a person for a position
11 subject to confirmation by the Senate.

12 “(B) EXCEPTION.—The term ‘political in-
13 telligence contact’ does not include a commu-
14 nication that is—

15 “(i) made by a representative of a
16 media organization if the purpose of the
17 communication is gathering and dissemi-
18 nating news and information to the public;

19 “(ii) made in a speech, article, publi-
20 cation or other material that is distributed
21 and made available to the public, or
22 through radio, television, cable television,
23 or other medium of mass communication;

24 “(iii) made on behalf of a government
25 of a foreign country or a foreign political

1 party and disclosed under the Foreign
2 Agents Registration Act of 1938, as
3 amended (22 U.S.C. 611 et seq.);

4 “(iv) a request for a meeting, a re-
5 quest for the status of an action, or any
6 other similar administrative request, if the
7 request does not include an attempt to in-
8 fluence a covered executive branch official
9 or a covered legislative branch official;

10 “(v) made in the course of participa-
11 tion in an advisory committee subject to
12 the Federal Advisory Committee Act (5
13 U.S.C. App.);

14 “(vi) testimony given before a com-
15 mittee, subcommittee, or task force of ei-
16 ther House of Congress or the Congress,
17 or submitted for inclusion in the public
18 record of a hearing conducted by such
19 committee, subcommittee, or task force;

20 “(vii) information provided in writing
21 in response to an oral or written request
22 by a covered executive branch official or a
23 covered legislative branch official for spe-
24 cific information;

1 “(viii) required by subpoena, civil in-
2 vestigative demand, or otherwise compelled
3 by statute, regulation, or other action of
4 the Congress or an agency, including any
5 communication compelled by a Federal
6 contract, grant, loan, permit, or license;

7 “(ix) made in response to a notice in
8 the Federal Register, Commerce Business
9 Daily, or other similar publication solici-
10 ting communications from the public and
11 directed to the agency official specifically
12 designated in the notice to receive such
13 communications;

14 “(x) not possible to report without
15 disclosing information, the unauthorized
16 disclosure of which is prohibited by law;

17 “(xi) made to an official in an agency
18 with regard to—

19 “(I) a judicial proceeding or a
20 criminal or civil law enforcement in-
21 quiry, investigation, or proceeding; or

22 “(II) a filing or proceeding that
23 the Government is specifically re-
24 quired by statute or regulation to
25 maintain or conduct on a confidential

1 basis, if that agency is charged with
2 responsibility for such proceeding, in-
3 quiry, investigation, or filing;

4 “(xii) made in compliance with writ-
5 ten agency procedures regarding an adju-
6 dication conducted by the agency under
7 section 554 of title 5, United States Code,
8 or substantially similar provisions;

9 “(xiii) a written comment filed in the
10 course of a public proceeding or any other
11 communication that is made on the record
12 in a public proceeding;

13 “(xiv) a petition for agency action
14 made in writing and required to be a mat-
15 ter of public record pursuant to established
16 agency procedures;

17 “(xv) made on behalf of an individual
18 with regard to that individual’s benefits,
19 employment, or other personal matters in-
20 volving only that individual, except that
21 this clause does not apply to any commu-
22 nication with a covered legislative branch
23 official (other than the individual’s elected
24 Members of Congress or employees who
25 work under such Members’ direct super-

1 vision), with respect to the formulation,
2 modification, or adoption of private legisla-
3 tion for the relief of that individual;

4 “(xvi) a disclosure by an individual
5 that is protected under paragraphs (8) and
6 (9) of section 2302 of title 5, United
7 States Code (or another comparable Fed-
8 eral statute), under the Inspector General
9 Act of 1978 (5 U.S.C. App.), or under an-
10 other provision of law;

11 “(xvii) made by—

12 “(I) a church, its integrated aux-
13 iliary, or a convention or association
14 of churches that is exempt from filing
15 a Federal income tax return under
16 paragraph (2)(A)(i) of section
17 6033(a) of the Internal Revenue Code
18 of 1986; or

19 “(II) a religious order that is ex-
20 empt from filing a Federal income tax
21 return under paragraph (2)(A)(iii) of
22 such section 6033(a); or

23 “(xviii)(I) between—

24 “(aa) officials of a self-regulatory
25 organization (as defined in section

1 3(a)(26) of the Securities Exchange
2 Act of 1934 (15 U.S.C. 78c(a)(26))
3 that is registered with or established
4 by the Securities and Exchange Com-
5 mission as required by that Act or a
6 similar organization that is designated
7 by or registered with the Commodities
8 Future Trading Commission as pro-
9 vided under the Commodity Exchange
10 Act (7 U.S.C. 1 et seq.); and

11 “(bb) the Securities and Ex-
12 change Commission or the Commod-
13 ities Future Trading Commission, re-
14 spectively; and

15 “(II) relating to the regulatory re-
16 sponsibilities of such organization under
17 that Act.

18 “(21) POLITICAL INTELLIGENCE FIRM.—The
19 term ‘political intelligence firm’ means a person or
20 entity that has one or more employees who are polit-
21 ical intelligence consultants to a client other than
22 that person or entity.”;

23 (8) by inserting after paragraph (22), as so re-
24 designated, the following:

1 “(23) SECURITY.—The term ‘security’ has the
2 meaning given such term in section 3(a)(10) of the
3 Securities Exchange Act of 1934 (15 U.S.C.
4 78c(a)(10)).

5 “(24) SECURITY-BASED SWAP.—The term ‘se-
6 curity-based swap’ has the meaning given such term
7 in section 3(a)(68) of the Securities Exchange Act
8 of 1934 (15 U.S.C. 78c(a)(68)).”; and

9 (9) by adding at the end the following:

10 “(26) SWAP.—The term ‘swap’ has the mean-
11 ing given such term in section 1a(47) of the Com-
12 modity Exchange Act (7 U.S.C. 1a(47)).”.

13 (b) REGISTRATION REQUIREMENT.—Section 4 of the
14 Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is
15 amended—

16 (1) in the section heading, by inserting “**AND**
17 **POLITICAL INTELLIGENCE CONSULTANTS**” after
18 “**LOBBYISTS**”;

19 (2) in subsection (a)—

20 (A) by amending paragraph (1) to read as
21 follows:

22 “(1) GENERAL RULE.—A lobbyist or a political
23 intelligence consultant (or, as provided under para-
24 graph (2), the organization employing such lobbyist

1 or consultant), shall register with the Director of the
2 Office of Public Integrity—

3 “(A) no later than 30 days after—

4 “(i) is first employed or retained to
5 engage in lobbying activities on behalf of a
6 client or first engages in lobbying activi-
7 ties, whichever is earlier; or

8 “(ii) the political intelligence consult-
9 ant first makes a political intelligence con-
10 tact or is employed or retained to make a
11 political intelligence contact, whichever is
12 earlier; or

13 “(B) on the first business day after such
14 30th day if the 30th day is not a business
15 day.”;

16 (B) in paragraph (2), by inserting after
17 “lobbyists” each place that term appears the
18 following: “or political intelligence consultants”;
19 and

20 (C) in paragraph (3)(A)—

21 (i) in clause (i)—

22 (I) by inserting after “lobbying
23 activities” the following: “and political
24 intelligence activities”; and

1 (II) by inserting after “lobbying
2 firm” the following: “or political intel-
3 ligence firm”; and

4 (ii) in clause (ii)—

5 (I) by inserting after “lobbying
6 activities” the first place it appears
7 the following: “and political intel-
8 ligence activities”; and

9 (II) by inserting after “lobbying
10 activities” the second place it appears
11 the following: “or political intelligence
12 activities”;

13 (3) in subsection (b)—

14 (A) in paragraph (3), by inserting after
15 “lobbying activities” each place that term ap-
16 pears the following: “or political intelligence ac-
17 tivities”;

18 (B) in paragraph (5), by inserting after
19 “lobbying activities” each place that term ap-
20 pears the following: “or political intelligence ac-
21 tivities”;

22 (C) in the matter following paragraph (6),
23 by inserting “or political intelligence activities”
24 after “such lobbying activities”;

1 (D) in paragraph (7), by inserting “or po-
2 litical intelligence consultant” after “lobbyist”;

3 (E) in the matter following paragraph (7),
4 by adding “Any threshold dollar amount or per-
5 centage described in this subsection relates to
6 the sum of the income, contributions, or percent
7 equitable ownership related to lobbying activi-
8 ties and the income, contributions, or percent
9 equitable ownership related to political intel-
10 ligence activities.” at the end; and

11 (4) in subsection (d), by inserting after “lob-
12 bying activities” each place that term appears the
13 following: “or political intelligence activities”.

14 (c) REPORTS BY REGISTERED POLITICAL INTEL-
15 LIGENCE CONSULTANTS.—Section 5 of the Lobbying Dis-
16 closure Act of 1995 (2 U.S.C. 1604) is amended—

17 (1) in the section heading, by inserting “**AND**
18 **POLITICAL INTELLIGENCE CONSULTANTS**” after
19 “**LOBBYISTS**”;

20 (2) in subsection (a), by inserting after “lob-
21 bying activities” the following: “and political intel-
22 ligence activities”;

23 (3) in subsection (b)—

24 (A) in paragraph (2)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting after “lobbying ac-
3 tivities” the following: “or political intel-
4 ligence activities”;

5 (ii) in subparagraph (A)—

6 (I) by inserting after “lobbyist”
7 the following: “or political intelligence
8 consultant”; and

9 (II) by inserting after “lobbying
10 activities” the following: “or political
11 intelligence activities”;

12 (iii) in subparagraph (B), by inserting
13 after “lobbyists” the following: “or political
14 intelligence consultants”; and

15 (iv) in subparagraph (C), by inserting
16 after “lobbyists” the following: “or political
17 intelligence consultants”;

18 (B) in paragraph (3)—

19 (i) by inserting after “lobbying firm”
20 the following: “or political intelligence
21 firm”; and

22 (ii) by inserting after “lobbying activi-
23 ties” each place that term appears the fol-
24 lowing: “or political intelligence activities”;

1 (C) in paragraph (4), by inserting after
2 “lobbying activities” each place that term ap-
3 pears the following: “or political intelligence ac-
4 tivities”; and

5 (D) in paragraph (6), by inserting “or po-
6 litical intelligence consultant” after “lobbyist”;
7 and

8 (4) in subsection (d)(1), in the matter pre-
9 ceding subparagraph (A), by inserting “or a political
10 intelligence consultant” after “a lobbyist”.

11 (d) DISCLOSURE AND ENFORCEMENT.—Section 6(a)
12 of the Lobbying Disclosure Act of 1995 (2 U.S.C.
13 1605(a)) is amended—

14 (1) in paragraph (3)(A), by inserting after “lob-
15 bying firms,” the following: “political intelligence
16 consultants, political intelligence firms,”;

17 (2) in paragraph (7), by striking “or lobbying
18 firm” and inserting “lobbying firm, political intel-
19 ligence consultant, or political intelligence firm”; and

20 (3) in paragraph (8), by striking “or lobbying
21 firm” and inserting “lobbying firm, political intel-
22 ligence consultant, or political intelligence firm”.

23 (e) RULES OF CONSTRUCTION.—Section 8(b) of the
24 Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is
25 amended by striking “or lobbying contacts” and inserting

1 “lobbying contacts, political intelligence activities, or polit-
2 ical intelligence contacts”.

3 (f) IDENTIFICATION OF CLIENTS AND COVERED OF-
4 FICIALS.—Section 14 of the Lobbying Disclosure Act of
5 1995 (2 U.S.C. 1609) is amended—

6 (1) in subsection (a)—

7 (A) in the heading, by inserting “OR PO-
8 LITICAL INTELLIGENCE” after “LOBBYING”;

9 (B) by inserting “or political intelligence
10 contact” after “lobbying contact” each place
11 that term appears; and

12 (C) in paragraph (2), by inserting “or po-
13 litical intelligence activity, as the case may be”
14 after “lobbying activity”;

15 (2) in subsection (b)—

16 (A) in the heading, by inserting “OR PO-
17 LITICAL INTELLIGENCE” after “LOBBYING”;

18 (B) by inserting “or political intelligence
19 contact” after “lobbying contact” each place
20 that term appears; and

21 (C) in paragraph (2), by inserting “or po-
22 litical intelligence activity, as the case may be”
23 after “lobbying activity”; and

24 (3) in subsection (c), by inserting “or political
25 intelligence contact” after “lobbying contact”.

1 (g) GIFTS.—Section 25 of the Lobbying Disclosure
2 Act of 1995 (2 U.S.C. 1613) is amended—

3 (1) in the section heading, by inserting “**AND**
4 **POLITICAL INTELLIGENCE CONSULTANTS**” after
5 “**LOBBYISTS**”; and

6 (2) in subsection (b)—

7 (A) by inserting “or political intelligence
8 consultant” after “any lobbyist”;

9 (B) by inserting “or political intelligence
10 consultants” after “1 or more lobbyists”; and

11 (C) by inserting “or political intelligence
12 consultant” after “listed as a lobbyist”.

13 (h) ANNUAL AUDITS AND REPORTS BY COMP-
14 TROLLER GENERAL.—Section 26 of the Lobbying Dislo-
15 sure Act of 1995 (2 U.S.C. 1614) is amended—

16 (1) in subsection (a)—

17 (A) by inserting “political intelligence
18 firms, political intelligence consultants,” after
19 “lobbying firms”; and

20 (B) by striking “lobbying registrations”
21 and inserting “registrations”;

22 (2) in subsection (b)(1)(A), by inserting “polit-
23 ical intelligence firms, political intelligence consult-
24 ants,” after “lobbying firms”; and

1 (3) in subsection (c), by inserting “or political
2 intelligence consultant” after “a lobbyist”.

3 **SEC. 152. EFFECTIVE DATE.**

4 The amendments made by this subtitle shall apply
5 with respect to any political intelligence contact (as de-
6 fined in section 3 of the Lobbying Disclosure Act of 1995
7 (2 U.S.C. 1602), as amended by this subtitle) that is made
8 on or after the date that is 1 year after the date of the
9 enactment of this Act.

10 **TITLE II—LOBBYING REFORM**

11 **SEC. 201. ENFORCEMENT BY THE OFFICE OF PUBLIC IN-**
12 **TEGRITY.**

13 The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601
14 et seq.) is amended—

15 (1) in section 4(d) (2 U.S.C. 1603(d)), in the
16 flush text following paragraph (2), by striking “Sec-
17 retary of the Senate and the Clerk of the House of
18 Representatives” and inserting “Director of the Of-
19 fice of Public Integrity”;

20 (2) in section 5 (2 U.S.C. 1604)—

21 (A) in subsection (a), by striking “Sec-
22 retary of the Senate and the Clerk of the House
23 of Representatives” and inserting “Director of
24 the Office of Public Integrity”;

1 (B) in subsection (d)(1), in the matter pre-
2 ceding subparagraph (A), by striking “Sec-
3 retary of the Senate and the Clerk of the House
4 of Representatives” and inserting “Director of
5 the Office of Public Integrity”; and

6 (C) in subsection (e)—

7 (i) by striking “Secretary of the Sen-
8 ate or the Clerk of the House of Rep-
9 resentatives” and inserting “Director of
10 the Office of Public Integrity”; and

11 (ii) by striking “Secretary of the Sen-
12 ate and the Clerk of the House of Rep-
13 resentatives” and inserting “Director of
14 the Office of Public Integrity”;

15 (3) in section 6(a) (2 U.S.C. 1605(a)), in the
16 matter preceding paragraph (1), by striking “Sec-
17 retary of the Senate and the Clerk of the House of
18 Representatives” and inserting “Director of the Of-
19 fice of Public Integrity”;

20 (4) in section 7(a)(1) (2 U.S.C. 1606(a)(1)), by
21 striking “Secretary of the Senate or the Clerk of the
22 House of Representatives” and inserting “Director
23 of the Office of Public Integrity”; and

24 (5) in section 8(c) (2 U.S.C. 1607(c)), by strik-
25 ing “Secretary of the Senate or the Clerk of the

1 House of Representatives” and inserting “Director
2 of the Office of Public Integrity”.

3 **SEC. 202. DEFINITIONS.**

4 Section 3 of the Lobbying Disclosure Act of 1995 (2
5 U.S.C. 1602) is amended—

6 (1) by inserting after paragraph (3), as added
7 by section 151(a) of this Act, the following:

8 “(4) CORPORATE LOBBYIST.—The term ‘cor-
9 porate lobbyist’ means a lobbyist that, for financial
10 or other compensation for services that include lob-
11 bying activities, is employed or retained by a client
12 that is—

13 “(A) a covered for-profit entity; or

14 “(B) an entity described in section
15 501(c)(6) of the Internal Revenue Code of 1986
16 of which 1 or more members are covered for-
17 profit entities.”;

18 (2) by inserting after paragraph (5), as so re-
19 designated by section 151(a) of this Act, the fol-
20 lowing:

21 “(6) COVERED FOR-PROFIT ENTITY.—The term
22 ‘covered for-profit entity’—

23 “(A) means—

24 “(i) a corporation, limited liability
25 company, or other entity that is created by

1 the filing of a public document with a sec-
2 retary of state of a State or similar office;

3 “(ii) a general partnership; or

4 “(iii) any similar entity formed under
5 the laws of a foreign jurisdiction; and

6 “(B) does not include—

7 “(i) an entity described in paragraph
8 (3), (4), or (5) of section 501(c) of the In-
9 ternal Revenue Code of 1986;

10 “(ii) a political organization, as de-
11 fined in section 527 of such Code, that is
12 exempt from taxation under that section.”;

13 (3) in paragraph (11), as so redesignated by
14 section 151(a) of this Act, by inserting “provision of
15 strategic advice, and” after “planning activities,”;

16 (4) in paragraph (10)(B), as so redesignated by
17 section 151(a) of this Act—

18 (A) by striking clause (v); and

19 (B) by redesignating clauses (vi) through
20 (xix) as clauses (v) through (xviii), respectively;

21 and

22 (5) by striking paragraph (13), as so redesi-
23 gnated by section 151(a) of this Act, and inserting
24 the following:

25 “(13) LOBBYIST.—The term ‘lobbyist’—

1 “(A) means an individual who is employed
2 or retained by a client for financial or other
3 compensation—

4 “(i) for services that include making 1
5 or more lobbying contacts; or

6 “(ii) to engage in lobbying activities
7 that do not include making lobbying con-
8 tacts; and

9 “(B) includes a corporate lobbyist.”.

10 **SEC. 203. REGISTRATION OF LOBBYISTS.**

11 Section 4 of the Lobbying Disclosure Act of 1995 (2
12 U.S.C. 1603) is amended—

13 (1) in subsection (a)(3)—

14 (A) in subparagraph (A)—

15 (i) by redesignating clauses (i) and
16 (ii) as subclauses (I) and (II), respectively,
17 and adjusting the margins accordingly;

18 (ii) in the matter preceding subclause
19 (I), as so redesignated, by striking “entity
20 whose—” and inserting the following: “en-
21 tity—

22 “(i) of which the—”;

23 (iii) in clause (i), as so designated—

1 (I) in subclause (I), as so redesi-
2 gnated, by inserting “, as estimated
3 under section 5” after “\$2,500”; and

4 (II) in subclause (II), as so re-
5 designated, by inserting “as estimated
6 under section 5; or” after “\$10,000,”;

7 (iv) by inserting after clause (i)(II),
8 as so designated, the following:

9 “(ii) that engages in lobbying activi-
10 ties for less than 8 hours,”; and

11 (v) in the flush text following clause
12 (ii)—

13 (I) by striking “(as estimated
14 under section 5)”; and

15 (II) by striking “with respect to
16 such client” and inserting “, in the
17 case of a person or entity described in
18 subclause (I) or (II) of clause (i), with
19 respect to such client, or, in the case
20 of a person or entity described in
21 clause (ii), with respect to any client
22 of the person or entity.”; and

23 (B) in subparagraph (B), by striking “sub-
24 paragraph (A)” and inserting “subparagraph
25 (A)(i)”;

1 (2) in subsection (b)—

2 (A) by striking paragraph (4);

3 (B) by redesignating paragraphs (5) and
4 (6) as paragraphs (4) and (5), respectively;

5 (C) in paragraph (4), as so redesignated—

6 (i) in subparagraph (A)—

7 (I) by striking “the general
8 issues areas” and inserting “each spe-
9 cific issue area”; and

10 (II) by striking “and” at the end;

11 (ii) by redesignating subparagraph
12 (B) as subparagraph (C);

13 (iii) by inserting after subparagraph
14 (A) the following:

15 “(B) each specific action or inaction that,
16 as of the date of the registration, has already
17 been requested, or that will be requested;” and

18 (iv) in subparagraph (C), as so reded-
19 ignated—

20 (I) by striking “to the extent
21 practicable, specific issues that have”
22 and inserting “each specific issue, in-
23 cluding any Federal legislation, rule,
24 or regulation, or Executive order, that
25 has”; and

1 (II) by striking “are” and insert-
2 ing “is”;

3 (D) in paragraph (5), as so redesignated,
4 by striking the period and inserting a semi-
5 colon; and

6 (E) by inserting after paragraph (5), as so
7 redesignated, the following:

8 “(6) the name of each covered legislative
9 branch official or covered executive branch official
10 who, as of the date of the registration, has already
11 been contacted, or is likely to be contacted, in any
12 lobbying activity on behalf of the client; and

13 “(7) with respect to any person or entity that,
14 as of the date of the registration, or has been re-
15 tained, by the registrant to engage in any lobbying
16 activity on behalf of the client of the registrant—

17 “(A) the name, address, business telephone
18 number, and principal place of business of the
19 person or entity;

20 “(B) a description of any lobbying contact
21 that, as of the date of the registration, has been
22 made in, or is likely to be made, on behalf of
23 the client of the registrant by the person or en-
24 tity;

1 “(C) with respect to the lobbying activity
2 on behalf of the client of the registrant, the
3 amount that the registrant, as of the date of
4 the registration, has paid, or is likely to pay, to
5 the person or entity as compensation for the
6 lobbying activity; and

7 “(D) the name of each employee of the
8 person or entity who, as of the date of the reg-
9 istration, has supervised, or who is likely to su-
10 pervise, any lobbying activity on behalf of the
11 client of the registrant.”; and

12 (3) by striking subsection (c) and inserting the
13 following:

14 “(c) MULTIPLE CLIENTS.—In the case of a reg-
15 istrant that engages in lobbying activities or political intel-
16 ligence activities on behalf of more than 1 client, the reg-
17 istrant shall file a separate registration for each client.”.

18 **SEC. 204. REPORTS BY LOBBYISTS.**

19 (a) QUARTERLY REPORTS.—Section 5(b) of the Lob-
20 bying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is
21 amended—

22 (1) by striking paragraph (2) and inserting the
23 following:

24 “(2) a statement of—

1 “(A) each specific issue with respect to
2 which the registrant, or any employee of the
3 registrant, engaged in lobbying activities or po-
4 litical intelligence activities, including, to the
5 maximum extent practicable, a statement of
6 each bill number and reference to any specific
7 Federal rule or regulation, Executive order, or
8 any other program, policy, or position of the
9 United States Government;

10 “(B) each lobbying activity or political in-
11 telligence activity that the registrant has en-
12 gaged in on behalf of the client, including—

13 “(i) each document prepared by the
14 registrant that was submitted to any cov-
15 ered legislative branch official or covered
16 executive branch official;

17 “(ii) each meeting conducted that con-
18 stituted a lobbying contact or a political in-
19 telligence contact, including the subject of
20 the meeting, the date of the meeting, and
21 the name and position of each individual
22 who was a party to the meeting;

23 “(iii) each phone call made that con-
24 stituted a lobbying contact or a political in-
25 telligence contact, including the subject of

1 the phone call, the date of the phone call,
2 and the name and position of each indi-
3 vidual who was a party to the phone call;
4 and

5 “(iv) each email sent that constituted
6 a lobbying contact or a political intelligence
7 contact, including the subject of the email,
8 the date of the email, and the name and
9 position of each individual who was a party
10 to the email;

11 “(C) the name of each employee of the reg-
12 istrant who did not participate in the lobbying
13 contact or a political intelligence contact but en-
14 gaged in lobbying activities or political intel-
15 ligence activities, respectively, in support of the
16 lobbying contact or political intelligence contact,
17 respectively, and a description of any such lob-
18 bying activity or a political intelligence activity;
19 and

20 “(D) with respect to any person or entity
21 retained by the registrant to engage in lobbying
22 activities or political intelligence activities on
23 behalf of the client of the registrant—

1 “(i) the name, address, business tele-
2 phone number, and principal place of busi-
3 ness of the person or entity;

4 “(ii) a description of any lobbying ac-
5 tivity or political intelligence activity by the
6 person or entity on behalf of the client of
7 the registrant;

8 “(iii) the amount the registrant paid
9 to the person or entity for any lobbying ac-
10 tivity or political intelligence activity by the
11 person or entity on the behalf of the client
12 of the registrant;

13 “(iv) the name of each employee of
14 the person or entity who supervised any
15 lobbying activity or political intelligence ac-
16 tivity by the person or entity on behalf of
17 the client of the registrant; and

18 “(v) the official action or inaction re-
19 quested in the course of the lobbying activ-
20 ity;”.

21 (2) in paragraph (4), by striking “and” at the
22 end;

23 (3) in paragraph (5), by striking the period and
24 inserting “; and”; and

25 (4) by adding at the end the following:

1 “(6) a copy of any document transmitted to a
2 covered legislative branch official or a covered execu-
3 tive branch official in the course of any lobbying ac-
4 tivity by the registrant on behalf of the client.”.

5 (b) ESTIMATES BASED ON TAX REPORTING SYS-
6 TEM.—Section 15 of the Lobbying Disclosure Act (2
7 U.S.C. 1610) is repealed.

8 **SEC. 205. PROHIBITION ON FOREIGN LOBBYING.**

9 (a) IN GENERAL.—The Lobbying Disclosure Act of
10 1995 (2 U.S.C. 1601 et seq.) is amended—

11 (1) by redesignating section 26 (2 U.S.C. 1614)
12 as section 28; and

13 (2) by inserting after section 25 (2 U.S.C.
14 1613) the following:

15 **“SEC. 26. PROHIBITION ON FOREIGN LOBBYING.**

16 “(a) DEFINITION.—In this section—

17 “(1) the term ‘covered lobbyist’ means—

18 “(A) a lobbyist that is registered or is re-
19 quired to register under section 4(a)(1);

20 “(B) an organization that employs 1 or
21 more lobbyists and is registered, or is required
22 to register, under section 4(a)(2); and

23 “(C) an employee listed or required to be
24 listed as a lobbyist by a registrant under section
25 4(b)(6) or 5(b)(2)(C); and

1 “(2) the terms ‘information-service employee’,
2 ‘public-relations counsel’, and ‘publicity agent’ have
3 the meanings given those terms in section 1 of the
4 Foreign Agents Registration Act of 1938 (22 U.S.C.
5 611).

6 “(b) PROHIBITION.—Except as provided in sub-
7 section (c), a covered lobbyist may not accept financial or
8 other compensation for services that include lobbying ac-
9 tivities on behalf of a foreign entity.

10 “(c) EXEMPTIONS.—The prohibition under sub-
11 section (b) shall not apply the following covered lobbyists:

12 “(1) DIPLOMATIC OR CONSULAR OFFICERS.—A
13 duly accredited diplomatic or consular officer of a
14 foreign government who is so recognized by the De-
15 partment of State, while the officer is engaged exclu-
16 sively in activities that are recognized by the Depart-
17 ment of State as being within the scope of the func-
18 tions of the officer.

19 “(2) OFFICIALS OF FOREIGN GOVERNMENTS.—
20 An official of a foreign government, if that govern-
21 ment is recognized by the United States, who is not
22 a public-relations counsel, a publicity agent, or an
23 information-service employee, or a citizen of the
24 United States, whose name and status and the char-
25 acter of whose duties as an official are of public

1 record in the Department of State, while said official
2 is engaged exclusively in activities that are recog-
3 nized by the Department of State as being within
4 the scope of the functions of the official.

5 “(3) STAFF MEMBERS OF DIPLOMATIC OR CON-
6 SULAR OFFICERS.—A member of the staff of, or any
7 person employed by, a duly accredited diplomatic or
8 consular officer of a foreign government who is so
9 recognized by the Department of State, other than
10 a public-relations counsel, a publicity agent, or an
11 information-service employee, whose name and sta-
12 tus and the character of whose duties as such mem-
13 ber or employee are of public record in the Depart-
14 ment of State, while the member or employee is en-
15 gaged exclusively in the performance of activities
16 that are recognized by the Department of State as
17 being within the scope of the functions of the mem-
18 ber or employee.

19 “(4) PERSONS ENGAGING OR AGREEING TO EN-
20 GAGE IN THE SOLICITING OR COLLECTING OF FUNDS
21 FOR HUMANITARIAN RELIEF.—A person engaging or
22 agreeing to engage only in the soliciting or collecting
23 of funds and contributions within the United States
24 to be used only for medical aid and assistance, or for
25 food and clothing to relieve human suffering, if the

1 solicitation or collection of funds and contributions
2 is in accordance with, and subject to, the provisions
3 of the Neutrality Act of 1939 (22 U.S.C. 441 et
4 seq.), and such rules and regulations as may be pre-
5 scribed thereunder.

6 “(5) CERTAIN PERSONS QUALIFIED TO PRAC-
7 TICE LAW.—

8 “(A) IN GENERAL.—A person qualified to
9 practice law, insofar as the person engages, or
10 agrees to engage in, the legal representation of
11 a disclosed foreign entity before any court of
12 law or any agency of the Government of the
13 United States.

14 “(B) LEGAL REPRESENTATION.—For the
15 purpose of this paragraph, legal representation
16 does not include any attempt to influence or
17 persuade agency personnel or officials other
18 than in the course of—

19 “(i) a judicial proceeding;

20 “(ii) a criminal or civil law enforce-
21 ment inquiry, investigation, or proceeding;
22 or

23 “(iii) an agency proceeding required
24 by statute or regulation to be conducted on
25 the record.

1 “(d) PENALTIES.—Any person who knowingly vio-
2 lates this section shall be fined not more than \$200,000,
3 imprisoned for not more than 5 years, or both, and any
4 compensation received for engaging in the unlawful activ-
5 ity shall be subject to disgorgement.”.

6 (b) CONFORMING AMENDMENT.—Section 7 of the
7 Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is
8 amended—

9 (1) in subsection (a), in the matter preceding
10 paragraph (1), by striking “Whoever” and inserting
11 “Except as otherwise provided in this Act, whoever”;
12 and

13 (2) in subsection (b), by striking “Whoever”
14 and inserting “Except as otherwise provided in this
15 Act, whoever”.

16 **SEC. 206. PROHIBITION ON CONTINGENT FEE LOBBYING.**

17 The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601
18 et seq.) is amended by inserting after section 26, as added
19 by section 205, the following:

20 **“SEC. 27. PROHIBITION ON CONTINGENT FEE ARRANGE-**
21 **MENTS.**

22 “(a) DEFINITIONS.—In this section, the term ‘cov-
23 ered lobbyist’ means—

24 “(1) a lobbyist that is registered or is required
25 to register under section 4(a)(1);

1 “(2) an organization that employs 1 or more
2 lobbyists and is registered, or is required to register,
3 under section 4(a)(2); and

4 “(3) an employee listed or required to be listed
5 as a lobbyist by a registrant under section 4(b)(6)
6 or 5(b)(2)(C).

7 “(b) PROHIBITION.—A covered lobbyist may not be
8 employed under, or receive compensation in connection
9 with, an arrangement in which compensation paid to the
10 covered lobbyist is contingent on the result of lobbying ac-
11 tivities engaged in by the covered lobbyist.

12 “(c) PENALTIES.—Any person who knowingly vio-
13 lates this section shall be fined not more than \$200,000,
14 imprisoned for not more than 5 years, or both, and any
15 compensation received for engaging in the unlawful activ-
16 ity shall be subject to disgorgement.”.

17 **SEC. 207. PROHIBITION ON PROVISION OF GIFTS OR TRAV-**
18 **EL BY REGISTERED LOBBYISTS.**

19 Section 25 of the Lobbying Disclosure Act of 1995
20 (2 U.S.C. 1613) is amended—

21 (1) in the section heading, by striking “**TO**
22 **MEMBERS OF CONGRESS AND TO CONGRES-**
23 **SIONAL EMPLOYEES**”;

24 (2) by striking subsection (a) and inserting the
25 following:

1 “(a) PROHIBITION.—Except as provided in sub-
2 section (c), a person described in subsection (b) may not
3 make a gift or provide travel to a covered legislative
4 branch official or a covered executive branch official.”; and

5 (3) by adding at the end the following:

6 “(c) EXCEPTIONS.—A person described in subsection
7 (b) may make a gift or provide travel to a covered legisla-
8 tive branch official or a covered executive branch official
9 if—

10 “(1) the gift or travel complies with any appli-
11 cable rule of the Senate, House of Representatives,
12 or executive branch applicable to the recipient of the
13 gift or travel; and

14 “(2) the gift or travel—

15 “(A) is based on the personal or family re-
16 lationship of the person with the covered legis-
17 lative branch official or a covered executive
18 branch official and is given with the knowledge
19 and acquiescence of the covered legislative
20 branch official or a covered executive branch of-
21 ficial, unless the covered legislative branch offi-
22 cial or a covered executive branch official has
23 reason to believe that the gift or travel was
24 given because of the official position of the cov-

1 ered legislative branch official or a covered ex-
2 ecutive branch official;

3 “(B) is a discount or similar benefit;

4 “(C) results from the business or employ-
5 ment activities of the spouse of the covered leg-
6 islative branch official or a covered executive
7 branch official;

8 “(D) is a gift or travel customarily pro-
9 vided by a prospective employer in connection
10 with bona fide employment discussions;

11 “(E) in the case of a covered executive
12 branch official, is of a kind authorized by a
13 supplemental agency regulation that is—

14 “(i) issued by the agency that employs
15 the covered executive branch official; and

16 “(ii) approved by the Director of the
17 Office of Public Integrity; or

18 “(F) may be accepted by the covered legis-
19 lative branch official or covered executive
20 branch official under specific Federal statutory
21 authority.”.

22 **SEC. 208. APPLICATION OF GENERAL SCHEDULE TO CON-**
23 **GRESS.**

24 (a) IN GENERAL.—Section 5331 of title 5, United
25 States Code, is amended—

1 (1) in subsection (a), by striking “this sub-
2 chapter, ‘agency’, ‘employee’, ‘position’,” and insert-
3 ing the following: “this subchapter—

4 “(1) ‘agency’—

5 “(A) has the meaning given that term in
6 section 5102 of this title; and

7 “(B) includes—

8 “(i) the Government Accountability
9 Office; and

10 “(ii) any agency, office, or other enti-
11 ty for which the pay of the employees of
12 the agency, office, or other entity is dis-
13 bursed by the Secretary of the Senate or
14 the Chief Administrative Officer of the
15 House of Representatives;

16 “(2) ‘employee’—

17 “(A) means an individual employed in or
18 under an agency; and

19 “(B) does not include a Member of Con-
20 gress; and

21 “(3) ‘position’,”; and

22 (2) in subsection (b), by inserting “and employ-
23 ees in positions in an agency described in subsection
24 (a)(1)(B)” after “chapter 51 applies”.

25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) Section 5 of the Federal Pay Comparability
2 Act of 1970 (2 U.S.C. 4531) is repealed.

3 (2) Section 311 of the Legislative Branch Ap-
4 propriations Act, 1988 (2 U.S.C. 4532) is repealed.

5 (3) Sections 471 and 475 of the Legislative Re-
6 organization Act of 1970 (2 U.S.C. 4533, 4534) are
7 repealed.

8 (4) Section 4 of the Federal Pay Comparability
9 Act of 1970 (2 U.S.C. 4571) is repealed.

10 (5) Section 107 of the Legislative Branch Ap-
11 propriation Act, 1977 (2 U.S.C. 4572) is repealed.

12 (6) Section 315 of the Legislative Branch Ap-
13 propriations Act, 1991 (2 U.S.C. 4573) is repealed.

14 (7) Section 105 of the Legislative Branch Ap-
15 propriation Act, 1968 (2 U.S.C. 4575) is amended—

16 (A) by striking subsection (a);

17 (B) by striking subsection (c);

18 (C) by striking subsection (e); and

19 (D) by striking subsection (f).

20 (8) Section 114 of the Legislative Branch Ap-
21 propriation Act, 1978 (2 U.S.C. 4576) is amended
22 by striking “maximum rate specified” and all that
23 follows and inserting “rate payable for a position at
24 level 15, step 10 of the General Schedule.”.

1 (9) Section 102(e)(2)(B) of the Legislative
2 Branch Appropriations Act, 2002 (2 U.S.C.
3 4579(e)(2)(B)) is amended by striking “exceeding”
4 and all that follows and inserting “exceeding $\frac{1}{12}$ th
5 of the maximum annual rate of pay that is payable
6 for positions on the General Schedule under section
7 5304(g)(1) of title 5, United States Code.”.

8 **SEC. 209. REESTABLISHMENT OF OFFICE OF TECHNOLOGY**
9 **ASSESSMENT.**

10 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
11 12(a) of the Technology Assessment Act of 1972 (2
12 U.S.C. 481(a)) is amended by striking “there is hereby”
13 and all that follows through the period at the end and
14 inserting “for each fiscal year there is authorized to be
15 appropriated to the Office such sums as may be nec-
16 essary.”.

17 (b) **INITIAL APPOINTMENTS.**—Not later than 60 days
18 after the date on which appropriations are made available
19 to reestablish the Office of Technology Assessment, the
20 President pro tempore of the Senate and the Speaker of
21 the House of Representatives shall appoint the members
22 of the Technology Assessment Board in accordance with
23 section 4(a) of the Technology Assessment Act of 1972
24 (2 U.S.C. 473(a)).

25 (c) **INITIAL RECOMMENDATIONS.**—

1 (1) IN GENERAL.—Not later than 270 days
2 after the date on which all members of the Tech-
3 nology Assessment Board are appointed under sub-
4 section (b), and after reviewing recommendations re-
5 lating to the reestablishment of the Office of Tech-
6 nology Assessment and meeting with relevant stake-
7 holders, the Technology Assessment Board shall sub-
8 mit to Congress recommendations concerning how
9 Congress should enhance technology assessment sup-
10 port for the legislative branch, including whether
11 Congress should enact new or revised authorities
12 that address resources, function, structure, or other
13 matters the Technology Assessment Board deter-
14 mines appropriate.

15 (2) REVIEW.—Not later than 90 days after the
16 date on which Congress receives the recommenda-
17 tions under paragraph (1), each committee of the
18 Senate or the House of Representatives with juris-
19 diction of any issue relating to technology assess-
20 ment support for the legislative branch shall hold a
21 hearing with respect to the recommendations.

22 (d) ADJUSTMENTS TO OTHER LAWS.—

23 (1) ANNUAL REPORTS.—Section 3003(a)(1) of
24 the Federal Reports Elimination and Sunset Act of
25 1995 (31 U.S.C. 1113 note) shall not apply to any

1 report submitted under section 11 of the Technology
 2 Assessment Act of 1972 (Public Law 92–48, 86
 3 Stat. 802).

4 (2) INFORMATION FOR THE CONGRESSIONAL
 5 BUDGET OFFICE.—Section 201(e) of the Congres-
 6 sional Budget Act of 1974 (2 U.S.C. 601(e)) is
 7 amended—

8 (A) by inserting “the Office of Technology
 9 Assessment,” after “Government Accountability
 10 Office,”; and

11 (B) by inserting “the Technology Assess-
 12 ment Board,” after “Comptroller General,”.

13 (3) INCLUSION AS AN INSTRUMENTALITY OF
 14 CONGRESS.—Section 510(4) of the Americans with
 15 Disabilities Act of 1990 (42 U.S.C. 12209(4)) is
 16 amended by striking “following;” and inserting “fol-
 17 lowing: the Office of Technology Assessment,”.

18 (e) TECHNICAL AMENDMENTS.—Section 7(e)(1) of
 19 the Technology Assessment Act of 1972 (2 U.S.C.
 20 476(e)(1)) is amended by striking “section 5702 and in
 21 5704 of title 5” and inserting “sections 5702 and 5704
 22 of title 5, United States Code”.

23 **SEC. 210. PROGRESSIVE TAX ON LOBBYING EXPENDITURES.**

24 (a) TAX PROVISIONS RELATING TO LOBBYING EX-
 25 PENDITURES.—

1 (1) EXCISE TAX ON EXPENDITURES FOR LOB-
 2 BYING ACTIVITIES.—

3 (A) IN GENERAL.—Chapter 33 of the In-
 4 ternal Revenue Code of 1986 is amended by in-
 5 serting after subchapter C the following new
 6 subchapter:

7 **“Subchapter D—Lobbying Activities**

“Sec. 4286. Imposition of tax.

8 **“SEC. 4286. IMPOSITION OF TAX.**

9 “(a) IN GENERAL.—There is hereby imposed on
 10 quarterly lobbying expenditures in excess of \$125,000 a
 11 tax determined in accordance with the following table:

“If quarterly lobbying expenditures are:	The tax is:
Over \$125,000 but not over \$250,000.	35% of the quarterly lobbying expenditures in excess of \$125,000.
Over \$250,000 but not over \$1,250,000.	\$43,750, plus 60% of the excess over \$250,000.
Over \$1,250,000	\$643,750, plus 75% of the excess over \$1,250,000.

12 “(b) EXCEPTION.—

13 “(1) IN GENERAL.—Except as provided in para-
 14 graph (2), the tax imposed by this section shall not
 15 apply to any organization described in section 501(c)
 16 and exempt from tax under section 501(a).

17 “(2) APPLICATION TO CERTAIN BUSINESS OR-
 18 GANIZATIONS.—Paragraph (1) shall not apply to any
 19 organization which—

1 “(A) is described in section 501(c)(6) and
2 exempt from tax under section 501(a), and

3 “(B) has as a member of such organization
4 an organization that is not described in section
5 501(c) and exempt from tax under section
6 501(a).

7 “(c) PAYMENT OF TAX.—The tax imposed by this
8 section shall be paid by the person paying for the quarterly
9 lobbying expenditures.

10 “(d) DEFINITIONS.—For purposes of this section, the
11 term ‘quarterly lobbying expenditures’ means, with respect
12 to any calendar quarter, the expenditures paid or incurred
13 for lobbying activities (as defined under section 3 of the
14 Lobbying Disclosure Act of 1995) during such calendar
15 quarter.

16 “(e) SPECIAL RULE.—For purposes of this section,
17 all persons treated as a single employer under subsection
18 (a) or (b) of section 52 shall be treated as a single per-
19 son.”.

20 (B) CONFORMING AMENDMENT.—The
21 table of subchapters for chapter 33 of such
22 Code is amended by inserting after the item re-
23 lated to subchapter C the following new item:

 “SUBCHAPTER D—LOBBYING ACTIVITIES”.

24 (C) EFFECTIVE DATE.—The amendments
25 made by this paragraph shall apply to amounts

1 paid or incurred in calendar quarters beginning
2 more than 60 days after the date of the enact-
3 ment of this Act.

4 (2) MODIFICATION OF DEFINITION OF INFLU-
5 ENCING LEGISLATION FOR PURPOSES OF RESTRIC-
6 TIONS ON CERTAIN CHARITABLE ORGANIZATIONS.—

7 (A) IN GENERAL.—Section 4911(e)(2) of
8 the Internal Revenue Code of 1986 is amend-
9 ed—

10 (i) by striking “includes action with
11 respect to Acts, bills” and inserting “in-
12 cludes—

13 “(i) the formulation, modification, or
14 adoption of Acts, bills”; and

15 (ii) by adding at the end the following
16 new subparagraphs:

17 “(ii) the formulation, modification, or
18 adoption of a Federal rule, regulation, Ex-
19 ecutive order, or any other program, policy,
20 or position of the United States Govern-
21 ment,

22 “(iii) the administration or execution
23 of a Federal program or policy (including
24 the negotiation, award, or administration

1 of a Federal contract, grant, loan, permit,
2 or license), and

3 “(iv) the nomination or confirmation
4 of a person for a position subject to con-
5 firmation by the Senate.”.

6 (B) CONFORMING AMENDMENTS.—Section
7 4911(e) of such Code is amended by striking
8 paragraph (3) and redesignating paragraph (4)
9 as paragraph (3).

10 (C) EFFECTIVE DATE.—The amendments
11 made by this paragraph shall take effect 180
12 days after the date of the enactment of this
13 Act.

14 (b) LOBBYING DEFENSE TRUST FUND.—

15 (1) ESTABLISHMENT OF FUND.—

16 (A) IN GENERAL.—Subchapter A of chap-
17 ter 98 of the Internal Revenue Code of 1986 is
18 amended by adding at the end the following
19 new section:

20 **“SEC. 9512. LOBBYING DEFENSE TRUST FUND.**

21 “(a) IN GENERAL.—There is established in the
22 Treasury of the United States a trust fund to be known
23 as the ‘Lobbying Defense Trust Fund’, consisting of any
24 amount appropriated or credited to the Trust Fund as
25 provided in this section or section 9602(b).

1 “(b) TRANSFERS TO TRUST FUND.—There is hereby
2 appropriated to the Lobbying Defense Trust Fund
3 amounts equivalent to—

4 “(1) the taxes received in the Treasury under
5 section 4286, and

6 “(2) the civil penalties collected under the Anti-
7 Corruption and Public Integrity Act and the amend-
8 ments made by that Act.

9 “(c) AVAILABILITY.—Amounts transferred to the
10 Lobbying Defense Trust Fund shall—

11 “(1) remain available until expended; and

12 “(2) be used, without further appropriation, by
13 the Director of the Office of Public Integrity in ac-
14 cordance with subsection (d).

15 “(d) USE OF FUNDS.—

16 “(1) TRANSFERS TO AGENCIES.—

17 “(A) IN GENERAL.—For each calendar
18 quarter beginning more than 60 days after the
19 date of the enactment of this section, not later
20 than 30 days after the end of the quarter, the
21 Director of the Office of Public Integrity (in
22 this subsection referred to as the ‘Director’)
23 shall identify specific rules or other agency ac-
24 tions that were the subject of significant lob-

1 bying activity directed toward an executive
2 agency during the quarter.

3 “(B) TRANSFER.—Not later than the end
4 of each calendar quarter beginning more than
5 60 days after the date of the enactment of this
6 section, the Director shall transfer from the
7 Lobbying Defense Trust Fund to each executive
8 agency that was the subject of significant lob-
9 bying activity during the previous quarter an
10 amount equal to the amount obtained by multi-
11 plying—

12 “(i) the amount of taxes received in
13 the Treasury under section 4286 that are
14 attributable to lobbying expenditures dur-
15 ing the previous quarter; by

16 “(ii) the percentage of such taxes that
17 were based on lobbying expenditures dur-
18 ing the previous quarter related to rule-
19 making within the jurisdiction of the exec-
20 utive agency.

21 “(C) USE OF TRANSFERRED FUNDS.—An
22 executive agency may use amounts transferred
23 under subparagraph (B) for salaries and ex-
24 penses relating to researching, reviewing, or fi-
25 nalizing rules or other agency actions in accord-

1 ance with section 553 or 554 of title 5, United
2 States Code.

3 “(D) AVAILABILITY.—Amounts transferred
4 under subparagraph (B) shall remain available
5 until expended.

6 “(2) OFFICE OF THE PUBLIC ADVOCATE.—

7 “(A) BUDGET SUBMISSION.—For each fis-
8 cal year beginning more than 60 days after the
9 date of enactment of this section, the National
10 Public Advocate shall submit to the Director a
11 request—

12 “(i) indicating the amount the Na-
13 tional Public Advocate is requesting be
14 transferred to the Office of the Public Ad-
15 vocate; and

16 “(ii) describing the activities of the
17 Office of the Public Advocate that would
18 be carried out using the amounts.

19 “(B) TRANSFER.—After consideration of
20 the request submitted under subparagraph (A)
21 with respect to a fiscal year, the Director shall
22 transfer to the Office of the Public Advocate
23 from the Lobbying Defense Trust Fund the
24 amount determined appropriate by the Director.

1 “(C) USE OF FUNDS.—Amounts trans-
2 ferred under subparagraph (B) may be used for
3 any authorized activity of the Office of the Pub-
4 lic Advocate, including salaries and expenses.

5 “(D) AVAILABILITY.—Amounts transferred
6 under subparagraph (B) shall remain available
7 until expended.

8 “(3) CONGRESSIONAL SUPPORT AGENCIES.—

9 “(A) TRANSFER.—Not later than the end
10 of each calendar quarter beginning more than
11 60 days after the date of the enactment of this
12 section, the Director shall transfer from the
13 Lobbying Defense Trust Fund to the Congres-
14 sional Research Service, the Congressional
15 Budget Office, the Government Accountability
16 Office, and the Office of Technology Assess-
17 ment an amount equal to 25 percent of the dif-
18 ference between—

19 “(i) the amount of taxes received in
20 the Treasury under section 4286 that are
21 attributable to lobbying expenditures dur-
22 ing the previous quarter; and

23 “(ii) the amount of such taxes that
24 were based on lobbying expenditures dur-
25 ing the previous quarter related to rule-

1 making within the jurisdiction of an execu-
2 tive agency.

3 “(B) USE OF FUNDS.—Amounts trans-
4 ferred under subparagraph (A) may be used for
5 any authorized activity of the agency receiving
6 the amounts, including salaries and expenses.

7 “(C) AVAILABILITY.—Amounts transferred
8 under subparagraph (A) shall remain available
9 until expended.

10 “(4) REGULATIONS.—Not later than 180 days
11 after the date of enactment of this Act, the Director
12 shall promulgate regulations defining the term ‘sig-
13 nificant lobbying activity’ for purposes of this sub-
14 section.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions for subchapter A of chapter 98 of such Code
17 is amended by adding at the end the following new
18 item:

“Sec. 9512. Lobbying Defense Trust Fund.”.

19 (3) EFFECTIVE DATE.—The amendments made
20 by this subsection shall take effect on the date of en-
21 actment of this Act.

22 **SEC. 211. DISCLOSURE OF REGISTRATION STATUS.**

23 Section 14 of the Lobbying Disclosure Act of 1995
24 (2 U.S.C. 1609) is amended—

1 (1) by striking subsections (a) and (b) and in-
2 serting the following:

3 “(a) LOBBYING CONTACTS.—Any person or entity
4 that makes a lobbying contact with a covered legislative
5 branch official or a covered executive branch official shall,
6 at the time of the lobbying contact, state whether the per-
7 son or entity is registered under this Act and identify the
8 client on whose behalf the lobbying contact is made.”; and

9 (2) by redesignating subsection (c) as sub-
10 section (b).

11 **TITLE III—RULEMAKING**
12 **REFORM**

13 **SEC. 301. DISCLOSURE OF CONFLICTS OF INTEREST.**

14 (a) IN GENERAL.—Section 553 of title 5, United
15 States Code, is amended—

16 (1) in subsection (c), in the first sentence, by
17 inserting “, subject to subsections (f) and (h),” after
18 “the agency shall”; and

19 (2) by adding at the end the following:

20 “(f) With respect to any submission by an interested
21 person under subsection (c) or any other submission by
22 an interested person relating to a proposed rule that incor-
23 porates or includes a scientific or technical study, or any
24 other result of scientific research not published in a pub-

1 lically available peer-reviewed publication, the interested
2 person, in making that submission, shall disclose—

3 “(1) the source of the funding for that study or
4 research, as applicable;

5 “(2) any entity that sponsored the study or re-
6 search;

7 “(3) the extent to which the findings of the
8 study or research were reviewed by a party that may
9 be affected by the rulemaking to which the submis-
10 sion relates;

11 “(4) the identity of any party identified under
12 paragraph (3); and

13 “(5) the nature of any financial relationship, in-
14 cluding a consulting agreement, the support of any
15 expert witness, and the funding of research, between
16 any person that conducted the study or research and
17 any interested person with respect to the rulemaking
18 to which the submission relates.”.

19 (b) APPLICATION.—Section 553(f) of title 5, United
20 States Code, as added by subsection (a), shall apply with
21 respect to submissions made by interested persons on and
22 after the date of enactment of this Act.

1 **SEC. 302. INCREASING DISCLOSURES RELATING TO STUD-**
2 **IES AND RESEARCH.**

3 (a) IN GENERAL.—Section 553 of title 5, United
4 States Code, as amended by section 301 of this Act, is
5 amended by adding at the end the following:

6 “(g) With respect to a study or research that is sub-
7 mitted by an interested person to an agency under sub-
8 section (c), the agency shall ensure that the study or re-
9 search is available to the public, unless disclosure is pro-
10 hibited under section 552 of this title.

11 “(h)(1) If a study or research submitted by an inter-
12 ested person to an agency under subsection (c) presents
13 a conflict described in paragraph (2), the agency shall not
14 consider the study or research in a rulemaking under this
15 section and shall exclude the study or research from con-
16 sideration, unless the interested person has certified,
17 under standards developed by the National Academy of
18 Sciences with respect to that certification, that the study
19 or research has undergone independent peer review.

20 “(2) A conflict described in this paragraph means a
21 study or research for which—

22 “(A) not less than 20 percent of the funding for
23 the study or research is from an entity that is regu-
24 lated by the agency; or

25 “(B) an entity that is regulated by the agency
26 exercises editorial control over the study or research.

1 “(i) With respect to a rulemaking under this section,
2 an agency shall include in the notice of proposed rule-
3 making required under subsection (b) and in the final rule
4 published under subsection (d) a description of how the
5 agency considered scientific evidence, including any study
6 or research.”.

7 (b) APPLICATION.—Subsections (g), (h), and (i) of
8 section 553 of title 5, United States Code, as added by
9 subsection (a), shall apply with respect to submissions
10 made by interested persons on and after the date of enact-
11 ment of this Act.

12 **SEC. 303. DISCLOSURE OF INTER-GOVERNMENTAL RULE**
13 **CHANGES.**

14 (a) DEFINITIONS.—In this section—

15 (1) the term “Administrator” means the Ad-
16 ministrator of the Office;

17 (2) the terms “agency”, “regulatory action”,
18 and “significant regulatory action” have the mean-
19 ings given those terms in section 3 of the Executive
20 Order;

21 (3) the term “Executive Order” means Execu-
22 tive Order 12866 (5 U.S.C. 601 note; relating to
23 regulatory planning and review); and

24 (4) the term “Office” means the Office of In-
25 formation and Regulatory Affairs.

1 (b) REQUIREMENT.—With respect to any regulatory
2 action that an agency provides to the Office under section
3 6(a)(3) of the Executive Order, and that the Adminis-
4 trator determines is a significant regulatory action under
5 that section, the agency shall—

6 (1) not later than the date on which the agency
7 publishes the general notice of proposed rulemaking
8 required under section 553(b) of title 5, United
9 States Code, with respect to the action, place in the
10 rulemaking docket—

11 (A) the substance of any changes between
12 the text of the draft regulatory action that the
13 agency provided to the Office under section
14 6(a)(3)(B)(i) of the Executive Order and the
15 text published in that general notice with re-
16 spect to the action; and

17 (B) a statement regarding whether any
18 change described in subparagraph (A) was
19 made at the request of—

20 (i) the Office;

21 (ii) another agency; or

22 (iii) a Member of Congress; and

23 (2) not later than the date on which the agency
24 publishes the regulatory action in the Federal Reg-
25 ister, place in the rulemaking docket—

1 (A) the substance of any changes between
2 the text of the regulatory action that the agency
3 provided to the Office under section
4 6(a)(3)(B)(i) of the Executive Order and the
5 text of the regulatory action that the agency
6 published in the Federal Register; and

7 (B) a statement regarding whether any
8 change described in subparagraph (A) was
9 made at the request of—

10 (i) the Office;

11 (ii) another agency; or

12 (iii) a Member of Congress.

13 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed—

15 (1) as an endorsement by Congress of—

16 (A) the institution of centralized regulatory
17 review; or

18 (B) the procedural steps or requirements
19 of an Executive order affecting administrative
20 procedure; or

21 (2) as a requirement that the President—

22 (A) conduct centralized regulatory review;

23 or

1 (B) adopt, administer, or implement an
2 Executive order affecting administrative proce-
3 dure.

4 **SEC. 304. JUSTIFICATION OF WITHDRAWN RULES.**

5 (a) DEFINITIONS.—In this section—

6 (1) the term “Administrator” means the Ad-
7 ministrator of the Office;

8 (2) the terms “agency” and “regulatory action”
9 have the meanings given those terms in section 3 of
10 the Executive Order;

11 (3) the term “Executive Order” means Execu-
12 tive Order 12866 (5 U.S.C. 601 note; relating to
13 regulatory planning and review); and

14 (4) the term “Office” means the Office of In-
15 formation and Regulatory Affairs.

16 (b) REQUIREMENT.—

17 (1) IN GENERAL.—If an agency withdraws a
18 regulatory action after providing the action to the
19 Office under section 6(a)(3) of the Executive Order
20 (or, if the agency does not provide the regulatory ac-
21 tion to the Office under that section, after pub-
22 lishing the general notice of proposed rulemaking
23 with respect to the action under section 553(b) of
24 title 5, United States Code), the agency shall publish
25 in the Federal Register and on the website of the

1 agency a statement regarding the decision by the
2 agency to withdraw the action.

3 (2) CONTENTS.—A statement required under
4 paragraph (1) with respect to a decision by an agen-
5 cy to withdraw a regulatory action shall include, at
6 a minimum—

7 (A) a detailed explanation of the reasons
8 why the agency withdrew the action; and

9 (B) an explanation regarding whether the
10 decision by the agency to withdraw the action
11 was based, in whole or in part, on a request by,
12 or input from—

13 (i) the Office;

14 (ii) another agency;

15 (iii) a Member of Congress;

16 (iv) a State, local, or Tribal govern-
17 ment; or

18 (v) an organization, a corporation, a
19 member of the public, or another inter-
20 ested party.

21 **SEC. 305. NEGOTIATED RULEMAKING.**

22 (a) IN GENERAL.—Subchapter III of chapter 5 of
23 title 5, United States Code, is amended—

24 (1) in section 561, in the first sentence, by in-
25 serting “between agencies and Federal, State, local,

1 or Tribal governments. This subchapter shall apply
2 only to information negotiations between Federal,
3 State, local, or Tribal governments” after “informal
4 rulemaking process”;

5 (2) in section 563—

6 (A) in subsection (a)—

7 (i) in paragraph (2), by inserting
8 “Federal, State, local, or Tribal govern-
9 ment” after “identifiable”; and

10 (ii) in paragraph (3), by striking
11 “persons who” and inserting “representa-
12 tives of Federal, State, local, and Tribal
13 governments that”;

14 (B) in subsection (b)—

15 (i) in paragraph (1)—

16 (I) in subparagraph (A)—

17 (aa) by striking “persons
18 who” and inserting “Federal,
19 State, local, or Tribal govern-
20 ments that”; and

21 (bb) by striking “, including
22 residents of rural areas”; and

23 (II) in subparagraph (B)—

24 (aa) by striking “with such
25 persons” and inserting “with rep-

1 representatives of those govern-
2 ments”; and

3 (bb) by striking “to such
4 persons” and inserting “to those
5 governments”; and

6 (ii) in paragraph (2), in the second
7 sentence—

8 (I) by striking “persons who”
9 and inserting “representatives of Fed-
10 eral, State, local, or Tribal govern-
11 ments that”; and

12 (II) by striking “, including resi-
13 dents of rural areas”;

14 (3) in section 564—

15 (A) in the section heading, by striking “;
16 **applications for membership on com-
17 mittees**”;

18 (B) in subsection (a)—

19 (i) in paragraph (4), by striking “the
20 persons” and inserting “the representa-
21 tives of Federal, State, local, and Tribal
22 governments”;

23 (ii) in paragraph (6), by adding “and”
24 at the end;

- 1 (iii) in paragraph (7), by striking “;
2 and” and inserting a period; and
3 (iv) by striking paragraph (8);
4 (C) by striking subsection (b);
5 (D) by redesignating subsection (c) as sub-
6 section (b); and
7 (E) in subsection (b), as so redesignated—
8 (i) in the subsection heading, by strik-
9 ing “AND APPLICATIONS”; and
10 (ii) by striking “and applications”;
11 (4) in section 565(a)—
12 (A) in paragraph (1), in the first sentence,
13 by striking “and applications”; and
14 (B) in paragraph (2)—
15 (i) by striking “and applications”; and
16 (ii) by striking “publications,” and all
17 that follows through the period at the end
18 and inserting “publications.”; and
19 (5) in section 569(a), in the first sentence—
20 (A) by striking “and encourage agency use
21 of”; and
22 (B) by inserting “between Federal, State,
23 local, and Tribal governments” after “nego-
24 tiated rulemaking”.
- 25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) BALANCED BUDGET ACT OF 1997.—Section
2 4554(b)(1) of the Balanced Budget Act of 1997 (42
3 U.S.C. 1395u note) is amended by striking “, using
4 a negotiated rulemaking process under subchapter
5 III of chapter 5 of title 5, United States Code”.

6 (2) ELEMENTARY AND SECONDARY EDUCATION
7 ACT OF 1965.—The Elementary and Secondary Edu-
8 cation Act of 1965 (20 U.S.C. 6301 et seq.) is
9 amended—

10 (A) in section 1601 (20 U.S.C. 6571)—

11 (i) in subsection (a), by striking “sub-
12 sections (b) through (d)” and insert “sub-
13 section (b)”;

14 (ii) by striking subsections (b) and
15 (c); and

16 (iii) by redesignating subsections (d)
17 and (e) as subsections (b) and (c), respec-
18 tively;

19 (B) by repealing section 1602 (20 U.S.C.
20 6572); and

21 (C) in section 8204(c)(1) (20 U.S.C.
22 7824(c)(1)), by striking “using a negotiated
23 rulemaking process to develop regulations for
24 implementation no later than the 2017–2018
25 academic year, shall define” and inserting

1 “shall, for implementation no later than the
2 2017–2018 academic year, define”.

3 (3) HEALTH INSURANCE PORTABILITY AND AC-
4 COUNTABILITY ACT OF 1996.—Section 216(b) of the
5 Health Insurance Portability and Accountability Act
6 of 1996 (42 U.S.C. 1320a–7b note) is amended—

7 (A) in the subsection heading, by striking
8 “NEGOTIATED”;

9 (B) by striking “(1) ESTABLISHMENT.—”
10 and all that follows through “chapter 5 of title
11 5, United States Code, standards” and insert-
12 ing the following:

13 “(1) IN GENERAL.—The Secretary of Health
14 and Human Services (in this subsection referred to
15 as the ‘Secretary’) shall establish standards”;

16 (C) by striking paragraphs (2) through
17 (9);

18 (D) by redesignating subparagraph (B) of
19 paragraph (1) as paragraph (2) and adjusting
20 the margins accordingly; and

21 (E) in paragraph (2), as so redesignated,
22 by striking “subparagraph (A)” and inserting
23 “paragraph (1)”.

1 (4) HIGHER EDUCATION ACT OF 1965.—The
2 Higher Education Act of 1965 (20 U.S.C. 1001 et
3 seq.) is amended—

4 (A) in section 207 (20 U.S.C. 1022f)—

5 (i) by striking subsection (e); and

6 (ii) by redesignating subsection (d) as
7 subsection (e);

8 (B) in section 422(g)(1) (20 U.S.C.
9 1072(g)(1))—

10 (i) in subparagraph (B), by adding
11 “and” at the end;

12 (ii) in subparagraph (C), by striking
13 “; and” and inserting a period; and

14 (iii) by striking subparagraph (D);

15 (C) in section 487A(b)(3)(B) (20 U.S.C.
16 1094a(b)(3)(B)), by striking “in the negotiated
17 rulemaking process”;

18 (D) in section 491(l)(4)(A) (20 U.S.C.
19 1098(l)(4)(A)), by striking “, not later than two
20 years after the completion of the negotiated
21 rulemaking process required under section 492
22 resulting from the amendments to this Act
23 made by the Higher Education Opportunity
24 Act,”; and

25 (E) in section 492 (20 U.S.C. 1098a)—

- 1 (i) in the section heading, by striking
2 **“NEGOTIATED”**; and
3 (ii) by amending subsection (b) to
4 read as follows:

5 “(b) ISSUANCE OF REGULATIONS.—After obtaining
6 the advice and recommendations described in subsection
7 (a)(1), the Secretary shall issue final regulations within
8 the 360-day period described in section 437(e) of the Gen-
9 eral Education Provisions Act (20 U.S.C. 1232(e)).”.

10 (5) HOUSING ACT OF 1949.—Section 515(r)(3)
11 of the Housing Act of 1949 (42 U.S.C. 1485(r)(3))
12 is amended by striking “in accordance with” and all
13 that follows through the period at the end and in-
14 serting “under the rulemaking authority contained
15 in section 557 of title 5, United States Code.”.

16 (6) MAGNUSON-STEVENSON FISHERY CONSERVA-
17 TION AND MANAGEMENT ACT.—Section 305(g) of
18 the Magnuson-Stevens Fishery Conservation and
19 Management Act (16 U.S.C. 1855(g)) is amended—

- 20 (A) by striking paragraphs (2) and (3);
21 (B) in paragraph (1)—
22 (i) by striking “(A)”; and
23 (ii) by redesignating subparagraph
24 (B) as paragraph (2) and adjusting the
25 margins accordingly; and

1 (C) in paragraph (2), as so redesignated,
2 by striking the second sentence.

3 (7) MANDATORY PRICE REPORTING ACT OF
4 2010.—Section 2(b) of the Mandatory Price Report-
5 ing Act of 2010 (Public Law 111–239; 124 Stat.
6 2501) is amended—

7 (A) by striking “WHOLESALE PORK CUTS”
8 and all that follows through “Chapter 3” and
9 inserting “WHOLESALE PORK CUTS.—Chapter
10 3”; and

11 (B) by striking paragraphs (2), (3), and
12 (4) (7 U.S.C. 1635k note).

13 (8) PATIENT PROTECTION AND AFFORDABLE
14 CARE ACT.—Section 5602 of the Patient Protection
15 and Affordable Care Act (42 U.S.C. 254b note) is
16 amended—

17 (A) in the section heading, by striking
18 “**NEGOTIATED**”;

19 (B) by striking subsections (b) through
20 (h);

21 (C) in subsection (a)—

22 (i) by redesignating paragraph (2) as
23 subsection (b) and adjusting the margins
24 accordingly;

1 (ii) by striking “ESTABLISHMENT”
2 and all that follows through “The Sec-
3 retary of Health and Human Services (in
4 this section referred to as the ‘Secretary’)
5 shall establish, through a negotiated rule-
6 making process under subchapter 3 of
7 chapter 5 of title 5, United States Code,”
8 and inserting “ESTABLISHMENT.—The
9 Secretary of Health and Human Services
10 (in this section referred to as the ‘Sec-
11 retary’) shall establish”;

12 (iii) by redesignating subparagraphs
13 (A) and (B) as paragraphs (1) and (2), re-
14 spectively, and adjusting the margins ac-
15 cordingly; and

16 (iv) in paragraph (1), as so redesign-
17 ated, by adding “and” at the end; and

18 (D) in subsection (b), as so redesignated,
19 by striking “paragraph (1)” and inserting “sub-
20 section (a)”.

21 (9) PRICE-ANDERSON AMENDMENTS ACT OF
22 1988.—Section 19 of the Price-Anderson Amend-
23 ments Act of 1988 (42 U.S.C. 2210 note) is amend-
24 ed—

25 (A) by striking subsection (b); and

1 (B) in subsection (a)—

2 (i) by striking “RULEMAKING” and all
3 that follows through “The Nuclear” and
4 inserting “RULEMAKING PROCEEDING.—
5 The Nuclear”; and

6 (ii) by redesignating paragraph (2) as
7 subsection (b) and adjusting the margins
8 accordingly.

9 (10) SOCIAL SECURITY ACT.—Title XVIII of
10 the Social Security Act (42 U.S.C. 1395 et seq.) is
11 amended—

12 (A) in section 1834(l)(1) (42 U.S.C.
13 1395m(l)(1)), by striking “through a negotiated
14 rulemaking process described in title 5, United
15 States Code, and”; and

16 (B) in section 1856(a) (42 U.S.C. 1395w–
17 26(a))—

18 (i) by striking paragraphs (2) through
19 (9);

20 (ii) in paragraph (1)—

21 (I) by striking “ESTABLISH-
22 MENT” and all that follows through
23 “The Secretary” and inserting “ES-
24 TABLISHMENT.—The Secretary”;

1 (II) by striking “and using a ne-
2 gotiated rulemaking process under
3 subchapter III of chapter 5 of title 5,
4 United States Code”; and

5 (III) by redesignating subpara-
6 graphs (B) and (C) as paragraphs (2)
7 and (3), respectively, and adjusting
8 the margins accordingly; and

9 (iii) in paragraph (2), as so redesi-
10 nated—

11 (I) by striking “subparagraph
12 (A)” and inserting “paragraph (1)”;
13 and

14 (II) by redesignating clauses (i),
15 (ii), and (iii) as subparagraphs (A),
16 (B), and (C), respectively, and adjust-
17 ing the margins accordingly.

18 (11) TITLE 5.—The table of sections for sub-
19 chapter III of chapter 5 of title 5, United States
20 Code, is amended by striking the item relating to
21 section 564 and inserting the following:

“564. Publication of notice.”.

22 (12) TITLE 49.—Section 31136(g)(1) of title
23 49, United States Code, is amended—

1 (A) by striking “shall—” and all that fol-
2 lows through “issue” and inserting “shall
3 issue”;

4 (B) by striking “; or” and inserting a pe-
5 riod; and

6 (C) by striking subparagraph (B).

7 (13) TOXIC SUBSTANCES CONTROL ACT.—Sec-
8 tion 8(a) of the Toxic Substances Control Act (15
9 U.S.C. 2607(a)) is amended—

10 (A) by striking paragraph (6); and

11 (B) by redesignating paragraph (7) as
12 paragraph (6).

13 (14) UNITED STATES HOUSING ACT OF 1937.—
14 Section 9 of the United States Housing Act of 1937
15 (42 U.S.C. 1437g) is amended by repealing sub-
16 section (f).

17 **SEC. 306. STREAMLINING OIRA REVIEW.**

18 (a) DEFINITIONS.—In this section—

19 (1) the term “Administrator” means the Ad-
20 ministrator of the Office;

21 (2) the terms “agency”, “regulatory action”,
22 and “significant regulatory action” have the mean-
23 ings given those terms in section 3 of the Executive
24 Order;

1 (3) the term “Executive Order” means Execu-
2 tive Order 12866 (5 U.S.C. 601 note; relating to
3 regulatory planning and review); and

4 (4) the term “Office” means the Office of In-
5 formation and Regulatory Affairs.

6 (b) PROHIBITIONS.—

7 (1) NON-EXECUTIVE BRANCH OFFICIALS.—

8 With respect to a regulatory action of an agency, the
9 Office may not engage in communications or meet-
10 ings with an individual that is not employed by the
11 executive branch of the Federal Government if the
12 regulatory action is or may be subject to review by
13 the Office under section 6(b) of the Executive Order.

14 (2) INFORMAL REVIEW.—With respect to a reg-

15 ulatory action of an agency that may be subject to
16 review by the Office under section 6(b) of the Execu-
17 tive Order, the Office may not engage in commu-
18 nications or meetings with the agency before the
19 date on which the agency submits the regulatory ac-
20 tion to the Office under section 6(a)(3) of the Exec-
21 utive Order.

22 (c) TIME PERIOD FOR OIRA REVIEW.—

23 (1) IN GENERAL.—Except as provided in para-

24 graph (2), the Office shall complete a review of a
25 significant regulatory action under section 6(b) of

1 the Executive Order not less than 45 days after the
2 date on which the Office receives the significant reg-
3 ulatory action under section 6(a)(3) of the Executive
4 Order.

5 (2) EXTENSION.—The Office may extend the
6 45-day period described in paragraph (1) by a single
7 30-day period if the Office provides the agency with,
8 and makes publicly available, a written justification
9 for the extension.

10 (3) PUBLICATION OF REGULATORY ACTION.—If
11 the Office waives review of a significant regulatory
12 action of an agency under section 6(b)(2) of the Ex-
13 ecutive Order without a request for further consider-
14 ation or does not notify the agency in writing of the
15 results of the review under section 6(b) of the Exec-
16 utive Order within the time frame described in para-
17 graph (1) or (2), the agency may publish the signifi-
18 cant regulatory action in the Federal Register.

19 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed—

21 (1) as an endorsement by Congress of—

22 (A) the institution of centralized regulatory
23 review; or

1 (B) the procedural steps or requirements
 2 of an Executive order affecting administrative
 3 procedure; or

4 (2) as a requirement that the President—

5 (A) conduct centralized regulatory review;

6 or

7 (B) adopt, administer, or implement an
 8 Executive order affecting administrative proce-
 9 dure.

10 **SEC. 307. LIMITING TEMPORARY COURT INJUNCTIONS AND**
 11 **POSTPONING OF FINAL RULES PENDING JU-**
 12 **DICIAL REVIEW.**

13 Section 705 of title 5, United States Code, is amend-
 14 ed—

15 (1) by striking the first sentence; and

16 (2) by adding at the end the following: “Not-
 17 withstanding the preceding sentence, with respect to
 18 agency action relating to notice and comment rule-
 19 making under section 553 of this title, on such con-
 20 ditions as may be required and to the extent nec-
 21 essary to prevent irreparable injury, only the review-
 22 ing court to which a case may be taken on appeal
 23 from or on application for certiorari or other writ to
 24 a reviewing court or to the United States District
 25 Court for the District of Columbia may issue all nec-

1 essary and appropriate process to postpone the effective date of the agency action or to preserve status or rights pending conclusion of the review proceedings.”.

5 **SEC. 308. PENALIZING INDIVIDUALS THAT SUBMIT FALSE**
6 **INFORMATION TO AGENCIES.**

7 Section 553 of title 5, United States Code, as amended by section 302 of this Act, is amended by adding at the end the following:

10 “(j)(1) In this subsection, the term ‘covered person’ means—

12 “(A) any person who is or is required to be registered as a corporate lobbyist, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 15 1602);

16 “(B) any for-profit corporation;

17 “(C) any entity described in section 501(e)(6) of the Internal Revenue Code of 1986 of which 1 or more members are for-profit corporations; and

20 “(D) any person working on behalf of a for-profit corporation, including any person compensated by or otherwise financially supported by a corporation, for the purpose of submitting a statement or entry with respect to a rulemaking under this section.

1 “(2) Any covered person that uses any false writing
 2 or document knowing the same to contain any materially
 3 false, fictitious, or fraudulent statement or entry with re-
 4 spect to a rulemaking under this section shall be fined not
 5 more than \$250,000, imprisoned not more than 5 years,
 6 or both.”.

7 **SEC. 309. ESTABLISHMENT OF THE OFFICE OF THE PUBLIC**
 8 **ADVOCATE.**

9 Section 401 of the Ethics in Government Act of 1978
 10 (5 U.S.C. App.) is amended by adding at the end the fol-
 11 lowing:

12 “(d)(1)(A) There is established in the Office of Public
 13 Integrity an office to be known as the ‘Office of the Public
 14 Advocate’.

15 “(B) The Office of the Public Advocate shall be under
 16 the supervision of an official to be known as the ‘National
 17 Public Advocate’, who shall—

18 “(i) be appointed by the President, by and with
 19 the advice and consent of the Senate;

20 “(ii) report to the Director of the Office of Pub-
 21 lic Integrity;

22 “(iii) not be an employee of the Federal Gov-
 23 ernment;

24 “(iv) be entitled to compensation at the same
 25 rate as the highest rate of basic pay established for

1 the Senior Executive Service under section 5382 of
2 title 5, United States Code;

3 “(v) have a background in customer service,
4 consumer protection, and administrative law;

5 “(vi) have experience representing the public in
6 cases involving rules (as defined in section 551 of
7 title 5, United States Code);

8 “(vii) not have worked as an officer or employee
9 in any Federal agency during the 2-year period pre-
10 ceeding appointment under this subparagraph; and

11 “(viii) agree not to accept an offer of employ-
12 ment with a Federal agency for not less than 5
13 years after ceasing to serve as the National Public
14 Advocate.

15 “(2) The duties of the Office of the Public Advocate
16 shall include—

17 “(A) assisting individuals in resolving conflicts
18 with agencies;

19 “(B) assisting agencies in soliciting public par-
20 ticipation in the rulemaking process;

21 “(C) assisting individuals in participating in the
22 rulemaking process; and

23 “(D) identifying areas in which the public has
24 problems in dealing with agencies and proposing
25 changes to mitigate those problems.

1 “(3) Not later than 180 days after the date on which
2 the National Public Advocate is appointed under this sub-
3 section or 180 days after the date of enactment of this
4 subsection, whichever is later, the National Public Advo-
5 cate shall propose regulations to carry out this sub-
6 section.”.

7 **SEC. 310. ACTIONS BY PRIVATE PERSONS.**

8 (a) DEFINITIONS.—In this section, the terms “agen-
9 cy” and “rule” have the meanings given those terms in
10 section 551 of title 5, United States Code.

11 (b) ACTIONS.—

12 (1) IN GENERAL.—A person may bring a civil
13 action for the person and for the United States Gov-
14 ernment, in the name of the Government, against
15 any person, including the United States Government
16 and any other governmental instrumentality or agen-
17 cy to the extent permitted by the Eleventh Amend-
18 ment to the Constitution of the United States, for—

19 (A) a violation of a final rule issued by an
20 agency; or

21 (B) the failure of the head of an agency to
22 comply with any requirement under this Act.

23 (2) NOTICE.—A copy of the complaint and
24 written disclosure of substantially all material evi-
25 dence and information the person possesses shall be

1 served on the Government pursuant to rule 4(d)(4)
2 of the Federal Rules of Civil Procedure. The Gov-
3 ernment may elect to intervene and proceed with the
4 action within 60 days after it receives both the com-
5 plaint and the material evidence and information.

6 (3) PARTY CONDUCTING THE ACTION.—Before
7 the expiration of the 60-day period under paragraph
8 (2), the Government shall—

9 (A) proceed with the action, in which case
10 the action shall be conducted by the Govern-
11 ment; or

12 (B) notify the court that it declines to pro-
13 ceed with the action, in which case the person
14 bringing the action shall have the right to con-
15 duct the action.

16 (4) AWARD TO PLAINTIFF.—

17 (A) GOVERNMENT PROCEEDS WITH AC-
18 TION.—If the Government proceeds with an ac-
19 tion brought by a person under this subsection,
20 the person shall receive at least 15 percent but
21 not more than 25 percent of the proceeds of the
22 action or settlement of the claim, depending
23 upon the extent to which the person substan-
24 tially contributed to the prosecution of the ac-
25 tion. Any payment to a person under this sub-

1 paragraph shall be made from the proceeds.
2 The person shall also receive an amount for
3 reasonable expenses that the court finds to have
4 been necessarily incurred, plus reasonable attor-
5 ney's fees and costs. The expenses, fees, and
6 costs shall be awarded against the defendant.

7 (B) GOVERNMENT DOES NOT PROCEED
8 WITH ACTION.—If the Government does not
9 proceed with an action under this subsection,
10 the person bringing the action or settling the
11 claim shall receive an amount which the court
12 decides is reasonable for collecting the civil pen-
13 alty and damages. The amount shall be not less
14 than 25 percent and not more than 30 percent
15 of the proceeds of the action or settlement and
16 shall be paid out of the proceeds. The person
17 shall also receive an amount for reasonable ex-
18 penses that the court finds to have been nec-
19 essarily incurred, plus reasonable attorney's
20 fees and costs. The expenses, fees, and costs
21 shall be awarded against the defendant.

22 **SEC. 311. SCOPE OF REVIEW.**

23 Section 706 of title 5, United States Code, is amend-
24 ed—

1 (1) in the first sentence of the matter preceding
2 paragraph (1), by striking “To the extent nec-
3 essary” and inserting “(a) IN GENERAL.—To the
4 extent necessary”;

5 (2) in subsection (a), as so designated, by in-
6 serting after the first sentence the following: “If a
7 statute that an agency administers is silent or am-
8 biguous, and an agency has followed the procedures
9 in section 553 or 554 of this title, as applicable, a
10 reviewing court shall defer to the agency’s reason-
11 able or permissible interpretation of that statute.”;

12 (3) by striking “In making the foregoing deter-
13 minations” and inserting the following:

14 “(b) REVIEW OF RECORD.—In making the deter-
15 minations under subsection (a)”;

16 (4) in subsection (b), as so designated, by in-
17 serting “except any part of the record that the agen-
18 cy excluded from consideration pursuant to section
19 553(h)(1) of this title,” after “party,”; and

20 (5) by adding at the end the following:

21 “(c) UNREASONABLE DELAY.—For purposes of sub-
22 section (a)(1), unreasonable delay shall include—

23 “(1) when an agency has not issued a notice of
24 proposed rulemaking within 1 year of the date of en-
25 actment of the legislation mandating the rule-

1 making, where no deadline for the rulemaking was
2 specified in the enacted law;

3 “(2) when an agency has not issued a final
4 version of a proposed rule within 1 year of date on
5 which the proposed rule was published in the Fed-
6 eral Register; and

7 “(3) when an agency has not implemented a
8 final rule within 1 year of the implementation date
9 published in the Federal Register or, if no imple-
10 mentation date was provided, within 1 year of the
11 date on which the final rule was published in the
12 Federal Register.”.

13 **SEC. 312. EXPANDING RULEMAKING NOTIFICATIONS.**

14 Section 553 of title 5, United States Code, as amend-
15 ed by section 308 of this Act, is amended by adding at
16 the end the following:

17 “(k)(1) Not later than 2 business days after the date
18 on which an agency publishes a notice of proposed rule-
19 making or a final rule under this section, the agency shall
20 notify interested parties of the publication.

21 “(2) The Director of the Government Publishing Of-
22 fice shall establish a process under which an agency shall
23 notify interested parties under paragraph (1) through e-
24 mail or postal mail.”.

1 **SEC. 313. PUBLIC PETITIONS.**

2 Section 553(e) of title 5, United States Code, is
3 amended—

4 (1) by inserting “(1)” before “Each agency”;

5 and

6 (2) by adding at the end the following:

7 “(2) If, during a 60-day period, an agency receives
8 more than 100,000 signatures on a single petition under
9 paragraph (1), the agency shall, not later than 30 days
10 after the date on which the agency receives the petition,
11 provide a written response that includes—

12 “(A) an explanation of whether the agency has
13 engaged or is engaging in the requested issuance,
14 amendment, or repeal of a rule; and

15 “(B) if the agency has not engaged in the re-
16 quested issuance, amendment, or repeal of a rule, a
17 written explanation for not engaging in the re-
18 quested issuance, amendment, or repeal.”.

19 **SEC. 314. AMENDMENT TO CONGRESSIONAL REVIEW ACT.**

20 Section 801(b) of title 5, United States Code, is
21 amended—

22 (1) in paragraph (1), by striking “(1)”; and

23 (2) by striking paragraph (2).

24 **SEC. 315. COST-BENEFIT ANALYSIS.**

25 (a) DEFINITIONS.—In this section, the terms “agen-
26 cy” and “regulation” have the meanings given those terms

1 in section 3 of Executive Order 12866 (5 U.S.C. 601 note;
2 relating to regulatory planning and review).

3 (b) REQUIREMENT.—If an agency is performing a
4 cost-benefit analysis in the course of issuing a regulation,
5 the agency shall—

6 (1) take into account the benefits of the regula-
7 tion to the public, including the nonquantifiable ben-
8 efits of the regulation; and

9 (2) adopt a regulation that prioritizes benefits
10 to the public, including nonquantifiable benefits.

11 **SEC. 316. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) the Federal Employees Pay Comparability
14 Act of 1990 (as enacted by section 529 of Public
15 Law 101–509), which was designed to ensure that
16 the disparity in pay between Federal employees on
17 the General Schedule and non-Federal employees is
18 not greater than 5 percent, has not been imple-
19 mented as envisioned, resulting in significant pay
20 disparities between Federal Government and non-
21 Federal employees, including private-sector employ-
22 ees;

23 (2) Federal employees have experienced pay
24 challenges in recent years owing to pay freezes, re-
25 duced pay increases, and unpaid furlough days,

1 which have adversely impacted the ability of the
2 Federal Government to recruit and retain skilled
3 employees; and

4 (3) the President and Congress should allow the
5 statutory pay laws to be implemented as intended,
6 providing an annual across-the-board pay adjust-
7 ment and a locality pay adjustment that varies by
8 specific pay locality area.

9 **TITLE IV—JUDICIAL ETHICS**

10 **SEC. 401. CLARIFICATION OF GIFT BAN.**

11 (a) IN GENERAL.—Section 7353 of title 5, United
12 States Code, is amended—

13 (1) in subsection (a), in the matter preceding
14 paragraph (1), by striking “anything of value” and
15 inserting “a gift”; and

16 (2) in subsection (d)—

17 (A) in paragraph (1), by striking “and” at
18 the end;

19 (B) in paragraph (2), by striking the pe-
20 riod at the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(3) the term ‘gift’ means anything of value, in-
23 cluding transportation, travel, lodgings and meals,
24 whether provided in-kind, by purchase of a ticket,

1 payment in advance, or reimbursement after the ex-
2 pense has been incurred.”.

3 (b) REGULATIONS.—The Judicial Conference of the
4 United States shall promulgate regulations to carry out
5 the amendment made by subsection (a) with respect to
6 the judicial branch.

7 **SEC. 402. RESTRICT PRIVATELY FUNDED EDUCATIONAL**
8 **EVENTS AND SPEECHES.**

9 (a) JUDICIAL EDUCATION FUND.—

10 (1) ESTABLISHMENT.—Chapter 42 of title 28,
11 United States Code, is amended by adding at the
12 end the following:

13 **“§ 630. Judicial Education Fund**

14 “(a) DEFINITIONS.—In this section—

15 “(1) the term ‘Board’ means the Board of the
16 Federal Judicial Center established in section 621;

17 “(2) the term ‘Fund’ means the Judicial Edu-
18 cation Fund established under subsection (b);

19 “(3) the term ‘institution of higher education’
20 has the meaning given that term under section
21 101(a) of the Higher Education Act of 1965 (20
22 U.S.C. 1001(a));

23 “(4) the term ‘national bar association’ means
24 a national organization that is open to general mem-
25 bership to all members of the bar;

1 “(5) the term ‘private judicial seminar’—

2 “(A) means a seminar, symposia, panel
3 discussion, course, or a similar event that pro-
4 vides continuing legal education to judges; and

5 “(B) does not include—

6 “(i) seminars that last 1 day or less
7 and are conducted by, and on the campus
8 of, an institute of higher education;

9 “(ii) seminars that last 1 day or less
10 and are conducted by a national bar asso-
11 ciation or State or local bar association for
12 the benefit of the bar association member-
13 ship; or

14 “(iii) seminars of any length con-
15 ducted by, and on the campus of an insti-
16 tute of higher education or by a national
17 bar association or State or local bar asso-
18 ciation, where a judge is a presenter and
19 at which judges constitute less than 25
20 percent of the participants; and

21 “(6) the term ‘State or local bar association’
22 means a State or local organization that is open to
23 general membership to all members of the bar in the
24 specified geographic region.

1 “(b) FUND.—There is established within the United
2 States Treasury a fund to be known as the ‘Judicial Edu-
3 cation Fund’.

4 “(c) USE OF AMOUNTS.—Amounts in the Fund may
5 be made available for the payment of necessary expenses,
6 including reasonable expenditures for transportation, food,
7 lodging, private judicial seminar fees and materials, in-
8 curred by a judge or justice in attending a private judicial
9 seminar approved by the Board. Necessary expenses shall
10 not include expenditures for recreational activities or en-
11 tertainment other than that provided to all attendees as
12 an integral part of the private judicial seminar. Any pay-
13 ment from the Fund shall be approved by the Board.

14 “(d) REQUIRED INFORMATION.—The Board may ap-
15 prove a private judicial seminar after submission of infor-
16 mation by the sponsor of that private judicial seminar that
17 includes—

18 “(1) the content of the private judicial seminar
19 (including a list of presenters, topics, and course
20 materials); and

21 “(2) the litigation activities of the sponsor (in-
22 cluding any amicus briefs submitted by the sponsor)
23 and the presenters at the private judicial seminar
24 (including the litigation activities of the employer of

1 each presenter) on the topic related to those ad-
 2 dressed at the private judicial seminar.

3 “(e) PUBLIC AVAILABILITY.—If the Board approves
 4 a private judicial seminar, the Board shall make the infor-
 5 mation submitted under subsection (d) relating to the pri-
 6 vate judicial seminar available to judges and the public
 7 by posting the information online.

8 “(f) GUIDELINES.—The Judicial Conference shall
 9 promulgate guidelines to ensure that the Board only ap-
 10 proves private judicial seminars that are conducted in a
 11 manner so as to maintain the public’s confidence in an
 12 unbiased and fair-minded judiciary.

13 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated for deposit in the Fund
 15 \$3,000,000 for each of fiscal years 2019, 2020, and 2021,
 16 to remain available until expended.”.

17 (2) TECHNICAL AND CONFORMING AMEND-
 18 MENT.—The table of sections for chapter 42 of title
 19 28, United States Code, is amended by adding at
 20 the end the following:

“630. Judicial Education Fund”.

21 (b) PRIVATE JUDICIAL SEMINAR GIFTS PROHIB-
 22 ITED.—

23 (1) DEFINITIONS.—In this subsection—

1 (A) the term “gift” has the meaning given
2 that term under section 7353 of title 5, United
3 States Code, as amended by section 401;

4 (B) the term “institution of higher edu-
5 cation” has the meaning given that term under
6 section 101(a) of the Higher Education Act of
7 1965 (20 U.S.C. 1001(a)); and

8 (C) the terms “national bar association”,
9 “private judicial seminar”, and “State or local
10 bar association” have the meanings given those
11 terms under section 630 of title 28, United
12 States Code, as added by subsection (a).

13 (2) REGULATIONS.—Not later than 180 days
14 after the date of enactment of this Act, the Judicial
15 Conference of the United States shall promulgate
16 regulations to apply section 7353(a) of title 5,
17 United States Code, to prohibit the solicitation or
18 acceptance of a gift in connection with a private ju-
19 dicial seminar.

20 (3) EXCEPTION.—The prohibition under the
21 regulations promulgated under paragraph (2) shall
22 not apply if—

23 (A) the judge participates in a private judi-
24 cial seminar as a speaker, panel participant, or
25 otherwise presents information;

1 (B) Federal judges are not the primary au-
2 dience at the private judicial seminar; and

3 (C) the gift accepted is—

4 (i) reimbursement from the private ju-
5 dicial seminar sponsor of reasonable trans-
6 portation, food, or lodging expenses on any
7 day on which the judge speaks, partici-
8 pates, or presents information, as applica-
9 ble;

10 (ii) attendance at the private judicial
11 seminar on any day on which the judge
12 speaks, participates, or presents informa-
13 tion, as applicable; or

14 (iii) anything excluded from the defi-
15 nition of a gift under regulations of the
16 Judicial Conference of the United States
17 under sections 7351 and 7353 of title 5,
18 United States Code, as in effect on the
19 date of enactment of this Act.

20 **SEC. 403. CODE OF CONDUCT.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that in order for justices and judges, both of the
23 supreme and inferior courts, to hold their offices during
24 “good behaviour” under section 1 of article III of the Con-
25 stitution of the United States, the judges and justices

1 shall, among other requirements, adhere to the Code of
2 Conduct for United States Judges adopted by the Judicial
3 Conference of the United States described in this section.

4 (b) APPLICABILITY.—The Code of Conduct for
5 United States Judges adopted by the Judicial Conference
6 of the United States shall apply to the justices of the Su-
7 preme Court of the United States to the same extent as
8 such Code applies to circuit and district judges.

9 (c) ENFORCEMENT.—The Judicial Conference shall
10 establish procedures, modeled after the procedures set
11 forth in chapter 16 of title 28, United States Code, under
12 which—

13 (1) complaints alleging that a justice of the Su-
14 preme Court of the United States has violated the
15 Code of Conduct referred to in subsection (a) may
16 be filed with or identified by the Conference;

17 (2) such material, nonfrivolous complaints and
18 any accompanying material are immediately referred
19 to the Supreme Court Review Committee established
20 in section 415; and

21 (3) further action, where appropriate, is taken
22 by the Conference, with respect to such complaints.

23 (d) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

24 (1) SUBMISSION TO CONGRESS.—Not later than
25 180 days after the date of enactment of this Act, the

1 Judicial Conference shall submit to Congress the
2 procedures established under subsection (b).

3 (2) EFFECTIVE DATE.—The procedures estab-
4 lished under subsection (b) shall take effect 1 year
5 after the date of enactment of this Act.

6 **SEC. 404. IMPROVING DISCLOSURE.**

7 (a) FINANCIAL REPORTS.—Section 103(h) of the
8 Ethics in Government Act of 1978 (5 U.S.C. App.) is
9 amended by adding at the end the following:

10 “(3) Not later than 90 days after a report is filed
11 under this title by an individual described in section
12 109(10), the Judicial Conference shall make publicly avail-
13 able online, at no cost, each report required under this
14 title that is filed with the Judicial Conference in a format
15 that is searchable, sortable, machine-readable, download-
16 able, and accessible in multiple languages and to individ-
17 uals with disabilities.”.

18 (b) RECUSAL DECISIONS.—Section 455 of title 28,
19 United States Code, is amended by adding at the end the
20 following:

21 “(g) RECUSAL LISTS.—

22 “(1) Each justice, judge, and magistrate judge
23 of the United States shall maintain and submit to
24 the Judicial Conference a list of each association or

1 interest that would require the justice, judge, or
2 magistrate to be recused under subsection (b)(4).

3 “(2) The Judicial Conference shall maintain
4 and make publicly available online, at no cost, each
5 list required under this subsection that is filed with
6 the Judicial Conference in a format that is search-
7 able, sortable, machine-readable, downloadable, and
8 accessible format, and accessible in multiple lan-
9 guages and to individuals with disabilities.

10 “(3) The Judicial Conference may issue public
11 or private guidance to justices, judges, and mag-
12 istrate judges of the United States regarding the
13 contents of the lists under this subsection to ensure
14 such lists comply with the disqualification require-
15 ments of (b)(4).”.

16 (c) SPEECHES.—

17 (1) IN GENERAL.—Each justice, judge, and
18 magistrate judge of the United States shall maintain
19 and submit to the Judicial Conference of the United
20 States a copy of each speech or other significant oral
21 communication made by the justice, judge, or mag-
22 istrate.

23 (2) AVAILABILITY.—The Judicial Conference of
24 the United States shall maintain and make each
25 speech or other significant oral communication sub-

1 mitted under paragraph (1) available to the public
2 in printed form, upon request, and online, at no
3 cost, in a format that is searchable, sortable, ma-
4 chine-readable, downloadable, and accessible in mul-
5 tiple languages and to individuals with disabilities.

6 (3) REGULATIONS.—Not later than 180 days
7 after the date of enactment of this Act, the Judicial
8 Conference of the United States shall promulgate
9 regulations regarding the types of oral communica-
10 tions that are required to be maintained, submitted,
11 and made publicly available under this subsection.

12 (d) LIVESTREAMING JUDICIAL PROCEEDINGS.—

13 (1) DEFINITION.—In this section, the term
14 “appellate court of the United States” means any
15 United States circuit court of appeals and the Su-
16 preme Court of the United States.

17 (2) STREAMING OF COURT PROCEEDINGS.—In
18 accordance with procedures established by the Judi-
19 cial Conference of the United States, the audio of
20 each open session conducted by an appellate court of
21 the United States shall be made available online con-
22 temporaneously with the session, unless the appel-
23 late court of the United States, by a majority vote,
24 determines that making audio of the session avail-

1 able online would violate the constitutional rights or
2 threaten the safety of any party to the proceeding.

3 (e) PUBLICIZING CASE ASSIGNMENT INFORMA-
4 TION.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Judicial
7 Conference of the United States shall promulgate
8 regulations requiring each court of the United States
9 to make case assignment data available to the public
10 online, at no cost, in a searchable, sortable, machine-
11 readable, downloadable, and accessible in multiple
12 languages and to individuals with disabilities.

13 (2) CONTENTS.—The case assignment data
14 made available under paragraph (1) shall include, at
15 a minimum, and to the extent available, the case
16 title, docket number, case origin, filing date, and
17 name of each authoring judge, concurring judge, and
18 dissenting judge for each opinion issued in the case.

19 (f) MAKING WEBSITES USER-FRIENDLY.—Not later
20 than 180 days after the date of enactment of this Act,
21 the Judicial Conference of the United States shall promul-
22 gate regulations requiring an evaluation of, and improve-
23 ments to, the website of each district court of the United
24 States to ensure the website is easy to understand, includ-

1 ing that it is clear how to file a complaint relating to a
2 judge or an employee of the district court.

3 (g) ACCESSIBILITY.—The Judicial Conference shall
4 make efforts to ensure that the any disclosures required
5 under this section are made available to the public in plain
6 language, in a variety of languages, and accessible to indi-
7 viduals with disabilities.

8 **SEC. 405. APPOINTMENT OF ADMINISTRATIVE LAW**
9 **JUDGES.**

10 (a) IN GENERAL.—Section 3105 of title 5, United
11 States Code is amended by inserting after the first sen-
12 tence the following: “Administrative law judge positions
13 shall be positions in the competitive service.”.

14 (b) CONVERSION OF POSITIONS.—With respect to
15 any individual serving on the date of enactment of this
16 Act in an excepted service position as an administrative
17 law judge appointed under section 3105 of title 5, United
18 States Code, as in effect on the day before the date of
19 enactment of this Act, the head of the agency employing
20 the administrative law judge shall convert the appointment
21 to a permanent appointment in the competitive service in
22 the agency.

23 (c) APPLICABILITY.—This section and the amend-
24 ments made by this section shall apply on and after the
25 date of enactment of this Act.

1 **SEC. 406. IMPROVE REPORTING ON JUDICIAL DIVERSITY.**

2 Section 331 of title 28, United States Code, is
3 amended in the eighth undesignated paragraph by adding
4 at the end the following: “The report submitted by the
5 Chief Justice under this paragraph shall include a report
6 on the diversity of the Federal judiciary, including diver-
7 sity of justices and judges of the United States based on
8 gender, race, ethnicity, religion, disability status, sexual
9 orientation, gender identity, national origin, and profes-
10 sional experience (including any law firms where the
11 judges previously practiced law) before being appointed a
12 justice or judge of the United States.”.

13 **SEC. 407. PLEADING STANDARDS.**

14 (a) IN GENERAL.—Rule 12 of the Federal Rules of
15 Civil Procedure is amended by adding at the end the fol-
16 lowing:

17 “(j) PLEADING STANDARDS. A court shall not dismiss
18 a complaint under Rule 12(b)(6), (c) or (e):

19 “(1) unless it appears beyond doubt that the
20 plaintiff can prove no set of facts in support of the
21 claim which would entitle the plaintiff to relief; or

22 “(2) on the basis of a determination by the
23 court that the factual contents of the complaint do
24 not show the plaintiff’s claim to be plausible or are
25 insufficient to warrant a reasonable inference that
26 the defendant is liable for the misconduct alleged.”.

1 (b) APPLICABILITY.—Rule 12(j) of the Federal Rules
2 of Civil Procedure, as added by subsection (a) shall apply
3 with respect to the dismissal of complaints except as other-
4 wise expressly provided by an Act of Congress enacted
5 after the date of the enactment of this Act or by amend-
6 ments made after such date of enactment to the Federal
7 Rules of Civil Procedure pursuant to the procedures pre-
8 scribed by the Judicial Conference of the United States
9 under chapter 131 of title 28, United States Code.

10 **SEC. 408. ELECTRONIC COURT RECORDS REFORM.**

11 (a) DEFINITIONS.—In this section:

12 (1) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of General Serv-
14 ices.

15 (2) DIRECTOR.—The term “Director” means
16 the Director of the Administrative Office of the
17 United States Courts.

18 (3) MACHINE-READABLE.—The term “machine-
19 readable” means a format in which information or
20 data can be easily processed by a computer without
21 human intervention while ensuring no semantic
22 meaning is lost.

23 (b) CONSOLIDATION OF THE CASE MANAGEMENT/
24 ELECTRONIC CASE FILES SYSTEM.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of the enactment of this Act, the Director,
3 in coordination with the Administrator, shall—

4 (A) consolidate the Case Management/
5 Electronic Case Files system; and

6 (B) develop 1 system for all filings with
7 courts of the United States, which shall be ad-
8 ministered by the Administrative Office of the
9 United States Courts.

10 (2) USE OF TECHNOLOGY.—In developing the
11 system under paragraph (1), the Director shall use
12 modern technology—

13 (A) to improve security, data accessibility,
14 affordability, and performance; and

15 (B) to minimize the burden on pro se liti-
16 gants.

17 (3) AVAILABILITY TO STATES.—

18 (A) IN GENERAL.—A State may choose to
19 participate in the system developed under this
20 subsection.

21 (B) FEE.—The Director shall charge a fee
22 to a State that chooses to participate in the sys-
23 tem developed under this subsection at a level
24 sufficient to recover the cost of providing the

1 services associated with the administration and
2 maintenance of the system to the State.

3 (c) PUBLIC ACCESS TO COURT ELECTRONIC
4 RECORDS SYSTEM REQUIREMENTS.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of the enactment of this Act, the Director,
7 in coordination with the Administrator, shall update
8 the Public Access to Court Electronic Records sys-
9 tem, which shall be subject to the following require-
10 ments:

11 (A) A document filed with a court shall be
12 made publicly accessible upon filing, except as
13 ordered by a court or by rule of the Judicial
14 Conference of the United States.

15 (B) All documents on the system shall be
16 available to the public and to parties before the
17 court free of charge.

18 (C) Any information that is prohibited
19 from public disclosure by law or court order
20 shall be redacted.

21 (D) All documents shall be text-searchable
22 and machine-readable.

23 (E) To the extent practicable, external
24 websites shall be able to link to documents on
25 the system.

1 (F) The system shall include any available
2 digital audio and visual files of court record-
3 ings.

4 (G) The system shall provide search func-
5 tions for public use.

6 (2) MINIMIZING THE BURDEN ON PRO SE LITI-
7 GANTS.—In developing the system to comply with
8 the requirements under paragraph (1), the Director
9 shall, to the extent practicable, not impose a dis-
10 proportionate impact on pro se litigants.

11 (3) USE OF TECHNOLOGY.—In developing the
12 system under paragraph (1), the Director shall use
13 modern technology—

14 (A) to improve security, data accessibility
15 (including accessibility to individuals with dis-
16 abilities), affordability, and performance; and

17 (B) to minimize the burden on pro se liti-
18 gants.

19 (4) AUTHORITY TO EXEMPT CERTAIN DOCU-
20 MENTS.—The Director may identify categories of—

21 (A) documents that are not made publicly
22 accessible under paragraph (1)(A); and

23 (B) court proceedings, the recordings of
24 which are not made available under paragraph
25 (1)(F).

1 (5) FILING FEES.—The Judiciary Appropria-
2 tions Act, 1992 (title III of Public Law 102–140;
3 105 Stat. 807) is amended by striking section 303
4 (28 U.S.C. 1913 note) and inserting the following:

5 “SEC. 303. (a)(1) To cover the costs of maintaining
6 the Public Access to Court Electronic Records system in
7 accordance with section 408(c) of the Anti-Corruption and
8 Public Integrity Act, the Judicial Conference—

9 “(A) shall collect an annual fee from the De-
10 partment of Justice equal to the Public Access to
11 Court Electronic Records access fees paid by the De-
12 partment of Justice in 2018, as adjusted for infla-
13 tion; and

14 “(B) may, only to the extent necessary, pre-
15 scribe reasonable filing fees, pursuant to sections
16 1913, 1914, 1926, 1930, and 1932 of title 28,
17 United States Code, for collection by the courts
18 under those sections.

19 “(2) The filing fees shall be commensurate with the
20 burden imposed on the court by the party. The filing fees
21 shall impose a lesser fee on filers who are filing on behalf
22 of individuals. Pro se litigants and litigants who certify
23 their financial hardship shall not be subject to the filing
24 fees. The Director of the Administrative Office of the
25 United States Courts, under the direction of the Judicial

1 Conference of the United States, shall prescribe a schedule
2 of reasonable filing fees to cover the costs described in
3 this subsection that the Director shall maintain and make
4 available to the public.

5 “(b) The Judicial Conference and the Director shall
6 transmit each schedule of fees prescribed under subsection
7 (a) to Congress at least 30 days before the schedule be-
8 comes effective. All fees collected under subsection (a)
9 shall be deposited as offsetting collections to the Judiciary
10 Information Technology Fund pursuant to section
11 612(c)(1)(A) of title 28, United States Code, to reimburse
12 expenses incurred in providing services in accordance with
13 section 408(c) of the Anti-Corruption and Public Integrity
14 Act.”.

15 (6) RULE OF CONSTRUCTION.—Nothing in this
16 section, or the amendments made by this section,
17 shall be construed to—

18 (A) affect the filing fees or other filing
19 procedures for prisoners; or

20 (B) abrogate, limit, or modify the require-
21 ments described in section 1915 of title 28,
22 United States Code.

23 **SEC. 409. FORCED ARBITRATION INJUSTICE REPEAL.**

24 (a) PURPOSES.—The purposes of this section are
25 to—

1 (1) prohibit predispute arbitration agreements
2 that force arbitration of future employment, con-
3 sumer, antitrust, or civil rights disputes; and

4 (2) prohibit agreements and practices that
5 interfere with the right of individuals, workers, and
6 small businesses to participate in a joint, class, or
7 collective action related to an employment, con-
8 sumer, antitrust, or civil rights dispute.

9 (b) **ARBITRATION OF EMPLOYMENT, CONSUMER,**
10 **ANTITRUST, AND CIVIL RIGHTS DISPUTES.—**

11 (1) **IN GENERAL.**—Title 9 of the United States
12 Code is amended by adding at the end the following:

13 **“CHAPTER 4—ARBITRATION OF EMPLOY-**
14 **MENT, CONSUMER, ANTITRUST, AND**
15 **CIVIL RIGHTS DISPUTES**

“Sec.

“401. Definitions.

“402. No validity or enforceability.

16 **“§ 401. Definitions**

17 “In this chapter—

18 “(1) the term ‘antitrust dispute’ means a dis-
19 pute—

20 “(A) arising from an alleged violation of
21 the antitrust laws (as defined in subsection (a)
22 of the first section of the Clayton Act) or State
23 antitrust laws; and

1 “(B) in which the plaintiffs seek certifi-
2 cation as a class under rule 23 of the Federal
3 Rules of Civil Procedure or a comparable rule
4 or provision of State law;

5 “(2) the term ‘civil rights dispute’ means a dis-
6 pute—

7 “(A) arising from an alleged violation of—

8 “(i) the Constitution of the United
9 States or the constitution of a State;

10 “(ii) any Federal, State, or local law
11 that prohibits discrimination on the basis
12 of race, sex, age, gender identity, sexual
13 orientation, disability, religion, national or-
14 igin, or any legally protected status in edu-
15 cation, employment, credit, housing, public
16 accommodations and facilities, voting, vet-
17 erans or servicemembers, health care, or a
18 program funded or conducted by the Fed-
19 eral Government or State government, in-
20 cluding any law referred to or described in
21 section 62(e) of the Internal Revenue Code
22 of 1986, including parts of such law not
23 explicitly referenced in such section but
24 that relate to protecting individuals on any
25 such basis; and

1 “(B) in which at least one party alleging a
2 violation described in subparagraph (A) is one
3 or more individuals (or their authorized rep-
4 resentative), including one or more individuals
5 seeking certification as a class under rule 23 of
6 the Federal Rules of Civil Procedure or a com-
7 parable rule or provision of State law;

8 “(3) the term ‘consumer dispute’ means a dis-
9 pute between—

10 “(A) one or more individuals who seek or
11 acquire real or personal property, services (in-
12 cluding services related to digital technology),
13 securities or other investments, money, or credit
14 for personal, family, or household purposes in-
15 cluding an individual or individuals who seek
16 certification as a class under rule 23 of the
17 Federal Rules of Civil Procedure or a com-
18 parable rule or provision of State law; and

19 “(B)(i) the seller or provider of such prop-
20 erty, services, securities or other investments,
21 money, or credit; or

22 “(ii) a third party involved in the selling,
23 providing of, payment for, receipt or use of in-
24 formation about, or other relationship to any

1 such property, services, securities or other in-
2 vestments, money, or credit;

3 “(4) the term ‘employment dispute’ means a
4 dispute between one or more individuals (or their
5 authorized representative) and a person arising out
6 of or related to the work relationship or prospective
7 work relationship between them, including a dispute
8 regarding the terms of or payment for, advertising
9 of, recruiting for, referring of, arranging for, or dis-
10 cipline or discharge in connection with, such work,
11 regardless of whether the individual is or would be
12 classified as an employee or an independent con-
13 tractor with respect to such work, and including a
14 dispute arising under any law referred to or de-
15 scribed in section 62(e) of the Internal Revenue
16 Code of 1986, including parts of such law not explic-
17 itly referenced in such section but that relate to pro-
18 tecting individuals on any such basis, and including
19 a dispute in which an individual or individuals seek
20 certification as a class under rule 23 of the Federal
21 Rules of Civil Procedure or as a collective action
22 under section 16(b) of the Fair Labor Standards
23 Act, or a comparable rule or provision of State law;

24 “(5) the term ‘predispute arbitration agree-
25 ment’ means an agreement to arbitrate a dispute

1 that has not yet arisen at the time of the making
2 of the agreement; and

3 “(6) the term ‘predispute joint-action waiver’
4 means an agreement, whether or not part of a
5 predispute arbitration agreement, that would pro-
6 hibit, or waive the right of, one of the parties to the
7 agreement to participate in a joint, class, or collec-
8 tive action in a judicial, arbitral, administrative, or
9 other forum, concerning a dispute that has not yet
10 arisen at the time of the making of the agreement.

11 **“§ 402. No validity or enforceability**

12 “(a) IN GENERAL.—Notwithstanding any other pro-
13 vision of this title, no predispute arbitration agreement or
14 predispute joint-action waiver shall be valid or enforceable
15 with respect to an employment dispute, consumer dispute,
16 antitrust dispute, or civil rights dispute.

17 “(b) APPLICABILITY.—

18 “(1) IN GENERAL.—An issue as to whether this
19 chapter applies with respect to a dispute shall be de-
20 termined under Federal law. The applicability of this
21 chapter to an agreement to arbitrate and the validity
22 and enforceability of an agreement to which this
23 chapter applies shall be determined by a court, rath-
24 er than an arbitrator, irrespective of whether the
25 party resisting arbitration challenges the arbitration

1 agreement specifically or in conjunction with other
2 terms of the contract containing such agreement,
3 and irrespective of whether the agreement purports
4 to delegate such determinations to an arbitrator.

5 “(2) COLLECTIVE BARGAINING AGREEMENTS.—

6 Nothing in this chapter shall apply to any arbitra-
7 tion provision in a contract between an employer and
8 a labor organization or between labor organizations,
9 except that no such arbitration provision shall have
10 the effect of waiving the right of a worker to seek
11 judicial enforcement of a right arising under a provi-
12 sion of the Constitution of the United States, a
13 State constitution, or a Federal or State statute, or
14 public policy arising therefrom.”.

15 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) IN GENERAL.—Title 9 of the United States
17 Code is amended—

18 (A) in section 1 by striking “of seamen,”
19 and all that follows through “interstate com-
20 merce” and inserting in its place “of individ-
21 uals, regardless of whether such individuals are
22 designated as employees or independent con-
23 tractors for other purposes”;

1 (B) in section 2 by inserting “or as other-
2 wise provided in chapter 4” before the period at
3 the end;

4 (C) in section 208—

5 (i) in the section heading by striking
6 “**CHAPTER 1; RESIDUAL APPLICA-**
7 **TION**” and inserting “**APPLICATION**”;
8 and

9 (ii) by adding at the end the fol-
10 lowing: “This chapter applies to the extent
11 that this chapter is not in conflict with
12 chapter 4.”; and

13 (D) in section 307—

14 (i) in the section heading by striking
15 “**CHAPTER 1; RESIDUAL APPLICA-**
16 **TION**” and inserting “**APPLICATION**”;
17 and

18 (ii) by adding at the end the fol-
19 lowing: “This chapter applies to the extent
20 that this chapter is not in conflict with
21 chapter 4.”.

22 (2) TABLE OF SECTIONS.—

23 (A) CHAPTER 2.—The table of sections of
24 chapter 2 of title 9, United States Code, is

1 amended by striking the item relating to section
2 208 and inserting the following:

“208. Application.”.

3 (B) CHAPTER 3.—The table of sections of
4 chapter 3 of title 9, United States Code, is
5 amended by striking the item relating to section
6 307 and inserting the following:

“307. Application.”.

7 (3) TABLE OF CHAPTERS.—The table of chap-
8 ters of title 9, United States Code, is amended by
9 adding at the end the following:

“4. Arbitration of Employment, Consumer, Antitrust, and Civil Rights
 Disputes 401”.

10 (d) EFFECTIVE DATE.—This Act, and the amend-
11 ments made by this Act, shall take effect on the date of
12 enactment of this Act and shall apply with respect to any
13 dispute or claim that arises or accrues on or after such
14 date.

15 (e) RULE OF CONSTRUCTION.—Nothing in this Act,
16 or the amendments made by this Act, shall be construed
17 to prohibit the use of arbitration on a voluntary basis after
18 the dispute arises.

1 **SEC. 410. RESTRICTIONS ON PROTECTIVE ORDERS AND**
2 **SEALING OF CASES AND SETTLEMENTS.**

3 (a) IN GENERAL.—Chapter 111 of title 28, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 1660. Restrictions on protective orders and sealing**
7 **of cases and settlements**

8 “(a) RESTRICTIONS ON ORDERS RELATING TO THE
9 DISCLOSURE OF INFORMATION.—

10 “(1) IN GENERAL.—In any civil action in which
11 the pleadings state facts that are relevant to the
12 protection of public health or safety, a court shall
13 not enter, by stipulation or otherwise, an order oth-
14 erwise authorized under rule 26(c) of the Federal
15 Rules of Civil Procedure restricting the disclosure of
16 information obtained through discovery, an order
17 otherwise authorized approving a settlement agree-
18 ment that would restrict the disclosure of informa-
19 tion obtained through discovery, or an order other-
20 wise authorized restricting access to court records
21 unless in connection with the order the court finds—

22 “(A) that the order would not restrict the
23 disclosure of information which is relevant to
24 the protection of public health or safety; or

25 “(B) that—

1 “(i) the public interest in the disclo-
2 sure of past, present, or potential public
3 health or safety hazards is outweighed by
4 a specific and substantial interest in main-
5 taining the confidentiality of the informa-
6 tion or records in question; and

7 “(ii) the requested order is no broader
8 than necessary to protect the confiden-
9 tiality interest asserted.

10 “(2) LIMIT ON EFFECT.—No order entered in
11 accordance with paragraph (1), other than an order
12 approving a settlement agreement, may continue in
13 effect after the entry of final judgment unless at the
14 time of, or after, the entry of the order the court
15 makes a separate finding of fact that the require-
16 ments of paragraph (1) continue to be met.

17 “(3) RULE OF CONSTRUCTION.—Nothing in
18 paragraph (1) shall be construed to require the dis-
19 closure of the identity of individuals who disclose
20 evidence of a violation of any law, rule, or regulation
21 or other fraud, waste, abuse, or misconduct or other
22 persons protected from disclosure under Federal law.

23 “(b) RESTRICTIONS ON ENFORCEMENT RELATING
24 TO FEDERAL AND STATE AGENCIES.—In any civil action
25 in which the pleadings state facts that are relevant to the

1 protection of public health or safety, a court shall not en-
2 force any provision of an agreement between or among
3 parties to the civil action, or enforce an order entered in
4 accordance with subsection (a)(1), to the extent that the
5 provision or order prohibits or otherwise restricts a party
6 from disclosing any information relevant to the civil action
7 to any Federal or State agency with authority to enforce
8 laws regulating an activity relating to the information.

9 “(c) LIMITS ON SCOPE.—

10 “(1) IN GENERAL.—Subject to paragraph (2), a
11 court shall not enforce any provision of a settlement
12 agreement between or among parties to any civil ac-
13 tion in which the pleadings state facts that are rel-
14 evant to the protection of public health or safety
15 that prohibits one or more parties from—

16 “(A) disclosing the fact that the settlement
17 was reached or the terms of the settlement (ex-
18 cluding any money paid) that involve matters
19 relevant to the protection of public health or
20 safety; or

21 “(B) discussing matters relevant to the
22 protection of public health or safety involved in
23 the civil action.

24 “(2) EXCEPTION.—Paragraph (1) applies un-
25 less the court finds that—

1 “(A) the public interest in the disclosure of
2 past, present, or potential public health or safe-
3 ty hazards is outweighed by a specific and sub-
4 stantial interest in maintaining the confiden-
5 tiality of the information in question; and

6 “(B) the requested order is no broader
7 than necessary to protect the confidentiality in-
8 terest asserted.

9 “(d) REBUTTABLE PRESUMPTION RELATING TO
10 PERSONALLY IDENTIFIABLE INFORMATION.—For pur-
11 poses of implementing subsections (a)(1)(B)(i) and
12 (c)(2)(A), when weighing the interest in maintaining con-
13 fidentiality under this section, there shall be a rebuttable
14 presumption that the interest in protecting personally
15 identifiable information of an individual outweighs the
16 public interest in disclosure.

17 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to permit, require, or authorize the
19 disclosure of classified information (as defined under sec-
20 tion 1 of the Classified Information Procedures Act (18
21 U.S.C. App.)).”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of sections for chapter 111 of title 28, United
24 States Code, is amended by adding after the item relating
25 to section 1659 the following:

“1660. Restrictions on protective orders and sealing of cases and settlements.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall—

3 (1) take effect 30 days after the date of enact-
4 ment of this Act; and

5 (2) apply only to orders entered in civil actions
6 or agreements entered into on or after such date.

7 **SEC. 411. SECRET SETTLEMENTS BAN.**

8 (a) DEFINITIONS.—In this section—

9 (1) the terms “antitrust dispute”, “civil rights
10 dispute”, “consumer dispute”, and “employment dis-
11 pute” have the meanings given those terms in sec-
12 tion 401 of title 9, United States Code, as added by
13 section 409 of this Act;

14 (2) the term “covered agreement”—

15 (A) means a contract or settlement agree-
16 ment between a covered person and any other
17 person relating to an antitrust dispute, civil
18 rights dispute, consumer dispute, discrimination
19 dispute, or employment dispute; and

20 (B) does not include a collective bargaining
21 agreement between a covered person and the
22 collective bargaining representative of the em-
23 ployees of the covered person;

24 (3) the term “covered person” means—

25 (A) an individual that is an employer; or

1 (B) a corporation, limited liability com-
2 pany, or other entity that is created by the fil-
3 ing of a public document with a secretary of
4 state of a State or similar office, without regard
5 to whether the entity is a for-profit or nonprofit
6 entity or is an employer; and

7 (4) the term “secret settlement provision”
8 means a provision in a covered agreement that has
9 the purpose or effect of concealing the details of a
10 claim relating to the antitrust dispute, civil rights
11 dispute, consumer dispute, or employment dispute to
12 which the covered agreement relates.

13 (b) BAN ON SECRET SETTLEMENTS.—A secret set-
14 tlement provision—

15 (1) shall be deemed against public policy; and

16 (2) shall have no force or effect.

17 (c) NOTICE.—A covered agreement shall include a
18 bold, prominently placed notice stating that any secret set-
19 tlement provision in the covered agreement has no force
20 or effect and is unenforceable against any person.

21 (d) COSTS.—In any civil action, if a covered person
22 seeks to enforce a secret settlement provision, the court
23 may award costs, including reasonable attorney’s fees, to
24 the person against whom the covered person seeks to en-
25 force the secret settlement provision.

1 (e) PROHIBITION ON RETALIATION.—A covered per-
2 son shall not take or threaten to take any personnel action
3 against a current or former employee of the covered per-
4 son based on whole or in part on a failure or refusal by
5 the employee to sign or enter into a covered agreement
6 that contains a secret settlement provision.

7 **SEC. 412. OVERSIGHT PROCESS FOR DISQUALIFICATION OF**
8 **JUSTICE, JUDGE, OR MAGISTRATE JUDGE.**

9 Section 455 of title 28, United States Code, as
10 amended by section 404 of this Act, is amended by adding
11 at the end the following:

12 “(h)(1) Any litigant appearing before a justice, judge,
13 or magistrate judge of the United States may file a peti-
14 tion that the justice, judge, or magistrate judge of the
15 United States, as applicable, shall be disqualified based
16 on the criteria described in subsection (b).

17 “(2)(A) Any judge or magistrate judge of the United
18 States subject to a petition under paragraph (1) may pro-
19 vide a public, written response to the petition that provides
20 a written explanation relating to any disqualification deci-
21 sion.

22 “(B) Any justice of the Supreme Court of the United
23 States subject to a petition under paragraph (1) shall pro-
24 vide a public, written response to the petition that provides

1 a written explanation relating to any disqualification deci-
2 sion.

3 “(3) If a litigant makes a petition under paragraph
4 (1) relating to a justice of the Supreme Court of the
5 United States, the Judicial Conference of the United
6 States shall issue a nonbinding, public advisory opinion
7 with its recommendation, which shall be shared with the
8 Supreme Court Review Committee established in section
9 415 of the Anti-Corruption and Public Integrity Act.

10 “(4) If the Judicial Conference of the United States
11 recommends that a justice of the Supreme Court of the
12 United States be disqualified under this section, the jus-
13 tice shall publicly explain a final disqualification decision
14 in writing, which shall be shared with the Supreme Court
15 Review Committee established in section 415 of the Anti-
16 Corruption and Public Integrity Act.

17 “(5)(A) For any judge or magistrate judge of the
18 United States, the Judicial Conference of the United
19 States shall—

20 “(B) establish a written process to determine whether
21 a judge meets 1 or more of the criteria in subsection (b);
22 and

23 “(C) use any administrative procedures which may be
24 necessary to aid in the execution of the written process
25 described in subparagraph (B), which may include any

1 procedures or software that may be necessary to determine
2 whether a judge meets 1 or more of the criteria in sub-
3 section (b).

4 “(D) The process described in subparagraph (B)
5 shall be made publicly available and, at a minimum—

6 “(i) include how an individual may make a peti-
7 tion under paragraph (1) for a judge to be disquali-
8 fied;

9 “(ii) ensure that a judge or group of judges
10 other than the judge who is the subject of the in-
11 quiry determines whether the judge shall be disquali-
12 fied;

13 “(iii) allow the judge or group of judges making
14 the disqualification determination to receive the ex-
15 pert advice of ethics personnel and officials, includ-
16 ing individuals with expertise in ethics at the Judi-
17 cial Conference or at the Office of Public Integrity;

18 “(iv) require that the judge be disqualified
19 should another judge or group of judges determine
20 that the judge must be disqualified in accordance
21 with this subsection; and

22 “(v) require that all recusal decisions be made
23 publicly available and be accompanied by a written
24 explanation for the recusal decision.”.

1 **SEC. 413. COMPLAINTS AGAINST RETIRED JUDGES AND JU-**
2 **DICIAL DISCIPLINE.**

3 (a) COMPLAINTS.—Section 351(d) of title 28, United
4 States Code, is amended—

5 (1) by striking paragraph (1) and inserting the
6 following:

7 “(1) the term ‘judge’—

8 “(A) means a circuit judge, district judge,
9 bankruptcy judge, or magistrate judge; and

10 “(B) includes a retired judge described in
11 subparagraph (A);”; and

12 (2) in paragraph (2), by striking the period at
13 the end and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(4) the term ‘retired judge’ means any judge
16 of the United States who has retired from regular
17 active service under section 371(b) or 372(a).”.

18 (b) REVIEW OF COMPLAINT BY CHIEF JUDGE.—Sec-
19 tion 352 of title 28, United States Code, is amended by
20 adding at the end the following:

21 “(e) DEFINITION.—In this section, the term ‘inter-
22 vening events’ does not include the retirement of the judge
23 whose conduct is complained of or the nomination or con-
24 firmation of the judge to the Supreme Court of the United
25 States.”.

1 **SEC. 414. ACTION BY JUDICIAL COUNCIL IN RESPONSE TO**
2 **MISCONDUCT BY JUDGES.**

3 Section 354 of title 28, United States Code, is
4 amended—

5 (1) in subsection (a)(2), by adding at the end
6 the following:

7 “(D) **RETIRED JUDGES.**—If the conduct of
8 a retired judge is the subject of the complaint,
9 action by the judicial council under paragraph
10 (1)(C) may include—

11 “(i) censuring or reprimanding the
12 judge by means of public announcement;
13 and

14 “(ii) reducing or rescinding the non-
15 vested pension benefits of the retired
16 judge.

17 “(E) **REMEDIAL ACTIONS FOR CERTAIN**
18 **CONDUCT.**—

19 “(i) **DEFINITION.**—In this subpara-
20 graph, the term ‘covered judge’ does not
21 include a retired judge.

22 “(ii) **CONDUCT.**—If the conduct of a
23 covered judge is the subject of the com-
24 plaint, action by the judicial council under
25 paragraph (1)(C) may include mandating
26 that the covered judge participate in pro-

1 fessional counseling, treatment, education,
2 or mentoring to address the misconduct at
3 issue.”; and

4 (2) by adding at the end the following:

5 “(c) REPORT.—

6 “(1) SUBMISSION TO JUDICIAL CONFERENCE
7 OF THE UNITED STATES.—Each chief judge of the
8 circuit shall submit to the Judicial Conference of the
9 United States an annual report on, with respect to
10 the previous year—

11 “(A) the number of complaints filed under
12 section 351 against judges in the circuit; and

13 “(B) the outcome of the complaints de-
14 scribed in subparagraph (A).

15 “(2) SUBMISSION TO CONGRESS.—The Judicial
16 Conference of the United States shall submit to the
17 Committee on the Judiciary of the Senate and the
18 Committee on the Judiciary of the House of Rep-
19 resentatives each report submitted under paragraph
20 (1).

21 “(3) PUBLIC AVAILABILITY.—No later than 30
22 days after submitting to Congress each report under
23 paragraph (1), the Judicial Conference of the United
24 States shall make the report available to the pub-
25 lic.”.

1 **SEC. 415. SUPREME COURT COMPLAINTS REVIEW COM-**
2 **MITTEE.**

3 (a) DEFINITIONS.—In this section:

4 (1) REVIEW COMMITTEE.—The term “Review
5 Committee” means the Supreme Court Complaints
6 Review Committee.

7 (2) CLOSE FAMILY MEMBER.—The term “close
8 family member” includes—

9 (A) a parent of the reporting individual;

10 (B) a spouse of the reporting individual;

11 and

12 (C) an adult child of the reporting indi-
13 vidual.

14 (b) ESTABLISHMENT.—For the purpose of assisting
15 the House of Representatives in carrying out its respon-
16 sibilities under section 2 of article I and section 4 of article
17 II of the Constitution of the United States, there is estab-
18 lished in the legislative branch to be known as the Su-
19 preme Court Complaints Review Committee under the
20 general supervision of the Committee on the Judiciary of
21 the House of Representatives.

22 (c) MEMBERS.—

23 (1) IN GENERAL.—The Review Committee shall
24 consist of 5 members, of whom—

25 (A) 2 shall be appointed by the Speaker of
26 the House of Representatives;

1 (B) 2 shall be appointed by the minority
2 leader of the House of Representatives; and

3 (C) 1 shall be appointed by agreement of
4 the Speaker of the House of Representatives
5 and the minority leader of the House of Rep-
6 resentatives.

7 (2) QUALIFICATIONS OF REVIEW COMMITTEE
8 MEMBERS.—

9 (A) EXPERTISE.—Each member of the Re-
10 view Committee shall be an individual of excep-
11 tional public standing who is specifically quali-
12 fied to serve on the Review Committee by virtue
13 of the individual's education, training, or expe-
14 rience in 1 or more of the the following fields:

15 (i) Constitutional law.

16 (ii) Impeachment.

17 (iii) Judicial ethics.

18 (iv) Professional ethics.

19 (v) Legal history.

20 (vi) Judicial service.

21 (B) SELECTION BASIS.—Selection and ap-
22 pointment of each member of the Review Com-
23 mittee shall be without regard to political affili-
24 ation and solely on the basis of fitness to per-

1 form the duties of a member of the Review
2 Committee.

3 (C) CITIZENSHIP.—Each member of the
4 Review Committee shall be a United States cit-
5 izen.

6 (D) DISQUALIFICATIONS.—No individual
7 shall be eligible for appointment to, or service
8 on, the Review Committee who—

9 (i) has ever been registered, or re-
10 quired to be registered, as a lobbyist under
11 the Lobbying Disclosure Act of 1995 (2
12 U.S.C. 1601 et seq.);

13 (ii) engages in, or is otherwise em-
14 ployed in, lobbying of the Congress;

15 (iii) is registered or is required to be
16 registered as an agent of a foreign prin-
17 cipal under the Foreign Agents Registra-
18 tion Act of 1938 (22 U.S.C. 611 et seq.);

19 (iv) is a currently serving judge, jus-
20 tice, or employee of the Federal courts;

21 (v) is an officer or employee of the
22 Federal Government;

23 (vi) is a close family member of any
24 judge or justice of the Federal courts;

1 (vii) during the 4 years preceding the
2 date of appointment, engaged in any sig-
3 nificant political activity (including being a
4 candidate for public office, fundraising for
5 a candidate for public office or a political
6 party, or serving as an officer or employee
7 of a political campaign or party);

8 (viii) during the 2 years preceding the
9 date of appointment, served as a fiduciary
10 or personal attorney for an judge, justice,
11 or employee of the Federal courts, includ-
12 ing any judge or justice; or

13 (ix) any currently serving Senator or
14 Representative in, or Delegate or Resident
15 Commissioner to, the Congress.

16 (3) TERM AND REMOVAL.—

17 (A) LENGTH OF TERM.—The term of a
18 member of the Review Committee shall be for
19 2 Congresses.

20 (B) TERM LIMITS.—A member of the Re-
21 view Committee may not serve during 4 con-
22 secutive Congresses.

23 (C) REMOVAL.—A member of the Review
24 Committee may be removed upon unanimous
25 agreement among the Speaker and the minority

1 leader of the House of Representatives or by an
2 affirmative vote of $\frac{2}{3}$ of the members of the
3 Committee on the Judiciary of the House of
4 Representatives.

5 (D) VACANCIES.—Any vacancy on the Re-
6 view Committee shall be filled for the unexpired
7 portion of the term in the same manner, and by
8 the same appointing authority, as the original
9 appointment under paragraph (2).

10 (d) CHAIRPERSON AND VICE-CHAIRPERSON.—

11 (1) IN GENERAL.—The members of the Review
12 Committee shall elect a chairperson and a vice-chair-
13 person of the Review Committee by a majority vote.
14 The chairperson and the vice-chairperson shall serve
15 a 1-year term, and may be reelected for additional
16 1-year terms.

17 (2) DUTIES.—The chairperson of the Review
18 Committee shall preside at the meetings of the Re-
19 view Committee, and the vice-chairperson shall pre-
20 side in the absence or disability of the chairperson.

21 (e) MEETINGS.—

22 (1) QUORUM.—A majority of the members of
23 the Review Committee shall constitute a quorum.

24 (2) MEETINGS.—The Review Committee shall
25 meet at the call of the chairperson, the chair of the

1 Committee on the Judiciary of the House of Rep-
2 resentatives, or the call of a majority of its mem-
3 bers, pursuant to the rules of the Review Committee.

4 (3) VOTING.—Except as otherwise specifically
5 provided, a majority vote of the Review Committee
6 under this subtitle shall require an affirmative vote
7 of 3 or more members.

8 (f) COMPENSATION.—A member of the Review Com-
9 mittee shall not be considered to be an officer or employee
10 of the House or Senate, but shall be compensated at a
11 rate equal to the daily equivalent of the minimum annual
12 rate of basic pay prescribed for GS–15 of the General
13 Schedule under section 5107 of title 5, United States
14 Code, for each day (including travel time) during which
15 such member is engaged in the performance of the duties
16 of the Review Committee.

17 (g) DUTIES OF REVIEW COMMITTEE.—

18 (1) IN GENERAL.—The Review Committee shall
19 review each complaint made against the Chief Jus-
20 tice of the United States or a Justice of the Su-
21 preme Court of the United States through the re-
22 view process described in subsection (m).

23 (2) HEARINGS.—The Review Committee may
24 hold such hearings as are necessary and may sit and
25 act only in executive session at such times and

1 places, solicit such testimony, and receive such rel-
2 evant evidence, as may be necessary to carry out its
3 duties.

4 (h) FINANCIAL DISCLOSURE REPORTS.—

5 (1) IN GENERAL.—Each member of the Review
6 Committee shall file an annual financial disclosure
7 report with the Clerk of the House of Representa-
8 tives on or before May 15 of each calendar year im-
9 mediately following any year in which the member
10 served on the Review Committee. Each such report
11 shall be on a form prepared by the Clerk that is sub-
12 stantially similar to the form required for individuals
13 at the executive branch who must complete a con-
14 fidential financial disclosure report under section
15 102 of the Ethics in Government Act of 1978 (5
16 U.S.C. App.).

17 (2) DISTRIBUTION OF REPORT.—The Clerk of
18 the House of Representatives shall—

19 (A) not later than 7 days after the date
20 each financial disclosure report under para-
21 graph (1) is filed, send a copy of each such re-
22 port to Committee on the Judiciary of the
23 House of Representatives; and

1 (B) annually print all such financial disclo-
2 sure reports as a document of Congress, and
3 make the document available to the public.

4 (i) DUTIES AND POWERS OF THE REVIEW COM-
5 MITTEE.—

6 (1) IN GENERAL.—The Review Committee is
7 authorized—

8 (A) to establish a process for receiving and
9 reviewing complaints from any person regarding
10 allegations of misconduct by a Justice of the
11 Supreme Court of the United States;

12 (B) to conduct a review of material com-
13 plaints regarding alleged misconduct by a Jus-
14 tice of the Supreme Court of the United States;
15 and

16 (C) in any case where the Review Com-
17 mittee determines, on the basis of the review
18 described in subsection (m), that a Justice may
19 have engaged in conduct which might violate
20 the Code of Conduct for United States Judges
21 adopted by the Judicial Conference of the
22 United States or constitute 1 or more grounds
23 for impeachment under article II of the Con-
24 stitution of the United States, or which, in the
25 interest of justice, is not amenable to resolution

1 by the Review Committee, the Review Com-
2 mittee shall promptly certify such determina-
3 tion, together with any complaint and a record
4 of any associated proceedings to the Committee
5 on the Judiciary of the House of Representa-
6 tives.

7 (2) REFERRALS TO LAW ENFORCEMENT OFFI-
8 CIALS.—

9 (A) IN GENERAL.—Upon a majority vote
10 of the Review Committee, the Review Com-
11 mittee may refer potential legal violations com-
12 mitted by a justice to the Department of Jus-
13 tice or other relevant Federal or State law en-
14 forcement officials, which referral shall include
15 all appropriate evidence gathered during any re-
16 view or preliminary investigation conducted
17 under this subtitle.

18 (B) NOTIFICATION.—The Review Com-
19 mittee shall notify the Committee on the Judici-
20 ary of the Senate and the Committee on the
21 Judiciary of the House of Representatives of all
22 referrals under this subsection.

23 (3) LIMITATIONS ON REVIEW.—No review may
24 be undertaken by the Review Committee of any com-
25 plaint—

1 (A) that is directly related to the merits of
2 a decision or procedural ruling;

3 (B) that is frivolous, lacking sufficient evi-
4 dence to raise an inference that misconduct has
5 occurred, or containing allegations that are in-
6 capable of being established through investiga-
7 tion;

8 (C) concerning any alleged violation of law,
9 rule, regulation or standard of conduct not in
10 effect at the time of the alleged violation; or

11 (D) concerning any alleged violation that
12 occurred before the date of enactment of this
13 Act.

14 (j) PROHIBITION ON PUBLIC DISCLOSURE.—

15 (1) IN GENERAL.—

16 (A) PROHIBITION ON PUBLIC DISCLO-
17 SURE.—No information obtained by a member
18 or employee of the Review Committee regarding
19 complaints shall be publicly disclosed to any
20 person or entity outside the Review Committee,
21 unless approved by a majority vote of the Re-
22 view Committee. Any communication to any
23 person or entity outside the Review Committee
24 may occur only as authorized by the Review
25 Committee.

1 (B) PROCEDURES AND INVESTIGATION.—

2 The Review Committee shall establish, in con-
3 sultation with relevant agencies, procedures
4 necessary to prevent the unauthorized disclo-
5 sure of any information received by the Review
6 Committee. Any breaches of confidentiality
7 shall be investigated by the Review Committee
8 and appropriate action shall be taken, which
9 may include a recommendation to Congress for
10 removal pursuant to subsection (c)(3)(C).

11 (2) PROVISION WITH RESPECT TO HOUSE AND
12 SENATE JUDICIARY COMMITTEES.—Paragraph (1)
13 shall not preclude—

14 (A) any member or employee of the Review
15 Committee from presenting a report or findings
16 of the Committee, or testifying before the Com-
17 mittee on the Judiciary of the House of Rep-
18 resentatives, if requested by the Committee on
19 the Judiciary of the House of Representatives
20 pursuant to its rules;

21 (B) any necessary communication with the
22 Department of Justice or any other law en-
23 forcement agency; or

24 (C) any necessary communication with the
25 Speaker or minority leader of the House of

1 Representatives or the majority leader or mi-
2 nority leader of the Senate.

3 (3) OPPORTUNITY TO PRESENT.—Before the
4 Review Committee votes on a recommendation or
5 statement to be transmitted to the Committee on the
6 Judiciary of the House of Representatives relating
7 to a complaint involving a justice, the Review Com-
8 mittee shall provide the justice whose conduct is the
9 subject of the complaint the opportunity to present,
10 orally or in writing (at the discretion of the justice),
11 a statement to the Review Committee.

12 (k) PRESENTATION OF REPORTS TO THE HOUSE JU-
13 DICARY COMMITTEE.—Whenever the Review Committee
14 transmits any report to the Committee on the Judiciary
15 of the House of Representatives relating to a complaint
16 involving a justice, the Review Committee shall designate
17 a member or employee of the Review Committee to present
18 the report to the House Judiciary Committee if requested
19 by the Committee on the Judiciary of the House of Rep-
20 resentatives.

21 (l) MAINTAINING OF FINANCIAL DISCLOSURE RE-
22 PORTS.—The Review Committee shall receive, and main-
23 tain, a copy of each report filed under section 101 of the
24 Ethics in Government Act of 1978 (5 U.S.C. App.) by a
25 Justice of the Supreme Court of the United States.

1 (m) COMPLAINTS.—

2 (1) SOURCE OF COMPLAINTS.—Any person, in-
3 cluding a judge, justice, or employee of the courts of
4 the United States may file with the Review Com-
5 mittee a complaint alleging a violation by a justice
6 of any law (including any regulation), rule, or other
7 standard of conduct, including the Code of Conduct
8 for United States Judges adopted by the Judicial
9 Conference of the United States, applicable to the
10 conduct of such justice in the performance of the du-
11 ties, or the discharge of the responsibilities, of the
12 justice.

13 (2) FALSE CLAIMS AND STATEMENTS AC-
14 KNOWLEDGMENT.—Any complaint submission under
15 paragraph (1) shall include a signed statement ac-
16 knowledging that the person submitting the allega-
17 tion or information understands that section 1001 of
18 title 18, United States Code (popularly known as the
19 “False Statements Act”) applies to the information.

20 (3) REVIEW PROCESS OF ALLEGED VIOLATIONS
21 BY A JUSTICE.—

22 (A) REVIEW AUTHORIZATION.—

23 (i) IN GENERAL.—After receiving a
24 complaint under paragraph (1), the Review
25 Committee may, by majority vote, author-

1 ize a review under subparagraph (B) of
2 any alleged violation by a justice of any
3 law (including any regulation), rule, or
4 other standard of conduct, including the
5 Code of Conduct for United States Judges
6 adopted by the Judicial Conference of the
7 United States, applicable to the conduct of
8 such justice in the performance of the du-
9 ties, or the discharge of the responsibil-
10 ities, of the justice.

11 (ii) REQUIREMENTS.—The authoriza-
12 tion under clause (i) shall—

13 (I) be in writing; and

14 (II) include a brief description of
15 the specific matter and an explanation
16 of why allegations in complaint meet
17 the criteria in subsection (i)(3).

18 (B) REVIEW PROCESS.—

19 (i) INITIATION AND NOTIFICATION OF
20 REVIEW.—After the date on which the Re-
21 view Committee makes an authorization
22 under subparagraph (A), the Review Com-
23 mittee shall—

24 (I) initiate a review of the alleged
25 violation; and

1 (II) provide a written notification
2 of the commencement of the review,
3 including a statement of the nature of
4 the review, to—

5 (aa) the Committee on the
6 Judiciary of the Senate and the
7 Committee on the Judiciary of
8 the House of Representatives;
9 and

10 (bb) the justice who is the
11 subject of the review.

12 (ii) OPPORTUNITY TO TERMINATE RE-
13 VIEW.—At any time, the Review Com-
14 mittee may, by a majority vote, terminate
15 a review on any ground, including that the
16 matter under review is de minimis in na-
17 ture. If the Review Committee votes to ter-
18 minate the review, the Committee shall—

19 (I) notify, in writing, the com-
20 plainant, the justice who was the sub-
21 ject of the review, the Committee on
22 the Judiciary of the Senate, and the
23 Committee on the Judiciary of the
24 House of Representatives of its deci-

1 sion to terminate the review of the
2 matter; and

3 (II) send a report, including any
4 findings of the Review Committee, to
5 the Committee on the Judiciary of the
6 Senate and the Committee on the Ju-
7 diciary of the House of Representa-
8 tives.

9 (C) SCOPE OF REVIEW.—During a review,
10 the Review Committee shall evaluate the com-
11 plaint and determine, based on a majority vote,
12 whether the misconduct alleged in the com-
13 plaint, if true, may constitute “Treason, Brib-
14 ery, and other high Crimes and Misdemeanors”
15 under section 4 of article II of the Constitution
16 of the United States.

17 (D) COMPLETION OF REVIEW.—Upon the
18 completion of any review, the Review Com-
19 mittee shall—

20 (i) transmit to the Committee on the
21 Judiciary of the House of Representatives
22 a written report that includes—

23 (I) a statement of the nature of
24 the review and the justice who is the
25 subject of the review;

1 (II) the Review Committee’s de-
2 termination under paragraph (3);

3 (III) a description of the number
4 of members voting in the affirmative
5 and in the negative for the Review
6 Committee’s determination under
7 paragraph (3)(C);

8 (IV) any relevant findings of the
9 Review Committee, including—

10 (aa) any findings of fact;

11 (bb) a description of any rel-
12 evant information that the Re-
13 view Committee was unable to
14 obtain or witnesses whom the Re-
15 view Committee was unable to
16 interview, and the reasons there-
17 for; and

18 (cc) a citation of any rel-
19 evant law, regulation, or stand-
20 ard of conduct relating to the al-
21 leged misconduct;

22 (V) any supporting documenta-
23 tion; and

24 (VI) a written determination of
25 whether the misconduct alleged in the

1 complaint, if true, may constitute
2 “Treason, Bribery, and other high
3 Crimes and Misdemeanors” under sec-
4 tion 4 of article II of the Constitution
5 of the United States; and

6 (ii) transmit to the complainant and
7 the justice who is the subject of the review
8 the written report of the Review Com-
9 mittee described in clause (i).

10 (n) HOUSE JUDICIARY COMMITTEE CONSIDERATION
11 OF REVIEW COMMITTEE REPORT.—If the Review Com-
12 mittee determines, after a review, that misconduct alleged
13 in a complaint, if true, may constitute “Treason, Bribery,
14 and other high Crimes and Misdemeanors” under section
15 4 of article II of the Constitution of the United States,
16 not later than 30 legislative days of continuous session in
17 the House of Representatives after the Committee on the
18 Judiciary of the House of Representatives receives a re-
19 port under subsection (m), the Committee on the Judici-
20 ary of the House of Representatives shall vote on whether
21 to proceed with an investigation or an impeachment in-
22 quiry.

23 (o) REQUEST FROM HOUSE JUDICIARY COM-
24 MITTEE.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of this section, upon receipt of a written
3 request from the Committee on the Judiciary of the
4 House of Representatives that the Review Com-
5 mittee cease its review of any matter and refer such
6 matter to the Committee on the Judiciary of the
7 House of Representatives because of the ongoing in-
8 vestigation of the matter by the Committee on the
9 Judiciary of the House of Representatives, the Re-
10 view Committee shall refer such matter to the Com-
11 mittee on the Judiciary of the House of Representa-
12 tives, cease its review of that matter and so notify
13 any justice who is the subject of the review.

14 (2) RESUMPTION OF REVIEW.—If the Com-
15 mittee on the Judiciary of the House of Representa-
16 tives notifies the Review Committee in writing that
17 the Review Committee may continue its review of
18 the complaint, the Review Committee may begin or
19 continue, as the case may be, a review of the matter.

20 (3) RULE OF CONSTRUCTION.—Nothing in this
21 subsection shall be construed to prevent the Review
22 Committee from sending any information regarding
23 the matter to law enforcement agencies.

24 (p) PROCEDURES.—

1 (1) REVIEW POWERS.—Members or employees
2 of the Review Committee may, during a review—

3 (A) administer to or take from any person
4 an oath, affirmation, or affidavit;

5 (B) obtain information or assistance from
6 any Federal, State, or local governmental agen-
7 cy, or other entity, or unit thereof, including all
8 information kept in the course of business by
9 the Judicial Conference of the United States,
10 the judicial councils of circuits, the Administra-
11 tive Office of the United States Courts, and the
12 United States Sentencing Commission;

13 (C) take the deposition of witnesses; and

14 (D) submit to the chair of the Committee
15 on the Judiciary of the House of Representa-
16 tives a request for the Committee on the Judici-
17 ary of the House of Representatives to require
18 by subpoena the attendance of and testimony
19 by witnesses and the production any book,
20 check, canceled check, correspondence, commu-
21 nication, document, email, paper, physical evi-
22 dence, record, recording, tape, or other material
23 (including electronic records) relating to any
24 matter or question the Review Committee is au-

1 thorized to review from any individual or entity,
2 which—

3 (i) shall be handled in accordance
4 with the rules of the Committee on the Ju-
5 diciary of the House of Representatives;
6 and

7 (ii) may allow for the transmission of
8 information or testimony between the Re-
9 view Committee and the Committee on the
10 Judiciary of the House of Representatives,
11 in accordance with rules of the Committee
12 on the Judiciary of the House of Rep-
13 resentatives.

14 (2) PROHIBITION OF EX PARTE COMMUNICA-
15 TIONS.—There shall be no ex parte communications
16 between any member or employee of the Review
17 Committee and any justice who is the subject of any
18 review by the Review Committee or between any
19 member of the Review Committee and any interested
20 party.

21 (3) OTHER REVIEW COMMITTEE RULES AND
22 PROCEDURES.—The Review Committee is authorized
23 to establish any additional rules or procedures pur-
24 suant to its duties and powers in paragraph (1) nec-

1 essary to carry out the functions of the Review Com-
2 mittee in accordance with this section.

3 (q) PERSONNEL MATTERS.—

4 (1) APPOINTMENT AND COMPENSATION OF EM-
5 PLOYEES.—The Review Committee may appoint and
6 fix the compensation of such professional, non-
7 partisan staff (including staff with relevant experi-
8 ence in investigations and law enforcement) of the
9 Review Committee as it considers necessary to per-
10 form its duties, who—

11 (A) shall perform all official duties in a
12 nonpartisan manner; and

13 (B) may not engage in any partisan polit-
14 ical activity directly affecting any congressional
15 or presidential election, or any nomination of a
16 Federal judge or justice.

17 (2) QUALIFICATIONS.—Each employee of the
18 Review Committee shall be professional and demon-
19 strably qualified for the position for which the em-
20 ployee is hired.

21 (3) TERMINATION OF EMPLOYEES.—The em-
22 ployment of an employee of the Review Committee
23 may be terminated at any time by the Review Com-
24 mittee.

1 (4) CODE OF CONDUCT.—The Review Com-
2 mittee shall establish a code of conduct to govern
3 the behavior of the members or employees of the Re-
4 view Committee, which shall include the avoidance of
5 conflicts of interest.

6 (r) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 such sums as may be necessary.

9 **SEC. 416. EXPEDITED IMPEACHMENT OF FEDERAL JUDGES.**

10 Section 355(b) of title 28, United States Code, is
11 amended by adding at the end the following:

12 “(3) EXPEDITED IMPEACHMENT.—

13 “(A) IN GENERAL.—After the Judicial
14 Conference transmits the determination and the
15 record of proceedings under paragraph (1) or
16 (2) to the House of Representatives, the deter-
17 mination and record shall be immediately re-
18 ferred to the Committee on the Judiciary of the
19 House of Representatives.

20 “(B) VOTE.—Not later than 30 legislative
21 days of continuous session in the House of Rep-
22 resentatives after the Committee on the Judici-
23 ary of the House of Representatives receives the
24 determination and the record of proceedings
25 under subparagraph (A), the Committee on the

1 Judiciary of the House of Representatives shall
2 vote on whether to proceed with an investiga-
3 tion or an impeachment inquiry.”.

4 **SEC. 417. JUDICIAL WORKPLACE CLIMATE SURVEYS.**

5 (a) IN GENERAL.—Chapter 21 of title 28, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 464. Judicial workplace climate surveys**

9 “(a) IN GENERAL.—The Judicial Conference of the
10 United States shall administer climate survey to each em-
11 ployee of a court of the United States about the work envi-
12 ronment of the court, which shall—

13 “(1) be administered not later than 18 months
14 after the date of enactment of this section and every
15 2 years thereafter;

16 “(2) be voluntary;

17 “(3) survey respondents on the general work
18 environment, including attitudes in the workplace re-
19 garding diversity and inclusion and harassment or
20 discrimination on the basis of race, ethnicity, dis-
21 ability, sex, sexual orientation, and gender identity;
22 and

23 “(4) be anonymous and confidential, with notice
24 of the anonymity and confidentiality made to the re-
25 spondent throughout the survey.

1 “(b) TRANSMISSION OF INFORMATION.—Information
2 obtained in a survey administered under subsection (a)
3 shall be—

4 “(1) made publicly available; and

5 “(2) transmitted to the Committee on the Judi-
6 ciary of the Senate and the Committee on the Judi-
7 ciary, the Chief Justice of the United States, and
8 the Judicial Conference of the United States.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENT.—
10 The table of sections for chapter 21 of title 28, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

“464. Judicial workplace climate surveys.”.

13 **SEC. 418. PILOT PROGRAM TO PROVIDE ACCESS TO COUN-**
14 **SEL IN FEDERAL COURT.**

15 (a) DEFINITIONS.—In this section:

16 (1) DIRECTOR.—The term “Director” means
17 the Director of the Administrative Office of the
18 United States Courts.

19 (2) ELIGIBLE ENTITY.—The term “eligible enti-
20 ty” means any of the following:

21 (A) A State or local public defenders of-
22 fice.

23 (B) A clinical law program at a nonprofit
24 law school.

1 (C) An organization described in section
2 501(c)(3) of the Internal Revenue Code of 1986
3 which is exempt from taxation under section
4 501(a) of such Code, which organization has ex-
5 pertise in providing legal assistance to persons
6 unable to afford counsel.

7 (D) A State bar association.

8 (b) AUTHORIZATION.—The Director is authorized to
9 carry out a pilot program to facilitate the appointment of
10 counsel under section 1915(e)(1) of title 28, United States
11 Code. In carrying out the pilot program, the Director is
12 authorized to make grants to eligible entities, and make
13 funds available to Federal public defender and community
14 defender organizations and to courts of the United States.

15 (c) APPLICATION.—An eligible entity seeking a grant
16 under this section shall submit to the Director an applica-
17 tion at such time, in such manner, and containing such
18 information as the Director may reasonably require.

19 (d) PRIORITY.—

20 (1) EXPERTISE.—In considering an application
21 submitted by an eligible entity under subsection (c),
22 the Director shall give priority to an application
23 from an eligible entity with demonstrated cultural
24 competency initiatives that has expertise in rep-

1 resenting low-income persons in civil actions, which
2 may include—

3 (A) persons earning 200 percent or below
4 of area median income, up to \$100,000;

5 (B) persons qualifying for means-tested
6 public benefits;

7 (C) persons who reside in subsidized hous-
8 ing; and

9 (D) persons serving a term of imprison-
10 ment.

11 (2) GEOGRAPHIC DIVERSITY.—The Director
12 shall give priority to areas of varying geographic size
13 with the greatest showing of unmet need for counsel,
14 and shall, to the extent practicable, equitably dis-
15 tribute funds on a geographic basis including non-
16 urban and rural areas of various geographic size.

17 (3) NO PREFERENCE FOR FEDERAL ENTI-
18 TIES.—The Director may not prioritize distributing
19 funds to Federal entities over making grants to eligi-
20 ble entities.

21 (e) USE OF FUNDS.—

22 (1) GRANT RECIPIENTS.—An eligible entity re-
23 ceiving a grant under this section shall use such
24 funds as follows:

1 (A) In the case of an entity described in
2 subsection (a)(2)(A), to provide financial com-
3 pensation to staff or contracted attorneys who
4 provide counsel pursuant to requests under sec-
5 tion 1915(e)(1) of title 28, United States Code.

6 (B) In the case of an entity described in
7 subsection (a)(2)(B), to fund a clinical law pro-
8 gram that provides counsel pursuant to re-
9 quests under section 1915(e)(1) of title 28,
10 United States Code.

11 (C) In the case of an entity described in
12 subparagraph (C) or (D) of subsection (a)(2),
13 to provide financial compensation to attorneys
14 who provide counsel pursuant to requests under
15 section 1915(e)(1) of title 28, United States
16 Code.

17 (2) FEDERAL DEFENDERS AND COURTS.—

18 (A) FEDERAL DEFENDERS.—A Federal
19 public defender organization and community de-
20 fender organization shall use funds under this
21 section to provide financial compensation to
22 staff or contracted attorneys who provide coun-
23 sel pursuant to requests under section
24 1915(e)(1) of title 28, United States Code.

1 (B) COURTS OF THE UNITED STATES.—A
2 court of the United States shall use funds
3 under this section to provide financial com-
4 pensation to attorneys who provide counsel pur-
5 suant to requests under section 1915(e)(1) of
6 title 28, United States Code.

7 (f) FULL REPRESENTATION.—To the extent prac-
8 ticable, and in accordance with applicable ethics rules, an
9 eligible entity receiving a grant under this section shall
10 ensure the provision of full representation of each person
11 with respect to whom the entity provides, or facilitates the
12 provision, of counsel pursuant to a request under section
13 1915(e)(1) of title 28, United States Code.

14 (g) REPORT.—Not later than 2 years after the date
15 of the enactment of this Act, and every 2 years thereafter,
16 the Director shall submit to Congress and make publicly
17 available a report on the pilot program under this section,
18 which report shall include the following:

19 (1) With respect to persons for whom counsel
20 was provided pursuant to a request under section
21 1915(e)(1) of title 28, United States Code, the types
22 of cases, length of time spent on cases by attorneys
23 and outcomes of the matters for which such counsel
24 was provided.

1 (2) Benefits related to increased access to coun-
2 sel and any remaining barriers to access to counsel
3 pursuant to requests under such section 1915(e)(1).

4 (3) Any changes in the frequency of requests
5 made by courts under such section 1915(e)(1).

6 (4) Other changes to the functioning of the
7 Federal courts related to the pilot program, includ-
8 ing increases in efficiency of adjudication of cases
9 and changes in the number of cases resolved in favor
10 of the party for whom counsel was provided pursu-
11 ant to a request under such section 1915(e)(1).

12 (5) Suggested changes to the pilot program to
13 ensure greater access to justice for low-income liti-
14 gants.

15 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated such sums as may be nec-
17 essary for each of fiscal years 2021 through 2030, of
18 which the Director may reserve not more than 5 percent
19 for administrative costs.

1 **TITLE V—ENFORCEMENT**
2 **Subtitle A—Office of Public**
3 **Integrity**

4 **SEC. 511. ESTABLISHMENT OF OFFICE OF PUBLIC INTEG-**
5 **RITY.**

6 (a) IN GENERAL.—The Ethics in Government Act of
7 1978 (5 U.S.C. App.) is amended—

8 (1) in title I, by striking “Government Ethics”
9 each place it appears and inserting “Public Integ-
10 rity”;

11 (2) in the heading for title IV, by striking
12 “**GOVERNMENT ETHICS**” and inserting
13 “**PUBLIC INTEGRITY**”;

14 (3) in section 401—

15 (A) by striking “Government Ethics” each
16 place it appears and inserting “Public Integ-
17 rity”;

18 (B) in subsection (a)—

19 (i) by inserting “(1)” before “There is
20 established”; and

21 (ii) by adding at the end the fol-
22 lowing:

23 “(2) The purposes of the Office of Public Integrity
24 are—

1 “(A) to consolidate and strengthen Federal eth-
2 ics enforcement and anti-corruption public integrity
3 efforts;

4 “(B) to conduct anti-corruption, ethics, and
5 public integrity oversight of officers and employees
6 of the Federal Government through investigations,
7 corrective action, and other actions and penalties;

8 “(C) to promote public integrity and prevent
9 corruption within the Federal Government through
10 education, advisory, guidance, and rulemaking;

11 “(D) to facilitate accountability through affirm-
12 ative public disclosures, lobbying registration, and
13 the promotion of transparency across the Federal
14 Government; and

15 “(E) to protect the public’s interest in democ-
16 racy and Federal policymaking.”; and

17 (C) by adding after subsection (d), as
18 added by section 309 of this Act, the following:

19 “(e)(1) There is established within the Office of Pub-
20 lic Integrity a division to be known as the ‘Government
21 Ethics Division’.

22 “(2) The Government Ethics Division shall carry out
23 all functions of the Office of Government Ethics under this
24 Act as of the day before the date of enactment of this
25 subsection, including—

1 “(A) providing advice to designated agency eth-
2 ics officials, including legal advisories, education
3 advisories, and program management advisories on
4 substantive ethics issues;

5 “(B) providing training and education opportu-
6 nities to designated agency ethics officials on an on-
7 going basis; and

8 “(C) providing confidential advice, which, sub-
9 ject to paragraph (3), shall not lead to enforcement
10 action, for any agency employee seeking confidential
11 ethics advice.

12 “(3)(A) The Government Ethics Division may refer
13 a matter for enforcement based on information obtained
14 in providing advice to an employee under paragraph
15 (2)(C) if the employee—

16 “(i) knowingly makes a material misrepresenta-
17 tion, including making a significant omission in pro-
18 viding information, to the Government Ethics Divi-
19 sion;

20 “(ii) has already taken the action in violation of
21 the laws or regulations relating to conflicts of inter-
22 est or other ethics issues;

23 “(iii) reveals significant criminal activity, par-
24 ticularly criminal activity outside the jurisdiction of
25 the Office of Public Integrity;

1 “(iv) engaged in a prohibited personnel practice
2 described in paragraph (8) or subparagraph (A)(i),
3 (B), (C), or (D) of paragraph (9) of section 2302(b)
4 of title 5, United States Code; or

5 “(v) engaged in other actions, as established by
6 the Director by regulation.

7 “(B) An employee who seeks advice under paragraph
8 (2)(C) may be subject to administrative remedies, such as
9 reprimand, divestiture, forced recusal, or other corrective
10 actions to remedy the violation.

11 “(C) Notwithstanding any other provision in this
12 paragraph, the Director may promulgate regulations (in-
13 cluding regulations under subparagraph (A)(v)) to ensure
14 that—

15 “(i) an employee who engages in conduct in
16 good faith reliance upon an advisory opinion issued
17 to the employee by the Government Ethics Division
18 or a designated agency ethics official generally shall
19 not be subject to civil, criminal, or disciplinary ac-
20 tion by the Office of Public Integrity;

21 “(ii) an advisory opinion issued to an employee
22 by the Government Ethics Division or a designated
23 agency ethics official shall not prevent the employee
24 from being subject to other civil or disciplinary ac-
25 tion if the conduct of the employee violates another

1 law, rule, regulation, or lawful management policy or
2 directive; and

3 “(iii) if an employee has actual knowledge or
4 reason to believe that an advisory opinion issued to
5 the employee by the Government Ethics Division or
6 a designated agency ethics official is based on fraud-
7 ulent, misleading, or otherwise incorrect information,
8 the reliance of the employee on the opinion not be
9 deemed to be in good faith.”;

10 (4) in section 403, by striking “Government
11 Ethics” each place it appears and inserting “Public
12 Integrity”; and

13 (5) in section 503(2), by striking “Government
14 Ethics” and inserting “Public Integrity”.

15 (b) OFFICERS.—

16 (1) DIRECTOR.—Section 401(b) of the Ethics
17 in Government Act of 1978 (5 U.S.C. App.) is
18 amended—

19 (A) by inserting “(1)” before “There shall
20 be”;

21 (B) by inserting “without regard to polit-
22 ical affiliation and solely on the basis of integ-
23 rity and demonstrated ability to fulfill the re-
24 sponsibilities of the role of Director” after “who
25 shall be appointed”;

1 (C) by striking “Effective with respect”
2 and inserting the following:

3 “(3) Effective with respect”;

4 (D) by inserting after paragraph (1), as so
5 designated, the following:

6 “(2) Each individual appointed by the President to
7 the position of Director—

8 “(A) shall not have any conflict of interest with
9 respect to any aspect of performing the duties and
10 responsibilities of the Director;

11 “(B) shall have a demonstrated record in public
12 integrity and ethics enforcement;

13 “(C) shall not have ever been registered, or re-
14 quired to be registered, as a lobbyist under the Lob-
15 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
16 seq.);

17 “(D) during the 4-year period ending on the
18 date on which the President nominates the indi-
19 vidual to the position of Director, shall not have en-
20 gaged in any significant political activity (including
21 being a candidate for public office, fundraising for a
22 candidate for public office or a political party, or
23 serving as an officer or employee of a political cam-
24 paign or party);

1 “(E) shall not have ever been an agent of a for-
2 foreign principal registered under the Foreign Agents
3 Registration Act of 1938 (22 U.S.C. 611 et seq.);
4 and

5 “(F) during the 4-year period ending on the
6 date on which the President nominates the indi-
7 vidual to the position of Director, shall not served as
8 a fiduciary or personal attorney for an officer or em-
9 ployee of the Federal Government, including anyone
10 elected to public office.”; and

11 (E) by adding at the end the following:

12 “(4) The Director may only be removed from office
13 by the President for inefficiency, neglect of duty, or mal-
14 feasance in office.

15 “(5) Not later than 30 days before the date on which
16 the President removes the Director from office or trans-
17 fers the Director to another position or location for ineffi-
18 ciency, neglect of duty, or malfeasance in office, the Presi-
19 dent shall submit to the Senate and the House of Rep-
20 resentatives written notice of the reasons for the removal
21 or transfer.

22 “(6) During the period of any absence or unavail-
23 ability of the Director, including a vacancy in the office
24 of the Director, all powers and duties of the Director shall
25 be vested in the Deputy Director.

1 “(7) The Director may continue to serve beyond the
2 expiration of the term of the Director until a successor
3 is appointed, by and with the advice and consent of the
4 Senate.”.

5 (2) ASSISTANT DIRECTORS.—Section 401(e)(1)
6 of the Ethics in Government Act of 1978 (5 U.S.C.
7 App.) is amended by inserting “and Assistant Direc-
8 tors (which may include an Assistant Director for
9 Investigations, an Assistant Director for Govern-
10 ment Transparency, and an Assistant Director for
11 the Government Ethics Division)” after “including
12 attorneys”.

13 (3) DEPUTY DIRECTOR.—Section 401 of the
14 Ethics in Government Act of 1978 (5 U.S.C. App.)
15 is amended by adding after subsection (e), as added
16 by subsection (a) of this section, the following:

17 “(f)(1) There shall be in the Office of Public Integrity
18 a Deputy Director, who shall—

19 “(A) be appointed by the President in accord-
20 ance with paragraph (2), by and with the advice and
21 consent of the Senate; and

22 “(B) serve as acting Director in the event of
23 the absence or unavailability of the Director, includ-
24 ing a vacancy in the office of the Director.

1 “(2) Each individual appointed by the President to
2 the position of Deputy Director—

3 “(A) shall not have any conflict of interest with
4 respect to any aspect of performing the duties and
5 responsibilities of the Deputy Director;

6 “(B) shall have a demonstrated record in public
7 integrity and ethics enforcement;

8 “(C) shall not have ever been registered, or re-
9 quired to be registered, as a lobbyist under the Lob-
10 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
11 seq.);

12 “(D) during the 4-year period ending on the
13 date on which the President nominates the indi-
14 vidual to the position of Deputy Director, shall not
15 have engaged in any significant political activity (in-
16 cluding being a candidate for public office, fund-
17 raising for a candidate for public office or a political
18 party, or serving as an officer or employee of a polit-
19 ical campaign or party);

20 “(E) shall not have ever been an agent of a for-
21 eign principal registered under the Foreign Agents
22 Registration Act of 1938 (22 U.S.C. 611 et seq.);
23 and

24 “(F) during the 4-year period ending on the
25 date on which the President nominates the indi-

1 vidual to the position of Deputy Director, shall not
2 served as a fiduciary or personal attorney for an of-
3 ficer or employee of the Federal Government, includ-
4 ing anyone elected to public office.”.

5 (c) AUTHORITY AND FUNCTIONS.—Section 402 of
6 the Ethics in Government Act of 1978 (5 U.S.C. App)
7 is amended—

8 (1) in subsection (a)—

9 (A) by striking “shall provide” and insert-
10 ing the following: “shall—

11 “(1) provide”;

12 (B) by striking the period at the end and
13 inserting “; and”; and

14 (C) by adding at the end the following:

15 “(2) investigate potential violations by officers and
16 employees in all branches of the Federal Government or
17 by any other person of the laws or regulations relating
18 to conflicts of interest or other ethics issues, to the extent
19 allowable by law and the Constitution.”;

20 (2) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) by striking “the President or”;

23 (ii) by striking “ethics” and inserting
24 “other ethics issues”; and

- 1 (iii) by striking “title II of this Act”
2 and inserting “title I”;
- 3 (B) in paragraph (2)—
- 4 (i) by striking “the President or”; and
5 (ii) by inserting “and other ethics
6 issues” before the semicolon;
- 7 (C) in paragraph (3), by striking “title II
8 of this Act” and inserting “title I”;
- 9 (D) in paragraph (4)—
- 10 (i) by striking “conflict of interest
11 laws or regulations” and inserting “laws or
12 regulations relating to conflicts of interest
13 or other ethics issues”; and
14 (ii) by striking “ethical problems” and
15 inserting “other ethics issue”;
- 16 (E) in paragraph (6)—
- 17 (i) by striking “the President or”; and
18 (ii) by striking “ethical problems” and
19 inserting “other ethics issues”;
- 20 (F) in paragraph (7), by striking “conflict
21 of interest problems” and inserting “conflicts of
22 interest or other ethics issues”;
- 23 (G) by striking paragraph (9) and insert-
24 ing the following:

1 “(9)(A) investigating potential violations by of-
2 ficers and employees in the Federal Government (in-
3 cluding officers and employees in positions in the
4 Executive Office of the President (including the
5 White House Office)) of the laws or regulations re-
6 lating to conflicts of interest or other ethics issues;

7 “(B) ordering (or with respect to the President,
8 recommending) corrective action on the part of
9 agencies, officers, and employees, as determined ap-
10 propriate by the Director;

11 “(C) as the Director determines appropriate,
12 referring an alleged violation of the laws or regula-
13 tions relating to conflicts of interest or other ethics
14 issues to the Attorney General or the head of the ap-
15 propriate agency for civil or criminal enforcement;
16 and

17 “(D) order appropriate disciplinary action with
18 respect to an officer or employee in the executive
19 branch, in accordance with subsection (f)(2);”;

20 (H) by striking paragraph (11) and insert-
21 ing the following:

22 “(11)(A) evaluating the effectiveness of the
23 laws and regulations relating to conflicts of interest
24 and other ethics issues and recommending to Con-
25 gress appropriate amendments to prevent corruption

1 and to improve Government ethics, accountability,
2 public integrity, and transparency; and

3 “(B) preparing an annual report to Congress,
4 which shall include—

5 “(i) any recommended amendments de-
6 scribed in subparagraph (A);

7 “(ii) a description of any significant ac-
8 tions taken by the Director in carrying out the
9 duties of the Director, including specific steps
10 taken to ensure that Federal officers and em-
11 ployees are complying with the laws and regula-
12 tions relating to conflicts of interest or other
13 ethics issues;

14 “(iii) information concerning significant
15 violations of the laws or regulations relating to
16 conflicts of interest or other ethics issues; and

17 “(iv) corrective action concerning violations
18 described in clause (iii) and progress made in
19 implementing such corrective action;”;

20 (I) in paragraph (12), by striking “conflict
21 of interest and ethical problems” and inserting
22 “conflicts of interest and other ethics issues”;

23 (J) by striking paragraph (13) and insert-
24 ing the following:

1 “(13) referring any potential violation of the
2 laws and regulations relating to conflicts of interest
3 and other ethics issues determined appropriate by
4 the Director for criminal enforcement to the Attor-
5 ney General, accompanied by any evidence in the
6 possession of the Director and recommendations, if
7 any, of the Director regarding the appropriate
8 charges or penalties;”;

9 (K) in paragraph (14), by striking “and”
10 at the end;

11 (L) in paragraph (15), by striking “title II
12 of this Act.” and inserting “title I;”; and

13 (M) by adding at the end the following:

14 “(16)(A) assuming responsibilities for disclo-
15 sures of executive branch financial holdings, lob-
16 bying, and influencing activities;

17 “(B) conducting periodic and routine audits of
18 disclosures described in subparagraph (A) to ensure
19 the accuracy of the documents; and

20 “(C) conducting targeted audits of disclosures
21 described in subparagraph (A) when the Director
22 has reason to believe such disclosures contain inac-
23 curacies or misinformation;

24 “(17) receiving, and within a reasonable time-
25 frame responding to, complaints from members of

1 the public of alleged violations of the laws or regula-
2 tions relating to conflicts of interest or other ethics
3 issues;

4 “(18) reporting publicly anonymized informa-
5 tion regarding the resolution of complaints received
6 under paragraph (17);

7 “(19) making available online on a central
8 website that allows records to be available in a
9 searchable, sortable, and downloadable format all
10 ethics records that are required to be made publicly
11 available under any provision of law, or that the Di-
12 rector determines may and should be made publicly
13 available, including ethics records described sub-
14 section (j)(1);

15 “(20) after providing notice and an opportunity
16 for a hearing, imposing appropriate civil monetary
17 penalties against individuals and entities who violate
18 the laws or regulations relating to conflicts of inter-
19 est or other ethics issues;

20 “(21) making appropriate enforcement referrals
21 to the Securities and Exchange Commission, the Of-
22 fice of the Special Counsel, and other relevant Fed-
23 eral or State law enforcement agencies in instances
24 of violations of Federal or State law, where appro-
25 priate;

1 “(22) except as otherwise required by law or re-
2 served to the President, making and overseeing any
3 waiver of the laws or regulations relating to conflicts
4 of interest or other ethics issues;

5 “(23) testifying before each House of Congress
6 at least annually;

7 “(24) approving any significant determination
8 by a designated agency ethics official, including any
9 ethics agreement, financial disclosure, recusal agree-
10 ment, or divestment determination, for any indi-
11 vidual serving in a position—

12 “(A) on any level of the Executive Sched-
13 ule under subchapter II of chapter 53 of title
14 5, United States Code;

15 “(B) in the executive branch pursuant to
16 an appointment by the President, by and with
17 the advice and consent of the Senate; or

18 “(C) in the Executive Office of the Presi-
19 dent;

20 “(25) overseeing the day to day activities of
21 each Inspector General in the executive branch, ex-
22 cept to the extent provided otherwise by law; and

23 “(26) administering the provisions of this title
24 as they pertain to the heads of agencies.”;

25 (3) in subsection (e)—

1 (A) in paragraph (1), by striking “and” at
2 the end;

3 (B) in paragraph (2), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(3) each executive agency shall furnish to the
7 Director all information and records in the posses-
8 sion of the executive agency that the Director deter-
9 mines to be necessary for the performance of the du-
10 ties of the Director.”;

11 (4) in subsection (f)—

12 (A) in paragraph (1)(A)—

13 (i) in clause (i), by inserting “(or,
14 with respect to the President, rec-
15 ommend)” after “order” the first place it
16 appears; and

17 (ii) in clause (ii), by inserting “(or,
18 with respect to the President, rec-
19 ommend)” after “order”;

20 (B) in paragraph (2)—

21 (i) in subparagraph (A)—

22 (I) in clause (ii)(II), by inserting
23 “and Congress” after the “the Presi-
24 dent”; and

25 (II) in clause (iv)—

1 (aa) in subclause (I), by
2 striking “may recommend” and
3 all that follows through “brought
4 against the officer or employee”
5 and inserting “may recommend
6 that the agency head take a spe-
7 cific disciplinary action (including
8 reprimand, suspension, demotion,
9 or dismissal) or that the agency
10 head take such disciplinary ac-
11 tion as the agency head deter-
12 mines appropriate with respect to
13 the officer or employee”; and

14 (bb) by striking subclause
15 (II) and inserting the following:

16 “(II) if the Director recommends
17 a specific disciplinary action under
18 subclause (I) and the head of the
19 agency (not including the President)
20 has not taken appropriate disciplinary
21 action within 90 days after the Direc-
22 tor recommends such action, may,
23 after notifying the President and Con-
24 gress in writing, order appropriate
25 disciplinary action with respect to the

1 officer or employee, in accordance
2 with subparagraph (B), including rep-
3 rimand, suspension, demotion, or dis-
4 missal of the officer or employee.”;

5 (ii) in subparagraph (B)—

6 (I) by striking clause (iii) and in-
7 serting the following:

8 “(iii) Subject to clause (iv) of this subparagraph, be-
9 fore the Director orders any action under subparagraph
10 (A)(iii) or orders any disciplinary action under subpara-
11 graph (A)(iv), the Director shall afford the officer or em-
12 ployee involved an opportunity for a hearing, if requested
13 by such officer or employee, which shall be conducted on
14 the record.”;

15 (II) by redesignating clause (iv)
16 as clause (vi);

17 (III) by inserting after clause
18 (iii) the following:

19 “(iv) The Director shall make publicly available any
20 recommendation of a specific disciplinary action made by
21 the Director under subparagraph (A)(iv)(I).

22 “(v) The authority of the Director under subpara-
23 graph (A)(iv)(II) to order disciplinary action may not be
24 delegated.”; and

1 (IV) in clause (vi), as so redesignig-
2 nated—

3 (aa) by striking “title 2”
4 and inserting “title I”; and

5 (bb) by striking “section
6 206” and inserting “section
7 104”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(C)(i)(I) A political appointee (as defined in section
11 714(h) of title 38, United States Code) with respect to
12 whom the Director orders a disciplinary action under sub-
13 paragraph (A)(iv) may appeal the order to the President.

14 “(II) A determination by the President in an appeal
15 under subclause (I) shall be—

16 “(aa) made in writing;

17 “(bb) submitted to Congress; and

18 “(cc) made publicly available by the President.

19 “(III) A determination by the President in an appeal
20 under subclause (I) shall not be subject to judicial review.

21 “(ii) An officer or employee who is not a political ap-
22 pointee with respect to whom the Director orders a dis-
23 ciplinary action under subparagraph (A)(iv) may—

1 “(I) appeal a final order or decision of the Di-
2 rector to the Merit Systems Protection Board under
3 section 7701 of title 5, United States Code; and

4 “(II) seek judicial review of a final order or de-
5 cision of the Merit Systems Protection Board in the
6 Court of Appeals for the Federal Circuit in accord-
7 ance with section 7703 of title 5, United States
8 Code.”;

9 (C) in paragraph (3), in the matter pre-
10 ceding subparagraph (A), by striking “para-
11 graph (2)(A)(iii)” and inserting “clause (iii) or
12 (iv) of paragraph (2)(A)”;

13 (D) by striking paragraph (5); and

14 (E) by redesignating paragraph (6) as
15 paragraph (5); and

16 (5) by adding at the end the following:

17 “(g) As part of an investigation of potential violations
18 of the laws or regulations relating to conflicts of interest
19 or other ethics issues, the Director may require by sub-
20 poena the attendance of and testimony by witnesses and
21 the production any book, check, canceled check, cor-
22 respondence, communication, document, email, papers,
23 physical evidence, record, recording, tape, or other mate-
24 rial (including electronic records) relating to any matter

1 or question the Director is authorized to investigate from
2 any individual or entity.

3 “(h)(1) If the Attorney General declines to prosecute
4 a criminal matter referred by the Director, the Attorney
5 General shall submit to the Director and make publicly
6 available written notice regarding the declination.

7 “(2) The Attorney General may redact information
8 from the publicly available written notice under paragraph
9 (1) if the Attorney General determines that disclosure of
10 the information would constitute a clearly unwarranted in-
11 vasion of personal privacy.

12 “(i)(1) In addition to the authority otherwise pro-
13 vided by this Act, the Director, any Assistant Director for
14 Investigations under the Director who is appointed by the
15 Director, and any special agent supervised by the Director
16 or Assistant Director may be authorized by the Attorney
17 General to seek warrants for search of a premises or sei-
18 zure of evidence issued under the authority of the United
19 States upon probable cause to believe that a violation has
20 been committed.

21 “(2) The Attorney General shall promulgate, and re-
22 vise as appropriate, guidelines which shall govern the exer-
23 cise of the law enforcement powers established under para-
24 graph (1).

1 “(3)(A) The power authorized for the Office of Public
2 Integrity under paragraph (1) may be rescinded or sus-
3 pended upon—

4 “(i) a determination by the Attorney General
5 that the exercise of authorized power by the Office
6 of Public Integrity has not complied with the guide-
7 lines promulgated by the Attorney General under
8 paragraph (2); or

9 “(ii) a determination by the Attorney General
10 that available assistance from other law enforcement
11 agencies is sufficient to meet the need for such pow-
12 ers.

13 “(B) The powers authorized to be exercised by any
14 individual under paragraph (1) may be rescinded or sus-
15 pended with respect to that individual upon a determina-
16 tion by the Attorney General that such individual has not
17 complied with guidelines promulgated by the Attorney
18 General under paragraph (2).

19 “(4) No provision of this subsection shall limit the
20 exercise of law enforcement powers established under any
21 other statutory authority, including United States Mar-
22 shals Service special deputation.

23 “(j)(1) In carrying out subsection (b)(19), except for
24 classified records and any specific record described in this
25 paragraph the Director determines should not be made

1 publicly available, the website described in subsection
2 (b)(19) shall include—

3 “(A) public financial disclosure reports of nomi-
4 nees and appointees to positions on any level of the
5 Executive Schedule under subchapter II of chapter
6 53 of title 5, United States Code;

7 “(B) other public financial disclosure reports
8 reviewed by the Office of Public Integrity;

9 “(C) ethics agreements of individuals nomi-
10 nated or appointed to a position by the President;

11 “(D) certifications of compliance with ethics
12 agreements by individuals appointed to a position by
13 the President;

14 “(E) ethics agreements of individuals appointed
15 pursuant to subparagraph (A), (B), or (C) of section
16 105(a)(2) or subparagraph (A), (B), or (C) of sec-
17 tion 106(a)(1) of title 3, United States Code;

18 “(F) certifications of compliance with ethics
19 agreements by individuals appointed pursuant to
20 subparagraph (A), (B), or (C) of section 105(a)(2)
21 or subparagraph (A), (B), or (C) of section
22 106(a)(1) of title 3, United States Code;

23 “(G) all ethics waivers, including waivers for
24 senior government officials as defined in section 101

1 of the Anti-Corruption and Public Integrity Act,
2 issued pursuant to—

3 “(i) section 207 or 208 of title 18, United
4 States Code;

5 “(ii) section 2635.502(d) of title 5, Code of
6 Federal Regulations, or any successor thereto;

7 “(iii) section 2635.503(c) of title 5, Code
8 of Federal Regulations, or any successor there-
9 to;

10 “(iv) any Executive order; and

11 “(v) any other authority to waive other
12 ethics requirements or extend any ethics-related
13 deadlines;

14 “(H) certificates of divestiture;

15 “(I) records of approval by agencies of the ac-
16 ceptance of gifts by individuals appointed to a posi-
17 tion by the President from outside sources for which
18 employees must obtain agency approval;

19 “(J) records relating to the initial ethics brief-
20 ings of individuals appointed to a position by the
21 President required by section 2638.305 of title 5,
22 Code of Federal Regulations, or any successor there-
23 to;

24 “(K) records of ethics training completed by in-
25 dividuals appointed to a position by the President;

1 “(L) reports of the review by the Office of Pub-
2 lic Integrity of agency ethics programs;

3 “(M) report filed by executive agencies with the
4 General Services Administration regarding the use
5 of Government aircraft by senior officials, which
6 shall be posted at least every 90 days and shall con-
7 tain a complete explanation of the decision to use a
8 Government aircraft, the cost of the use of a Gov-
9 ernment aircraft, and the selection of the type of
10 aircraft used;

11 “(N) any reports submitted to Congress by the
12 Office of Public Integrity; and

13 “(O) any other ethics records that the Director
14 makes available to the public.

15 “(2) The Director shall ensure that—

16 “(A) all ethics agreements approved by the Di-
17 rector specify conflicts of interest for each indi-
18 vidual, including all matters from which the indi-
19 vidual shall be recused; and

20 “(B) the information relating to ethics agree-
21 ments made available under subsection (b)(19) is
22 updated to reflect any additional matters from which
23 the individual shall be recused.”.

1 (d) REPORTS TO CONGRESS.—Section 408 of the
2 Ethics in Government Act of 1978 (5 U.S.C. App.) is
3 amended—

4 (1) by inserting “(a)” before “The Director
5 shall,”; and

6 (2) by adding at the end the following:

7 “(b) Notwithstanding any other provision of law or
8 any rule, regulation, or policy directive, upon request by
9 a committee or subcommittee of Congress, the Director,
10 or any employee of the Office of Public Integrity des-
11 igned by the Director, may transmit to the committee
12 or subcommittee, by report, testimony, or otherwise, infor-
13 mation and views on functions, responsibilities, or other
14 matters relating to the Office of Public Integrity, without
15 review, clearance, or approval by any other administrative
16 authority.

17 “(c)(1) For each fiscal year, the Director may trans-
18 mit a budget estimate and request to Congress.

19 “(2) The President shall include in each budget sub-
20 mitted under section 1105 of title 31, United States
21 Code—

22 “(A) a separate statement of the budget esti-
23 mate and request prepared with the Director;

24 “(B) the amount requested by the President for
25 the Office of Public Integrity; and

1 “(C) any comments of the Director with respect
2 to the proposal by the President if the Director con-
3 cludes that the budget submitted by the President
4 would substantially inhibit the Director from per-
5 forming the duties of the office.”.

6 (e) DEFINITIONS.—Title IV of the Ethics in Govern-
7 ment Act of 1978 (5 U.S.C. App.) is amended by adding
8 at the end the following:

9 “SEC. 409. DEFINITIONS.—For purposes of this
10 title—

11 “(1) the term ‘agency’ includes the Executive
12 Office of the President;

13 “(2) the term ‘head of an agency’ includes the
14 President or a designee of the President, for pur-
15 poses of applying this title to the White House and
16 the Executive Office of the President; and

17 “(3) the term ‘laws or regulations relating to
18 conflicts of interest or other ethics issues’ includes
19 this Act, sections 203 through 209 of title 18,
20 United States Code, the Stop Trading on Congres-
21 sional Knowledge Act of 2012 (Public Law 112–105;
22 5 U.S.C. App., note to section 101 of Public Law
23 95–521), any Executive order substantially con-
24 cerning Government ethics, any written ethics agree-
25 ment or pledge signed by a Presidential appointee,

1 and any other relevant ethics statutes or regula-
2 tions.”.

3 (f) PROVISION OF FINANCIAL DISCLOSURES TO THE
4 OFFICE OF PUBLIC INTEGRITY.—Section 103(j) of the
5 Ethics in Government Act of 1978 (5 U.S.C. App.) is
6 amended—

7 (1) in paragraph (1), by inserting “and the Di-
8 rector of the Office of Public Integrity” after “Offi-
9 cial Conduct of the House of Representatives”; and

10 (2) in paragraph (2), by inserting “and the Di-
11 rector of the Office of Public Integrity” after “Eth-
12 ics of the Senate”.

13 (g) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) Section 5314 of title 5, United States Code,
15 is amended by striking the item relating to the Di-
16 rector of the Office of Government Ethics and in-
17 serting the following:

18 “Director of the Office of Public Integrity.”.

19 (2) Section 7302(a) of title 5, United States
20 Code, is amended by striking “Government Ethics”
21 and inserting “Public Integrity”.

22 (3) Section 7353(d)(1)(D) of title 5, United
23 States Code, is amended by striking “Government
24 Ethics” and inserting “Public Integrity”.

1 (4) Section 11(b)(1)(E) of the Inspector Gen-
2 eral Act of 1978 (5 U.S.C. App.) is amended by
3 striking “Government Ethics” and inserting “Public
4 Integrity”.

5 (5) Section 12(f) of the Federal Deposit Insur-
6 ance Act (12 U.S.C. 1822(f)) is amended by striking
7 “Government Ethics” each place it appears and in-
8 serting “Public Integrity”.

9 (6) Section 152(g) of the Financial Stability
10 Act of 2010 (12 U.S.C. 5342(g)) is amended by
11 striking “Government Ethics” and inserting “Public
12 Integrity”.

13 (7) Section 9(o)(12) of the Small Business Act
14 (15 U.S.C. 638(o)(12)) is amended by striking
15 “Government Ethics” and inserting “Public Integ-
16 rity”.

17 (8) Section 207 of title 18, United States Code,
18 is amended by striking “Government Ethics” each
19 place it appears and inserting “Public Integrity”.

20 (9) Section 208 of title 18, United States Code,
21 is amended by striking “Government Ethics” each
22 place it appears and inserting “Public Integrity”.

23 (10) Section 1043(b) of the Internal Revenue
24 Code of 1986 is amended by striking “Government

1 Ethics” each place it appears and inserting “Public
2 Integrity”.

3 (11) Section 594(j)(5) of title 28, United States
4 Code, is amended by striking “Government Ethics”
5 and inserting “Public Integrity”.

6 (12) Section 1353 of title 31, United States
7 Code, is amended by striking “Government Ethics”
8 each place it appears and inserting “Public Integ-
9 rity”.

10 (13) Section 2303(c) of title 41, United States
11 Code, is amended by striking “Government Ethics”
12 and inserting “Public Integrity”.

13 (14) Section 3(d)(3) of the Department of the
14 Interior Volunteer Recruitment Act of 2005 (43
15 U.S.C. 1475b(d)(3)) is amended by striking “Gov-
16 ernment Ethics” and inserting “Public Integrity”.

17 (15) Section 40122(d) of title 49, United States
18 Code, is amended by striking “Government Ethics”
19 and inserting “Public Integrity”.

20 (16) Section 102A of the National Security Act
21 of 1947 (50 U.S.C. 3024) is amended by striking
22 “Government Ethics” each place it appears and in-
23 serting “Public Integrity”.

24 (17) Section 12(g) of the Central Intelligence
25 Agency Act of 1949 (50 U.S.C. 3512(g)) is amended

1 in the matter preceding paragraph (1) by striking
2 “Government Ethics” and inserting “Public Integ-
3 rity”.

4 **SEC. 512. DESIGNATED AGENCY ETHICS OFFICIALS.**

5 (a) IN GENERAL.—Section 109(3) of the Ethics in
6 Government Act of 1978 (5 U.S.C. App.) is amended to
7 read as follows:

8 “(3) ‘designated agency ethics official’ means
9 an officer or employee of an agency—

10 “(A) who is appointed and supervised by
11 the head of the agency, after consultation with
12 the Director of the Office of Public Integrity
13 and the Inspector General of the agency;

14 “(B) who may only be removed by the
15 head of the agency, after consultation with the
16 Director of the Office of Public Integrity and
17 the Inspector General of the agency;

18 “(C) has a permanent duty station in the
19 same physical building as the head of the agen-
20 cy employing the officer or employee, unless the
21 head of the agency is the President;

22 “(D) is designated to administer the provi-
23 sions of this title within the agency, except as
24 they pertain to the head of the agency;

1 “(E) may not have other significant duties
2 or responsibilities that might distract from the
3 duty of the officer or employee to administer
4 the provisions of this title within the agency;
5 and

6 “(F) who shall not, at any time or in any
7 manner, be prevented, inhibited, or prohibited
8 by the head of the agency from administering
9 the provisions of this title within the agency.”.

10 (b) REVIEW BY DIRECTOR.—Section 111 of the Eth-
11 ics in Government Act of 1978 (5 U.S.C. App.) is amend-
12 ed—

13 (1) by inserting “(a)” before “The provisions”;

14 (2) by inserting “(subject to subsection (b))”
15 after “designated agency ethics official”; and

16 (3) by adding at the end the following:

17 “(b)(1) A designated agency ethics official shall sub-
18 mit to the Director of the Office of Public Integrity—

19 “(A) each significant determination (including
20 any ethics agreement, financial disclosure, recusal
21 agreement, or divestment determination) by the des-
22 ignated agency ethics official relating to the applica-
23 tion or implementation of the laws or regulations re-
24 lating to conflicts of interest or other ethics issues

1 (including this title) for any individual serving in a
2 position—

3 “(i) on any level of the Executive Schedule
4 under subchapter II of chapter 53 of title 5,
5 United States Code;

6 “(ii) in the executive branch pursuant to
7 an appointment by the President, by and with
8 the advice and consent of the Senate; or

9 “(iii) in the Executive Office of the Presi-
10 dent;

11 “(B) any determination by the designated agen-
12 cy ethics official relating to the application or imple-
13 mentation of the laws or regulations relating to con-
14 flicts of interest or other ethics issues (including this
15 title) that the Director requests from the designated
16 agency ethics official.

17 “(2) The Director of the Office of Public Integrity—

18 “(A) may review any determination received
19 under paragraph (1);

20 “(B) shall notify and advise the designated
21 agency ethics official if the Director determines that
22 the determination received under paragraph (1) does
23 not comport with the laws or regulations relating to
24 conflicts of interest or other ethics issues;

1 “(C) not later than 30 days after the notifica-
2 tion and advice under subparagraph (B), may re-
3 verse or modify the determination if the Director de-
4 termines that the determination does not comport
5 with the laws or regulations relating to conflicts of
6 interest or other ethics issues; and

7 “(D) shall periodically audit a sample of deter-
8 minations received under paragraph (1).”.

9 (c) **AUTHORITY TO RECOMMEND DISCIPLINE.**—Sec-
10 tion 111 of the Ethics in Government Act of 1978 (5
11 U.S.C. App.), as amended by subsection (b), is amended
12 by adding at the end the following:

13 “(c)(1) If a designated agency ethics official has cred-
14 ible evidence or reason to believe that an officer or em-
15 ployee of the agency is violating, or has violated, any rule,
16 regulation, or Executive order relating to conflicts of inter-
17 est or standards of conduct, the designated agency ethics
18 official may—

19 “(A) refer potential violations to the Inspector
20 General or the Director of the Office of Public In-
21 tegrity; and

22 “(B) recommend that the head of the agency
23 take a specific disciplinary action (including dis-
24 missal).

1 “(2) A designated agency ethics official shall make
2 publicly available any recommendation of a specific dis-
3 ciplinary action made by the designated agency ethics offi-
4 cial under paragraph (1).”.

5 (d) CURRENT DAEOS.—An individual serving as a
6 designated agency ethics official on the day before the date
7 of enactment of this Act may continue to serve as the des-
8 ignated agency ethics official for the agency employing the
9 individual if—

10 (1) determined appropriate by the head of the
11 agency employing the designated agency ethics offi-
12 cial; and

13 (2) after the date of enactment of this Act, the
14 individual—

15 (A) reports directly to the head of the
16 agency employing the designated agency ethics
17 official; and

18 (B) may only be removed by the head of
19 the agency, after consultation with the Director
20 of the Office of Public Integrity and the Inspec-
21 tor General of the agency.

1 **Subtitle B—Inspectors General**

2 **SEC. 531. GENERAL SUPERVISION AND REMOVAL OF IN-** 3 **SPECTORS GENERAL.**

4 (a) IN GENERAL.—The Inspector General Act of
5 1978 (5 U.S.C. App.) is amended—

6 (1) in section 3—

7 (A) in subsection (a), by striking the sec-
8 ond sentence and inserting the following: “Each
9 Inspector General shall report to and be under
10 the general supervision of the Director of the
11 Office of Public Integrity, and shall not report
12 to, or be subject to supervision by, any other of-
13 ficer of the establishment involved.”; and

14 (B) in subsection (b)—

15 (i) in the first sentence—

16 (I) by inserting “(1)” before “An
17 Inspector General”; and

18 (II) by inserting “for inefficiency,
19 neglect of duty, or malfeasance in of-
20 fice” before the period at the end;

21 (ii) by striking the second sentence
22 and inserting the following: “The Director
23 of the Office of Public Integrity may make
24 a formal recommendation to the President
25 for the removal of an Inspector General

1 under this subsection. If an Inspector Gen-
2 eral is removed from office, is transferred
3 to another position or location within an
4 establishment, or is placed on paid or un-
5 paid leave, the President shall commu-
6 nicate in writing the reasons for any such
7 removal, leave placement, or transfer to
8 both Houses of Congress and to the Direc-
9 tor of the Office of Public Integrity not
10 later than 30 days before the removal,
11 leave placement, or transfer.”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(2)(A) In the event of a vacancy in the position of
15 Inspector General of an establishment of more than 210
16 days, the Director of the Office of Public Integrity may
17 direct an officer or employee of the establishment to per-
18 form the functions and duties of the position of Inspector
19 General temporarily in an acting capacity for a period of
20 not more than 365 days.

21 “(B) If an Inspector General of an establishment is
22 not appointed during the 365-day period described in sub-
23 paragraph (A), the Director of the Office of Public Integ-
24 rity may direct the same or another officer or employee
25 of the establishment to perform the functions and duties

1 of the position of Inspector General temporarily in an act-
2 ing capacity for a period of not more than 365 days.

3 “(C) If an Inspector General of an establishment is
4 not appointed during the 365-day period described in sub-
5 paragraph (B), the Director of the Office of Public Integ-
6 rity may direct the same or another officer or employee
7 of the establishment to perform the functions and duties
8 of the position of Inspector General temporarily in an act-
9 ing capacity for a period of not more than 365 days.”;

10 (2) in section 8A(a), by inserting “and the Di-
11 rector of the Office of Public Integrity” before the
12 period at the end;

13 (3) in section 8B, by amending subsection (a)
14 to read as follows:

15 “(a) The Director of the Office of Public Integrity—

16 “(1) may delegate the authority specified in the
17 second sentence of section 3(a) to the Chairman or
18 another member of the Nuclear Regulatory Commis-
19 sion; and

20 “(2) may not delegate the authority specified in
21 the second sentence of section 3(a) to any other offi-
22 cer or employee of the Nuclear Regulatory Commis-
23 sion.”;

24 (4) in section 8C, by amending subsection (a)
25 to read as follows:

1 “(a) DELEGATION.—The Director of the Office of
2 Public Integrity—

3 “(1) may delegate the authority specified in the
4 second sentence of section 3(a) to the Chairperson
5 or Vice Chairperson of the Federal Deposit Insur-
6 ance Corporation; and

7 “(2) may not delegate the authority specified in
8 the second sentence of section 3(a) to any other offi-
9 cer or employee of the Federal Deposit Insurance
10 Corporation.”;

11 (5) in section 8G—

12 (A) in subsection (a)—

13 (i) in paragraph (5), by striking
14 “and” at the end;

15 (ii) in paragraph (6), by striking the
16 period at the end and inserting “; and”;
17 and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(7) the term ‘Director’ means the Director of
21 the Office of Public Integrity.”;

22 (B) in subsection (c), in the first sentence,
23 by inserting “, after consulting with the Direc-
24 tor,” after “head of the designated Federal en-
25 tity”;

1 (C) in subsection (d)(1), by striking the
2 first sentence and inserting the following:
3 “Each Inspector General shall report to and be
4 under the general supervision of the Director,
5 and shall not report to, or be subject to super-
6 vision by, any other officer or employee of the
7 designated Federal entity.”; and

8 (D) in subsection (e)—

9 (i) in paragraph (1), by inserting
10 “and after consulting with the Director”
11 before the period at the end; and

12 (ii) in paragraph (2), by inserting “An
13 Inspector General may be removed from
14 office by the head of the designated Fed-
15 eral entity for inefficiency, neglect of duty,
16 or malfeasance in office after the head of
17 the designated entity consults with the Di-
18 rector, or by the President for inefficiency,
19 neglect of duty, or malfeasance in office.”
20 before “If an Inspector”; and

21 (6) in section 8M(b)(1)—

22 (A) in subparagraph (A), by striking
23 “and” at the end;

1 (B) in subparagraph (B)(iii)(II), by strik-
2 ing the period at the end and inserting a semi-
3 colon; and

4 (C) by adding at the end the following:

5 “(C) ensure that, if any portion of a report
6 described in subparagraph (A) contains infor-
7 mation that is classified, sensitive, or otherwise
8 prohibited from disclosure by law, a redacted
9 version of the report be posted on the website
10 of the Office of Inspector General that does not
11 contain the classified, sensitive, or prohibited
12 information;

13 “(D) ensure that, if an entire report de-
14 scribed in subparagraph (A) is classified, sen-
15 sitive, or otherwise prohibited from disclosure
16 by law, the Inspector General posts the title of
17 the report, the date of publication of the report,
18 a general description of the subject matter of
19 the report, and a justification for the report not
20 to be posted on the website of the Office of In-
21 spector General; and

22 “(E) include on the website of the Office
23 of Inspector General a listing of each report de-
24 scribed in subparagraph (D) that is not posted
25 on the website.”.

1 (b) INSPECTOR GENERAL OF THE CENTRAL INTEL-
2 LIGENCE AGENCY.—Section 17(b) of the Central Intel-
3 ligence Agency Act of 1949 (50 U.S.C. 3517(b)) is amend-
4 ed—

5 (1) in paragraph (2), by inserting “of the Office
6 of Public Integrity, who may delegate that authority
7 to the Director of the Agency” before the period at
8 the end; and

9 (2) in paragraph (6)—

10 (A) in the first sentence, by inserting “for
11 inefficiency, neglect of duty, or malfeasance in
12 office” before the period at the end; and

13 (B) by inserting after the first sentence
14 the following: “The Director of the Office of
15 Public Integrity may make a formal rec-
16 ommendation to the President for the removal
17 of the Inspector General under this para-
18 graph.”.

19 (c) INSPECTOR GENERAL OF THE INTELLIGENCE
20 COMMUNITY.—Section 103H(c) of the National Security
21 Act of 1947 (50 U.S.C. 3033(c)) is amended—

22 (1) in paragraph (3), by striking “National In-
23 telligence” and inserting “the Office of Public Integ-
24 rity, who may delegate that authority to the Director
25 of National Intelligence”; and

1 (2) in paragraph (4)—

2 (A) in the first sentence, by inserting “for
3 inefficiency, neglect of duty, or malfeasance in
4 office” before the period at the end; and

5 (B) by inserting after the first sentence
6 the following: “The Director of the Office of
7 Public Integrity may make a formal rec-
8 ommendation to the President for the removal
9 of the Inspector General under this para-
10 graph.”.

11 (d) INSPECTOR GENERAL OF SIGAR.—Section
12 1229(e)(1) of the National Defense Authorization Act for
13 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 379)
14 is amended by striking “the Secretary of State and the
15 Secretary of Defense” and inserting “the Director of the
16 Office of Public Integrity, who may delegate that authority
17 to the Secretary of State and the Secretary of Defense”.

18 (e) INSPECTOR GENERAL OF SIGTARP.—Section
19 121(b) of the Emergency Economic Stabilization Act of
20 2008 (12 U.S.C. 5231(b)) is amended by adding at the
21 end the following:

22 “(7) The Special Inspector General shall report to
23 and be under the general supervision of the Director of
24 the Office of Public Integrity, who may delegate that au-
25 thority to the Secretary.”.

1 (f) CONFORMING AMENDMENTS TO FEDERAL VA-
2 CENCIES REFORM ACT.—Subchapter III of chapter 33 of
3 title 5, United States Code, is amended—

4 (1) in section 3345—

5 (A) in subsection (a), in the matter pre-
6 ceding paragraph (1), by striking “If” and in-
7 serting “Subject to subsection (d), if” and

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

9 “(d) After the date that is 210 days after the date
10 on which a vacancy in the office of the Inspector General
11 of an agency described in subsection (a) begins, the Presi-
12 dent may not exercise the authority under this section with
13 respect to that vacancy in the office of the Inspector Gen-
14 eral.”;

15 (2) in section 3346—

16 (A) in subsection (a), in the matter pre-
17 ceding paragraph (1), by inserting “and subject
18 to subsection (d),” after “sickness,”; and

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

20 “(d) A person serving as acting officer in the office
21 of the Inspector General of an agency under section 3345
22 may not serve in the office after the date that is 210 days
23 after the date on which the vacancy in the office begins,
24 without regard to whether a nomination to the office has
25 been submitted to, is pending in, has been rejected by,

1 has been withdrawn by the President from, or has been
2 returned to the President by the Senate.”;

3 (3) in section 3349(b), in the matter preceding
4 paragraph (1), by inserting “, or, in the case of an
5 Inspector General, that an officer is serving after
6 the end of the 210-day period under section
7 3346(d),” after “3349a,”; and

8 (4) in section 3349a(b), in the matter preceding
9 paragraph (1), by striking “With” and inserting
10 “Except in the case of an Inspector General, with”.

11 **Subtitle C—Office of Congressional** 12 **Ethics**

13 **SEC. 551. DEFINITIONS.**

14 In this subtitle—

15 (1) the term “applicable ethics committee”
16 means the Select Committee on Ethics of the Senate
17 (for Senators and employees of the Senate) or the
18 Committee on Ethics of the House of Representa-
19 tives (for Members of the House of Representatives
20 and employees of the House of Representatives);

21 (2) the term “Board” means the Congressional
22 Ethics Board established under section 553(a);

23 (3) the term “employee of Congress” means an
24 employee of the House of Representatives or an em-
25 ployee of the Senate;

1 (4) the term “employee of the House of Rep-
2 representatives” has the meaning given the term in sec-
3 tion 101 of the Congressional Accountability Act of
4 1995 (2 U.S.C. 1301) and includes an elected or ap-
5 pointed officer of the House of Representatives;

6 (5) the term “employee of the Senate” has the
7 meaning given the term in section 101 of the Con-
8 gressional Accountability Act of 1995 (2 U.S.C.
9 1301) and includes an elected or appointed officer of
10 the Senate; and

11 (6) the term “Member” means any Senator or
12 Representative in, or Delegate or Resident Commis-
13 sioner to, the Congress.

14 **SEC. 552. THE OFFICE OF CONGRESSIONAL ETHICS.**

15 For the purpose of assisting the House of Represent-
16 atives and the Senate in carrying out the responsibilities
17 under article I, section 5, clause 2 of the Constitution of
18 the United States (commonly referred to as the “Dis-
19 cipline Clause”), there is established an independent office
20 in the legislative branch to be known as the “Office of
21 Congressional Ethics” (referred to in this subtitle as the
22 “Office”), which shall be governed by the Congressional
23 Ethics Board established under section 553(a).

1 **SEC. 553. ESTABLISHMENT OF THE BOARD OF THE OFFICE**
2 **OF CONGRESSIONAL ETHICS.**

3 (a) BOARD.—

4 (1) ESTABLISHMENT OF BOARD.—The Office
5 shall be governed by a Congressional Ethics Board
6 consisting of 9 members, of whom—

7 (A) 2 shall be appointed by the President
8 pro tempore of the Senate;

9 (B) 2 shall be appointed by the minority
10 leader of the Senate;

11 (C) 2 shall be appointed by the Speaker of
12 the House of Representatives;

13 (D) 2 shall be appointed by the minority
14 leader of the House of Representatives; and

15 (E) 1 shall be appointed by agreement of
16 the President pro tempore of the Senate, the
17 minority leader of the Senate, the Speaker of
18 the House of Representatives, and the minority
19 leader of the House of Representatives, or by
20 agreement of not less than 3 of those individ-
21 uals.

22 (2) QUALIFICATIONS OF BOARD MEMBERS.—

23 (A) EXPERTISE.—Each member of the
24 Board shall be an individual of exceptional pub-
25 lic standing who is specifically qualified to serve
26 on the Board by virtue of the individual's edu-

1 cation, training, or experience in 1 or more of
2 the legislative, judicial, regulatory, professional
3 ethics, legal, or academic fields.

4 (B) SELECTION BASIS.—Selection and ap-
5 pointment of each member of the Board shall
6 be without regard to political affiliation and
7 solely on the basis of fitness to perform the du-
8 ties of a member of the Board.

9 (C) CITIZENSHIP.—Each member of the
10 Board shall be a United States citizen.

11 (D) DISQUALIFICATIONS.—No individual
12 shall be eligible for appointment to, or service
13 on, the Board who—

14 (i) has ever been registered, or re-
15 quired to be registered, as a lobbyist under
16 the Lobbying Disclosure Act of 1995 (2
17 U.S.C. 1601 et seq.);

18 (ii) engages in, or is otherwise em-
19 ployed in, lobbying of the Congress;

20 (iii) is registered or is required to be
21 registered as an agent of a foreign prin-
22 cipal under the Foreign Agents Registra-
23 tion Act of 1938 (22 U.S.C. 611 et seq.);

24 (iv) is, or has been in the 4 years pre-
25 ceding the date of appointment, a Member,

1 employee of the Senate, or employee of the
2 House of Representatives;

3 (v) is an officer or employee of the
4 Federal Government;

5 (vi) during the 4 years preceding the
6 date of appointment, engaged in any sig-
7 nificant political activity (including being a
8 candidate for public office, fundraising for
9 a candidate for public office or a political
10 party, or serving as an officer or employee
11 of a political campaign or party); or

12 (vii) during the 4 years preceding the
13 date of appointment, served as a fiduciary
14 or personal attorney for an officer or em-
15 ployee of the Federal Government, includ-
16 ing any Member.

17 (3) TERM AND REMOVAL.—

18 (A) LENGTH OF TERM.—The term of a
19 member of the Board shall be for 2 Congresses.

20 (B) TERM LIMITS.—A member of the
21 Board may not serve during 4 consecutive Con-
22 gresses.

23 (C) REMOVAL.—A member of the Board
24 may be removed only for cause and upon unani-
25 mous agreement among the President pro tem-

1 pore and the minority leader of the Senate and
2 the Speaker and the minority leader of the
3 House of Representatives.

4 (D) VACANCIES.—Any vacancy on the
5 Board shall be filled for the unexpired portion
6 of the term in the same manner, and by the
7 same appointing authority, as the original ap-
8 pointment under paragraph (1).

9 (b) CHAIRPERSON AND VICE-CHAIRPERSON.—

10 (1) IN GENERAL.—The members of the Board
11 shall elect a chairperson and a vice-chairperson of
12 the Board by a majority vote. The chairperson and
13 the vice-chairperson shall serve a 1-year term, and
14 may be reelected for additional 1-year terms.

15 (2) DUTIES.—The chairperson of the Board
16 shall preside at the meetings of the Board, and the
17 vice-chairperson shall preside in the absence or dis-
18 ability of the chairperson.

19 (c) MEETINGS.—

20 (1) QUORUM.—A majority of the members of
21 the Board shall constitute a quorum, except that a
22 lesser number of members may hold hearings.

23 (2) MEETINGS.—The Board shall meet at the
24 call of the chairperson or the call of a majority of
25 its members, pursuant to the rules of the Board.

1 (3) VOTING.—Except as otherwise specifically
2 provided, a majority vote of the Board under this
3 subtitle shall require an affirmative vote of 5 or
4 more members.

5 (d) COMPENSATION.—A member of the Board shall
6 not be considered to be an officer or employee of the
7 House or Senate, but shall be compensated at a rate equal
8 to the daily equivalent of the minimum annual rate of
9 basic pay prescribed for GS–15 of the General Schedule
10 under section 5107 of title 5, United States Code, for each
11 day (including travel time) during which such member is
12 engaged in the performance of the duties of the Board.

13 (e) DUTIES OF BOARD.—

14 (1) IN GENERAL.—The Board shall—

15 (A) be the governing body of the Office,
16 and oversee the Office in the implementation of
17 all duties required under this subtitle; and

18 (B) review allegations of violations made
19 against a Member or employee of Congress
20 through the review process described in section
21 555(b).

22 (2) HEARINGS.—The Board may hold such
23 hearings as are necessary and may sit and act only
24 in executive session at such times and places, solicit

1 such testimony, and receive such relevant evidence,
2 as may be necessary to carry out its duties.

3 (f) FINANCIAL DISCLOSURE REPORTS.—

4 (1) IN GENERAL.—Each member of the Board
5 shall file an annual financial disclosure report with
6 the Secretary of the Senate and the Clerk of the
7 House of Representatives on or before May 15 of
8 each calendar year immediately following any year in
9 which the member served on the Board. Each such
10 report shall be on a form prepared jointly by the
11 Clerk and the Secretary that is substantially similar
12 to the form required for individuals at the executive
13 branch who must complete a confidential financial
14 disclosure report under section 102 of the Ethics in
15 Government Act of 1978 (5 U.S.C. App.).

16 (2) DISTRIBUTION OF REPORT.—The Secretary
17 of the Senate and the Clerk of the House of Rep-
18 resentatives, working jointly, shall—

19 (A) not later than 7 days after the date
20 each financial disclosure report under para-
21 graph (1) is filed, send a copy of each such re-
22 port to the applicable ethics committees; and

23 (B) annually print all such financial disclo-
24 sure reports as a document of Congress, and
25 make the document available to the public.

1 **SEC. 554. DUTIES AND POWERS OF THE OFFICE AND THE**
2 **BOARD.**

3 (a) IN GENERAL.—The Office is authorized—

4 (1) in accordance with section 555—

5 (A) to investigate any alleged violation, by
6 a Member or employee of Congress, of any eth-
7 ics law (including regulations), rule, or other
8 standard of conduct applicable to the conduct of
9 such Member or employee under applicable
10 House or Senate rules in the performance of
11 the duties, or the discharge of the responsibil-
12 ities, of the Member or employee; and

13 (B) in any case where the Board deter-
14 mines, after the investigation described in sub-
15 paragraph (A), that there is a reasonable basis
16 to believe an alleged violation of any ethics law,
17 rule, or other standard of conduct described in
18 such subparagraph, to present the alleged ethics
19 violation and any material evidence to the appli-
20 cable ethics committee;

21 (2) to refer to appropriate Federal or State au-
22 thorities, including the Office of Public Integrity and
23 the Department of Justice as appropriate, any evi-
24 dence of a violation by a Member or employee of
25 Congress of any law (including laws applicable to the
26 performance of the duties, or the discharge of the

1 responsibilities, of the Member or employee), which
2 may have been disclosed in an investigation by the
3 Office, in accordance with subsection (b);

4 (3) to provide advice and informal guidance to
5 Members and employees of Congress regarding any
6 ethics law (including regulations), rule, or other
7 standard of conduct applicable to such individuals in
8 their official capacities, and develop and carry out
9 periodic educational briefings for Members and em-
10 ployees of Congress on those laws, rules, and other
11 standards;

12 (4)(A) to give consideration to the request of
13 any Member or employee of Congress for a formal
14 advisory opinion or other formal ruling, subject to
15 the approval of the applicable ethics committee, with
16 respect to the general propriety of any current or
17 proposed conduct of such Member or employee;

18 (B) to provide a formal advisory opinion or
19 other formal ruling, in accordance with subpara-
20 graph (A), in situations that the Board determines
21 appropriate; and

22 (C) subject to the requirement for approval by
23 the applicable ethics committee in accordance with
24 subsection (c), and with appropriate deletions to as-
25 sure the privacy of the individual concerned, to pub-

1 lish such opinion for the guidance of other Members
2 and employees of Congress;

3 (5) if the Office determines, during the course
4 of any investigation under this subtitle, that a lob-
5 byist or lobbying firm may be in noncompliance with
6 the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601
7 et seq.)—

8 (A) to notify the United States Attorney
9 for the District of Columbia and the Director of
10 the Office of Public Integrity of the potential
11 violation; and

12 (B) to notify the lobbyist or lobbying firm
13 of such determination, in writing;

14 (6) to provide informal guidance to lobbyists or
15 lobbying firms engaged in lobbying activity or lob-
16 bying contacts under the Lobbying Disclosure Act of
17 1995 (2 U.S.C. 1601 et seq.) to covered legislative
18 branch officials (as defined in section 3 of such Act
19 (2 U.S.C. 1602)) of their responsibilities under such
20 Act;

21 (7) to aid in the enforcement of ethics require-
22 ments for Members or employees of Congress under
23 this subtitle or any other provision of law; and

24 (8) to administer the process for Members and
25 employees of Congress to seek and receive any waiv-

1 ers from any ethics law (including regulations), rule,
2 or other standard that applies to Members and em-
3 ployees of Congress, subject to approval of the appli-
4 cable ethics committee.

5 (b) REFERRALS TO LAW ENFORCEMENT OFFI-
6 CIALS.—

7 (1) IN GENERAL.—Upon a majority vote of the
8 Board, the Office may refer potential legal violations
9 committed by a Member or employee of Congress to
10 the Department of Justice or other relevant Federal
11 or State law enforcement officials, which referral
12 shall include all appropriate evidence gathered dur-
13 ing any review conducted under this subtitle.

14 (2) NO APPROVAL REQUIRED.—A referral
15 under paragraph (1) does not require the approval
16 of either of the applicable ethics committees.

17 (3) NOTIFICATION.—The Board shall notify the
18 Select Committee on Ethics of the Senate or the
19 Committee on Ethics of the House of Representa-
20 tives, and the Director of the Office of Public Integ-
21 rity of all referrals under this subsection.

22 (c) ADVISORY OPINIONS.—

23 (1) IN GENERAL.—Upon a majority vote of the
24 Board, the Office may draft and publish rec-
25 ommended formal advisory opinions and interpreta-

1 tions of rules and other standards of conduct appli-
2 cable to Members and employees of Congress, which
3 shall be submitted to each applicable ethics com-
4 mittee for approval.

5 (2) REQUIREMENTS FOR ETHICS COMMITTEE
6 REVIEW.—Each applicable ethics committee may re-
7 vise, overturn, dismiss, or issue any recommended
8 formal advisory opinions or interpretations under
9 paragraph (1) that is applicable to the Members and
10 employees of that House of Congress. A rec-
11 ommended formal advisory opinion or interpretation
12 under paragraph (1) is only binding if issued by one
13 of the applicable ethics committees.

14 (3) REQUIREMENTS.—Any applicable ethics
15 committee decision described in paragraph (2) shall
16 be recorded and made publicly available, and shall
17 be accompanied by a written explanation for that ac-
18 tion. Dissenting members of the applicable ethics
19 committee are allowed to issue their own report de-
20 tailing reasons for disagreeing with the decision.

21 (d) LIMITATIONS ON REVIEW.—No review shall be
22 undertaken by the Board of any alleged violation of law,
23 rule, regulation or standard of conduct not in effect at
24 the time of the alleged violation, nor shall any review be

1 undertaken by the Board of any alleged violation that oc-
2 curred before the date of enactment of this Act.

3 (e) PROHIBITION ON PUBLIC DISCLOSURE.—

4 (1) IN GENERAL.—

5 (A) REQUIRED AFFIRMATION BY MEMBERS
6 AND STAFF.—When an individual becomes a
7 member of the Board or employee of the Office,
8 that individual shall execute the following oath
9 or affirmation in writing: “I do solemnly swear
10 (or affirm) that I will not disclose to any person
11 or entity outside of the Office any information
12 received in the course of my service with the
13 Office, except as authorized by the Board by
14 majority vote as necessary to conduct official
15 business or pursuant to its rules.”. Copies of
16 the executed oath shall be provided to the Clerk
17 of the House of Representatives and the Sec-
18 retary of the Senate as part of the records of
19 the House and Senate.

20 (B) PROHIBITION ON PUBLIC DISCLO-
21 SURE.—No testimony received, or any other in-
22 formation obtained, by a member of the Board
23 or employee of the Office shall be publicly dis-
24 closed to any person or entity outside the Of-
25 fice, unless approved by a majority vote of the

1 Board. Any communication to any person or en-
2 tity outside the Office may occur only as au-
3 thorized by the Board.

4 (C) PROCEDURES AND INVESTIGATION.—

5 The Office shall establish procedures necessary
6 to prevent the unauthorized disclosure of any
7 information received by the Office. Any
8 breaches of confidentiality shall be investigated
9 by the Board and appropriate action shall be
10 taken.

11 (2) PROVISION WITH RESPECT TO OFFICE OF
12 PUBLIC INTEGRITY OR ETHICS COMMITTEES.—Para-
13 graph (1) shall not preclude—

14 (A) any member of the Board or any em-
15 ployee of the Office from presenting a report or
16 findings of the Board, or testifying before the
17 Select Committee on Ethics of the Senate or
18 the Committee on Ethics of the House of Rep-
19 resentatives, if requested by either committee
20 pursuant to the rules of the committee;

21 (B) any necessary communication with the
22 Office of Public Integrity;

23 (C) any necessary communication with the
24 Department of Justice or any other law en-
25 forcement agency;

1 (D) any necessary communication with any
2 members, or employees, of the applicable ethics
3 committee; or

4 (E) any necessary communication with the
5 President pro tempore of the Senate, majority
6 leader of the Senate, minority leader of the
7 Senate, Speaker of the House of Representa-
8 tives, or minority leader of the House of Rep-
9 resentatives.

10 (3) OPPORTUNITY TO PRESENT.—Before the
11 Board votes on a recommendation or statement to
12 be transmitted to the appropriate congressional com-
13 mittee relating to official conduct of any Member or
14 employee of Congress, the Board shall provide that
15 individual the opportunity to present, orally or in
16 writing (at the discretion of the Board), a statement
17 to the Board.

18 (f) PRESENTATION OF REPORTS TO SELECT COM-
19 MITTEE ON ETHICS OF THE SENATE OR THE COMMITTEE
20 ON ETHICS OF THE HOUSE OF REPRESENTATIVES.—
21 Whenever the Board transmits any report to the applica-
22 ble ethics committee relating to the official conduct of any
23 Member or employee of Congress, it shall designate a
24 member of the Board or employee to present the report
25 to such committee if requested by such committee.

1 (g) MAINTAINING OF FINANCIAL DISCLOSURE RE-
2 PORTS.—The Office shall receive, and maintain, a copy
3 of each report filed under section 101 of the Ethics in
4 Government Act of 1978 (5 U.S.C. App.) by a Member
5 or employee of Congress.

6 (h) MEMORANDUM OF UNDERSTANDING WITH THE
7 OFFICE OF PUBLIC INTEGRITY.—The Office shall enter
8 into a memorandum of understanding with the Director
9 of the Office of Public Integrity in order—

10 (1) to share any information necessary for the
11 execution of each office’s respective duties and re-
12 sponsibilities, including the copies of reports de-
13 scribed in subsection (g);

14 (2) to ensure consistent interpretation and en-
15 forcement of the Nation’s ethics laws for executive
16 and legislative branch employees and officials; and

17 (3) to reduce and mitigate jurisdictional confu-
18 sion.

19 (i) INVESTIGATIVE AUTHORITY.—In the course of an
20 investigation described in subsection (a)(1)(A), the Board
21 may require by subpoena the attendance of and testimony
22 by witnesses and the production of any book, check, can-
23 celed check, correspondence, communication, document,
24 email, papers, physical evidence, record, recording, tape,
25 or other material (including electronic records) relating to

1 any matter or question the Office is authorized to inves-
2 tigate from any individual or entity.

3 **SEC. 555. REVIEW PROCESS OF SUBMISSIONS.**

4 (a) SOURCE OF SUBMISSIONS.—

5 (1) CITIZEN SUBMISSIONS.—

6 (A) CITIZEN SUBMISSIONS.—Any citizen of
7 the United States, including a Member or em-
8 ployee of Congress, may submit to the Office an
9 allegation of a violation or any material infor-
10 mation regarding an alleged violation, by a
11 Member or employee of Congress of any law
12 (including any regulation), rule, or other stand-
13 ard of conduct applicable to the conduct of such
14 Member or employee in the performance of the
15 duties, or the discharge of the responsibilities,
16 of the Member or employee, subject to subpara-
17 graph (B) and paragraph (4).

18 (B) BAN ON FILING SUBMISSIONS PRIOR
19 TO ELECTION.—The Board may not accept cit-
20 izen submissions regarding the conduct of a
21 Member filed in the—

22 (i) 30 days prior to a primary election
23 for which the Member in question is a can-
24 didate; and

1 (ii) 60 days prior to a general election
2 for which the Member in question is a can-
3 didate.

4 (2) BOARD MEMBER OR OFFICE OF CONGRES-
5 SIONAL ETHICS SUBMISSIONS.—A member of the
6 Board or an employee of the Office may submit an
7 allegation of a violation by a Member or employee of
8 Congress of any law (including any regulation), rule,
9 or other standard of conduct applicable to the con-
10 duct of such Member or employee in the perform-
11 ance of the duties, or the discharge of the respon-
12 sibilities, of the Member or employee.

13 (3) FALSE CLAIMS ACKNOWLEDGMENT AND
14 STATEMENT.—Any submission under paragraph (1)
15 shall include a signed statement acknowledging that
16 the individual submitting the allegation or material
17 information understands that section 1001 of title
18 18, United States Code (popularly known as the
19 “False Statements Act”), applies to the allegation or
20 information the individual is submitting.

21 (4) PAST FRIVOLOUS CHARGES.—The Board
22 shall not accept any submission under paragraph
23 (1)(A) from an individual who has previously vio-
24 lated section 1001 of title 18, United States Code,
25 with respect to this subtitle.

1 (5) NOTIFICATION.—Upon receipt of a submis-
2 sion filed under paragraph (1) or (2) that meets the
3 requirements of this subsection and that the Office
4 determines contains a material allegation of a viola-
5 tion, or material information, described in paragraph
6 (1)(A), the Office shall refer the submission to the
7 Board for consideration under the review process de-
8 scribed in subsection (b).

9 (b) REVIEW PROCESS OF ALLEGED VIOLATIONS BY
10 MEMBERS OR EMPLOYEES OF CONGRESS.—

11 (1) REQUEST.—After receiving a submission
12 under subsection (a)(5), 2 or more members of the
13 Board may submit a joint written statement to all
14 members of the Board authorizing the Office to un-
15 dertake a preliminary review of any alleged violation
16 by a Member or employee of Congress of any law
17 (including any regulation), rule, or other standard of
18 conduct applicable to the conduct of such Member or
19 employee in the performance of the duties, or the
20 discharge of the responsibilities, of the Member or
21 employee, along with a brief description of the spe-
22 cific matter.

23 (2) PRELIMINARY REVIEW.—

24 (A) IN GENERAL.—Not later than 7 busi-
25 ness days after receipt of an authorization

1 statement from 2 or more members of the
2 Board under paragraph (1), the Board shall—

3 (i) instruct the Office to initiate a
4 preliminary review of the alleged violation;
5 and

6 (ii) provide a written notification of
7 the commencement of the preliminary re-
8 view, including a statement of the nature
9 of the review, to—

10 (I) the applicable ethics com-
11 mittee;

12 (II) any individual who is the
13 subject of the preliminary review; and

14 (III) the Director of the Office of
15 Public Integrity.

16 (B) OPPORTUNITY TO TERMINATE PRE-
17 LIMINARY REVIEW.—At any time, the Board
18 may, by a majority vote, terminate a prelimi-
19 nary review on any ground, including that the
20 matter under review is de minimis in nature. If
21 the Board votes to terminate the preliminary
22 review—

23 (i) the review process under this sec-
24 tion is completed and no further actions
25 shall be taken; and

1 (ii) the Board—

2 (I) shall notify, in writing, the in-
3 dividual who was the subject of the
4 preliminary review, the Director of the
5 Office of Public Integrity, and the ap-
6 plicable ethics committee, of its deci-
7 sion to terminate the review of the
8 matter; and

9 (II) may, in any case where the
10 Board votes to terminate the prelimi-
11 nary review, send a report, including
12 any findings of the Board, to the ap-
13 plicable ethics committee and to the
14 Director of the Office of Public Integ-
15 rity.

16 (3) SECOND-PHASE REVIEW PROCESS.—

17 (A) VOTE FOR SECOND-PHASE REVIEW.—

18 (i) IN GENERAL.—After the prelimi-
19 nary review conducted under paragraph
20 (2) is completed, the Board shall vote on
21 whether to authorize a second-phase review
22 of the matter under consideration. If there
23 is an affirmative vote of 4 or more mem-
24 bers of the Board to authorize the second-
25 phase review, the Board shall authorize the

1 second-phase review process in accordance
2 with subparagraph (B).

3 (ii) TERMINATION OF MATTER.—If a
4 vote to authorize a second-phase review
5 under clause (i) does not succeed, the re-
6 view process under this section shall be
7 completed and no further actions shall be
8 taken.

9 (iii) NOTIFICATION TO PARTIES.—The
10 Board—

11 (I) shall notify, in writing, the in-
12 dividual who was the subject of the
13 preliminary review, the Director of the
14 Office of Public Integrity, and the ap-
15 plicable ethics committee, of its deci-
16 sion to authorize a second-phase re-
17 view of the matter or to terminate the
18 review process; and

19 (II) may, in any case where the
20 Board decides to terminate the review
21 process of the violation under clause
22 (ii), send a report, including any find-
23 ings of the Board, to the applicable
24 ethics committee and to the Director
25 of the Office of Public Integrity.

1 (B) SECOND-PHASE REVIEW.—In any case
2 where a second-phase review is required, the
3 Board shall authorize the Office to commence,
4 and complete, a second-phase review.

5 (C) COMPLETION OF SECOND-PHASE RE-
6 VIEW.—Upon the completion of any second-
7 phase review, the Board shall—

8 (i) evaluate the review and determine,
9 based on a majority vote, whether—

10 (I) the applicable ethics com-
11 mittee should dismiss the matter that
12 was the subject of such review, which
13 may be made on any ground, includ-
14 ing that the matter under review is de
15 minimis in nature;

16 (II) the matter requires further
17 review by the applicable ethics com-
18 mittee; or

19 (III) the applicable ethics com-
20 mittee should take action relating to
21 the matter, including any rec-
22 ommendation for the disciplinary ac-
23 tion or sanctions that the committee
24 should take;

1 (ii) transmit to the applicable ethics
2 committee a written report that includes—

3 (I) a statement of the nature of
4 the review and the Member or em-
5 ployee of Congress who is the subject
6 of the review, including any alleged
7 violations uncovered in either the pre-
8 liminary or second-phase review;

9 (II) any recommendations of the
10 Board based on votes conducted under
11 clause (i), or a statement that the
12 matter is unresolved because of a tie
13 vote of the Board or a failure to meet
14 the majority vote threshold established
15 under section 553(c)(3);

16 (III) a description of the number
17 of members voting in the affirmative
18 and in the negative for any action de-
19 scribed in clause (i);

20 (IV) any findings of the Board,
21 including—

22 (aa) any findings of fact;

23 (bb) a description of any rel-
24 evant information that the Board
25 was unable to obtain or witnesses

1 whom the Board was unable to
2 interview, and the reasons there-
3 for; and

4 (cc) a citation of any rel-
5 evant law, regulation, or stand-
6 ard of conduct relating to the
7 violation; and

8 (V) any supporting documenta-
9 tion;

10 (iii) transmit to the individual who is
11 the subject of the second-phase review the
12 written report of the Board described in
13 clause (ii);

14 (iv) transmit to the Director of the
15 Office of Public Integrity the written re-
16 port of the Board described in clause (ii),
17 and may include any recommendations for
18 action by the Director that the Board may
19 recommend; and

20 (v) make public, on a website main-
21 tained by the Office, the written report of
22 the Board described in clause (ii), unless a
23 majority of the members of the Board vote
24 to withhold the report from the public
25 where public disclosure could compromise

1 the ability of the applicable ethics com-
 2 mittee or a law enforcement agency to act
 3 on an alleged ethics violation.

4 (D) AUTHORITY FOR REPRIMAND.—Upon
 5 the completion of any second-phase review, the
 6 Board—

7 (i) may, upon a majority vote, rep-
 8 rimand, in writing, the alleged violator for
 9 potential violations of the law;

10 (ii) in any case where a reprimand
 11 under clause (i) is issued, shall provide a
 12 copy of the reprimand to—

13 (I) the presiding officer of the
 14 House of Congress in which the al-
 15 leged violator serves (if such indi-
 16 vidual is a Member of Congress); or

17 (II) the alleged violator's em-
 18 ployer, if the individual is an employee
 19 of Congress; and

20 (iii) may make the reprimand avail-
 21 able to the public.

22 (c) REQUESTS FROM APPLICABLE ETHICS COMMIT-
 23 TEES.—

24 (1) IN GENERAL.—Notwithstanding any other
 25 provision of this subtitle, upon receipt of a written

1 request from an applicable ethics committee that the
2 Board cease its review of any matter and refer such
3 matter to the committee because the committee has
4 voted to open an investigation of such matter by the
5 committee or by an investigatory subcommittee of
6 the committee, the Board shall refer such matter to
7 the committee, cease its preliminary or second-phase
8 review, as applicable, of that matter and so notify
9 any individual who is the subject of the review. In
10 any such case, the Board shall send a written report
11 to the committee containing a statement that, upon
12 the request of that committee, the matter is referred
13 to it for its consideration. Nothing in this paragraph
14 shall be construed to prevent the Board from send-
15 ing any information regarding the matter to the Di-
16 rector of the Office of Public Integrity or to other
17 law enforcement agencies.

18 (2) RESUMPTION OF REVIEW.—If the applicable
19 ethics committee notifies the Board in writing that
20 it is unable to resolve any matter described in para-
21 graph (1), the Board may begin or continue, as the
22 case may be, a second-phase review of the matter in
23 accordance with subsection (b)(3).

24 (d) PROCEDURES.—

1 (1) REVIEW POWERS.—Members of the Board
2 or employees of the Office may, during either an ini-
3 tial review or second-phase review—

4 (A) administer oaths;

5 (B) require, by subpoena or otherwise, the
6 attendance and testimony of such witnesses and
7 the production of such books, records, cor-
8 respondence, accounts, memoranda, papers,
9 documents, tapes, and materials as the Board
10 or the Office considers advisable;

11 (C) take the deposition of witnesses; and

12 (D) conduct general audits of filings under
13 the Lobbying Disclosure Act of 1995 (2 U.S.C.
14 1601 et seq.).

15 (2) WITNESSES.—

16 (A) WITNESSES.—Any witness interviewed
17 as part of a review under this section shall sign
18 a statement acknowledging that the witness un-
19 derstands that section 1001 of title 18, United
20 States Code (popularly known as the “False
21 Statements Act”) applies to the testimony of
22 the witness and to any documents the witness
23 provides.

24 (B) PAYMENT.—Witnesses appearing be-
25 fore the Office may be paid in the same manner

1 as prescribed by clause 5 of rule XI of the
2 Rules of the House of Representatives, as in ef-
3 fect on the day before the date of enactment of
4 this Act.

5 (3) PROHIBITION OF EX PARTE COMMUNICA-
6 TIONS.—There shall be no ex parte communications
7 between any member of the Board or employee of
8 the Office and any individual who is the subject of
9 any review by the Board or between any member of
10 the Board and any interested party, and no Member
11 or employee of the Congress may communicate with
12 any member of the Board or employee of the Office
13 regarding any matter under review by the Board ex-
14 cept as authorized by the Board.

15 (4) CONTEMPT OF CONGRESS.—If a person dis-
16 obeys or refuses to comply with a subpoena, or if a
17 witness refuses to testify to a matter, the Board
18 may recommend to the applicable ethics committee
19 that such person be held in contempt of Congress.

20 **SEC. 556. PERSONNEL MATTERS.**

21 (a) COMPENSATION OF EMPLOYEES.—

22 (1) APPOINTMENT.—Upon a majority vote of
23 the Board, the Board may appoint and fix the com-
24 pensation of such professional, nonpartisan staff (in-
25 cluding staff with relevant experience in investiga-

1 tions and law enforcement) of the Office as the
2 Board considers necessary to perform its duties.

3 (2) QUALIFICATIONS.—Each employee of the
4 Office shall be professional and demonstrably quali-
5 fied for the position for which the employee is hired.

6 (3) STAFFING REQUIREMENTS.—

7 (A) IN GENERAL.—The employees of the
8 Office shall be assembled and retained as a pro-
9 fessional, nonpartisan staff, and the Office as a
10 whole, and each individual employee, shall per-
11 form all official duties in a nonpartisan manner.

12 (B) NO PARTISAN POLITICAL ACTIVITY.—
13 No employee of the Office shall engage in any
14 partisan political activity directly affecting any
15 congressional or presidential election.

16 (C) LIMITATION ON PUBLIC SPEAKING OR
17 PUBLICATION.—No employee of the Office may
18 accept public speaking engagements or write for
19 publication on any subject that is in any way
20 related to the employee's employment or duties
21 with the Office without specific prior approval
22 from the chairperson and vice-chairperson of
23 the Board.

1 (b) TERMINATION OF EMPLOYEES.—The employ-
2 ment of an employee of the Office may be terminated dur-
3 ing a Congress solely by a majority vote of the Board.

4 (c) REIMBURSEMENTS.—Members of the Board, and
5 employees of the Office, may be reimbursed for travel, sub-
6 sistence, and other necessary expenses incurred by mem-
7 bers or employees in the performance of their duties in
8 the same manner as is permissible for such expenses of
9 other employees of the House or Senate.

10 (d) AGREEMENTS FOR MEMBERS AND EMPLOYEES;
11 RETENTION OF DOCUMENTS BY THE CLERK.—

12 (1) IN GENERAL.—Before any individual who is
13 appointed to serve on the Board or before any indi-
14 vidual is hired to be an employee of the Office may
15 do so, the individual shall execute a signed document
16 containing the following statement: “I agree not to
17 be a candidate for the office of Senator or Rep-
18 resentative in, or Delegate or Resident Commis-
19 sioner to, the Congress for purposes of the Federal
20 Election Campaign Act of 1971 until at least 4
21 years after I am no longer a member of the Congres-
22 sional Ethics Board or employee of the Office of
23 Congressional Ethics.”.

24 (2) RETENTION OF DOCUMENTS.—Copies of the
25 signed and executed document shall be retained by

1 the Clerk of the House of Representatives and the
2 Secretary of the Senate as part of the records of the
3 House and the Senate. The Clerk and the Secretary,
4 working jointly, shall make the signatures a matter
5 of public record, causing the names of each indi-
6 vidual who has signed the document to be published
7 in a portion of the Congressional Record designed
8 for that purpose, and make cumulative lists of such
9 names available on the websites of the Clerk and the
10 Secretary.

11 (e) CODE OF CONDUCT.—The Board—

12 (1) shall establish a code of conduct to govern
13 the behavior of the members of the Board and the
14 employee of the Office, which shall include the avoid-
15 ance of conflicts of interest; and

16 (2) may issue other rules as the Board deter-
17 mines necessary to carry out the functions of the
18 Board and the Office.

19 **SEC. 557. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to carry out
21 this subtitle such sums as may be necessary.

22 **SEC. 558. CONFORMING AMENDMENTS AND RULES OF CON-**
23 **STRUCTION.**

24 (a) CONFORMING AMENDMENTS TO THE ETHICS IN
25 GOVERNMENT ACT OF 1978.—Section 109(18) of the

1 Ethics in Government Act of 1978 (5 U.S.C. App.) is
2 amended—

3 (1) by redesignating subparagraphs (A) through
4 (D), as amended, as subparagraphs (B) through
5 (E), respectively;

6 (2) by inserting before subparagraph (B), as re-
7 designated by paragraph (1) of this subsection, the
8 following:

9 “(A) the Office of Congressional Ethics es-
10 tablished under section 552 of the Anti-Corrup-
11 tion and Public Integrity Act, for Senators,
12 Members of the House of Representatives, offi-
13 cers and employees of the Senate, and officers
14 and employees of the House of Representatives
15 required to file financial disclosure reports with
16 the Secretary of the Senate pursuant to section
17 103(h) of this title;”;

18 (3) in subparagraph (B) (as so redesignated),
19 by striking “Senators, officers and employees of the
20 Senate, and other officers or employees of the legis-
21 lative branch” and inserting “officers or employees
22 of the legislative branch not described in subpara-
23 graph (A)”; and

24 (4) in subparagraph (C) (as so redesignated),
25 by striking “Members, officers and employees of the

1 House of Representatives and other officers or em-
2 ployees of the legislative branch” and inserting “offi-
3 cers or employees of the legislative branch not de-
4 scribed in subparagraph (A)”.

5 (b) TERMINATION OF THE OFFICE OF CONGRES-
6 SIONAL ETHICS OF THE HOUSE OF REPRESENTATIVES.—
7 Beginning on the date on which all members of the Board
8 are appointed, the Office of Congressional Ethics of the
9 House of Representatives shall be eliminated and section
10 1 of H. Res. 895 (110th Congress, March 11, 2008) shall
11 cease to have any force or effect.

12 (c) RULEMAKING AUTHORITY.—The provisions of
13 this subtitle are enacted—

14 (1) as an exercise of the rulemaking power of
15 the Senate and of the House of Representatives, and
16 as such they shall be considered as part of the rules
17 of the Senate and the House, respectively, and shall
18 supersede other rules only to the extent that they
19 are inconsistent therewith; and

20 (2) with full recognition of the constitutional
21 right of the Senate and the House of Representa-
22 tives to change such rules at any time, in the same
23 manner, and to the same extent as in the case of
24 any other rule of the Senate or House of Represent-
25 atives.

1 **Subtitle D—Applicability**

2 **SEC. 571. APPLICABILITY.**

3 This title and the amendments made by this title
4 shall apply on and after the date of enactment of this Act.

5 **TITLE VI—TRANSPARENCY AND**
6 **GOVERNMENT RECORDS**

7 **Subtitle A—Transparency for Fed-**
8 **eral Personnel and Candidates**
9 **for Federal Office**

10 **SEC. 601. CATEGORIES RELATING TO THE AMOUNT OR**
11 **VALUE OF CERTAIN INCOME.**

12 Section 102 of the Ethics in Government Act of 1978
13 (5 U.S.C. App.) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)(B)—

16 (i) in the matter preceding clause (i),
17 by striking “which of the following cat-
18 egories the amount or value of such item
19 of income is within” and inserting “the
20 amount or value of such item of income in
21 accordance with the following”;

22 (ii) by redesignating clauses (i)
23 through (iv) as subclauses (I) through
24 (IV), respectively, and adjusting the mar-
25 gin accordingly;

1 (iii) by inserting before subclause (I),
2 as so redesignated, the following:

3 “(i) For items of income with an
4 amount or value of not more than
5 \$25,000, which of the following categories
6 the amount or value of such item of in-
7 come is within:”;

8 (iv) in clause (i)(III), as so des-
9 ignated, by adding “or” at the end;

10 (v) in clause (i)(IV), as so designated,
11 by striking “\$15,000,” and inserting
12 “\$25,000.”; and

13 (vi) by striking clauses (v) through
14 (ix) and inserting the following:

15 “(ii) For items of income with an
16 amount or value of greater than \$25,000,
17 the amount or value of the item of income,
18 rounded as follows:

19 “(I) For items of income with an
20 amount or value of greater than
21 \$25,000 but not more than \$100,000,
22 the amount or value rounded to the
23 nearest \$10,000.

24 “(II) For items of income with
25 an amount or value of greater than

1 \$100,000 but not more than
2 \$1,000,000, the amount or value
3 rounded to the nearest \$100,000.

4 “(III) For items of income with
5 an amount or value of greater than
6 \$1,000,000, the amount or value
7 rounded to the nearest \$1,000,000.”;

8 (B) in paragraph (3), by striking “cat-
9 egory of value” and inserting “value, in accord-
10 ance with subsection (d)(2),”; and

11 (C) in paragraph (4), in the matter pre-
12 ceding subparagraph (A), by striking “category
13 of value” and inserting “value, in accordance
14 with subsection (d)(2),”; and

15 (2) in subsection (d)—

16 (A) in paragraph (1), in the matter pre-
17 ceding subparagraph (A), by striking “(3), (4),
18 (5), and (8)” and inserting “(5) and (8)”;

19 (B) by redesignating paragraph (2) as
20 paragraph (3); and

21 (C) by inserting after paragraph (1) the
22 following:

23 “(2) The amount or value of the items covered in
24 paragraphs (3) and (4) of subsection (a) shall be reported
25 as follows:

1 “(A) For items with an amount or value of not
2 more than \$25,000, which of the following categories
3 the amount or value of such item is within:

4 “(i) Not more than \$15,000.

5 “(ii) Greater than \$15,000 but not more
6 than \$25,000.

7 “(B) For items with an amount or value of
8 greater than \$25,000, the amount or value of the
9 item, rounded as follows:

10 “(i) For items with an amount or value of
11 greater than \$25,000 but not more than
12 \$100,000, the amount or value rounded to the
13 nearest \$10,000.

14 “(ii) For items with an amount or value of
15 greater than \$100,000 but not more than
16 \$1,000,000, the amount or value rounded to the
17 nearest \$100,000.

18 “(iii) For items with an amount or value
19 of greater than \$1,000,000, the amount or
20 value rounded to the nearest \$1,000,000.”.

1 **SEC. 602. DISCLOSURE OF PERSONAL INCOME TAX RE-**
2 **URNS BY PRESIDENTS, VICE PRESIDENTS,**
3 **MEMBERS OF CONGRESS, AND CERTAIN CAN-**
4 **DIDATES.**

5 (a) IN GENERAL.—Title I of the Ethics in Govern-
6 ment Act of 1978 (5 U.S.C. App.) is amended—

7 (1) by inserting after section 102 the following:

8 **“SEC. 102A. DISCLOSURE OF PERSONAL INCOME TAX RE-**
9 **URNS BY PRESIDENTS, VICE PRESIDENTS,**
10 **MEMBERS OF CONGRESS, AND CERTAIN CAN-**
11 **DIDATES.**

12 “(a) DEFINITIONS.—In this section—

13 “(1) the term ‘covered candidate’ means an in-
14 dividual—

15 “(A) required to file a report under section
16 101(c); and

17 “(B) who is nominated by a major party
18 as a candidate for the office of President, Vice
19 President, or Member of Congress;

20 “(2) the term ‘covered individual’ means—

21 “(A) a President, Vice President, or Mem-
22 ber of Congress required to file a report under
23 subsection (a) or (d) of section 101; and

24 “(B) an individual who occupies the office
25 of the President, Vice President, or a Member

1 of Congress required to file a report under sec-
2 tion 101(e);

3 “(3) the term ‘income tax return’ means, with
4 respect to any covered candidate or covered indi-
5 vidual, any return (within the meaning of section
6 6103(b) of the Internal Revenue Code of 1986) re-
7 lated to Federal income taxes, but does not in-
8 clude—

9 “(A) information returns issued to persons
10 other than such covered candidate or covered
11 individual; and

12 “(B) declarations of estimated tax; and

13 “(4) the term ‘major party’ has the meaning
14 given the term in section 9002 of the Internal Rev-
15 enue Code of 1986.

16 “(b) DISCLOSURE.—

17 “(1) COVERED INDIVIDUALS.—

18 “(A) IN GENERAL.—In addition to the in-
19 formation described in subsections (a) and (b)
20 of section 102, a covered individual shall in-
21 clude in each report required to be filed under
22 this title a copy of the income tax returns of the
23 covered individual for—

24 “(i) with respect to the President or
25 Vice President, the 8 most recent taxable

1 years and every year the individual was in
2 Federal elected office for which a return
3 have been filed with the Internal Revenue
4 Service as of the date on which the report
5 is filed; and

6 “(ii) with respect to a Member of
7 Congress, the 2 most recent taxable years
8 and every year the individual was in Fed-
9 eral elected office for which a return has
10 been filed with the Internal Revenue Serv-
11 ice as of the date on which the report is
12 filed.

13 “(B) FAILURE TO DISCLOSE.—If an in-
14 come tax return is not disclosed under subpara-
15 graph (A), the Director of the Office of Public
16 Integrity shall submit to the Secretary of the
17 Treasury a request that the Secretary of the
18 Treasury provide the Director of the Office of
19 Public Integrity with a copy of the income tax
20 return.

21 “(C) PUBLICLY AVAILABLE.—Each income
22 tax return submitted under this paragraph shall
23 be filed with the Director of the Office of Public
24 Integrity and made publicly available in the

1 same manner as the information described in
2 subsections (a) and (b) of section 102.

3 “(D) REDACTION OF CERTAIN INFORMA-
4 TION.—Before making any income tax return
5 submitted under this paragraph available to the
6 public, the Director of the Office of Public In-
7 tegrity shall redact such information as the Di-
8 rector of the Office of Public Integrity, in con-
9 sultation with the Secretary of the Treasury de-
10 termines appropriate.

11 “(2) CANDIDATES.—

12 “(A) IN GENERAL.—Not later than 15
13 days after the date on which a covered can-
14 didate is nominated, the covered candidate shall
15 amend the report filed by the covered candidate
16 under section 101(c) with the Federal Election
17 Commission to include a copy of the income tax
18 returns of the covered candidate for—

19 “(i) with respect to a candidate for
20 nomination or election to the office of
21 President or Vice President, the 8 most re-
22 cent taxable years and every year the indi-
23 vidual was in Federal elected office for
24 which a return has been filed with the In-
25 ternal Revenue Service; and

1 “(ii) with respect to a candidate for
2 nomination or election to the office of
3 Member of Congress, the 2 most recent
4 taxable years and every year the individual
5 was in Federal elected office for which a
6 return has been filed with the Internal
7 Revenue Service.

8 “(B) FAILURE TO DISCLOSE.—If an in-
9 come tax return is not disclosed under subpara-
10 graph (A) the Federal Election Commission
11 shall submit to the Secretary of the Treasury a
12 request that the Secretary of the Treasury pro-
13 vide the Federal Election Commission with the
14 income tax return.

15 “(C) PUBLICLY AVAILABLE.—Each income
16 tax return submitted under this paragraph shall
17 be filed with the Federal Election Commission
18 and made publicly available in the same manner
19 as the information described in section 102(b).

20 “(D) REDACTION OF CERTAIN INFORMA-
21 TION.—Before making any income tax return
22 submitted under this paragraph available to the
23 public, the Federal Election Commission shall
24 redact such information as the Federal Election
25 Commission, in consultation with the Secretary

1 of the Treasury and the Director of the Office
2 of Public Integrity, determines appropriate.

3 “(3) SPECIAL RULE FOR SITTING PRESI-
4 DENTS.—Not later than 30 days after the date of
5 enactment of this section, the President shall submit
6 to the Director of the Office of Public Integrity a
7 copy of the income tax returns described in para-
8 graph (1)(A)(i).”; and

9 (2) in section 104—

10 (A) in subsection (a)—

11 (i) in paragraph (1), in the first sen-
12 tence, by inserting “, 102B, or 102C, or
13 any individual who knowingly and willfully
14 falsifies or who knowingly and willfully
15 fails to file an income tax return that such
16 individual is required to disclose pursuant
17 to section 102A, 102B, or 102C” before
18 the period; and

19 (ii) in paragraph (2)(A)—

20 (I) in clause (i), by inserting
21 “102B, or 102C, or falsify any income
22 tax return that such person is re-
23 quired to disclose under section 102A,
24 102B, or 102C” before the semicolon;
25 and

1 (II) in clause (ii), by inserting
2 “102B, or 102C, or fail to file any in-
3 come tax return that such person is
4 required to disclosed under section
5 102A, 102B, or 102C” before the pe-
6 riod;

7 (B) in subsection (b), in the first sentence
8 by inserting “or willfully failed to file or has
9 willfully falsified an income tax return required
10 to be disclosed under section 102A, 102B, or
11 102C” before the period;

12 (C) in subsection (c), by inserting “or fail-
13 ing to file or falsifying an income tax return re-
14 quired to be disclosed under section 102A,
15 102B, or 102C” before the period; and

16 (D) in subsection (d)(1)—

17 (i) in the matter preceding subpara-
18 graph (A), by inserting “or files an income
19 tax return required to be disclosed under
20 section 102A, 102B, or 102C” after
21 “title”; and

22 (ii) in subparagraph (A), by inserting
23 “or such income tax return, as applicable,”
24 after “report”.

25 (b) AUTHORITY TO DISCLOSE INFORMATION.—

1 (1) IN GENERAL.—Section 6103(l) of the Inter-
2 nal Revenue Code of 1986 is amended by adding at
3 the end the following new paragraph:

4 “(23) DISCLOSURE OF RETURN INFORMATION
5 OF PRESIDENTS, VICE PRESIDENTS, MEMBERS OF
6 CONGRESS, AND CERTAIN CANDIDATES.—

7 “(A) DISCLOSURE OF RETURNS OF PRESI-
8 DENTS, VICE PRESIDENTS, AND MEMBERS OF
9 CONGRESS.—

10 “(i) IN GENERAL.—The Secretary
11 shall, upon written request from the Direc-
12 tor of the Office of Public Integrity pursu-
13 ant to section 102A(b)(1)(B) of the Ethics
14 in Government Act of 1978, provide to of-
15 ficers and employees of the Office of Public
16 Integrity a copy of any income tax return
17 of any President, Vice President, or Mem-
18 ber of Congress that is required to be filed
19 under section 102A(b)(1) of such Act.

20 “(ii) DISCLOSURE TO PUBLIC.—The
21 Director of the Office of Public Integrity
22 may disclose to the public any income tax
23 return of any President, Vice President,
24 and Member of Congress that is required
25 to be filed with the Director of the Office

1 of Public Integrity pursuant to section
2 102A(b)(1) of the Ethics in Government
3 Act of 1978.

4 “(B) DISCLOSURE OF RETURNS OF CER-
5 TAIN CANDIDATES FOR PRESIDENT, VICE
6 PRESIDENT, AND MEMBERS OF CONGRESS.—

7 “(i) IN GENERAL.—The Secretary
8 shall, upon written request from the Chair-
9 man of the Federal Election Commission
10 pursuant to section 102A(b)(2)(B) of the
11 Ethics in Government Act of 1978, provide
12 to officers and employees of the Federal
13 Election Commission copies of the applica-
14 ble returns of any covered candidate (as
15 defined in section 102A(a) of such Act).

16 “(ii) DISCLOSURE TO PUBLIC.—The
17 Federal Election Commission may disclose
18 to the public any applicable return of any
19 covered candidate (as defined in section
20 102A(a) of such Act) that is required to be
21 filed with the Commission pursuant to sec-
22 tion 102A(b)(2) of the Ethics in Govern-
23 ment Act.

1 “(iii) APPLICABLE RETURNS.—For
2 purposes of this paragraph, the term ‘ap-
3 plicable returns’ means—

4 “(I) with respect to any covered
5 candidate for the office of President
6 or Vice President, income tax returns
7 for the 8 most recent taxable years
8 and every year the individual was in
9 Federal elected office for which a re-
10 turn has been filed as of the date of
11 the nomination; and

12 “(II) with respect to any covered
13 candidate for the office of Member of
14 Congress, income tax returns for the
15 2 most recent taxable years and every
16 year the individual was in Federal
17 elected office for which a return has
18 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. 603. TRANSPARENCY RELATING TO CANDIDATES FOR**
2 **FEDERAL OFFICE AND MEMBERS OF CON-**
3 **GRESS.**

4 (a) IN GENERAL.—Title I of the Ethics in Govern-
5 ment Act of 1978 (5 U.S.C. App.) is amended by inserting
6 after section 102A, as added by section 602 of this Act,
7 the following:

8 **“SEC. 102B. DISCLOSURE RELATING TO COVERED ENTITIES**
9 **ASSOCIATED WITH MEMBERS OF CONGRESS**
10 **AND COVERED CANDIDATES.**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘close family member’, with re-
13 spect to a reporting individual, includes—

14 “(A) a parent of the reporting individual;

15 “(B) a spouse of the reporting individual;

16 and

17 “(C) an adult child of the reporting indi-
18 vidual;

19 “(2) the term ‘covered candidate’ has the mean-
20 ing given the term in section 102A(a);

21 “(3) the term ‘covered entity’ means a corpora-
22 tion, company, firm, partnership, or other business
23 enterprise;

24 “(4) the term ‘gross receipts’ has the meaning
25 given the term in section 993(f) of the Internal Rev-
26 enue Code of 1986;

1 “(5) the term ‘income tax return’ has the
2 meaning given the term in section 102A(a);

3 “(6) the term ‘Member of Congress’ means—

4 “(A) a Member of Congress required to file
5 a report under subsection (a) or (d) of section
6 101; and

7 “(B) an individual who occupies the office
8 of Member of Congress and is required to file
9 a report under section 101(e); and

10 “(7) the term ‘reporting individual’ means—

11 “(A) a covered candidate; or

12 “(B) a Member of Congress.

13 “(b) DISCLOSURE.—

14 “(1) MEMBERS OF CONGRESS.—

15 “(A) IN GENERAL.—On and after the date
16 that is 180 days after the date on which the Di-
17 rector of the Office of Public Integrity, in con-
18 sultation with the Federal Election Commission,
19 promulgates regulations under paragraph (3),
20 in addition to the information described in sub-
21 sections (a) and (b) of section 102, a Member
22 of Congress shall include in each report re-
23 quired to be filed under this title, with respect
24 to the 2 most recent taxable years and every
25 year the Member of Congress was in Federal

1 elected office for which an income tax return
2 has been filed with the Internal Revenue Serv-
3 ice as of the date on which the report is filed—

4 “(i) a statement of the name of any
5 covered entity—

6 “(I) in which the Member of
7 Congress has a significant direct or
8 indirect ownership interest; and

9 “(II) that has gross receipts that
10 meet or exceed the threshold value es-
11 tablished by regulations promulgated
12 pursuant to paragraph (3);

13 “(ii) a copy of any income tax return
14 filed by a covered entity described in clause
15 (i) for any taxable year ending with or
16 within such years; and

17 “(iii) in the case of a covered entity
18 described in clause (i) that is a privately
19 owned or closely held covered entity, a
20 statement of—

21 “(I) each—

22 “(aa) asset of the covered
23 entity; and

24 “(bb) liability of the covered
25 entity;

1 “(II) all—

2 “(aa) income from sources
3 within the United States, as de-
4 scribed in section 861 of the In-
5 ternal Revenue Code of 1986;
6 and

7 “(bb) income from sources
8 without the United States, as de-
9 scribed in section 862 of the In-
10 ternal Revenue Code of 1986;

11 “(III) the name of each co-owner
12 or co-member of the covered entity;
13 and

14 “(IV) for any co-owner or co-
15 member described in subclause (III)
16 that is not a natural person, the name
17 of each natural person that controls,
18 directly or indirectly, the co-owner or
19 co-member.

20 “(B) CLOSE FAMILY MEMBERS.—In addi-
21 tion to the information described in subpara-
22 graph (A), the Director of the Office of Public
23 Integrity may, on a case-by-case basis and in
24 accordance with the regulations promulgated
25 under paragraph (3), require that a Member of

1 Congress include in each report required to be
2 filed under this title by the Member of Congress
3 the information described in subparagraph (A)
4 with respect to any covered entity—

5 “(i) in which a close family member of
6 the Member of Congress has a significant
7 direct or indirect ownership interest; and

8 “(ii) that has gross receipts that meet
9 or exceed the threshold value established
10 by regulations promulgated pursuant to
11 paragraph (3).

12 “(C) FAILURE TO DISCLOSE.—If an in-
13 come tax return is not disclosed under subpara-
14 graph (A)(ii), the Director of the Office of Pub-
15 lic Integrity shall submit to the Secretary of the
16 Treasury a request that the Secretary of the
17 Treasury provide the Director of the Office of
18 Public Integrity with a copy of the income tax
19 return.

20 “(D) PUBLICLY AVAILABLE.—All informa-
21 tion, including any income tax return, described
22 in this subsection required to be included in a
23 report under this title shall be filed with the Di-
24 rector of the Office of Public Integrity and
25 made publicly available in the same manner as

1 the information described in subsections (a) and
2 (b) of section 102.

3 “(E) REDACTION OF CERTAIN INFORMA-
4 TION.—

5 “(i) IN GENERAL.—Before making
6 any information, including any income tax
7 return, described in this paragraph re-
8 quired to be included in a report under
9 this title available to the public, the Direc-
10 tor of the Office of Public Integrity shall
11 redact—

12 “(I) if the information contained
13 in the report contains a trade secret
14 the disclosure of which is likely to
15 cause substantial harm to the com-
16 petitive position of the covered entity
17 to which the information contained in
18 the report pertains, the information
19 relating to the trade secret; and

20 “(II) such information as the Di-
21 rector of the Office of Public Integ-
22 rity, in consultation with the Sec-
23 retary of the Treasury, determines ap-
24 propriate.

1 “(ii) REQUEST FOR REDACTION.—A
2 Member of Congress submitting a report
3 under this title that contains information,
4 including any income tax return, described
5 in this paragraph that contains a trade se-
6 cret described in clause (i)(I) may request
7 that the Director of the Office of Public
8 Integrity redact the information relating to
9 the trade secret.

10 “(2) CANDIDATES.—

11 “(A) IN GENERAL.—On and after the date
12 that is 180 days after the date on which the Di-
13 rector of the Office of Public Integrity, in con-
14 sultation with the Federal Election Commission,
15 promulgates regulations under paragraph (3),
16 not later than 15 days after the date on which
17 a covered candidate is nominated, the covered
18 candidate shall amend the report filed by the
19 covered candidate under section 101(c) with the
20 Federal Election Commission to include, with
21 respect to the years described in subparagraph
22 (B)—

23 “(i) a statement of the name of any
24 covered entity—

1 “(I) in which the covered can-
2 didate has a significant direct or indi-
3 rect ownership interest; and

4 “(II) that has gross receipts that
5 meet or exceed the threshold value es-
6 tablished by regulations promulgated
7 pursuant to paragraph (3);

8 “(ii) a copy of any income tax return
9 filed by a covered entity described in clause
10 (i) for any taxable year ending with or
11 within such years; and

12 “(iii) in the case of a covered entity
13 described in clause (i) that is a privately
14 owned or closely held covered entity, a
15 statement of—

16 “(I) each—

17 “(aa) asset of the covered
18 entity; and

19 “(bb) liability of the covered
20 entity;

21 “(II) all—

22 “(aa) income from sources
23 within the United States, as de-
24 scribed in section 861 of the In-

1 ternal Revenue Code of 1986;
2 and

3 “(bb) income from sources
4 without the United States, as de-
5 scribed in section 862 of the In-
6 ternal Revenue Code of 1986;

7 “(III) the name of each co-owner
8 or co-member of the covered entity;
9 and

10 “(IV) for any co-owner or co-
11 member described in subclause (III)
12 that is not a natural person, the name
13 of each natural person that controls,
14 directly or indirectly, the co-owner or
15 co-member.

16 “(B) APPLICABLE YEARS.—The years de-
17 scribed in this subparagraph are as follows:

18 “(i) In the case of a report filed under
19 section 101(c) by a covered candidate for
20 the office of President or Vice President,
21 the 8 years preceding the date on which
22 the report is filed.

23 “(ii) In the case of a report filed
24 under section 101(c) by a covered can-
25 didate for the office of Member of Con-

1 gress, the 2 years preceding the date on
2 which the report is filed.

3 “(C) CLOSE FAMILY MEMBERS.—In addi-
4 tion to the information described in subpara-
5 graph (A), the Federal Election Commission
6 may, on a case-by-case basis and in accordance
7 with the regulations promulgated under para-
8 graph (3), require that a covered candidate in-
9 clude in each report required to be filed under
10 section 101(e) by the covered candidate the in-
11 formation described in subparagraph (A) with
12 respect to any covered entity—

13 “(i) in which a close family member of
14 the covered candidate has a significant di-
15 rect or indirect ownership interest; and

16 “(ii) that has gross receipts that meet
17 or exceed the threshold value established
18 by regulations promulgated pursuant to
19 paragraph (3).

20 “(D) FAILURE TO DISCLOSE.—If an in-
21 come tax return is not disclosed under subpara-
22 graph (A)(ii), the Chairman of the Federal
23 Election Commission shall submit to the Sec-
24 retary of the Treasury a request that the Sec-
25 retary of the Treasury provide the Federal

1 Election Commission with a copy of the income
2 tax return.

3 “(E) PUBLICLY AVAILABLE.—All informa-
4 tion, including any income tax return, described
5 in this subsection required to be included in a
6 report under section 101(c) shall be filed with
7 the Federal Election Commission and made
8 publicly available in the same manner as the in-
9 formation described in subsections (a) and (b)
10 of section 102.

11 “(F) REDACTION OF CERTAIN INFORMA-
12 TION.—

13 “(i) IN GENERAL.—Before making
14 any information, including any income tax
15 return, described in this paragraph re-
16 quired to be included in a report under
17 section 101(c) available to the public, the
18 Federal Election Commission shall re-
19 duct—

20 “(I) if the information contained
21 in the report contains a trade secret
22 the disclosure of which is likely to
23 cause substantial harm to the com-
24 petitive position of the covered entity
25 to which the information contained in

1 the report pertains, the information
2 relating to the trade secret; and

3 “(II) such information as the
4 Federal Election Commission, in con-
5 sultation with the Secretary of the
6 Treasury, determines appropriate.

7 “(ii) REQUEST FOR REDACTION.—A
8 covered candidate submitting a report
9 under section 101(c) that contains infor-
10 mation, including any income tax return,
11 described in this paragraph that contains a
12 trade secret described in clause (i)(I) may
13 request that the Federal Election Commis-
14 sion redact the information relating to the
15 trade secret.

16 “(3) REGULATIONS.—Not later than 120 days
17 after the date of enactment of this section, the Di-
18 rector of the Office of Public Integrity shall, in con-
19 sultation with the Federal Elections Commission,
20 promulgate regulations to—

21 “(A) establish each threshold value for
22 purposes of—

23 “(i) subparagraphs (A)(i)(II) and
24 (B)(ii) of paragraph (1); and

1 “(ii) subparagraphs (A)(i)(II) and
2 (C)(ii) of paragraph (2);

3 “(B) define the term ‘significant direct or
4 indirect interest’;

5 “(C) ensure that information described in
6 this subsection that is required to be contained
7 in a report filed under this title does not—

8 “(i) disclose any trade secret that is
9 likely to cause substantial harm to the
10 competitive position of the covered entity
11 to which it pertains; or

12 “(ii) violate the privacy of any indi-
13 vidual who is not the reporting individual
14 who files the report; and

15 “(D) prescribe appropriate circumstances
16 in which to require a Member of Congress or
17 covered candidate to provide information under
18 paragraph (1)(B) or (2)(C).

19 **“SEC. 102C. DISCLOSURE RELATING TO COVERED ORGANI-**
20 **ZATIONS ASSOCIATED WITH COVERED CAN-**
21 **DIDATES.**

22 “(a) DEFINITIONS.—In this section—

23 “(1) the term ‘covered candidate’ has the mean-
24 ing given the term in section 102A(a);

1 “(2) the term ‘covered organization’ means an
2 organization required to—

3 “(A) file an income tax return under sec-
4 tion 6033 of the Internal Revenue Code of
5 1986; and

6 “(B) include information under subsection
7 (e) thereof;

8 “(3) the term ‘income tax return’ has the
9 meaning given the term in section 102A(a); and

10 “(4) the term ‘key employee’ means—

11 “(A) an individual who is 1 of the 5 indi-
12 viduals receiving the highest amount of com-
13 pensation paid by a covered organization; or

14 “(B) an individual receiving compensation
15 paid by a covered organization in an amount
16 that exceeds \$100,000.

17 “(b) DISCLOSURE.—

18 “(1) IN GENERAL.—Not later than 15 days
19 after the date on which a covered candidate is nomi-
20 nated, the covered candidate shall amend the report
21 filed by the covered candidate under section 101(c)
22 with the Federal Election Commission to include—

23 “(A) a statement identifying each covered
24 organization of which the covered candidate has
25 been an officer, director, trustee, board mem-

1 ber, or key employee during the 2 years pre-
2 ceding the date on which the report is filed; and

3 “(B) for each covered organization identi-
4 fied under subparagraph (A), a copy of each in-
5 come tax return required to be filed by the cov-
6 ered organization under section 6033 of the In-
7 ternal Revenue Code of 1986 for each taxable
8 year ending with or within any taxable years
9 described in subparagraph (A) in which the cov-
10 ered candidate was an officer, director, trustee,
11 board member, or key employee of the covered
12 organization.

13 “(2) FAILURE TO DISCLOSE.—If an income tax
14 return is not disclosed under paragraph (1)(B), the
15 Federal Election Commission shall submit to the
16 Secretary of the Treasury a request that the Sec-
17 retary of the Treasury provide the Federal Election
18 Commission with the income tax return.

19 “(3) PUBLICLY AVAILABLE.—

20 “(A) IN GENERAL.—All information, in-
21 cluding any income tax return, described in this
22 subsection required to be included in a report
23 under section 101(c) shall be filed with the
24 Federal Election Commission and made publicly

1 available in the same manner as the informa-
2 tion described in section 102(b).

3 “(B) INCOME TAX RETURNS.—The Direc-
4 tor of the Office of Public Integrity shall make
5 a copy of each income tax return described in
6 paragraph (1)(B) included in a report filed
7 under section 101(e) publicly available on the
8 website described in section 402(b)(19) until—

9 “(i) the date on which the reporting
10 individual ceases to be a covered candidate;
11 or

12 “(ii) if the reporting individual is
13 elected to the office for which the reporting
14 individual was a covered candidate, the
15 date on which the reporting individual
16 ceases to serve in the office for which the
17 reporting individual was a covered can-
18 didate.

19 “(4) REDACTION.—Before making any informa-
20 tion, including any income tax return, described in
21 this subsection required to be included in a report
22 under section 101(e) available to the public, the
23 Federal Election Commission shall redact such infor-
24 mation as the Federal Election Commission, in con-
25 sultation with the Secretary of the Treasury and the

1 Director of the Office of Public Integrity, determines
2 appropriate.”.

3 (b) AUTHORITY TO DISCLOSE INFORMATION.—Para-
4 graph (23) of section 6103(l) of the Internal Revenue
5 Code of 1986, as added by section 602, is amended by
6 adding at the end the following new subparagraphs:

7 “(C) DISCLOSURE OF RETURNS OF COV-
8 ERED ENTITIES ASSOCIATED WITH MEMBERS
9 OF CONGRESS AND COVERED CANDIDATES.—

10 “(i) IN GENERAL.—

11 “(I) COVERED ENTITIES ASSOCI-
12 ATED WITH MEMBERS OF CON-
13 GRESS.—The Secretary shall, upon
14 written request from the Director of
15 the Office of Public Integrity pursu-
16 ant to section 102B(b)(1)(C) of the
17 Ethics in Government Act of 1978
18 provide to officers and employees of
19 the Office of Public Integrity a copy
20 of any income tax return of a covered
21 entity (as defined in section 102B(a)
22 of such Act) that relates to a year de-
23 scribed in section 102B(b)(1)(A) of
24 such Act and is required to be filed
25 under section 102B(b) of such Act.

1 “(II) COVERED ENTITIES ASSOCI-
2 ATED WITH COVERED CANDIDATES.—
3 The Secretary shall, upon written re-
4 quest from the Chairman of the Fed-
5 eral Election Commission pursuant to
6 section 102B(b)(2)(D) of the Ethics
7 in Government Act of 1978 provide to
8 officers and employees of the Federal
9 Election Commission a copy of any in-
10 come tax return of a covered entity
11 (as defined in section 102B(a) of such
12 Act) that relates to a year described
13 in section 102B(b)(2)(B) of such Act
14 and is required to be filed under sec-
15 tion 102B(b) of such Act.

16 “(ii) DISCLOSURE TO PUBLIC.—The
17 Director of the Office of Public Integrity
18 and the Chairman of the Federal Election
19 Commission may disclose to the public the
20 income tax return of any covered entity (as
21 so defined) that is required to be filed pur-
22 suant to section 102B(b) of the Ethics in
23 Government Act of 1978.

1 “(D) DISCLOSURE OF RETURNS OF COV-
2 ERED ORGANIZATIONS ASSOCIATED WITH COV-
3 ERED CANDIDATES.—

4 “(i) IN GENERAL.—The Secretary
5 shall, upon written request from the Chair-
6 man of the Federal Election Commission
7 pursuant to section 102C(b)(2) of the Eth-
8 ics in Government Act of 1978, provide to
9 officers and employees of the Federal Elec-
10 tion Commission copies of any income tax
11 return required to be filed under section
12 6033 by an organization described in
13 clause (iii) for any year taxable year end-
14 ing with or within the period described in
15 section 102C(b)(1)(B) of such Act.

16 “(ii) DISCLOSURE TO PUBLIC.—The
17 Federal Election Commission may disclose
18 to the public income tax returns of any or-
19 ganization described in clause (iii) that is
20 required to be filed with the Commission
21 pursuant to section 102C(b) of the Ethics
22 in Government Act of 1978.

23 “(iii) ORGANIZATION DESCRIBED.—
24 An organization is described in this clause
25 if such organization is a covered organiza-

1 tion (as defined in section 102C(a) of the
2 Ethics in Government Act of 1978) of
3 which a person who has been nominated as
4 a covered candidate (as defined in section
5 102A(a) of such Act) has been an officer,
6 director, trustee, board member, or key
7 employee (as defined in section 102C(a) of
8 such Act) during the period described in
9 section 102C(b)(1)(A) of such Act.”.

10 (c) PROVISION OF FINANCIAL DISCLOSURES TO THE
11 FEDERAL ELECTION COMMISSION.—Section 103(j) of the
12 Ethics in Government Act of 1978 (5 U.S.C. App.) is
13 amended—

14 (1) in paragraph (1), by adding at the end the
15 following: “In the case of a report filed under this
16 title with the Clerk of the House of Representatives
17 by a covered candidate, as defined in section
18 102A(a), a copy of the report shall also be sent by
19 the Clerk to the Federal Election Commission within
20 the 7-day period beginning on the day the report is
21 filed.”; and

22 (2) in paragraph (2), by adding at the end the
23 following: “In the case of a report filed under this
24 title with the Secretary of the Senate by a covered
25 candidate, as defined in section 102A(a), a copy of

1 the report shall also be sent by the Secretary to the
2 Federal Election Commission within the 7-day pe-
3 riod beginning on the day the report is filed.”.

4 **Subtitle B—Think Tank, Nonprofit,**
5 **and Advocate Transparency**

6 **SEC. 611. AMENDMENTS TO THE LOBBYING DISCLOSURE**

7 **ACT OF 1995.**

8 (a) ENFORCEMENT REPORT.—Section 6(b) of the
9 Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(b)) is
10 amended—

11 (1) by striking paragraph (1) and inserting the
12 following:

13 “(1) REPORTS.—

14 “(A) IN GENERAL.—Subject to subpara-
15 graph (B), after the end of each semiannual pe-
16 riod beginning on January 1 and July 1, the
17 Attorney General, in consultation with the Di-
18 rector of the Office of Public Integrity, shall
19 submit to each congressional committee referred
20 to in paragraph (2) a report that includes, for
21 that semiannual period a statement of—

22 “(i) the aggregate number of enforce-
23 ment actions taken by the Department of
24 Justice under this Act; and

1 “(ii) by case, any sentence or fine im-
2 posed in each such enforcement action.

3 “(B) INFORMATION NOT ALREADY A MAT-
4 TER OF PUBLIC RECORD.—A report submitted
5 under subparagraph (A) may not include the
6 name of any individual, or any personally iden-
7 tifiable information, that is not already a mat-
8 ter of public record, as of the date on which the
9 report is submitted.”; and
10 (2) in paragraph (2)—

11 (A) by striking “paragraph (1)” and in-
12 serting “paragraph (1)(A)”; and

13 (B) by inserting “and the Committee on
14 Oversight and Reform” after “Committee on
15 the Judiciary”.

16 (b) REPORTS BY THINK TANK, NONPROFIT, AND AD-
17 VOCACY GROUPS.—The Lobbying Disclosure Act of 1995
18 (2 U.S.C. 1601 et seq.) is amended—

19 (1) by redesignating sections 6 through 28 (2
20 U.S.C. 1605 et seq.), as amended by title II of this
21 Act, as sections 7 through 29, respectively; and

22 (2) by inserting after section 5 (2 U.S.C. 1604)
23 the following:

1 **“SEC. 6. REPORTS BY THINK TANK, NONPROFIT, AND ADVOCACY GROUPS.**
2

3 “(a) DEFINITION.—In this section—

4 “(1) the term ‘covered organization’ means any
5 organization—

6 “(A) that is described in paragraph (3),
7 (4), or (6) of section 501(c) of the Internal
8 Revenue Code of 1986 and exempt from tax
9 under section 501(a) of such Code; and

10 “(B) that—

11 “(i) engages in lobbying activities; or

12 “(ii) is a client; and

13 “(2) the term ‘covered product’ means any com-
14 munication that is—

15 “(A) made to a covered legislative branch
16 official or covered executive branch official in
17 the course of any lobbying contact by, or on be-
18 half of, a covered organization;

19 “(B) testimony—

20 “(i) given by, or on behalf of, a cov-
21 ered organization before a committee, sub-
22 committee, or task force of Congress; or

23 “(ii) submitted by, or on behalf of, a
24 covered organization for inclusion in the
25 public record of a hearing conducted by

1 such committee, subcommittee, or task
2 force; or

3 “(C) made by, or on behalf of, a covered
4 organization in response to a notice in the Fed-
5 eral Register, Commerce Business Daily, or
6 other similar publication soliciting communica-
7 tions from the public and directed to the agency
8 official specifically designated in the notice to
9 receive such communications.

10 “(b) REPORTS.—Not later than 1 year after the date
11 of enactment of this section, and not later than January
12 30th of each year thereafter, or on the first business day
13 after January 30th if January 30th is not a business day,
14 each covered organization shall submit to the Director of
15 the Office of Public Integrity a report for the preceding
16 calendar year that includes, with respect to each covered
17 product made or given by, or on behalf of, the covered
18 organization during that year—

19 “(1) the name of each donor who donated any
20 amount that was—

21 “(A) used to pay the cost of making or giv-
22 ing the covered product; and

23 “(B) donated with the intention of sup-
24 porting any lobbying activity by the covered or-
25 ganization; and

1 tribution was intended to support any lobbying activ-
 2 ity (as so defined) or lobbying contact (as defined in
 3 such section) by or on behalf of it, and, if so, a de-
 4 scription of such lobbying activity or lobbying con-
 5 tact” after “substantial contributors,”.

6 (b) EFFECTIVE DATE.—The amendments made by
 7 this section shall apply to returns required to be filed for
 8 taxable years ending on or after the date that is 1 year
 9 after the date of the enactment of this Act.

10 **Subtitle C—Strengthening FOIA** 11 **Enforcement**

12 **SEC. 621. STRENGTHENING FOIA ENFORCEMENT.**

13 (a) IN GENERAL.—Section 552 of title 5, United
 14 States Code (commonly known as the “Freedom of Infor-
 15 mation Act”) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (4)—

18 (i) in subparagraph (B), in the first
 19 sentence—

20 (I) by striking “and to order”
 21 and inserting “, to order”; and

22 (II) by inserting before the pe-
 23 riod at the end the following: “, to
 24 order an agency to make available for
 25 public inspection, including by posting

1 electronically, the records described in
2 paragraph (2), to make available to
3 the public on the website of the agen-
4 cy the records described in subsection
5 (p), and to award other appropriate
6 equitable relief”; and

7 (ii) in subparagraph (F)(i), in the
8 first sentence—

9 (I) by inserting “, orders an
10 agency to make available for public in-
11 spection, including by posting elec-
12 tronically, the records described in
13 paragraph (2), or orders an agency to
14 make available to the public on the
15 website of the agency the records de-
16 scribed in subsection (p),” after “im-
17 properly withheld from the complain-
18 ant”; and

19 (II) by inserting “or unavail-
20 ability of records” after “the with-
21 holding” each place that term ap-
22 pears; and

23 (B) in paragraph (6), by adding at the end
24 the following:

1 “(G)(i) Notwithstanding any determination
2 made under subparagraph (A)(i), or any appeal to
3 such a determination under subparagraph (A)(ii),
4 the Office of Government Information Services es-
5 tablished under subsection (h) shall require an agen-
6 cy to comply with a request for records made under
7 paragraph (1), (2), or (3), or any other requirement
8 of this subsection, if the Office determines that the
9 agency has not reasonably and impartially complied
10 with the requirements of this subsection.

11 “(ii) If the Office makes a determination under
12 clause (i) that an agency has not reasonably or im-
13 partially complied with a request for records made
14 under paragraph (1), (2), or (3), or any other re-
15 quirement of this subsection, and requires the agen-
16 cy to comply with that request or requirement, the
17 Office shall make available to the public on the
18 website of the Office that determination and any re-
19 sponse and regular update by the agency of compli-
20 ance by the agency.

21 “(iii) Nothing in clause (i) or (ii) shall be con-
22 strued to prevent or restrict the ability of an indi-
23 vidual to bring a suit to compel the disclosure of
24 records under this section.”;

1 (2) in subsection (d), by inserting “any Member
2 of” before “Congress”;

3 (3) in subsection (h)(3)—

4 (A) by inserting “(A)” before “The Of-
5 fice”; and

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

7 “(B) The Director of the Office of Public Integ-
8 rity, or a designee of the Director, may submit a
9 non-binding recommendation to the Office of Gov-
10 ernment Information Services regarding the disclo-
11 sure of information under this section during a me-
12 diation service provided under subparagraph (A).”;

13 and

14 (4) by adding at the end the following:

15 “(n) Each agency shall maintain and make available
16 through a single website, which may be the website de-
17 scribed in subsection (m) and shall be managed by the
18 Office of Public Integrity, an agency record database
19 that—

20 “(1) contains a log of the status of each open
21 request for records from the agency under this sec-
22 tion; and

23 “(2) makes each request for records under this
24 section with which the agency complies available in
25 a format that is searchable, sortable, machine-read-

1 able, and downloadable not later than 60 days after
2 the date on which the request is first received by the
3 agency.”.

4 **SEC. 622. EXEMPTIONS FROM DISCLOSURE.**

5 (a) IN GENERAL.—Section 552(b) of title 5, United
6 States Code, is amended—

7 (1) in paragraph (3)(B), by inserting “with an
8 explanation for the exemption” after “specifically
9 cites to this paragraph”;

10 (2) in paragraph (4), by inserting before the
11 semicolon at the end the following: “, only if disclo-
12 sure of the commercial or financial information is
13 likely to cause substantial harm to the competitive
14 position of the person from whom the information
15 was obtained”;

16 (3) in paragraph (5)—

17 (A) by striking “provided that the delibera-
18 tive process privilege shall not apply to records
19 created 25 years or more before the date on
20 which the records were requested” and insert-
21 ing “and excluding—

22 “(A) any opinion that is a controlling interpre-
23 tation of law;

24 “(B) any final report or memorandum created
25 by an entity other than the agency, including other

1 Governmental entities, at the request of the agency
2 and used to make a final policy decision;

3 “(C) any guidance document used by the agen-
4 cy to respond to the public; and

5 “(D) any record created not less than 25 years
6 before the date on which the records were re-
7 quested”;

8 (4) in paragraph (6), by striking “similar files”
9 and inserting “personal information, such as per-
10 sonal contact information or personal financial infor-
11 mation,”;

12 (5) in paragraph (7)—

13 (A) in subparagraph (E)—

14 (i) by inserting a comma before “if
15 such”; and

16 (ii) by inserting “and the record or in-
17 formation was created less than 25 years
18 before the date on which the records were
19 requested” after “circumvention of the
20 law”; and

21 (B) by adding “or” at the end;

22 (6) by striking paragraph (8);

23 (7) by redesignating paragraph (9) as para-
24 graph (8); and

1 (8) in the flush text following paragraph (8), as
2 so redesignated—

3 (A) by inserting before “Any reasonably
4 segregable portion” the following: “An agency
5 may not withhold information under this sub-
6 section unless the agency reasonably foresees
7 that disclosure would cause specific identifiable
8 harm to an interest protected by an exemption,
9 or if disclosure is prohibited by law.”; and

10 (B) by inserting before “If technically fea-
11 sible,” the following: “For each record withheld
12 in whole or in part under paragraph (3), the
13 agency shall identify the statute that exempts
14 the record from disclosure.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) ENERGY POLICY AND CONSERVATION
17 ACT.—Section 254(a)(2)(A) of the Energy Policy
18 and Conservation Act (42 U.S.C. 6274(a)(2)(A)) is
19 amended by striking “(b)(9)” and inserting
20 “(b)(8)”.

21 (2) FEDERAL CREDIT UNION ACT.—Section
22 216(j)(3)(A) of the Federal Credit Union Act (12
23 U.S.C. 1790d(j)(3)(A)) is amended—

24 (A) by striking “; or” and all that follows
25 and inserting a period; and

1 (B) by striking “excising” and all that fol-
2 lows through “any portion” and inserting “ex-
3 cising any portion”.

4 (3) SECURITIES EXCHANGE ACT OF 1934.—Sec-
5 tion 24 of the Securities Exchange Act of 1934 (15
6 U.S.C. 78x) is amended—

7 (A) in subsection (d), by striking “(g)”
8 and inserting “(f)”;

9 (B) by striking subsection (e); and

10 (C) by redesignating subsections (f) and
11 (g) as subsections (e) and (f), respectively.

12 **SEC. 623. PUBLIC INTEREST BALANCING TEST.**

13 Section 552 of title 5, United States Code (commonly
14 known as the “Freedom of Information Act”), as amended
15 by this subtitle, is amended—

16 (1) in subsection (b), in the matter preceding
17 paragraph (1), by striking “This section” and in-
18 serting “Subject to subsection (o), this section”; and

19 (2) by adding at the end the following:

20 “(o)(1) Notwithstanding the applicability of an ex-
21 emption from disclosure under subsection (b), an agency
22 shall make available a record or any segregable portion
23 of a record if the public interest in disclosure clearly out-
24 weighs the interest protected by the exemption.

1 “(2) In evaluating the public interest in disclosing a
2 record or a portion of a record under paragraph (1), an
3 agency and courts shall consider—

4 “(A) the extent to which access to the record
5 will further public understanding of the operations
6 or decision making of an agency or Government offi-
7 cial;

8 “(B) the extent to which the age of the record
9 diminishes the rationale for withholding the record;

10 “(C) any reasonable suspicion of governmental
11 wrongdoing;

12 “(D) the importance of the record to the public
13 in order for the public to make informed decisions
14 with respect to the electoral and democratic process;
15 and

16 “(E) any other factors that the agency or court
17 determines necessary.”.

18 **SEC. 624. AFFIRMATIVE DISCLOSURE OF AGENCY RECORDS**

19 **ON WEBSITE.**

20 Section 552 of title 5, United States Code (commonly
21 known as the “Freedom of Information Act”), as amended
22 by this subtitle, is amended by adding at the end the fol-
23 lowing:

24 “(p)(1) Each agency shall make available to the pub-
25 lic on the website of the agency—

1 “(A) information relating to each advisory com-
2 mittee (as defined in section 3 of the Federal Advi-
3 sory Committee Act (5 U.S.C. App.)) of the agency,
4 including—

5 “(i) the charter of the advisory committee
6 and a description of the activities of the advi-
7 sory committee;

8 “(ii) the name and basic biography of each
9 member of the advisory committee, and any
10 conflict of interest, ethics waiver, or recusal in-
11 formation relating to each member;

12 “(iii) the meeting agendas, minutes, tran-
13 scripts, and any recordings of the advisory com-
14 mittee;

15 “(iv) any upcoming events of the advisory
16 committee;

17 “(v) timelines of any ongoing advisory
18 committee work; and

19 “(vi) a full list of nominated members of
20 the advisory committee and the final selected
21 membership of the advisory committee;

22 “(B) information relating to Federal contracts
23 of the agency, including—

24 “(i) a copy of each contract, task, and de-
25 livery order;

1 “(ii) information on past performance of
2 contractors, if available; and

3 “(iii) except for information that is exempt
4 from disclosure under subsection (b)(4), all cor-
5 respondence and documents related to the pro-
6 vision of services to the Federal Government by
7 contractors earning—

8 “(I) \$10,000,000 during a 1-year pe-
9 riod under a Federal contract or license; or

10 “(II) more than 20 percent of total
11 revenue of the contractor from Federal
12 sources;

13 “(C) ethics documents maintained by the Office
14 of Public Integrity, including—

15 “(i) final submissions of ethics paperwork
16 for an individual in a position on any level of
17 the Executive Schedule under subchapter II of
18 chapter 53 of this title;

19 “(ii) waivers; and

20 “(iii) any document granting a recusal on
21 a specific issue for an individual in a position
22 on any level of the Executive Schedule under
23 subchapter II of chapter 53 of this title;

24 “(D) basic employee organizational charts and
25 office contact information, including—

1 “(i) charts that minimally include the
2 names, job titles, and salaries of all noncareer
3 appointees and career appointees, as defined in
4 section 3132 of this title; and

5 “(ii) front office contact information for
6 every office within the agency;

7 “(E) each communication sent to Congress or
8 to a committee of Congress, including—

9 “(i) congressional testimony;

10 “(ii) each unclassified report submitted to
11 Congress, as required by statute; and

12 “(iii) each response to questions for con-
13 gressional hearing records, provided that the re-
14 sponse does not include individual casework or
15 constituent information; and

16 “(F) human resources data of the agency, in
17 the aggregate, including—

18 “(i) the number of involuntary transfers,
19 hires, and voluntary and involuntary departures
20 each quarter; and

21 “(ii) information on the racial, ethnic, and
22 gender diversity with respect to hires, depart-
23 tures, and involuntary transfers.

24 “(2) If an agency is unable to maintain a website de-
25 scribed in paragraph (1) due to resource constraints, the

1 agency shall submit the information required to be made
 2 available under paragraph (1) to the Director of the Office
 3 of Public Integrity, who shall make the information avail-
 4 able on a website managed by the Office of Public Integ-
 5 rity, such as the website described in subsection (m).”.

6 **SEC. 625. APPLICABILITY.**

7 This subtitle and the amendments made by this sub-
 8 title shall apply on and after the date of enactment of this
 9 Act.

10 **Subtitle D—Federal Contractor**
 11 **Transparency**

12 **SEC. 631. EXPANDING APPLICABILITY OF THE FREEDOM OF**
 13 **INFORMATION ACT TO FEDERAL CONTRAC-**
 14 **TORS.**

15 (a) DEFINITION OF AGENCY.—In this section, the
 16 term “agency” has the meaning given the term in section
 17 552(f) of title 5, United States Code.

18 (b) APPLICABILITY OF FOIA.—A record relating to
 19 a Federal contractor, including a record relating to a non-
 20 Federal prison, correctional, or detention facility, pro-
 21 duced during fulfillment of the Federal contract with an
 22 agency with funds provided under the contract shall be—

23 (1) considered a record for purposes of section
 24 552(f)(2) of title 5, United States Code, whether in

1 the possession of the Federal contractor or an agen-
2 cy; and

3 (2) subject to section 552 of title 5, United
4 States Code (commonly known as the “Freedom of
5 Information Act”), to the same extent as if the
6 record was maintained by an agency.

7 (c) WITHHOLDING OF INFORMATION.—An agency
8 may not withhold information that would otherwise be re-
9 quired to be disclosed under subsection (b) unless—

10 (1) the agency, based on the independent as-
11 sessment of the agency, reasonably foresees that dis-
12 closure of the information would cause specific iden-
13 tifiable harm to an interest protected by an exemp-
14 tion from disclosure under section 552(b) of title 5,
15 United States Code; or

16 (2) disclosure of the information is prohibited
17 by law.

18 (d) REGULATIONS.—

19 (1) IN GENERAL.—An agency may promulgate
20 regulations or guidance to ensure compliance with
21 this section by the agency and Federal contractors.

22 (2) COMPLIANCE BY FEDERAL CONTRAC-
23 TORS.—

24 (A) IN GENERAL.—Compliance with this
25 section by an applicable entity shall be included

1 as a material term in any contract, agreement,
2 or renewal of a contract or agreement between
3 the agency and the Federal contractor.

4 (B) MODIFICATION OF CONTRACT OR
5 AGREEMENT.—Not later than 1 year after the
6 date of enactment of this Act, an agency shall
7 secure a modification to include compliance
8 with this section by a Federal contractor as a
9 material term in any contract or agreement de-
10 scribed under subparagraph (A) that will not
11 otherwise be renegotiated, renewed, or modified
12 before the date that is 1 year after the date of
13 enactment of this Act.

14 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion shall be construed to limit or reduce the scope of
16 State or local open records laws.

17 **SEC. 632. PUBLIC DISCLOSURE BY LARGE CONTRACTORS.**

18 (a) DEFINITION.—In this section, the term “covered
19 contractor” means an entity that earns more than—

20 (1) \$10,000,000 during a 1-year period under
21 a Federal contract or license; or

22 (2) 20 percent of the total revenue of the entity
23 from Federal sources.

24 (b) REQUIREMENT.—Each covered contractor shall,
25 on an annual basis, submit to the Director of the Office

1 of Public Integrity and the Administrator of the Office
2 of Federal Procurement Policy—

3 (1) any audited financial statements of the cov-
4 ered contractor;

5 (2) a listing of the salaries of employees of the
6 covered contractor providing services on Federal
7 contracts that are compensated over \$100,000 per
8 year;

9 (3) a detailed list of all Federal political spend-
10 ing by the covered contractor; and

11 (4) the identity of each beneficial owner of the
12 covered contractor, including—

13 (A) name;

14 (B) current residential or business street
15 address; and

16 (C) whether the beneficial owner is a for-
17 eign person.

18 (c) PENALTY.—The Director of the Office of Man-
19 agement and Budget may—

20 (1) in consultation with the Administrator of
21 the Office of Federal Procurement Policy and the
22 Director of the Office of Public Integrity, tempo-
23 rarily or indefinitely disqualify a covered contractor
24 from receiving a Federal contract if the Director of
25 the Office of Management and Budget determines

1 that the covered contractor failed to comply with the
2 requirement under subsection (b); and

3 (2) reinstate the ability of a covered contractor
4 described in paragraph (1) to receive a Federal con-
5 tract.

6 **Subtitle E—Congressional** 7 **Transparency**

8 **SEC. 641. INCREASED TRANSPARENCY OF COMMITTEE** 9 **WORK.**

10 (a) DEFINITIONS.—In this section—

11 (1) the term “Committee” means—

12 (A) a committee of the House of Rep-
13 resentatives;

14 (B) a committee of the Senate; and

15 (C) a subcommittee of a committee de-
16 scribed in paragraph (1) or (2);

17 (2) the term “covered hearing” means a public
18 hearing held by a Committee; and

19 (3) the term “covered markup” means a public
20 markup held by a Committee.

21 (b) SCHEDULE.—At the same time as the schedule
22 is made available to members of a Committee, but not
23 later than 7 days before the date of a covered hearing or
24 covered markup (unless the Chairman and Ranking Mi-
25 nority Member of the Committee agree to waive the 7-

1 day requirement), each Committee shall make available on
2 the website of the Committee the schedule of covered hear-
3 ings and covered markups of the Committee.

4 (c) INFORMATION REQUIRED FOR MARKUPS.—At the
5 same time as the materials are made available to members
6 of a Committee, but not later than 24 hours before the
7 time of a covered markup (unless the Chairman and Rank-
8 ing Minority Member of the Committee agree to waive the
9 24-hour requirement), the Committee shall make available
10 on the website of the Committee any bill or resolution to
11 be considered at the covered markup and any amendments
12 to such a bill or resolution filed with the Committee.

13 (d) ADDITIONAL REQUIRED INFORMATION.—Not
14 later than 24 hours after holding a covered hearing or a
15 covered markup, a Committee shall make available on the
16 website of the Committee—

17 (1) a description of the topic of the covered
18 hearing or covered markup;

19 (2) any legislation related to the covered hear-
20 ing or covered markup;

21 (3) the written testimony of any witness;

22 (4) any documents or materials entered into the
23 record;

1 (5) any written opening statements of the
2 Chairman or Ranking Minority Member of the Com-
3 mittee; and

4 (6) audio and video recordings of the covered
5 hearing or covered markup.

6 (e) TRANSCRIPTS.—Not later than 45 days after
7 holding a covered hearing or covered markup, a Com-
8 mittee shall make available on the website of the Com-
9 mittee transcripts of the covered hearing or covered mark-
10 up.

11 (f) REPORTED MEASURES.—Not later than 24 hours
12 after a covered markup during which a Committee orders
13 a bill or resolution to be reported, the Committee shall
14 post on the website of the Committee—

15 (1) each amendment to the bill or resolution
16 that was agreed to, except for technical and con-
17 forming changes authorized by the Committee; and

18 (2) a record of each vote taken on the bill or
19 resolution or an amendment thereto.

20 (g) COMPARATIVE PRINT.—

21 (1) IN GENERAL.—Not later than 45 days after
22 a Committee reports a bill or joint resolution pro-
23 posing to repeal or amend a statute or part thereof,
24 the Committee shall include in its report or in an ac-

1 accompanying document and make available on the
2 website of the Committee—

3 (A) the entire text of each section of a
4 statute that is proposed to be repealed or
5 amended; and

6 (B) a comparative print of each amend-
7 ment to a section of a statute that the bill or
8 joint resolution proposes to make, showing by
9 appropriate typographical devices the omissions
10 and insertions proposed.

11 (2) COMMITTEE AMENDMENTS.—If a Com-
12 mittee reports a bill or joint resolution proposing to
13 repeal or amend a statute or part thereof with a rec-
14 ommendation that the bill or joint resolution be
15 amended, the comparative print required by para-
16 graph (1) shall reflect the changes in existing law
17 proposed to be made by the bill or joint resolution
18 as proposed to be amended.

19 (3) AVAILABILITY.—Each Committee shall
20 make reasonable efforts to make a comparative print
21 required by paragraph (1) available to the members
22 of the Committee and to the public as early as prac-
23 ticable, and before a covered markup, if practical.

24 (h) QUESTIONS FOR THE RECORD.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), for each covered hearing or covered mark-
3 up, a Committee shall make available on the website
4 of the Committee any response to questions for the
5 record of the covered hearing or covered markup
6 that the Committee receives from a testifying wit-
7 ness.

8 (2) PROTECTION OF CERTAIN INFORMATION.—
9 Upon agreement by the Chairman and Ranking Mi-
10 nority Member of a Committee, a response described
11 in paragraph (1) may be withheld from the website
12 of the Committee if it includes individual casework
13 or constituent information or information that the
14 Chairman and Ranking Minority Member determine
15 is confidential information.

16 **SEC. 642. INCREASED TRANSPARENCY OF RECORDED**
17 **VOTES.**

18 (a) DEFINITION.—In this section, the term “Member
19 of Congress” means a member of the House of Represent-
20 atives and a member of the Senate.

21 (b) ADDITIONAL DUTIES OF THE CLERK OF THE
22 HOUSE OF REPRESENTATIVES AND THE SECRETARY OF
23 THE SENATE.—The Clerk of the House of Representatives
24 and the Secretary of the Senate shall make available on
25 the website of the Office of the Clerk or of the Secretary,

1 respectively, a record of the recorded votes of each Mem-
2 ber of Congress who is a member of their House of Con-
3 gress, organized by the name of the Member of Congress,
4 in a structured data format, which shall include the roll,
5 date, issue, question, result, and title or description of the
6 vote.

7 (c) WEB LINK.—Each Member of Congress shall pro-
8 vide a link on the website of the Member of Congress to
9 the record of recorded votes of the Member of Congress
10 made available by the Clerk of the House of Representa-
11 tives or the Secretary of the Senate, as applicable.

12 (d) EFFECTIVE DATE.—This section shall apply to
13 recorded votes by Members of Congress occurring after
14 the date of enactment of this Act.

15 **SEC. 643. INCREASED TRANSPARENCY OF APPROPRIA-**
16 **TIONS BILLS.**

17 (a) INCLUSION.—The Clerk of the House of Rep-
18 resentatives and the Secretary of the Senate shall ensure
19 that each report accompanying any appropriations bill re-
20 ported by the Committees on Appropriations of the House
21 of Representatives or the Committee on Appropriations of
22 the Senate, respectively, includes a formatted spreadsheet
23 showing the amounts made available by the bill, in a tab-
24 ular, digital format that shows separate entries for each
25 fiscal year covered by the bill.

1 (b) EFFECTIVE DATE.—Subsection (a) shall apply
 2 with respect to any appropriations bill making funds avail-
 3 able for fiscal year 2019 or any fiscal year thereafter.

4 **TITLE VII—CAMPAIGN FINANCE**
 5 **REFORMS**

6 **Subtitle A—Requirements Relating**
 7 **to Preventing Conflicts of Interest**

8 **PART I—REQUIREMENTS RELATING TO REG-**
 9 **ISTERED LOBBYISTS AND GOVERNMENT**
 10 **CONTRACTORS**

11 **SEC. 701. REQUIREMENTS RELATING TO REGISTERED LOB-**
 12 **BYISTS.**

13 (a) IN GENERAL.—Title III of the Federal Election
 14 Campaign Act of 1971 (52 U.S.C. 30101 et seq.), as
 15 amended by section 141, is amended by adding at the end
 16 the following new section:

17 **“SEC. 326. REQUIREMENTS RELATING TO REGISTERED**
 18 **LOBBYISTS.**

19 “(a) PROHIBITION OF CONTRIBUTIONS OR FUND-
 20 RAISING BY REGISTERED LOBBYISTS.—It shall be unlaw-
 21 ful for any registered lobbyist to—

22 “(1) make a contribution to any candidate for
 23 Federal office or member of Congress; or

24 “(2) fundraise for any candidate for Federal of-
 25 fice, member of Congress, authorized committee of a

1 candidate, leadership PAC, or political party com-
2 mittee.

3 “(b) PROHIBITION OF SOLICITING FUNDS FROM
4 LOBBYISTS.—It shall be unlawful for any candidate for
5 Federal office, member of Congress, an agent of such can-
6 didate or member of Congress, or an entity directly or in-
7 directly established, financed, maintained, or controlled by
8 or acting on behalf of 1 or more such candidates or mem-
9 bers of Congress to directly solicit funds from any reg-
10 istered lobbyist in connection with any election for Federal
11 office.

12 “(c) DEFINITIONS.—For purposes of this section:

13 “(1) REGISTERED LOBBYIST.—The term ‘reg-
14 istered lobbyist’ means a lobbyist, as defined in sec-
15 tion 3 of the Lobbying Disclosure Act of 1995 (2
16 U.S.C. 1602), that is registered or is required to
17 register under section 4(a) of that Act (2 U.S.C.
18 1603(a)).

19 “(2) OTHER TERMS.—The terms ‘fundraise’
20 and ‘solicit’ have the meaning given those terms in
21 section 301.

22 “(d) CLARIFICATION.—Nothing in this section shall
23 be construed to prohibit—

24 “(1) any person from engaging in volunteer ac-
25 tivity on behalf of a candidate or from making com-

1 munications which provide information about the
2 candidate but which do not include the solicitation
3 of contributions or other fundraising activity in sup-
4 port of the candidate;

5 “(2) any registered lobbyist from making an
6 independent expenditure or fundraising for an inde-
7 pendent expenditure; or

8 “(3) any candidate for Federal office, member
9 of Congress, an agent of such candidate or member
10 of Congress, or an entity directly or indirectly estab-
11 lished, financed, maintained, or controlled by or act-
12 ing on behalf of 1 or more such candidates or mem-
13 bers of Congress from including registered lobbyists
14 in any mass communication, including a mass com-
15 munication that solicits a contribution.”.

16 (b) DEFINITIONS.—Section 301 of the Federal Elec-
17 tion Campaign Act of 1971 (52 U.S.C. 30101) is amended
18 by adding at the end the following new paragraphs:

19 “(27) FUNDRAISE.—The term ‘fundraise’
20 means—

21 “(A) hosting or underwriting an event
22 where funds are raised with the intention to
23 contribute such funds to any candidate for Fed-
24 eral office, member of Congress, authorized

1 committee of a candidate, leadership PAC, or
2 political party committee;

3 “(B) transmitting or delivering a contribu-
4 tion to any candidate for Federal office, mem-
5 ber of Congress, authorized committee of a can-
6 didate, leadership PAC, or political party com-
7 mittee from another person;

8 “(C) making or sending a communication
9 soliciting contributions for any candidate for
10 Federal office, member of Congress, authorized
11 committee of a candidate, leadership PAC, or
12 political party committee; or

13 “(D) otherwise directly or indirectly solici-
14 ting, transmitting, or facilitating a contribution
15 to any candidate for Federal office, member of
16 Congress, authorized committee of a candidate,
17 leadership PAC, or political party committee.

18 “(28) SOLICIT.—The term ‘solicit’ means to di-
19 rectly or indirectly ask, request, or recommend, ex-
20 plicitly or implicitly, that another person make a
21 contribution, donation, transfer of funds, or other-
22 wise provide anything of value.”.

1 **SEC. 702. DISCLOSURE OF POLITICAL SPENDING BY GOV-**
2 **ERNMENT CONTRACTORS.**

3 Section 735 of division D of the Consolidated Appro-
4 priations Act, 2019 is repealed.

5 **SEC. 703. REPEAL OF RESTRICTION OF USE OF FUNDS BY**
6 **INTERNAL REVENUE SERVICE TO BRING**
7 **TRANSPARENCY TO POLITICAL ACTIVITY OF**
8 **CERTAIN NONPROFIT ORGANIZATIONS.**

9 Section 124 of the Financial Services and General
10 Government Appropriations Act, 2019 (division D of Pub-
11 lic Law 116–6) is hereby repealed.

12 **SEC. 704. REPEAL OF REVENUE PROCEDURE THAT ELIMI-**
13 **NATED REQUIREMENT TO REPORT INFORMA-**
14 **TION REGARDING CONTRIBUTORS TO CER-**
15 **TAIN TAX-EXEMPT ORGANIZATIONS.**

16 Revenue Procedure 2018–38 shall have no force and
17 effect.

18 **PART II—REQUIREMENTS RELATING TO**
19 **CORPORATIONS**

20 **SEC. 711. BANNING CORPORATIONS FROM FUNDRAISING.**

21 Section 316(a) of the Federal Election Campaign Act
22 of 1971 (52 U.S.C. 30118(a)) is amended by inserting the
23 following before the period at the end: “, or for any cor-
24 poration to fundraise (as defined in section 301) for any
25 candidate for Federal office or member of Congress”.

1 **SEC. 712. BANNING CONTRIBUTIONS TO MEMBERS OF CON-**
2 **GRESS FROM CORPORATIONS UNDER THE**
3 **JURISDICTION OF THEIR COMMITTEES.**

4 (a) PROHIBITION.—

5 (1) IN GENERAL.—Title III of the Federal
6 Election Campaign Act of 1971 (52 U.S.C. 30101 et
7 seq.), as amended by sections 141 and 701, is
8 amended by adding at the end the following new sec-
9 tion:

10 **“SEC. 327. PROHIBITING CAMPAIGN CONTRIBUTIONS TO**
11 **MEMBERS OF CONGRESS BY PERSONS WITH**
12 **FINANCIAL INTERESTS IN CATEGORIES OF**
13 **BUSINESS UNDER JURISDICTION OF COMMIT-**
14 **TEES ON WHICH MEMBERS SERVE.**

15 “(a) PROHIBITING CONTRIBUTIONS AND SOLICITA-
16 TION OF CONTRIBUTIONS.—

17 “(1) CONTRIBUTIONS.—No person shall make a
18 contribution to a member of Congress, an authorized
19 committee of a member of Congress, or a leadership
20 PAC of a member of Congress unless, at the time
21 the person makes the contribution, the person cer-
22 tifies under penalty of perjury that the person is not
23 affiliated with a corporation (other than a nonprofit
24 corporation) or a membership organization described
25 in section 501(c)(6) of the Internal Revenue Code of
26 1986 and exempt from tax under section 501(a) of

1 such Code any member of which is a corporation
2 which has a financial interest in a category of busi-
3 ness which is under the jurisdiction of a committee
4 of Congress on which the member serves.

5 “(2) SOLICITATION OF CONTRIBUTIONS.—A
6 member of Congress may not solicit from a person
7 any contribution, including a contribution to an au-
8 thorized committee of the member, a leadership PAC
9 of the member, a political committee of a political
10 party, or any other political committee, if the mem-
11 ber knows or reasonably should know that the per-
12 son has a financial interest in a category of business
13 which is under the jurisdiction of a committee of
14 Congress on which the member serves.

15 “(3) SOLICITATION OF DONATIONS TO CERTAIN
16 FOUNDATIONS AND OTHER NONPROFIT ORGANIZA-
17 TIONS.—

18 “(A) SOLICITATIONS PROHIBITED.—A
19 member of Congress may not solicit from a per-
20 son any donation to a foundation or other non-
21 profit organization whose governing board in-
22 cludes the member or an immediate family
23 member of the member if the member knows or
24 reasonably should know that the person has a
25 financial interest in a category of business

1 which is under the jurisdiction of a committee
2 of Congress on which the Member serves.

3 “(B) DEFINITIONS.—For purposes of this
4 paragraph—

5 “(i) the term ‘immediate family mem-
6 ber’ means, with respect to a member of
7 Congress, a parent, child, sibling, spouse,
8 or parent-in-law; and

9 “(ii) the term ‘nonprofit organization’
10 means an organization which is described
11 in section 501(c) of the Internal Revenue
12 Code of 1986 and exempt from taxation
13 under section 501(a) of such Code.

14 “(4) DETERMINATION OF CATEGORIES OF BUSI-
15 NESSES UNDER COMMITTEE JURISDICTION.—For
16 purposes of this subsection, the determination as to
17 whether a category of business is under the jurisdic-
18 tion of a committee of Congress shall be based on
19 the most recent report filed with the Commission by
20 the Committee on Ethics of the House of Represent-
21 atives or the Select Committee on Ethics of the Sen-
22 ate under section 712(b) of the Anti-Corruption and
23 Public Integrity Act.

24 “(b) DESCRIPTION OF PERSONS AFFILIATED WITH
25 A CORPORATION OR TRADE ASSOCIATION.—For purposes

1 of subsection (a), a person is affiliated with a corporation
2 (other than a nonprofit corporation) or membership orga-
3 nization if the person is any of the following:

4 “(1) A separate segregated fund established by
5 the membership organization under section 316.

6 “(2) An individual who is a treasurer, agent, or
7 other officer of a separate segregated fund estab-
8 lished by a membership organization under section
9 316.

10 “(3) An individual who is general partner, man-
11 aging member, or executive officer, or other indi-
12 vidual with a similar status or function of the cor-
13 poration or membership organization for purposes of
14 section 316, or who would be treated as a general
15 partner, managing member, or executive officer, or
16 other individual with a similar status of the corpora-
17 tion or membership organization for purposes of sec-
18 tion 316 if the corporation or membership organiza-
19 tion established a separate segregated fund or solici-
20 ited contributions under such section.

21 “(4) An individual who owns or controls 5 per-
22 cent or more of the voting shares of the corporation,
23 except that this paragraph does not apply with re-
24 spect to a corporation whose annual revenues were
25 less than \$5,000,000 during any of the 3 most re-

1 cent fiscal years ending before the date on which the
2 individual makes the contribution.

3 “(c) EXCEPTIONS.—Subsection (a) does not apply
4 with respect to any of the following:

5 “(1) A contribution to a candidate for election
6 to the office of Representative in, or Delegate or
7 Resident Commissioner to, the Congress, an author-
8 ized committee of such a candidate, or a leadership
9 PAC of such a candidate which is made by an indi-
10 vidual who is a resident of the congressional district
11 such candidate represents.

12 “(2) A contribution to a candidate for election
13 to the office of Senator, an authorized committee of
14 such a candidate, or a leadership PAC of such a
15 candidate which is made by an individual who is a
16 resident of the State such candidate represents.

17 “(3) A contribution made to a political com-
18 mittee by an individual whose identification the po-
19 litical committee is not required to disclose under
20 section 304(b)(3)(A) because the aggregate amount
21 or value of the contributions made by the individual
22 to the committee during the election cycle involved
23 is not in excess of \$200.

1 “(4) A contribution made to a political com-
2 mittee by a separate segregated fund established by
3 a labor organization under section 316.

4 “(d) OTHER DEFINITIONS.—In this section—

5 “(1) the term ‘leadership PAC’ means, with re-
6 spect to a candidate or a Member of Congress, a po-
7 litical committee that is directly or indirectly estab-
8 lished, financed, maintained or controlled by the
9 candidate or the member but which is not an au-
10 thorized committee of the candidate or the member
11 and which is not affiliated with an authorized com-
12 mittee of the candidate or the member, except that
13 such term does not include a political committee of
14 a political party; and

15 “(2) the term ‘member of Congress’ means a
16 Senator or Representative in, or Delegate or Resi-
17 dent Commissioner to, the Congress.”.

18 (2) EFFECTIVE DATE.—The amendments made
19 by this subsection shall apply with respect to con-
20 tributions and donations made or solicited after the
21 expiration of the 120-day period which begins on the
22 date the Committee on Ethics of the House of Rep-
23 resentatives and the Select Committee on Ethics of
24 the Senate file the first reports required under sub-
25 section (b).

1 (b) REPORTS BY CONGRESSIONAL ETHICS COMMIT-
2 TEES ON CATEGORIES OF BUSINESSES UNDER JURISDIC-
3 TION OF COMMITTEES.—

4 (1) REPORTS; SUBMISSION TO FEDERAL ELEC-
5 TION COMMISSION.—During each Congress, the
6 Committee on Ethics of the House of Representa-
7 tives and the Select Committee on Ethics of the Sen-
8 ate shall prepare and submit to the Federal Election
9 Commission a report listing for each standing com-
10 mittee of the House or Senate (as the case may be)
11 the categories of businesses which are under the ju-
12 risdiction of such committee, in such form and in ac-
13 cordance with such criteria as the Committee on
14 Ethics of the House of Representatives and the Se-
15 lect Committee on Ethics of the Senate may each es-
16 tablish.

17 (2) OFFICE OF CONGRESSIONAL ETHICS REC-
18 OMMENDATIONS.—The Office of Congressional Eth-
19 ics shall annually make recommendations to the
20 Committee on Ethics of the House of Representa-
21 tives and the Select Committee on Ethics of the Sen-
22 ate regarding updates to each report under para-
23 graph (1).

24 (3) REPORT CONTENTS.—The Committee on
25 Ethics of the House of Representatives and the Se-

1 lect Committee on Ethics of the Senate shall prepare
2 each report under paragraph (1) in consultation
3 with—

4 (A) the Parliamentarian of the Senate or
5 the Parliamentarian of the House, respectively,
6 to consider the assignment of legislation to each
7 committee as an indicator in preparation of the
8 report; and

9 (B) the Clerk of the Senate or Clerk of the
10 House, respectively, to consider the lobbying ac-
11 tivity of businesses in each business category as
12 an indicator in preparation of the report.

13 (4) TIMING.—The Committee on Ethics of the
14 House of Representatives and the Select Committee
15 on Ethics of the Senate shall each submit the first
16 report for a Congress under this section not later
17 than 90 days after the beginning of the Congress.

18 (5) UPDATES.—The Committee on Ethics of
19 the House of Representatives and the Select Com-
20 mittee on Ethics of the Senate shall each prepare
21 and submit to the Federal Election Commission up-
22 dates to reports required under this subsection on a
23 regular and ongoing basis.

24 **SEC. 713. CORPORATE PAC BAN.**

25 (a) LIMITATION.—

1 (1) IN GENERAL.—Section 316(b)(2)(C) of the
2 Federal Election Campaign Act of 1971 (52 U.S.C.
3 30118(b)(2)(C)) is amended by striking “a corpora-
4 tion” and inserting “a nonprofit corporation”.

5 (2) DEFINITION.—Section 316(b) of such Act
6 (52 U.S.C. 30118(b)) is amended by adding at the
7 end the following new paragraph:

8 “(8) For purposes of this section, the term ‘nonprofit
9 corporation’ means a corporation described in section
10 501(c) of the Internal Revenue Code of 1986 and exempt
11 from taxation under section 501(a) of such Code, other
12 than a corporation which is ineligible to be exempt from
13 taxation under section 501(a) of such Code if it establishes
14 a separate segregated fund under this subsection.”.

15 (b) PERMITTING SOLICITATION OF CONTRIBUTIONS
16 ONLY FROM EXECUTIVE AND ADMINISTRATIVE PER-
17 SONNEL.—Section 316(b) of such Act (52 U.S.C.
18 30118(b)) is amended—

19 (1) in paragraph (4)(A)(i), by striking “its
20 stockholders and their families and”;

21 (2) in paragraph (4)(B)—

22 (A) by striking “a corporation” the first
23 place it appears and inserting “a nonprofit cor-
24 poration”;

1 (B) by striking “any stockholder, executive
2 or administrative personnel,” and inserting
3 “any executive or administrative personnel”;
4 and

5 (C) by striking “stockholders, executive or
6 administrative personnel,” and inserting “exec-
7 utive or administrative personnel”;

8 (3) in paragraph (4)(D)—

9 (A) by striking “stockholders and”;

10 (B) by striking “such stockholders or per-
11 sonnel” and inserting “such personnel”; and

12 (C) by striking “such stockholders and
13 personnel” and inserting “such personnel”; and

14 (4) in paragraph (5), by striking “stockholders
15 and”.

16 (c) TREATMENT OF GOVERNMENT CONTRACTORS.—
17 Section 317(b) of such Act (52 U.S.C. 30119(b)) is
18 amended—

19 (1) by striking “any corporation” and inserting
20 “any nonprofit corporation”; and

21 (2) by striking “a corporation” and inserting “a
22 nonprofit corporation”.

23 (d) EFFECTIVE DATE; TRANSITION FOR EXISTING
24 FUNDS AND COMMITTEES.—

1 (1) EFFECTIVE DATE.—The amendments made
2 by this Act shall take effect on the date of the enact-
3 ment of this Act.

4 (2) TRANSITION FOR EXISTING FUNDS AND
5 COMMITTEES.—In the case of a separate segregate
6 fund established and operating under section
7 316(b)(2)(C) of the Federal Election Campaign Act
8 of 1971 (52 U.S.C. 30118(b)(2)(C)) as of the date
9 of the enactment of this Act which is not a fund of
10 a nonprofit corporation as defined in section
11 316(b)(8) of such Act (as added by subsection
12 (a)(2)), the fund shall terminate and disburse its en-
13 tire balance not later than 1 year after the date of
14 the enactment of this Act.

15 **SEC. 714. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
16 **MENTS.**

17 (a) DISCLOSURE REQUIREMENTS FOR CORPORA-
18 TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER
19 ENTITIES.—

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

23 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
24 **MENTS BY COVERED ORGANIZATIONS.**

25 “(a) DISCLOSURE STATEMENT.—

1 “(1) IN GENERAL.—Any covered organization
2 that makes campaign-related disbursements aggregating more than \$10,000 in an election reporting
3 cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission
4 made under penalty of perjury that contains the information described in paragraph (2)—

5 “(A) in the case of the first statement filed
6 under this subsection, for the period beginning
7 on the first day of the election reporting cycle
8 (or, if earlier, the period beginning one year before the first such disclosure date) and ending
9 on the first such disclosure date; and

10 “(B) in the case of any subsequent statement filed under this subsection, for the period
11 beginning on the previous disclosure date and
12 ending on such disclosure date.

13 “(2) INFORMATION DESCRIBED.—The information described in this paragraph is as follows:

14 “(A) The name of the covered organization
15 and the principal place of business of such organization and, in the case of a covered organization
16 that is a corporation (other than a business concern that is an issuer of a class of securities registered under section 12 of the Securi-

1 ties Exchange Act of 1934 (15 U.S.C. 78l) or
2 that is required to file reports under section
3 15(d) of that Act (15 U.S.C. 78o(d)) or an en-
4 tity described in subsection (e)(2), a list of the
5 beneficial owners (as defined in paragraph
6 (4)(A)) of the entity that—

7 “(i) identifies each beneficial owner by
8 name and current residential or business
9 street address; and

10 “(ii) if any beneficial owner exercises
11 control over the entity through another
12 legal entity, such as a corporation, partner-
13 ship, limited liability company, or trust,
14 identifies each such other legal entity and
15 each such beneficial owner who will use
16 that other entity to exercise control over
17 the entity.

18 “(B) The amount of each campaign-related
19 disbursement made by such organization during
20 the period covered by the statement of more
21 than \$1,000, and the name and address of the
22 person to whom the disbursement was made.

23 “(C) In the case of a campaign-related dis-
24 bursement that is not a covered transfer, the
25 election to which the campaign-related disburse-

1 ment pertains and if the disbursement is made
2 for a public communication, the name of any
3 candidate identified in such communication and
4 whether such communication is in support of or
5 in opposition to a candidate.

6 “(D) A certification by the chief executive
7 officer or person who is the head of the covered
8 organization that the campaign-related dis-
9 bursement is not made in cooperation, consulta-
10 tion, or concert with or at the request or sug-
11 gestion of a candidate, authorized committee, or
12 agent of a candidate, political party, or agent of
13 a political party.

14 “(E)(i) If the covered organization makes
15 campaign-related disbursements using exclu-
16 sively funds in a segregated bank account con-
17 sisting of funds that were paid directly to such
18 account by persons other than the covered orga-
19 nization that controls the account, for each
20 such payment to the account—

21 “(I) the name and address of each
22 person who made such payment during the
23 period covered by the statement;

24 “(II) the date and amount of such
25 payment; and

1 “(III) the aggregate amount of all
2 such payments made by the person during
3 the period beginning on the first day of the
4 election reporting cycle (or, if earlier, the
5 period beginning one year before the dis-
6 closure date) and ending on the disclosure
7 date,

8 but only if such payment was made by a person
9 who made payments to the account in an aggre-
10 gate amount of \$10,000 or more during the pe-
11 riod beginning on the first day of the election
12 reporting cycle (or, if earlier, the period begin-
13 ning one year before the disclosure date) and
14 ending on the disclosure date.

15 “(ii) In any calendar year after 2020, sec-
16 tion 315(e)(1)(B) shall apply to the amount de-
17 scribed in clause (i) in the same manner as
18 such section applies to the limitations estab-
19 lished under subsections (a)(1)(A), (a)(1)(B),
20 (a)(3), and (h) of such section, except that for
21 purposes of applying such section to the
22 amounts described in subsection (b), the ‘base
23 period’ shall be 2020.

24 “(F)(i) If the covered organization makes
25 campaign-related disbursements using funds

1 other than funds in a segregated bank account
2 described in subparagraph (E), for each pay-
3 ment to the covered organization—

4 “(I) the name and address of each
5 person who made such payment during the
6 period covered by the statement;

7 “(II) the date and amount of such
8 payment; and

9 “(III) the aggregate amount of all
10 such payments made by the person during
11 the period beginning on the first day of the
12 election reporting cycle (or, if earlier, the
13 period beginning one year before the dis-
14 closure date) and ending on the disclosure
15 date,

16 but only if such payment was made by a person
17 who made payments to the covered organization
18 in an aggregate amount of \$10,000 or more
19 during the period beginning on the first day of
20 the election reporting cycle (or, if earlier, the
21 period beginning one year before the disclosure
22 date) and ending on the disclosure date.

23 “(ii) In any calendar year after 2020, sec-
24 tion 315(c)(1)(B) shall apply to the amount de-
25 scribed in clause (i) in the same manner as

1 such section applies to the limitations estab-
2 lished under subsections (a)(1)(A), (a)(1)(B),
3 (a)(3), and (h) of such section, except that for
4 purposes of applying such section to the
5 amounts described in subsection (b), the ‘base
6 period’ shall be 2020.

7 “(G) Such other information as required in
8 rules established by the Commission to promote
9 the purposes of this section.

10 “(3) EXCEPTIONS.—

11 “(A) AMOUNTS RECEIVED IN ORDINARY
12 COURSE OF BUSINESS.—The requirement to in-
13 clude in a statement filed under paragraph (1)
14 the information described in paragraph (2)
15 shall not apply to amounts received by the cov-
16 ered organization in commercial transactions in
17 the ordinary course of any trade or business
18 conducted by the covered organization or in the
19 form of investments (other than investments by
20 the principal shareholder in a limited liability
21 corporation) in the covered organization. For
22 purposes of this subparagraph, amounts re-
23 ceived by a covered organization as remittances
24 from an employee to the employee’s collective
25 bargaining representative shall be treated as

1 amounts received in commercial transactions in
2 the ordinary course of the business conducted
3 by the covered organization.

4 “(B) DONOR RESTRICTION ON USE OF
5 FUNDS.—The requirement to include in a state-
6 ment submitted under paragraph (1) the infor-
7 mation described in subparagraph (F) of para-
8 graph (2) shall not apply if—

9 “(i) the person described in such sub-
10 paragraph prohibited, in writing, the use of
11 the payment made by such person for cam-
12 paign-related disbursements; and

13 “(ii) the covered organization agreed
14 to follow the prohibition and deposited the
15 payment in an account which is segregated
16 from any account used to make campaign-
17 related disbursements.

18 “(C) THREAT OF HARASSMENT OR RE-
19 PRISAL.—The requirement to include any infor-
20 mation relating to the name or address of any
21 person (other than a candidate) in a statement
22 submitted under paragraph (1) shall not apply
23 if the inclusion of the information would subject
24 the person to serious threats, harassment, or
25 reprisals.

1 “(4) OTHER DEFINITIONS.—For purposes of
2 this section:

3 “(A) BENEFICIAL OWNER DEFINED.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in clause (ii), the term ‘beneficial
6 owner’ means, with respect to any entity,
7 a natural person who, directly or indi-
8 rectly—

9 “(I) exercises substantial control
10 over an entity through ownership, vot-
11 ing rights, agreement, or otherwise; or

12 “(II) has a substantial interest in
13 or receives substantial economic bene-
14 fits from the assets of an entity.

15 “(ii) EXCEPTIONS.—The term ‘bene-
16 ficial owner’ shall not include—

17 “(I) a minor child;

18 “(II) a person acting as a nomi-
19 nee, intermediary, custodian, or agent
20 on behalf of another person;

21 “(III) a person acting solely as
22 an employee of an entity and whose
23 control over or economic benefits from
24 the entity derives solely from the em-
25 ployment status of the person;

1 “(IV) a person whose only inter-
2 est in an entity is through a right of
3 inheritance, unless the person also
4 meets the requirements of clause (i);
5 or

6 “(V) a creditor of an entity, un-
7 less the creditor also meets the re-
8 quirements of clause (i).

9 “(iii) ANTI-ABUSE RULE.—The excep-
10 tions under clause (ii) shall not apply if
11 used for the purpose of evading, circum-
12 venting, or abusing the provisions of clause
13 (i) or paragraph (2)(A).

14 “(B) DISCLOSURE DATE.—The term ‘dis-
15 closure date’ means—

16 “(i) the first date during any election
17 reporting cycle by which a person has
18 made campaign-related disbursements ag-
19 gregating more than \$10,000; and

20 “(ii) any other date during such elec-
21 tion reporting cycle by which a person has
22 made campaign-related disbursements ag-
23 gregating more than \$10,000 since the
24 most recent disclosure date for such elec-
25 tion reporting cycle.

1 “(C) ELECTION REPORTING CYCLE.—The
2 term ‘election reporting cycle’ means the 2-year
3 period beginning on the date of the most recent
4 general election for Federal office.

5 “(D) PAYMENT.—The term ‘payment’ in-
6 cludes any contribution, donation, transfer, pay-
7 ment of dues, or other payment.

8 “(b) COORDINATION WITH OTHER PROVISIONS.—

9 “(1) OTHER REPORTS FILED WITH THE COM-
10 MISSION.—Information included in a statement filed
11 under this section may be excluded from statements
12 and reports filed under section 304.

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

18 “(c) FILING.—Statements required to be filed under
19 subsection (a) shall be subject to the requirements of sec-
20 tion 304(d) to the same extent and in the same manner
21 as if such reports had been required under subsection (c)
22 or (g) of section 304.

23 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
24 FINED.—

1 “(1) IN GENERAL.—In this section, the term
2 ‘campaign-related disbursement’ means a disburse-
3 ment by a covered organization for any of the fol-
4 lowing:

5 “(A) An independent expenditure which ex-
6 pressly advocates the election or defeat of a
7 clearly identified candidate for election for Fed-
8 eral office, or is the functional equivalent of ex-
9 press advocacy because, when taken as a whole,
10 it can be interpreted by a reasonable person
11 only as advocating the election or defeat of a
12 candidate for election for Federal office.

13 “(B) Any public communication which re-
14 fers to a clearly identified candidate for election
15 for Federal office and which promotes or sup-
16 ports the election of a candidate for that office,
17 or attacks or opposes the election of a candidate
18 for that office, without regard to whether the
19 communication expressly advocates a vote for or
20 against a candidate for that office.

21 “(C) An electioneering communication, as
22 defined in section 304(f)(3).

23 “(D) A covered transfer.

24 “(2) INTENT NOT REQUIRED.—A disbursement
25 for an item described in subparagraph (A), (B), (C),

1 or (D) of paragraph (1) shall be treated as a cam-
2 paign-related disbursement regardless of the intent
3 of the person making the disbursement.

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

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

10 “(2) A limited liability corporation that is not
11 otherwise treated as a corporation for purposes of
12 this Act (other than an organization described in
13 section 501(c)(3) of the Internal Revenue Code of
14 1986).

15 “(3) An organization described in section
16 501(c) of such Code and exempt from taxation
17 under section 501(a) of such Code (other than an
18 organization described in section 501(c)(3) of such
19 Code).

20 “(4) A labor organization (as defined in section
21 316(b)).

22 “(5) Any political organization under section
23 527 of the Internal Revenue Code of 1986, other
24 than a political committee under this Act (except as
25 provided in paragraph (6)).

1 “(6) A political committee with an account that
2 accepts donations or contributions that do not com-
3 ply with the contribution limits or source prohibi-
4 tions under this Act, but only with respect to such
5 accounts.

6 “(f) COVERED TRANSFER DEFINED.—

7 “(1) IN GENERAL.—In this section, the term
8 ‘covered transfer’ means any transfer or payment of
9 funds by a covered organization to another person if
10 the covered organization—

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

13 “(i) campaign-related disbursements
14 (other than covered transfers); or

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

19 “(B) made such transfer or payment in re-
20 sponse to a solicitation or other request for a
21 donation or payment for—

22 “(i) the making of or paying for cam-
23 paign-related disbursements (other than
24 covered transfers); or

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

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

7 “(i) the making of or paying for cam-
8 paign-related disbursements (other than
9 covered transfers); or

10 “(ii) donating or transferring any
11 amount of such transfer or payment to an-
12 other person for the purpose of making or
13 paying for such campaign-related disburse-
14 ments;

15 “(D) made campaign-related disburse-
16 ments (other than a covered transfer) in an ag-
17 gregate amount of \$50,000 or more during the
18 2-year period ending on the date of the transfer
19 or payment, or knew or had reason to know
20 that the person receiving the transfer or pay-
21 ment made such disbursements in such an ag-
22 gregate amount during that 2-year period; or

23 “(E) knew or had reason to know that the
24 person receiving the transfer or payment would
25 make campaign-related disbursements in an ag-

1 gregate amount of \$50,000 or more during the
2 2-year period beginning on the date of the
3 transfer or payment.

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

6 “(A) A disbursement made by a covered
7 organization in a commercial transaction in the
8 ordinary course of any trade or business con-
9 ducted by the covered organization or in the
10 form of investments made by the covered orga-
11 nization.

12 “(B) A disbursement made by a covered
13 organization if—

14 “(i) the covered organization prohib-
15 ited, in writing, the use of such disburse-
16 ment for campaign-related disbursements;
17 and

18 “(ii) the recipient of the disbursement
19 agreed to follow the prohibition and depos-
20 ited the disbursement in an account which
21 is segregated from any account used to
22 make campaign-related disbursements.

23 “(3) SPECIAL RULE REGARDING TRANSFERS
24 AMONG AFFILIATES.—

1 “(A) SPECIAL RULE.—A transfer of an
2 amount by one covered organization to another
3 covered organization which is treated as a
4 transfer between affiliates under subparagraph
5 (C) shall be considered a covered transfer by
6 the covered organization which transfers the
7 amount only if the aggregate amount trans-
8 ferred during the year by such covered organi-
9 zation to that same covered organization is
10 equal to or greater than \$50,000.

11 “(B) DETERMINATION OF AMOUNT OF
12 CERTAIN PAYMENTS AMONG AFFILIATES.—In
13 determining the amount of a transfer between
14 affiliates for purposes of subparagraph (A), to
15 the extent that the transfer consists of funds
16 attributable to dues, fees, or assessments which
17 are paid by individuals on a regular, periodic
18 basis in accordance with a per-individual cal-
19 culation which is made on a regular basis, the
20 transfer shall be attributed to the individuals
21 paying the dues, fees, or assessments and shall
22 not be attributed to the covered organization.

23 “(C) DESCRIPTION OF TRANSFERS BE-
24 TWEEN AFFILIATES.—A transfer of amounts
25 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 “(D) DETERMINATION OF AFFILIATE STA-
12 TUS.—For purposes of subparagraph (C), 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

1 contingent upon the approval of the other
2 organization; or

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

5 “(E) COVERAGE OF TRANSFERS TO AF-
6 FILATED SECTION 501(c)(3) ORGANIZA-
7 TIONS.—This paragraph shall apply with re-
8 spect to an amount transferred by a covered or-
9 ganization to an organization described in para-
10 graph (3) of section 501(c) of the Internal Rev-
11 enue Code of 1986 and exempt from tax under
12 section 501(a) of such Code in the same man-
13 ner as this paragraph applies to an amount
14 transferred by a covered organization to an-
15 other covered organization.

16 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-
17 MENTS.—Nothing in this section shall be construed to
18 waive or otherwise affect any other requirement of this
19 Act which relates to the reporting of campaign-related dis-
20 bursements.”.

21 (2) CONFORMING AMENDMENT.—Section
22 304(f)(6) of such Act (52 U.S.C. 30104) is amended
23 by striking “Any requirement” and inserting “Ex-
24 cept as provided in section 324(b), any require-
25 ment”.

1 (b) COORDINATION WITH FINCEN.—

2 (1) IN GENERAL.—The Director of the Finan-
3 cial Crimes Enforcement Network of the Depart-
4 ment of the Treasury shall provide the Federal Elec-
5 tion Commission with such information as necessary
6 to assist in administering and enforcing section 324
7 of the Federal Election Campaign Act of 1971, as
8 added by this section.

9 (2) REPORT.—Not later than 6 months after
10 the date of the enactment of this Act, the Chairman
11 of the Federal Election Commission, in consultation
12 with the Director of the Financial Crimes Enforce-
13 ment Network of the Department of the Treasury,
14 shall submit to Congress a report with recommenda-
15 tions for providing further legislative authority to as-
16 sist in the administration and enforcement of such
17 section 324.

18 **PART III—REQUIREMENTS RELATING TO**

19 **FOREIGN NATIONALS**

20 **SEC. 721. BANNING FOREIGN-OWNED AND PARTIALLY FOR-**

21 **EIGN-OWNED CORPORATIONS FROM SPEND-**

22 **ING ON UNITED STATES ELECTIONS.**

23 Section 319 of the Federal Election Campaign Act
24 of 1971 (52 U.S.C. 30121) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by inserting
3 the following before the semicolon: “(in-
4 cluding a State or local ballot initiative or
5 referendum), including any disbursement
6 to a political committee which accepts do-
7 nations or contributions that do not com-
8 ply with the limitations, prohibitions, and
9 reporting requirements of this Act (or any
10 disbursement to or on behalf of any ac-
11 count of a political committee which is es-
12 tablished for the purpose of accepting such
13 donations or contributions)”;

14 (ii) in subparagraph (B), by striking
15 “or” at the end;

16 (iii) in subparagraph (C), by striking
17 “expenditure” and all that follows through
18 “; or” and inserting “expenditure;”; and

19 (iv) by adding at the end the following
20 new subparagraphs:

21 “(D) an independent expenditure;

22 “(E) a disbursement for an electioneering
23 communication (within the meaning of section
24 304(f)(3));

1 “(F) a disbursement for a paid internet or
2 paid digital communication that refers to a
3 clearly identified candidate for election for Fed-
4 eral office and is disseminated within 60 days
5 before a general, special or runoff election for
6 the office sought by the candidate or 30 days
7 before a primary or preference election, or a
8 convention or caucus of a political party that
9 has authority to nominate a candidate for the
10 office sought by the candidate;

11 “(G) a disbursement for a broadcast, cable
12 or satellite communication, or for a paid inter-
13 net or paid digital communication, that pro-
14 motes, supports, attacks or opposes the election
15 of a clearly identified candidate for Federal,
16 State, or local office (regardless of whether the
17 communication contains express advocacy or the
18 functional equivalent of express advocacy); or

19 “(H) a disbursement for a broadcast,
20 cable, or satellite communication, or for a paid
21 internet or paid digital communication, that
22 discusses a national legislative issue of public
23 importance in a year in which a regularly
24 scheduled general election for Federal office is
25 held and is made for the purpose of influencing

1 an election held during that year, but only if
2 the disbursement is made by a foreign principal
3 who is a government of a foreign country or a
4 foreign political party or an agent of such a for-
5 eign principal as defined under section 1 of the
6 Foreign Agents Registration Act of 1938 (22
7 U.S.C. 611);”;

8 (B) in paragraph (2), by striking the pe-
9 riod at the end and inserting “; or”; and

10 (C) by adding at the end the following new
11 paragraph:

12 “(3) a foreign national to direct, dictate, con-
13 trol, or directly or indirectly participate in the deci-
14 sion-making process of any person (including a cor-
15 poration, labor organization, political committee, or
16 political organization) with regard to the Federal or
17 non-Federal election-related activity of such person,
18 including any decision concerning the making of con-
19 tributions, donations, expenditures, or disbursements
20 in connection with an election for any Federal,
21 State, or local office or any decision concerning the
22 administration of a political committee.”;

23 (2) in subsection (b)—

24 (A) in paragraph (1), by striking “or” at
25 the end;

1 (B) in paragraph (2), by striking the pe-
2 riod at the end and inserting “; or”; and

3 (C) by adding at the end the following new
4 paragraph:

5 “(3) any for-profit corporation, company, lim-
6 ited liability company, limited partnership, business
7 trust, business association, or other similar entity,
8 which is not a foreign national described in para-
9 graph (1) and—

10 “(A) in which a foreign national described
11 in paragraph (1) or (2) or a foreign business as
12 defined in subsection (d) directly or indirectly
13 holds, owns, controls, or otherwise has direct or
14 indirect beneficial ownership of 1 percent or
15 more of the total equity, outstanding voting
16 shares, membership units, or other applicable
17 ownership interests of the entity;

18 “(B) in which two or more foreign nation-
19 als described in paragraph (1) or (2) or foreign
20 businesses as so defined, in aggregate, directly,
21 or indirectly hold, own, control, or otherwise
22 have direct or indirect beneficial ownership of
23 five percent or more of the total equity, out-
24 standing voting shares, membership units, or

1 other applicable ownership interests of the enti-
2 ty;

3 “(C) over which one or more foreign na-
4 tionals described in paragraph (1) or (2) or for-
5 eign businesses as so defined has the power to
6 direct, dictate, or control the decision-making
7 process of the entity with respect to its interests
8 in the United States; or

9 “(D) over which one or more foreign na-
10 tionals described in paragraph (1) or (2) or for-
11 eign businesses as so defined has the power to
12 direct, dictate, or control the decision-making
13 process of the entity with respect to activities in
14 connection with a Federal, State, or local elec-
15 tion, including—

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

21 “(ii) the administration of a political
22 committee established or maintained by the
23 entity.”; and

24 (3) by adding at the end the following new sub-
25 sections:

1 “(c) CERTIFICATION OF COMPLIANCE REQUIRED
2 FOR CARRYING OUT ACTIVITY.—Prior to the making in
3 connection with an election for Federal office of any con-
4 tribution, donation, expenditure, independent expenditure,
5 or disbursement for an electioneering communication by
6 a covered for-profit entity, as defined in section 3 of the
7 Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), during
8 a year, the chief executive officer of the entity (or, if the
9 entity does not have a chief executive officer, the highest
10 ranking official of the entity), shall file a certification with
11 the Commission, under penalty of perjury, avowing that
12 the entity is not a foreign national and that a foreign na-
13 tional did not direct, dictate, control, or directly or indi-
14 rectly participate in the decision-making process relating
15 to such activity in violation of subsection (a)(3), unless
16 the chief executive officer or highest ranking official, if
17 applicable, has previously filed such a certification within
18 the previous 30 days.

19 “(d) DEFINITION OF FOREIGN BUSINESS.—For pur-
20 poses of this section, the term ‘foreign business’ means
21 any for-profit corporation, company, limited liability com-
22 pany, limited partnership, business trust, business associa-
23 tion, or other similar entity wherein a foreign national
24 holds, owns, controls, or otherwise has directly or indi-
25 rectly acquired beneficial ownership of equity or voting

1 shares in an amount that is equal to or greater than 50
 2 percent of the total equity or outstanding voting shares.”.

3 **PART IV—ADDITIONAL REQUIREMENTS**

4 **Subpart A—Campaign Finance**

5 **SEC. 731. CLARIFICATION ON TREATMENT OF INFORMA-**
 6 **TION USED TO INFLUENCE AN ELECTION FOR**
 7 **FEDERAL OFFICE AS A CONTRIBUTION;**
 8 **CLARIFICATION REGARDING PURPOSE OF IN-**
 9 **FLUENCING AN ELECTION FOR FEDERAL OF-**
 10 **FICE.**

11 (a) IN GENERAL.—Section 301(8) of the Federal
 12 Election Campaign Act of 1971 (52 U.S.C. 30101(8)) is
 13 amended by adding at the end the following new subpara-
 14 graph:

15 “(C) For purposes of subparagraph (A)(i) and
 16 section 319(a)(1)(A), material, non-public informa-
 17 tion, including opposition research, intended to be
 18 used for the purpose of influencing an election for
 19 Federal office as described in subparagraph (A)(i),
 20 or in the case of section 319(a)(1)(A), in connection
 21 with a Federal, State, or local election, shall be con-
 22 sidered a thing of value without regard to whether
 23 the information provided has monetary value.”.

24 (b) CLARIFICATION REGARDING PURPOSE OF INFLU-
 25 ENCING AN ELECTION.—

1 (1) CONTRIBUTIONS.—Section 301(8)(A)(i) of
2 such Act (52 U.S.C. 30101(8)(A)(i)) is amended by
3 inserting the following before the semicolon:
4 “(whether in whole or in part, or with the predict-
5 able effect of, influencing an election for Federal of-
6 fice)”.

7 (2) EXPENDITURES.—Section 301(9)(A)(i) of
8 such Act (52 U.S.C. 30101(9)(A)(i)) is amended by
9 inserting the following before the semicolon:
10 “(whether in whole or in part, or with the predict-
11 able effect of, influencing an election for Federal of-
12 fice)”.

13 (c) APPLICATION OF PENALTIES.—Section
14 309(d)(1)(A)(ii) of the such Act (52 U.S.C.
15 30109(d)(1)(A)(ii)) is amended—

16 (1) by striking “\$2,000 or more (but less than
17 \$25,000)” and inserting “less than \$25,000”; and

18 (2) by inserting “or involving information de-
19 scribed in section 301(8)(C), and which has a value
20 that is not ascertainable” after “during a calendar
21 year”.

1 **SEC. 732. PROHIBITION ON SUPER PAC-CANDIDATE CO-**
2 **ORDINATION.**

3 (a) CLARIFICATION OF TREATMENT OF COORDI-
4 NATED EXPENDITURES AS CONTRIBUTIONS TO CAN-
5 DIDATES.—

6 (1) TREATMENT AS CONTRIBUTION TO CAN-
7 DIDATE.—Section 301(8)(A) of the Federal Election
8 Campaign Act of 1971 (52 U.S.C. 30101(8)(A)), as
9 amended by section 731, is amended—

10 (A) by striking “or” at the end of clause
11 (i);

12 (B) by striking the period at the end of
13 clause (ii) and inserting “; or”; and

14 (C) by adding at the end the following new
15 clause:

16 “(iii) any payment made by any person
17 (other than a candidate, an authorized com-
18 mittee of a candidate, or a political committee
19 of a political party) for a coordinated expendi-
20 ture (as such term is defined in section 328)
21 which is not otherwise treated as a contribution
22 under clause (i) or clause (ii).”.

23 (2) DEFINITIONS.—Title III of such Act (52
24 U.S.C. 30101 et seq.), as amended by sections 141,
25 701, and 712, is amended by adding at the end the
26 following new section:

1 **“SEC. 328. PAYMENTS FOR COORDINATED EXPENDITURES.**

2 “(a) COORDINATED EXPENDITURES.—

3 “(1) IN GENERAL.—For purposes of section
4 301(8)(A)(iii), the term ‘coordinated expenditure’
5 means—

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

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

23 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
24 COMMUNICATIONS.—A payment for a communication
25 (including a covered communication described in

1 subsection (d)) shall not be treated as a coordinated
2 expenditure under this subsection if—

3 “(A) the communication appears in a news
4 story, commentary, or editorial distributed
5 through the facilities of any broadcasting sta-
6 tion, newspaper, magazine, or other periodical
7 publication, unless such facilities are owned or
8 controlled by any political party, political com-
9 mittee, or candidate; or

10 “(B) the communication constitutes a can-
11 didate debate or forum conducted pursuant to
12 regulations adopted by the Commission pursu-
13 ant to section 304(f)(3)(B)(iii), or which solely
14 promotes such a debate or forum and is made
15 by or on behalf of the person sponsoring the de-
16 bate or forum.

17 “(b) COORDINATION DESCRIBED.—

18 “(1) IN GENERAL.—For purposes of this sec-
19 tion, a payment is made ‘in cooperation, consulta-
20 tion, or concert with, or at the request or suggestion
21 of,’ a candidate, an authorized committee of a can-
22 didate, a political committee of a political party, or
23 agents of the candidate or committee, if the pay-
24 ment, or any communication for which the payment
25 is made, is not made entirely independently of the

1 candidate, committee, or agents. For purposes of the
2 previous sentence, a payment or communication not
3 made entirely independently of the candidate or
4 committee includes any payment or communication
5 made pursuant to any general or particular under-
6 standing with, or pursuant to any communication
7 with, the candidate, committee, or agents about the
8 payment or communication.

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

1 icy, polling, allocation of resources, fundraising, or
2 other campaign activities.

3 “(3) NO EFFECT ON PARTY COORDINATION
4 STANDARD.—Nothing in this section shall be con-
5 strued to affect the determination of coordination
6 between a candidate and a political committee of a
7 political party for purposes of section 315(d).

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

18 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
19 COVERED COMMUNICATIONS.—

20 “(1) PAYMENTS MADE IN COOPERATION, CON-
21 SULTATION, OR CONCERT WITH CANDIDATES.—For
22 purposes of subsection (a)(1)(A), if the person who
23 makes a payment for a covered communication, as
24 defined in subsection (d), is a coordinated spender
25 under paragraph (2) with respect to the candidate

1 as described in subsection (d)(1), the payment for
2 the covered communication is made in cooperation,
3 consultation, or concert with the candidate.

4 “(2) COORDINATED SPENDER DEFINED.—For
5 purposes of this subsection, the term ‘coordinated
6 spender’ means, with respect to a candidate or an
7 authorized committee of a candidate, a person (other
8 than a political committee of a political party) for
9 which any of the following applies:

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

20 “(B) The candidate or committee or any
21 agent of the candidate or committee solicits
22 funds, appears at a fundraising event, or en-
23 gages in other fundraising activity on the per-
24 son’s behalf during the election cycle involved,
25 including by providing the person with names of

1 potential donors or other lists to be used by the
2 person in engaging in fundraising activity, re-
3 gardless of whether the person pays fair market
4 value for the names or lists provided. For pur-
5 poses of this subparagraph, the term ‘election
6 cycle’ means, with respect to an election for
7 Federal office, the period beginning on the day
8 after the date of the most recent general elec-
9 tion for that office (or, if the general election
10 resulted in a runoff election, the date of the
11 runoff election) and ending on the date of the
12 next general election for that office (or, if the
13 general election resulted in a runoff election,
14 the date of the runoff election).

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

1 ployee of the office of the candidate at any time
2 the candidate held any Federal, State, or local
3 public office during the 4-year period).

4 “(D) The person has retained the profes-
5 sional services of any person who, during the 2-
6 year period ending on the date on which the
7 person makes the payment, has provided or is
8 providing professional services relating to the
9 campaign to the candidate or committee, with-
10 out regard to whether the person providing the
11 professional services used a firewall. For pur-
12 poses of this subparagraph, the term ‘profes-
13 sional services’ includes any services in support
14 of the candidate’s or committee’s campaign ac-
15 tivities, including advertising, message, strat-
16 egy, policy, polling, allocation of resources,
17 fundraising, and campaign operations, but does
18 not include accounting or legal services.

19 “(E) The person is established, directed, or
20 managed by a member of the immediate family
21 of the candidate, or the person or any officer or
22 agent of the person has had more than inci-
23 dental discussions about the candidate’s cam-
24 paign with a member of the immediate family
25 of the candidate. For purposes of this subpara-

1 graph, the term ‘immediate family’ has the
2 meaning given such term in section 9004(e) of
3 the Internal Revenue Code of 1986.

4 “(d) COVERED COMMUNICATION DEFINED.—

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

10 “(A) expressly advocates the election of the
11 candidate or the defeat of an opponent of the
12 candidate (or contains the functional equivalent
13 of express advocacy);

14 “(B) promotes or supports the election of
15 the candidate, or attacks or opposes the election
16 of an opponent of the candidate (regardless of
17 whether the communication expressly advocates
18 the election or defeat of a candidate or contains
19 the functional equivalent of express advocacy);
20 or

21 “(C) refers to the candidate or an oppo-
22 nent of the candidate but is not described in
23 subparagraph (A) or subparagraph (B), but
24 only if the communication is disseminated dur-
25 ing the applicable election period.

1 “(2) APPLICABLE ELECTION PERIOD.—In para-
2 graph (1)(C), the ‘applicable election period’ with re-
3 spect to a communication means—

4 “(A) in the case of a communication which
5 refers to a candidate in a general, special, or
6 runoff election, the 120-day period which ends
7 on the date of the election; or

8 “(B) in the case of a communication which
9 refers to a candidate in a primary or preference
10 election, or convention or caucus of a political
11 party that has authority to nominate a can-
12 didate, the 60-day period which ends on the
13 date of the election or convention or caucus.

14 “(3) SPECIAL RULES FOR COMMUNICATIONS IN-
15 VOLVING CONGRESSIONAL CANDIDATES.—For pur-
16 poses of this subsection, a public communication
17 shall not be considered to be a covered communica-
18 tion with respect to a candidate for election for an
19 office other than the office of President or Vice
20 President unless it is publicly disseminated or dis-
21 tributed in the jurisdiction of the office the can-
22 didate is seeking.

23 “(e) PENALTY.—

24 “(1) DETERMINATION OF AMOUNT.—Any per-
25 son who knowingly and willfully commits a violation

1 of this Act by making a contribution which consists
2 of a payment for a coordinated expenditure shall be
3 fined an amount equal to the greater of—

4 “(A) in the case of a person who makes a
5 contribution which consists of a payment for a
6 coordinated expenditure in an amount exceeding
7 the applicable contribution limit under this Act,
8 300 percent of the amount by which the
9 amount of the payment made by the person ex-
10 ceeds such applicable contribution limit; or

11 “(B) in the case of a person who is prohib-
12 ited under this Act from making a contribution
13 in any amount, 300 percent of the amount of
14 the payment made by the person for the coordi-
15 nated expenditure.

16 “(2) JOINT AND SEVERAL LIABILITY.—Any di-
17 rector, manager, or officer of a person who is subject
18 to a penalty under paragraph (1) shall be jointly and
19 severally liable for any amount of such penalty that
20 is not paid by the person prior to the expiration of
21 the 1-year period which begins on the date the Com-
22 mission imposes the penalty or the 1-year period
23 which begins on the date of the final judgment fol-
24 lowing any judicial review of the Commission’s ac-
25 tion, whichever is later.”.

1 (3) EFFECTIVE DATE.—

2 (A) REPEAL OF EXISTING REGULATIONS
3 ON COORDINATION.—Effective upon the expira-
4 tion of the 90-day period which begins on the
5 date of the enactment of this Act—

6 (i) the regulations on coordinated
7 communications adopted by the Federal
8 Election Commission which are in effect on
9 the date of the enactment of this Act (as
10 set forth in 11 CFR Part 109, Subpart C,
11 under the heading “Coordination”) are re-
12 pealed; and

13 (ii) the Federal Election Commission
14 shall promulgate new regulations on co-
15 ordinated communications which reflect the
16 amendments made by this Act.

17 (B) EFFECTIVE DATE.—The amendments
18 made by this subsection shall apply with respect
19 to payments made on or after the expiration of
20 the 120-day period which begins on the date of
21 the enactment of this Act, without regard to
22 whether or not the Federal Election Commis-
23 sion has promulgated regulations in accordance
24 with paragraph (1)(B) as of the expiration of
25 such period.

1 (b) CLARIFICATION OF BAN ON FUNDRAISING FOR
2 SUPER PACS BY FEDERAL CANDIDATES AND OFFICE-
3 HOLDERS.—Section 323(e)(1) of the Federal Election
4 Campaign Act of 1971 (52 U.S.C. 30125(e)(1)) is amend-
5 ed—

6 (1) by striking “or” at the end of subparagraph
7 (A);

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

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(C) solicit, receive, direct, or transfer
13 funds to or on behalf of any political committee
14 which accepts donations or contributions that
15 do not comply with the limitations, prohibitions,
16 and reporting requirements of this Act (or to or
17 on behalf of any account of a political com-
18 mittee which is established for the purpose of
19 accepting such donations or contributions), or
20 to or on behalf of any political organization
21 under section 527 of the Internal Revenue Code
22 of 1986 which accepts such donations or con-
23 tributions (other than a committee of a State or
24 local political party or a candidate for election
25 for State or local office).”.

1 **SEC. 733. DISCLOSURE OF MAJOR DONORS, BUNDLERS,**
2 **AND FINANCE EVENTS IN PRESIDENTIAL**
3 **CAMPAIGNS.**

4 Section 304 of the Federal Election Campaign Act
5 of 1971 (52 U.S.C. 30104), as amended by section 141,
6 is amended by adding at the end the following new sub-
7 section:

8 “(i) DISCLOSURE OF MAJOR DONORS, BUNDLERS,
9 AND FINANCE EVENTS IN PRESIDENTIAL CAMPAIGNS.—
10 Each report under this section by an authorized committee
11 of a candidate for the Office of President shall include
12 the following information with respect to the reporting pe-
13 riod:

14 “(1) The names and addresses of all donors,
15 bundlers, and fundraisers who are given titles, in-
16 cluding national or regional finance committee mem-
17 bers.

18 “(2) The names and addresses of all members
19 of fundraiser host committees.

20 “(3) The names and addresses of all persons
21 specifically invited to campaign fundraisers.

22 “(4) The dates and locations of all fund-
23 raisers.”.

1 **SEC. 734. LOWERING CONTRIBUTION LIMITS; REPEAL OF**
2 **SPECIAL CONTRIBUTION LIMITS FOR CON-**
3 **TRIBUTIONS TO NATIONAL PARTIES FOR**
4 **CERTAIN PURPOSES.**

5 (a) DECREASE IN INDIVIDUAL LIMITS FOR CERTAIN
6 CONTRIBUTIONS.—Section 315(a)(1) of the Federal Elec-
7 tion Campaign Act of 1971 (52 U.S.C. 30116(a)(1)) is
8 amended—

9 (1) in subparagraph (A), by striking “\$2,000”
10 and inserting “\$1,000”; and

11 (2) in subparagraph (B), by striking “\$25,000”
12 and inserting “\$10,000”.

13 (b) REPEAL OF SPECIAL CONTRIBUTION LIMITS FOR
14 CONTRIBUTIONS TO NATIONAL PARTIES FOR CERTAIN
15 PURPOSES.—

16 (1) IN GENERAL.—Section 315(a) of the Fed-
17 eral Election Campaign Act of 1971 (52 U.S.C.
18 30116(a)) is amended—

19 (A) in paragraph (1)(B), by striking “, or,
20 in the case of contributions made to any of the
21 accounts described in paragraph (9), exceed
22 300 percent of the amount otherwise applicable
23 under this subparagraph with respect to such
24 calendar year”;

25 (B) in paragraph (2)(B), by striking “, or,
26 in the case of contributions made to any of the

1 accounts described in paragraph (9), exceed
2 300 percent of the amount otherwise applicable
3 under this subparagraph with respect to such
4 calendar year”; and

5 (C) by striking paragraph (9).

6 (2) CONFORMING AMENDMENT.—Section
7 315(d) of such Act (52 U.S.C. 30116(d)) is amend-
8 ed by striking paragraph (5).

9 (3) RETURN OF PREVIOUSLY CONTRIBUTED
10 AMOUNTS.—Not later than 90 days after the effec-
11 tive date under subsection (d), each political com-
12 mittee established and maintained by a political
13 party shall distribute all amounts in accounts de-
14 scribed in section 315(a)(9) of the Federal Election
15 Campaign Act of 1971 (52 U.S.C. 30116(a)(9)) to
16 individuals who made contributions to such ac-
17 counts. The amount distributed to any contributor
18 from any account shall bear the same ratio to the
19 amount of contributions made by such contributor to
20 such account as the balance of such account on such
21 effective date bears to the total amount of contribu-
22 tions made to such account.

23 (c) INDEXING OF REVISED CONTRIBUTION LIMITS.—
24 Section 315(c) of the Federal Election Campaign Act of
25 1971 (2 U.S.C. 441a(c)) is amended—

1 (1) in paragraph (1)(B)—

2 (A) by redesignating clauses (i) through
3 (iii) as subclauses (I) through (III), respec-
4 tively, and indenting appropriately;

5 (B) in subclause (I), as redesignated by
6 subparagraph (A), by striking “(a)(1)(A),
7 (a)(1)(B),”;

8 (C) in subclause (III), as redesignated by
9 such subparagraph—

10 (i) by striking “clause (i)” and insert-
11 ing “subclause (I)”; and

12 (ii) by striking the period at the end
13 and inserting “; and”;

14 (D) in the matter preceding subclause (I),
15 as so redesignated, by striking “subparagraph
16 (C), in any calendar year” and inserting “sub-
17 paragraph (C)—

18 “(i) in any calendar year”; and

19 (E) by adding at the end the following new
20 clause:

21 “(ii) in any calendar year after
22 2021—

23 “(I) a limitation established by
24 subsection (a)(1)(A) or (a)(1)(B) shall

1 be increased by the percent difference
2 determined under subparagraph (A);

3 “(II) each amount so increased
4 shall remain in effect for the calendar
5 year; and

6 “(III) if any amount after ad-
7 justment under subclause (I) is not a
8 multiple of \$100, such amount shall
9 be rounded to the nearest multiple of
10 \$100.”; and

11 (2) in paragraph (2)(B)—

12 (A) in clause (i), by striking “and”;

13 (B) in clause (ii)—

14 (i) by striking “(a)(1)(A), (a)(1)(B),
15 (a)(3),” and inserting “(a)(3)”; and

16 (ii) by striking the period and insert-
17 ing “; and”; and

18 (C) by adding at the end the following:

19 “(iii) for purposes of subsections
20 (a)(1)(A) and (a)(1)(B), calendar year
21 2020.”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to contributions made
24 on or after January 1, 2021.

1 **SEC. 735. RESTRICTIONS ON TESTING THE WATERS.**

2 Section 315(a) of the Federal Election Campaign Act
3 of 1971 (52 U.S.C. 30116(a)) is amended by adding at
4 the end the following new paragraph:

5 “(10) For purposes of paragraph (7)(B):

6 “(A) The term ‘expenditure made in coopera-
7 tion, consultation, or concert with, or at the request
8 or suggestion of a candidate, his authorized political
9 committees, or their agents’ includes an expenditure
10 made by a person—

11 “(i) that during the four years preceding
12 the expenditure (for the office of President) or
13 during the two years preceding the expenditure
14 (for all other expenditures) was directly or indi-
15 rectly established, maintained, controlled, or
16 principally funded by a candidate, the can-
17 didate’s committee, or an immediate family
18 member of a candidate;

19 “(ii) that during the four years preceding
20 the expenditure (for the office of President) or
21 during the two years preceding the expenditure
22 (for all other expenditures) employed or other-
23 wise retained the services (other than account-
24 ing or legal services) of a person who, whether
25 paid or unpaid, at any point during the same
26 four-year or two-year period, had or exercised

1 executive or managerial authority for the can-
2 didate, or acted as an agent of the candidate;
3 or

4 “(iii) for whom during the four years pre-
5 ceeding the expenditure (for the office of Presi-
6 dent) or during the two years preceding the ex-
7 penditure (for all other expenditures) the can-
8 didate or candidate’s committee solicited funds,
9 provided non-public fundraising information or
10 strategy, or appeared as a featured guest at a
11 fundraising event.

12 “(B) The term ‘expenditure’ has the meaning
13 given that term in section 301 and section 316(b)
14 and also includes the following, when conducted by
15 a person described in subparagraph (A) of this para-
16 graph:

17 “(i) A public communication as defined in
18 section 301(22) that—

19 “(I) expressly advocates for the nomi-
20 nation or election of a clearly identified
21 candidate for Federal office or against the
22 nomination or election of a candidate for
23 such office, or that is the functional equiv-
24 alent of such express advocacy;

1 “(II) promotes or supports a can-
2 didate for Federal office, or attacks or op-
3 poses a candidate for such office (regard-
4 less of whether the communication ex-
5 pressly advocates the election or defeat of
6 a candidate or is the functional equivalent
7 of express advocacy); or

8 “(III) refers to a clearly identified
9 candidate for Federal office at any time
10 from 120 days before a primary election or
11 nominating caucus or convention through
12 the general election, and is disseminated in
13 the jurisdiction where the election for the
14 office the candidate is seeking is held.

15 “(ii) A disbursement for partisan voter ac-
16 tivity (such as partisan voter registration, get-
17 out-the-vote activity, phone banking, or generic
18 campaign activity) in the jurisdiction where the
19 election for the office the candidate is seeking
20 is held.

21 “(iii) A disbursement to pay for research,
22 design, or production costs, polling expenses,
23 data analytics, creating or purchasing mailing
24 or social media lists, or other activities related
25 to those described in clause (i) or (ii).

1 “(C) The term ‘candidate’ includes any person
2 who is a candidate for Federal office at the time of
3 the expenditure, regardless of whether such person
4 was a candidate at the time of the conduct described
5 in subparagraph (A).”.

6 **SEC. 736. PERSONAL USE BAN FOR LEADERSHIP PACS.**

7 Section 313(a) of the Federal Election Campaign Act
8 of 1971 (52 U.S.C. 30114(a)) is amended, in the matter
9 preceding paragraph (1), by inserting “or a leadership
10 PAC (as defined in subsection (c)(4)) of a candidate”
11 after “by a candidate”.

12 **SEC. 737. PROHIBITION ON JOINT FUNDRAISING COMMIT-**
13 **TEES.**

14 Section 302(e) of the Federal Election Campaign Act
15 of 1971 (52 U.S.C. 30102(e)) is amended—

16 (1) in paragraph (3)(A)—

17 (A) by striking clause (ii);

18 (B) in clause (i), by striking “; and” and
19 inserting a period; and

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

23 (2) by adding at the end the following new
24 paragraph:

1 “(6) A political committee may not engage in
2 joint fundraising with other political committees or
3 with unregistered committees or organizations.”.

4 **Subpart B—Prohibition on the Appointment of Big**
5 **Donor Ambassadors and Chiefs of Mission**

6 **SEC. 738. PROHIBITION ON THE APPOINTMENT OF BIG**
7 **DONOR AMBASSADORS AND CHIEFS OF MIS-**
8 **SION.**

9 Section 304(a) of the Foreign Service Act of 1980
10 (22 U.S.C. 3944(a)) is amended—

11 (1) in paragraph (3)—

12 (A) by inserting “(A)” before “Contribu-
13 tions”;

14 (B) by striking “should not” and inserting
15 “shall not”; and

16 (C) by adding at the end the following:

17 “The President may not appoint as chief of
18 mission any individual who has made any con-
19 tribution or bundled contribution in any amount
20 to the political campaign of the President or an
21 authorized committee of the President (as those
22 terms are defined in paragraph (4)(B)(ii)).

23 “(B) An individual who would otherwise be prohibited
24 from appointment as chief of mission under subparagraph
25 (A) because of one or more contributions or bundled con-

1 tributions may be appointed by the President if such indi-
2 vidual receives a full refund for each such contribution or
3 bundled contribution prior to the President providing the
4 report required under paragraph (4).”; and

5 (2) in paragraph (4)—

6 (A) by inserting “(A)” before “The Presi-
7 dent”; and

8 (B) by adding at the end the following new
9 subparagraph:

10 “(B)(i) The report required under subpara-
11 graph (A) shall include—

12 “(I) an explanation of the nominee’s
13 knowledge, if applicable, of the principal lan-
14 guage or dialect of the country in which the in-
15 dividual is to serve, and knowledge, if applica-
16 ble, of the history, culture, economic and polit-
17 ical institutions, and interests of that country
18 and its people; and

19 “(II) a certification of the President that
20 the nominee, in accordance with this Act—

21 “(aa) did not make any contributions
22 or bundled contributions in any amount to
23 the political campaign of the President or
24 an authorized committee of the President
25 at any time preceding the date that the

1 Committee on Foreign Relations of the
2 Senate receives the nominee’s nomination;
3 or

4 “(bb) has received a full refund for
5 each such contribution or bundled con-
6 tribution.

7 “(ii) In this subparagraph, the terms ‘contribu-
8 tion’, ‘bundled contribution’, and ‘authorized com-
9 mittee’ have the meanings given those terms in title
10 III of the Federal Election Campaign Act of 1971
11 (52 U.S.C. 30101 et seq.).”.

12 **Subtitle B—Strengthening Over-**
13 **sight of Online Political Adver-**
14 **tising**

15 **SEC. 741. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
16 **NICATION.**

17 (a) IN GENERAL.—Paragraph (22) of section 301 of
18 the Federal Election Campaign Act of 1971 (52 U.S.C.
19 30101(22)) is amended by striking “or satellite commu-
20 nication” and inserting “satellite, paid internet, or paid
21 digital communication”.

22 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
23 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
24 amended—

25 (1) in paragraph (8)(B)—

1 (A) by striking “on broadcasting stations,
2 or in newspapers, magazines, or similar types of
3 general public political advertising” in clause
4 (v) and inserting “in any public communica-
5 tion”;

6 (B) by striking “broadcasting, newspaper,
7 magazine, billboard, direct mail, or similar type
8 of general public communication or political ad-
9 vertising” in clause (ix)(1) and inserting “pub-
10 lic communication”; and

11 (C) by striking “but not including the use
12 of broadcasting, newspapers, magazines, bill-
13 boards, direct mail, or similar types of general
14 public communication or political advertising”
15 in clause (x) and inserting “but not including
16 use in any public communication”; and

17 (2) in paragraph (9)(B)—

18 (A) by amending clause (i) to read as fol-
19 lows:

20 “(i) any news story, commentary, or
21 editorial distributed through the facilities
22 of any broadcasting station or any print,
23 online, or digital newspaper, magazine,
24 blog, publication, or periodical, unless such
25 broadcasting, print, online, or digital facili-

1 ties are owned or controlled by any polit-
2 ical party, political committee, or can-
3 didate;” and

4 (B) in clause (iv), by striking “on broad-
5 casting stations, or in newspapers, magazines,
6 or similar types of general public political ad-
7 vertising” and inserting “in any public commu-
8 nication”.

9 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
10 Subsection (a) of section 318 of such Act (52 U.S.C.
11 30120) is amended—

12 (1) by striking “financing any communication
13 through any broadcasting station, newspaper, maga-
14 zine, outdoor advertising facility, mailing, or any
15 other type of general public political advertising”
16 and inserting “financing any public communication”;
17 and

18 (2) by striking “solicits any contribution
19 through any broadcasting station, newspaper, maga-
20 zine, outdoor advertising facility, mailing, or any
21 other type of general public political advertising”
22 and inserting “solicits any contribution through any
23 public communication”.

1 **SEC. 742. EXPANSION OF DEFINITION OF ELECTIONEERING**
2 **COMMUNICATION.**

3 (a) APPLICATION TO QUALIFIED INTERNET AND
4 DIGITAL COMMUNICATIONS.—

5 (1) IN GENERAL.—Subparagraph (A) of section
6 304(f)(3) of the Federal Election Campaign Act of
7 1971 (52 U.S.C. 30104(f)(3)(A)) is amended by
8 striking “or satellite communication” each place it
9 appears in clauses (i) and (ii) and inserting “sat-
10 ellite, or qualified internet or digital communica-
11 tion”.

12 (2) QUALIFIED INTERNET OR DIGITAL COMMU-
13 NICATION.—Paragraph (3) of section 304(f) of such
14 Act (52 U.S.C. 30104(f)) is amended by adding at
15 the end the following new subparagraph:

16 “(D) QUALIFIED INTERNET OR DIGITAL
17 COMMUNICATION.—The term ‘qualified internet
18 or digital communication’ means any commu-
19 nication which is placed or promoted for a fee
20 on an online platform (as defined in subsection
21 (k)(3)).”.

22 (b) NONAPPLICATION OF RELEVANT ELECTORATE
23 TO ONLINE COMMUNICATIONS.—Section
24 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
25 30104(f)(3)(A)(i)(III)) is amended by inserting “any
26 broadcast, cable, or satellite” before “communication”.

1 (c) NEWS EXEMPTION.—Section 304(f)(3)(B)(i) of
2 such Act (52 U.S.C. 30104(f)(3)(B)(i)) is amended to
3 read as follows:

4 “(i) a communication appearing in a
5 news story, commentary, or editorial dis-
6 tributed through the facilities of any
7 broadcasting station or any online or dig-
8 ital newspaper, magazine, blog, publica-
9 tion, or periodical, unless such broad-
10 casting, online, or digital facilities are
11 owned or controlled by any political party,
12 political committee, or candidate;”.

13 **SEC. 743. APPLICATION OF DISCLAIMER STATEMENTS TO**
14 **ONLINE COMMUNICATIONS.**

15 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
16 MENT.—Subsection (a) of section 318 of the Federal Elec-
17 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
18 amended—

19 (1) by striking “shall clearly state” each place
20 it appears in paragraphs (1), (2), and (3) and in-
21 serting “shall state in a clear and conspicuous man-
22 ner”; and

23 (2) by adding at the end the following flush
24 sentence: “For purposes of this section, a commu-
25 nication does not make a statement in a clear and

1 conspicuous manner if it is difficult to read or hear
2 or if the placement is easily overlooked.”.

3 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
4 DIGITAL COMMUNICATIONS.—

5 (1) IN GENERAL.—Section 318 of such Act (52
6 U.S.C. 30120) is amended by adding at the end the
7 following new subsection:

8 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
9 DIGITAL COMMUNICATIONS.—

10 “(1) SPECIAL RULES WITH RESPECT TO STATE-
11 MENTS.—In the case of any communication to which
12 this section applies which is a qualified internet or
13 digital communication (as defined in section
14 304(f)(3)(D)) which is disseminated through a me-
15 dium in which the provision of all of the information
16 specified in this section is not possible, the commu-
17 nication shall, in a clear and conspicuous manner—

18 “(A) state the name of the person who
19 paid for the communication; and

20 “(B) provide a means for the recipient of
21 the communication to obtain the remainder of
22 the information required under this section with
23 minimal effort and without receiving or viewing
24 any additional material other than such re-
25 quired information.

1 “(2) SAFE HARBOR FOR DETERMINING CLEAR
2 AND CONSPICUOUS MANNER.—A statement in a
3 qualified internet or digital communication (as de-
4 fined in section 304(f)(3)(D)) shall be considered to
5 be made in a clear and conspicuous manner as pro-
6 vided in subsection (a) if the communication meets
7 the following requirements:

8 “(A) TEXT OR GRAPHIC COMMUNICA-
9 TIONS.—In the case of a text or graphic com-
10 munication, the statement—

11 “(i) appears in letters at least as large
12 as the majority of the text in the commu-
13 nication; and

14 “(ii) meets the requirements of para-
15 graphs (2) and (3) of subsection (c).

16 “(B) AUDIO COMMUNICATIONS.—In the
17 case of an audio communication, the statement
18 is spoken in a clearly audible and intelligible
19 manner at the beginning or end of the commu-
20 nication and lasts at least 3 seconds.

21 “(C) VIDEO COMMUNICATIONS.—In the
22 case of a video communication which also in-
23 cludes audio, the statement—

24 “(i) is included at either the beginning
25 or the end of the communication; and

1 “(ii) is made both in—

2 “(I) a written format that meets
3 the requirements of subparagraph (A)
4 and appears for at least 4 seconds;
5 and

6 “(II) an audible format that
7 meets the requirements of subpara-
8 graph (B).

9 “(D) OTHER COMMUNICATIONS.—In the
10 case of any other type of communication, the
11 statement is at least as clear and conspicuous
12 as the statement specified in subparagraph (A),
13 (B), or (C).”.

14 (2) NONAPPLICATION OF CERTAIN EXCEP-
15 TIONS.—The exceptions provided in section
16 110.11(f)(1) (i) and (ii) of title 11, Code of Federal
17 Regulations, or any successor to such rules, shall
18 have no application to qualified internet or digital
19 communications (as defined in section 304(f)(3)(D)
20 of the Federal Election Campaign Act of 1971, as
21 added by this Act).

22 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
23 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
24 Act (52 U.S.C. 30120(d)) is amended—

25 (1) in paragraph (1)(A)—

1 (A) by striking “which is transmitted
2 through radio” and inserting “which is in an
3 audio format”; and

4 (B) by striking “BY RADIO” in the heading
5 and inserting “AUDIO FORMAT”;

6 (2) in paragraph (1)(B)—

7 (A) by striking “which is transmitted
8 through television” and inserting “which is in
9 video format”; and

10 (B) by striking “BY TELEVISION” in the
11 heading and inserting “VIDEO FORMAT”; and

12 (3) in paragraph (2)—

13 (A) by striking “transmitted through radio
14 or television” and inserting “made in audio or
15 video format”; and

16 (B) by striking “through television” in the
17 second sentence and inserting “in video for-
18 mat”.

19 **SEC. 744. POLITICAL RECORD REQUIREMENTS FOR ONLINE**
20 **PLATFORMS.**

21 (a) IN GENERAL.—Section 304 of the Federal Elec-
22 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
23 ed by sections 141 and 733, is further amended by adding
24 at the end the following new subsection:

1 “(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
2 MENTS.—

3 “(1) IN GENERAL.—

4 “(A) REQUIREMENTS FOR ONLINE PLAT-
5 FORMS.—An online platform shall maintain,
6 and make available for online public inspection
7 in machine readable format, a complete record
8 of any request to purchase on such online plat-
9 form a qualified political advertisement which is
10 made by a person whose aggregate requests to
11 purchase qualified political advertisements on
12 such online platform during the calendar year
13 exceeds \$500.

14 “(B) REQUIREMENTS FOR ADVER-
15 TISERS.—Any person who requests to purchase
16 a qualified political advertisement on an online
17 platform shall provide the online platform with
18 such information as is necessary for the online
19 platform to comply with the requirements of
20 subparagraph (A).

21 “(2) CONTENTS OF RECORD.—A record main-
22 tained under paragraph (1)(A) shall contain—

23 “(A) a digital copy of the qualified political
24 advertisement;

1 “(B) a description of the audience targeted
2 by the advertisement, the number of views gen-
3 erated from the advertisement, and the date
4 and time that the advertisement is first dis-
5 played and last displayed; and

6 “(C) information regarding—

7 “(i) the average rate charged for the
8 advertisement;

9 “(ii) the name of the candidate to
10 which the advertisement refers and the of-
11 fice to which the candidate is seeking elec-
12 tion, the election to which the advertise-
13 ment refers, or the national legislative
14 issue to which the advertisement refers (as
15 applicable);

16 “(iii) in the case of a request made
17 by, or on behalf of, a candidate, the name
18 of the candidate, the authorized committee
19 of the candidate, and the treasurer of such
20 committee; and

21 “(iv) in the case of any request not
22 described in clause (iii), the name of the
23 person purchasing the advertisement, the
24 name, address, and phone number of a
25 contact person for such person, and a list

1 of the chief executive officers or members
2 of the executive committee or of the board
3 of directors of such person.

4 “(3) ONLINE PLATFORM.—For purposes of this
5 subsection, the term ‘online platform’ means any
6 public-facing website, web application, or digital ap-
7 plication (including a social network, ad network, or
8 search engine) which—

9 “(A) sells qualified political advertise-
10 ments; and

11 “(B) has 50,000,000 or more unique
12 monthly United States visitors or users for a
13 majority of months during the preceding 12
14 months.

15 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—
16 For purposes of this subsection, the term ‘qualified
17 political advertisement’ means any advertisement
18 (including search engine marketing, display adver-
19 tisements, video advertisements, native advertise-
20 ments, and sponsorships) that—

21 “(A) is made by or on behalf of a can-
22 didate; or

23 “(B) communicates a message relating to
24 any political matter of national importance, in-
25 cluding—

- 1 “(i) a candidate;
- 2 “(ii) any election to Federal office; or
- 3 “(iii) a national legislative issue of
- 4 public importance.

5 “(5) TIME TO MAINTAIN FILE.—The informa-

6 tion required under this subsection shall be made

7 available as soon as possible and shall be retained by

8 the online platform for a period of not less than 4

9 years.

10 “(6) PENALTIES.—For penalties for failure by

11 online platforms, and persons requesting to purchase

12 a qualified political advertisement on online plat-

13 forms, to comply with the requirements of this sub-

14 section, see section 309.”.

15 (b) RULEMAKING.—Not later than 90 days after the

16 date of the enactment of this Act, the Federal Election

17 Commission shall establish rules—

18 (1) requiring common data formats for the

19 record required to be maintained under section

20 304(j) of the Federal Election Campaign Act of

21 1971 (as added by subsection (a)) so that all online

22 platforms submit and maintain data online in a com-

23 mon, machine-readable and publicly accessible for-

24 mat; and

1 (2) establishing search interface requirements
2 relating to such record, including searches by can-
3 didate name, issue, purchaser, and date.

4 (c) REPORTING.—Not later than 2 years after the
5 date of the enactment of this Act, and biannually there-
6 after, the Chairman of the Federal Election Commission
7 shall submit a report to Congress on—

8 (1) matters relating to compliance with and the
9 enforcement of the requirements of section 304(j) of
10 the Federal Election Campaign Act of 1971, as
11 added by subsection (a);

12 (2) recommendations for any modifications to
13 such section to assist in carrying out its purposes;
14 and

15 (3) identifying ways to bring transparency and
16 accountability to political advertisements distributed
17 online for free.

18 **SEC. 745. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
19 **INDEPENDENT EXPENDITURES, AND DIS-**
20 **BURSEMENTS FOR ELECTIONEERING COM-**
21 **MUNICATIONS BY FOREIGN NATIONALS IN**
22 **THE FORM OF ONLINE ADVERTISING.**

23 Section 319 of the Federal Election Campaign Act
24 of 1971 (52 U.S.C. 30121), as amended by section 721,

1 is amended by adding at the end the following new sub-
2 section:

3 “(e) Each television or radio broadcast station, pro-
4 vider of cable or satellite television, or online platform (as
5 defined in section 304(k)(3)) shall exercise due diligence
6 to ensure that communications described in section 318(a)
7 and made available by such station, provider, or platform
8 are not purchased by a foreign national, directly or indi-
9 rectly.”.

10 **Subtitle C—Public Financing**

11 **PART I—SMALL DOLLAR FINANCING OF SENATE**

12 **ELECTION CAMPAIGNS**

13 **SEC. 751. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**

14 **FAIR ELECTIONS FINANCING OF SENATE**

15 **ELECTION CAMPAIGNS.**

16 The Federal Election Campaign Act of 1971 (52
17 U.S.C. 30101 et seq.) is amended by adding at the end
18 the following:

19 **“TITLE V—FAIR ELECTIONS FI-** 20 **NANCING OF SENATE ELEC-** 21 **TION CAMPAIGNS**

22 **“Subtitle A—General Provisions**

23 **“SEC. 501. DEFINITIONS.**

24 “In this title:

1 “(1) ALLOCATION FROM THE FUND.—The term
2 ‘allocation from the Fund’ means an allocation of
3 money from the Freedom From Influence Fund to
4 a participating candidate pursuant to section 522.

5 “(2) COMMISSION.—The term ‘Commission’
6 means the Federal Election Commission.

7 “(3) ENHANCED MATCHING CONTRIBUTION.—
8 The term ‘enhanced matching contribution’ means
9 an enhanced matching payment provided to a par-
10 ticipating candidate for qualified small dollar con-
11 tributions, as provided under section 524.

12 “(4) ENHANCED SUPPORT QUALIFYING PE-
13 RIOD.—The term ‘enhanced support qualifying pe-
14 riod’ means, with respect to a general election, the
15 period which begins 60 days before the date of the
16 election and ends 14 days before the date of the
17 election.

18 “(5) FAIR ELECTIONS QUALIFYING PERIOD.—
19 The term ‘Fair Elections qualifying period’ means,
20 with respect to any candidate for Senator, the pe-
21 riod—

22 “(A) beginning on the date on which the
23 candidate files a statement of intent under sec-
24 tion 511(a)(1); and

1 “(B) ending on the date that is 30 days
2 before—

3 “(i) the date of the primary election;
4 or

5 “(ii) in the case of a State that does
6 not hold a primary election, the date pre-
7 scribed by State law as the last day to
8 qualify for a position on the general elec-
9 tion ballot.

10 “(6) FAIR ELECTIONS START DATE.—The term
11 ‘Fair Elections start date’ means, with respect to
12 any candidate, the date that is 180 days before—

13 “(A) the date of the primary election; or

14 “(B) in the case of a State that does not
15 hold a primary election, the date prescribed by
16 State law as the last day to qualify for a posi-
17 tion on the general election ballot.

18 “(7) FUND.—The term ‘Fund’ means the Free-
19 dom From Influence Fund established by section
20 502.

21 “(8) IMMEDIATE FAMILY.—The term ‘imme-
22 diate family’ means, with respect to any candidate—

23 “(A) the candidate’s spouse;

24 “(B) a child, stepchild, parent, grand-
25 parent, brother, half-brother, sister, or half-sis-

1 ter of the candidate or the candidate’s spouse;
2 and

3 “(C) the spouse of any person described in
4 subparagraph (B).

5 “(9) MATCHING CONTRIBUTION.—The term
6 ‘matching contribution’ means a matching payment
7 provided to a participating candidate for qualified
8 small dollar contributions, as provided under section
9 523.

10 “(10) NONPARTICIPATING CANDIDATE.—The
11 term ‘nonparticipating candidate’ means a candidate
12 for Senator who is not a participating candidate.

13 “(11) PARTICIPATING CANDIDATE.—The term
14 ‘participating candidate’ means a candidate for Sen-
15 ator who is certified under section 514 as being eli-
16 gible to receive an allocation from the Fund.

17 “(12) QUALIFYING CONTRIBUTION.—The term
18 ‘qualifying contribution’ means, with respect to a
19 candidate, a contribution that—

20 “(A) is in an amount that is—

21 “(i) not less than the greater of \$5 or
22 the amount determined by the Commission
23 under section 531; and

1 “(ii) not more than the greater of
2 \$200 or the amount determined by the
3 Commission under section 531;

4 “(B) is made by an individual—

5 “(i) who is a resident of the State in
6 which such candidate is seeking election;
7 and

8 “(ii) who is not otherwise prohibited
9 from making a contribution under this Act;

10 “(C) is made during the Fair Elections
11 qualifying period; and

12 “(D) meets the requirements of section
13 512(b).

14 “(13) QUALIFIED SMALL DOLLAR CONTRIBU-
15 TION.—The term ‘qualified small dollar contribution’
16 means, with respect to a candidate, any contribution
17 (or series of contributions)—

18 “(A) which is not a qualifying contribution
19 (or does not include a qualifying contribution);

20 “(B) which is made by an individual who
21 is not prohibited from making a contribution
22 under this Act; and

23 “(C) the aggregate amount of which does
24 not exceed the greater of—

25 “(i) \$200 per election; or

1 “(ii) the amount per election deter-
2 mined by the Commission under section
3 531.

4 “(14) QUALIFYING MULTICANDIDATE POLIT-
5 ICAL COMMITTEE CONTRIBUTION.—

6 “(A) IN GENERAL.—The term ‘qualifying
7 multicandidate political committee contribution’
8 means any contribution to a candidate that is
9 made from a qualified account of a multi-
10 candidate political committee (within the mean-
11 ing of section 315(a)(2)).

12 “(B) QUALIFIED ACCOUNT.—For purposes
13 of subparagraph (A), the term ‘qualified ac-
14 count’ means, with respect to a multicandidate
15 political committee, a separate, segregated ac-
16 count of the committee that consists solely of
17 contributions which meet the following require-
18 ments:

19 “(i) All contributions to such account
20 are made by individuals who are not pro-
21 hibited from making contributions under
22 this Act.

23 “(ii) The aggregate amount of con-
24 tributions from each individual to such ac-
25 count and all other accounts of the polit-

1 ical committee do not exceed the amount
2 described in paragraph (13)(C).

3 **“SEC. 502. FREEDOM FROM INFLUENCE FUND.**

4 “(a) ESTABLISHMENT.—There is established in the
5 Treasury a fund to be known as the ‘Freedom From Influ-
6 ence Fund’.

7 “(b) AMOUNTS HELD BY FUND.—The Fund shall
8 consist of the following amounts:

9 “(1) ASSESSMENTS AGAINST FINES, SETTLE-
10 MENTS, AND PENALTIES.—Amounts transferred
11 under section 3015 of title 18, United States Code,
12 section 9707 of title 31, United States Code, and
13 section 6761 of the Internal Revenue Code of 1986.

14 “(2) DEPOSITS.—Amounts deposited into the
15 Fund under—

16 “(A) section 513(c) (relating to exceptions
17 to contribution requirements);

18 “(B) section 521(c) (relating to remittance
19 of unused payments from the Fund); and

20 “(C) section 532 (relating to violations).

21 “(3) INVESTMENT RETURNS.—Interest on, and
22 the proceeds from, the sale or redemption of any ob-
23 ligations held by the Fund under subsection (c).

24 “(c) INVESTMENT.—The Commission shall invest
25 portions of the Fund in obligations of the United States

1 in the same manner as provided under section 9602(b)
2 of the Internal Revenue Code of 1986.

3 “(d) USE OF FUND TO MAKE PAYMENTS TO PAR-
4 TICIPATING CANDIDATES.—

5 “(1) PAYMENTS TO PARTICIPATING CAN-
6 DIDATES.—Amounts in the Fund shall be available
7 without further appropriation or fiscal year limita-
8 tion to make payments to participating candidates
9 as provided in this title.

10 “(2) MANDATORY REDUCTION OF PAYMENTS IN
11 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

12 “(A) ADVANCE AUDITS BY COMMISSION.—
13 Not later than 90 days before the first day of
14 each election cycle (beginning with the first
15 election cycle that begins after the date of the
16 enactment of this title), the Commission shall—

17 “(i) audit the Fund to determine
18 whether the amounts in the Fund will be
19 sufficient to make payments to partici-
20 pating candidates in the amounts provided
21 in this title during such election cycle; and

22 “(ii) submit a report to Congress de-
23 scribing the results of the audit.

24 “(B) REDUCTIONS IN AMOUNT OF PAY-
25 MENTS.—

1 “(i) AUTOMATIC REDUCTION ON PRO
2 RATA BASIS.—If, on the basis of the audit
3 described in subparagraph (A), the Com-
4 mission determines that the amount antici-
5 pated to be available in the Fund with re-
6 spect to the election cycle involved is not,
7 or may not be, sufficient to satisfy the full
8 entitlements of participating candidates to
9 payments under this title for such election
10 cycle, the Commission shall reduce each
11 amount which would otherwise be paid to
12 a participating candidate under this title
13 by such pro rata amount as may be nec-
14 essary to ensure that the aggregate
15 amount of payments anticipated to be
16 made with respect to the election cycle will
17 not exceed the amount anticipated to be
18 available for such payments in the Fund
19 with respect to such election cycle.

20 “(ii) RESTORATION OF REDUCTIONS
21 IN CASE OF AVAILABILITY OF SUFFICIENT
22 FUNDS DURING ELECTION CYCLE.—If,
23 after reducing the amounts paid to partici-
24 pating candidates with respect to an elec-
25 tion cycle under clause (i), the Commission

1 determines that there are sufficient
2 amounts in the Fund to restore the
3 amount by which such payments were re-
4 duced (or any portion thereof), to the ex-
5 tent that such amounts are available, the
6 Commission may make a payment on a pro
7 rata basis to each such participating can-
8 didate with respect to the election cycle in
9 the amount by which such candidate's pay-
10 ments were reduced under clause (i) (or
11 any portion thereof, as the case may be).

12 “(iii) NO USE OF AMOUNTS FROM
13 OTHER SOURCES.—In any case in which
14 the Commission determines that there are
15 insufficient moneys in the Fund to make
16 payments to participating candidates under
17 this title, moneys shall not be made avail-
18 able from any other source for the purpose
19 of making such payments.

20 “(e) USE OF FUND TO MAKE OTHER PAYMENTS.—
21 In addition to the use described in subsection (d), amounts
22 in the Fund shall be available without further appropria-
23 tion or fiscal year limitation—

24 “(1) to make payments under chapter 95 of
25 subtitle H of the Internal Revenue Code of 1986

1 pursuant to sections 9006(b) and 9008(j) of such
2 Code, subject to reductions under section 9013(b) of
3 such Code; and

4 “(2) to make payments to candidates under
5 chapter 96 of subtitle H of the Internal Revenue
6 Code of 1986, subject to reductions under section
7 9043(b) of such Code.

8 “(f) EFFECTIVE DATE.—This section shall take ef-
9 fect on the date of the enactment of this title.

10 **“Subtitle B—Eligibility and** 11 **Certification**

12 **“SEC. 511. ELIGIBILITY.**

13 “(a) IN GENERAL.—A candidate for Senator is eligi-
14 ble to receive an allocation from the Fund for any election
15 if the candidate meets the following requirements:

16 “(1) The candidate files with the Commission a
17 statement of intent to seek certification as a partici-
18 pating candidate under this title during the period
19 beginning on the Fair Elections start date and end-
20 ing on the last day of the Fair Elections qualifying
21 period.

22 “(2) The candidate meets the qualifying con-
23 tribution requirements of section 512.

24 “(3) Not later than the last day of the Fair
25 Elections qualifying period, the candidate files with

1 the Commission an affidavit signed by the candidate
 2 and the treasurer of the candidate's principal cam-
 3 paign committee declaring that the candidate—

4 “(A) has complied and, if certified, will
 5 comply with the contribution and expenditure
 6 requirements of section 513;

7 “(B) if certified, will not run as a non-
 8 participating candidate during such year in any
 9 election for the office that such candidate is
 10 seeking; 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 an
 15 allocation from the Fund for a general election or a gen-
 16 eral runoff election unless the candidate's party nominated
 17 the candidate to be placed on the ballot for the general
 18 election or the candidate otherwise qualified to be on the
 19 ballot under State law.

20 **“SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.**

21 “(a) IN GENERAL.—A candidate for Senator meets
 22 the requirement of this section if, during the Fair Elec-
 23 tions qualifying period, the candidate obtains—

24 “(1) a number of qualifying contributions equal
 25 to the greater of—

1 “(A) the sum of—

2 “(i) 2,000; plus

3 “(ii) 500 for each congressional dis-
4 trict in the State with respect to which the
5 candidate is seeking election; or

6 “(B) the amount determined by the Com-
7 mission under section 531; and

8 “(2) a total dollar amount of qualifying con-
9 tributions equal to the greater of—

10 “(A) 10 percent of the amount of the allo-
11 cation such candidate would be entitled to re-
12 ceive for the primary election under section
13 522(c)(1) (determined without regard to para-
14 graph (5) thereof) if such candidate were a par-
15 ticipating candidate; or

16 “(B) the amount determined by the Com-
17 mission under section 531.

18 “(b) REQUIREMENTS RELATING TO RECEIPT OF
19 QUALIFYING CONTRIBUTION.—Each qualifying contribu-
20 tion—

21 “(1) may be made by means of a personal
22 check, money order, debit card, credit card, or elec-
23 tronic payment account;

24 “(2) shall be accompanied by a signed state-
25 ment containing—

1 “(A) the contributor’s name and the con-
2 tributor’s address in the State in which the con-
3 tributor is registered to vote; and

4 “(B) an oath declaring that the contrib-
5 utor—

6 “(i) understands that the purpose of
7 the qualifying contribution is to show sup-
8 port for the candidate so that the can-
9 didate may qualify for Fair Elections fi-
10 nancing;

11 “(ii) is making the contribution in his
12 or her own name and from his or her own
13 funds;

14 “(iii) has made the contribution will-
15 ingly; and

16 “(iv) has not received anything of
17 value in return for the contribution; and

18 “(3) shall be acknowledged by a receipt that is
19 sent to the contributor with a copy kept by the can-
20 didate for the Commission and a copy kept by the
21 candidate for the election authorities in the State
22 with respect to which the candidate is seeking elec-
23 tion.

24 “(c) VERIFICATION OF QUALIFYING CONTRIBU-
25 TIONS.—The Commission shall establish procedures for

1 the auditing and verification of qualifying contributions to
 2 ensure that such contributions meet the requirements of
 3 this section.

4 **“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIRE-**
 5 **MENTS.**

6 “(a) GENERAL RULE.—A candidate for Senator
 7 meets the requirements of this section if, during the elec-
 8 tion cycle of the candidate, the candidate—

9 “(1) except as provided in subsection (b), ac-
 10 cepts no contributions other than—

11 “(A) qualifying contributions;

12 “(B) qualified small dollar contributions;

13 “(C) qualifying multicandidate political
 14 committee contributions;

15 “(D) allocations from the Fund under sec-
 16 tion 522;

17 “(E) matching contributions under section
 18 523;

19 “(F) enhanced matching contributions
 20 under section 524; and

21 “(G) vouchers provided to the candidate
 22 under section 525;

23 “(2) makes no expenditures from any amounts
 24 other than from—

25 “(A) qualifying contributions;

1 “(B) qualified small dollar contributions;

2 “(C) qualifying multicandidate political
3 committee contributions;

4 “(D) allocations from the Fund under sec-
5 tion 522;

6 “(E) matching contributions under section
7 523;

8 “(F) enhanced matching contributions
9 under section 524; and

10 “(G) vouchers provided to the candidate
11 under section 525; and

12 “(3) makes no expenditures from personal
13 funds or the funds of any immediate family member
14 (other than funds received through qualified small
15 dollar contributions and qualifying contributions).

16 For purposes of this subsection, a payment made by a po-
17 litical party in coordination with a participating candidate
18 shall not be treated as a contribution to or as an expendi-
19 ture made by the participating candidate.

20 “(b) CONTRIBUTIONS FOR LEADERSHIP PACs,
21 ETC.—A political committee of a participating candidate
22 which is not an authorized committee of such candidate
23 may accept contributions other than contributions de-
24 scribed in subsection (a)(1) from any person if—

1 “(1) the aggregate contributions from such per-
2 son for any calendar year do not exceed \$200; and

3 “(2) no portion of such contributions is dis-
4 bursed in connection with the campaign of the par-
5 ticipating candidate.

6 “(c) EXCEPTION.—Notwithstanding subsection (a), a
7 candidate shall not be treated as having failed to meet
8 the requirements of this section if any contributions that
9 are not qualified small dollar contributions, qualifying con-
10 tributions, qualifying multicandidate political committee
11 contributions, or contributions that meet the requirements
12 of subsection (b) and that are accepted before the date
13 the candidate files a statement of intent under section
14 511(a)(1) are—

15 “(1) returned to the contributor; or

16 “(2) submitted to the Commission for deposit in
17 the Fund.

18 **“SEC. 514. CERTIFICATION.**

19 “(a) IN GENERAL.—Not later than 5 days after a
20 candidate for Senator files an affidavit under section
21 511(a)(3), the Commission shall—

22 “(1) certify whether or not the candidate is a
23 participating candidate; and

24 “(2) notify the candidate of the Commission’s
25 determination.

1 “(b) REVOCATION OF CERTIFICATION.—

2 “(1) IN GENERAL.—The Commission may re-
3 voke a certification under subsection (a) if—

4 “(A) a candidate fails to qualify to appear
5 on the ballot at any time after the date of cer-
6 tification; or

7 “(B) a candidate otherwise fails to comply
8 with the requirements of this title, including
9 any regulatory requirements prescribed by the
10 Commission.

11 “(2) REPAYMENT OF BENEFITS.—If certifi-
12 cation is revoked under paragraph (1), the candidate
13 shall repay to the Fund an amount equal to the
14 value of benefits received under this title plus inter-
15 est (at a rate determined by the Commission) on any
16 such amount received.

17 “Subtitle C—Benefits

18 “SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.

19 “(a) IN GENERAL.—For each election with respect
20 to which a candidate is certified as a participating can-
21 didate under section 514, such candidate shall be entitled
22 to—

23 “(1) an allocation from the Fund to make or
24 obligate to make expenditures with respect to such
25 election, as provided in section 522;

1 “(2) matching contributions, as provided in sec-
2 tion 523;

3 “(3) enhanced matching contributions, as pro-
4 vided in section 524; and

5 “(4) for the general election, vouchers for
6 broadcasts of political advertisements, as provided in
7 section 525.

8 “(b) RESTRICTION ON USES OF ALLOCATIONS FROM
9 THE FUND.—Allocations from the Fund received by a par-
10 ticipating candidate under section 522, matching contribu-
11 tions under section 523, and enhanced matching contribu-
12 tions under section 524 may only be used for campaign-
13 related costs.

14 “(c) REMITTING ALLOCATIONS FROM THE FUND.—

15 “(1) IN GENERAL.—Not later than the date
16 that is 45 days after an election in which the partici-
17 pating candidate appeared on the ballot, such parti-
18 cipating candidate shall remit to the Commission
19 for deposit in the Fund an amount equal to the less-
20 er of—

21 “(A) the amount of money in the can-
22 didate’s campaign account; or

23 “(B) the sum of the allocations from the
24 Fund received by the candidate under section
25 522, the matching contributions received by the

1 candidate under section 523, and the enhanced
2 matching contributions under section 524.

3 “(2) EXCEPTION.—In the case of a candidate
4 who qualifies to be on the ballot for a primary run-
5 off election, a general election, or a general runoff
6 election, the amounts described in paragraph (1)
7 may be retained by the candidate and used in such
8 subsequent election.

9 **“SEC. 522. ALLOCATIONS FROM THE FUND.**

10 “(a) IN GENERAL.—The Commission shall make allo-
11 cations from the Fund under section 521(a)(1) to a par-
12 ticipating candidate—

13 “(1) in the case of amounts provided under
14 subsection (c)(1), not later than 48 hours after the
15 date on which such candidate is certified as a par-
16 ticipating candidate under section 514;

17 “(2) in the case of a general election, not later
18 than 48 hours after—

19 “(A) the date of the certification of the re-
20 sults of the primary election or the primary
21 runoff election; or

22 “(B) in any case in which there is no pri-
23 mary election, the date the candidate qualifies
24 to be placed on the ballot; and

1 “(3) in the case of a primary runoff election or
2 a general runoff election, not later than 48 hours
3 after the certification of the results of the primary
4 election or the general election, as the case may be.

5 “(b) METHOD OF PAYMENT.—The Commission shall
6 distribute funds available to participating candidates
7 under this section through the use of an electronic funds
8 exchange or a debit card.

9 “(c) AMOUNTS.—

10 “(1) PRIMARY ELECTION ALLOCATION; INITIAL
11 ALLOCATION.—Except as provided in paragraph (5),
12 the Commission shall make an allocation from the
13 Fund for a primary election to a participating can-
14 didate in an amount equal to 67 percent of the base
15 amount with respect to such participating candidate.

16 “(2) PRIMARY RUNOFF ELECTION ALLOCA-
17 TION.—The Commission shall make an allocation
18 from the Fund for a primary runoff election to a
19 participating candidate in an amount equal to 25
20 percent of the amount the participating candidate
21 was eligible to receive under this section for the pri-
22 mary election.

23 “(3) GENERAL ELECTION ALLOCATION.—Ex-
24 cept as provided in paragraph (5), the Commission
25 shall make an allocation from the Fund for a gen-

1 eral election to a participating candidate in an
2 amount equal to the base amount with respect to
3 such candidate.

4 “(4) GENERAL RUNOFF ELECTION ALLOCA-
5 TION.—The Commission shall make an allocation
6 from the Fund for a general runoff election to a par-
7 ticipating candidate in an amount equal to 25 per-
8 cent of the base amount with respect to such can-
9 didate.

10 “(5) UNCONTESTED ELECTIONS.—

11 “(A) IN GENERAL.—In the case of a pri-
12 mary or general election that is an uncontested
13 election, the Commission shall make an alloca-
14 tion from the Fund to a participating candidate
15 for such election in an amount equal to 25 per-
16 cent of the allocation which such candidate
17 would be entitled to under this section for such
18 election if this paragraph did not apply.

19 “(B) UNCONTESTED ELECTION DE-
20 FINED.—For purposes of this subparagraph, an
21 election is uncontested if not more than 1 can-
22 didate has campaign funds (including payments
23 from the Fund) in an amount equal to or great-
24 er than 10 percent of the allocation a partici-
25 pating candidate would be entitled to receive

1 under this section for such election if this para-
2 graph did not apply.

3 “(d) BASE AMOUNT.—

4 “(1) IN GENERAL.—Except as otherwise pro-
5 vided in this subsection, the base amount for any
6 candidate is an amount equal to the greater of—

7 “(A) the sum of—

8 “(i) \$750,000; plus

9 “(ii) \$150,000 for each congressional
10 district in the State with respect to which
11 the candidate is seeking election; or

12 “(B) the amount determined by the Com-
13 mission under section 531.

14 “(2) INDEXING.—In each even-numbered year
15 after 2025—

16 “(A) each dollar amount under paragraph
17 (1)(A) shall be increased by the percent dif-
18 ference between the price index (as defined in
19 section 315(c)(2)(A)) for the 12 months pre-
20 ceeding the beginning of such calendar year and
21 the price index for calendar year 2022;

22 “(B) each dollar amount so increased shall
23 remain in effect for the 2-year period beginning
24 on the first day following the date of the last
25 general election in the year preceding the year

1 in which the amount is increased and ending on
2 the date of the next general election; and

3 “(C) if any amount after adjustment under
4 subparagraph (A) is not a multiple of \$100,
5 such amount shall be rounded to the nearest
6 multiple of \$100.

7 **“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL**
8 **DOLLAR CONTRIBUTIONS.**

9 “(a) IN GENERAL.—The Commission shall pay to
10 each participating candidate an amount equal to 600 per-
11 cent of the amount of qualified small dollar contributions
12 received by the candidate from individuals who are resi-
13 dents of the State in which such participating candidate
14 is seeking election after the date on which such candidate
15 is certified under section 514.

16 “(b) LIMITATION.—The aggregate payments under
17 subsection (a) with respect to any candidate shall not ex-
18 ceed the greater of—

19 “(1) 400 percent of the allocation such can-
20 didate is entitled to receive for such election under
21 section 522 (determined without regard to sub-
22 section (c)(5) thereof); or

23 “(2) the percentage of such allocation deter-
24 mined by the Commission under section 531.

1 “(c) TIME OF PAYMENT.—The Commission shall
2 make payments under this section not later than 2 busi-
3 ness days after the receipt of a report made under sub-
4 section (d).

5 “(d) REPORTS.—

6 “(1) IN GENERAL.—Each participating can-
7 didate shall file reports of receipts of qualified small
8 dollar contributions at such times and in such man-
9 ner as the Commission may by regulations prescribe.

10 “(2) CONTENTS OF REPORTS.—Each report
11 under this subsection shall disclose—

12 “(A) the amount of each qualified small
13 dollar contribution received by the candidate;

14 “(B) the amount of each qualified small
15 dollar contribution received by the candidate
16 from a resident of the State in which the can-
17 didate is seeking election; and

18 “(C) the name, address, and occupation of
19 each individual who made a qualified small dol-
20 lar contribution to the candidate.

21 “(3) FREQUENCY OF REPORTS.—Reports under
22 this subsection shall be made no more frequently
23 than—

24 “(A) once every month until the date that
25 is 90 days before the date of the election;

1 “(B) once every week after the period de-
2 scribed in subparagraph (A) and until the date
3 that is 21 days before the election; and

4 “(C) once every day after the period de-
5 scribed in subparagraph (B).

6 “(4) LIMITATION ON REGULATIONS.—The
7 Commission may not prescribe any regulations with
8 respect to reporting under this subsection with re-
9 spect to any election after the date that is 180 days
10 before the date of such election.

11 “(e) APPEALS.—The Commission shall provide a
12 written explanation with respect to any denial of any pay-
13 ment under this section and shall provide the opportunity
14 for review and reconsideration within 5 business days of
15 such denial.

16 **“SEC. 524. ENHANCED MATCHING SUPPORT.**

17 “(a) IN GENERAL.—In addition to the payments
18 made under section 523, the Commission shall make an
19 additional payment to an eligible candidate under this sec-
20 tion.

21 “(b) ELIGIBILITY.—A candidate is eligible to receive
22 an additional payment under this section if the candidate
23 meets each of the following requirements:

24 “(1) The candidate is on the ballot for the gen-
25 eral election for the office the candidate seeks.

1 “(2) The candidate is certified as a partici-
2 pating candidate under this title with respect to the
3 election.

4 “(3) During the enhanced support qualifying
5 period, the candidate receives qualified small dollar
6 contributions in a total amount of not less than the
7 sum of \$15,000 for each congressional district in the
8 State with respect to which the candidate is seeking
9 election.

10 “(4) During the enhanced support qualifying
11 period, the candidate submits to the Commission a
12 request for the payment which includes—

13 “(A) a statement of the number and
14 amount of qualified small dollar contributions
15 received by the candidate during the enhanced
16 support qualifying period;

17 “(B) a statement of the amount of the
18 payment the candidate anticipates receiving
19 with respect to the request; and

20 “(C) such other information and assur-
21 ances as the Commission may require.

22 “(5) After submitting a request for the addi-
23 tional payment under paragraph (4), the candidate
24 does not submit any other application for an addi-
25 tional payment under this title.

1 “(c) AMOUNT.—

2 “(1) IN GENERAL.—Subject to paragraph (2),
3 the amount of the additional payment made to an el-
4 igible candidate under this subtitle shall be an
5 amount equal to 50 percent of—

6 “(A) the amount of the payment made to
7 the candidate under section 523 with respect to
8 the qualified small dollar contributions which
9 are received by the candidate during the en-
10 hanced support qualifying period (as included in
11 the request submitted by the candidate under
12 (b)(4)(A)); or

13 “(B) in the case of a candidate who is not
14 eligible to receive a payment under section 523
15 with respect to such qualified small dollar con-
16 tributions because the candidate has reached
17 the limit on the aggregate amount of payments
18 under section 523, the amount of the payment
19 which would have been made to the candidate
20 under section 523 with respect to such qualified
21 small dollar contributions if the candidate had
22 not reached such limit.

23 “(2) LIMIT.—The amount of the additional
24 payment determined under paragraph (1) with re-
25 spect to a candidate may not exceed the sum of

1 \$150,000 for each congressional district in the State
2 with respect to which the candidate is seeking elec-
3 tion.

4 “(3) NO EFFECT ON AGGREGATE LIMIT.—The
5 amount of the additional payment made to a can-
6 didate under this section shall not be included in de-
7 termining the aggregate amount of payments made
8 to a participating candidate with respect to an elec-
9 tion cycle under section 523.

10 **“SEC. 525. POLITICAL ADVERTISING VOUCHERS.**

11 “(a) IN GENERAL.—The Commission shall establish
12 and administer a voucher program for the purchase of
13 airtime on broadcasting stations for political advertise-
14 ments in accordance with the provisions of this section.

15 “(b) CANDIDATES.—The Commission shall only dis-
16 burse vouchers under the program established under sub-
17 section (a) to participants certified pursuant to section
18 514 who have agreed in writing to keep and furnish to
19 the Commission such records, books, and other informa-
20 tion as it may require.

21 “(c) AMOUNTS.—The Commission shall disburse
22 vouchers to each candidate certified under subsection (b)
23 in an aggregate amount equal to the greater of—

1 “(1) \$100,000 multiplied by the number of con-
2 gressional districts in the State with respect to
3 which such candidate is running for office; or

4 “(2) the amount determined by the Commission
5 under section 531.

6 “(d) USE.—

7 “(1) EXCLUSIVE USE.—Vouchers disbursed by
8 the Commission under this section may be used only
9 for the purchase of broadcast airtime for political
10 advertisements relating to a general election for the
11 office of Senate by the participating candidate to
12 which the vouchers were disbursed, except that—

13 “(A) a candidate may exchange vouchers
14 with a political party under paragraph (2); and

15 “(B) a political party may use vouchers
16 only to purchase broadcast airtime for political
17 advertisements for generic party advertising (as
18 defined by the Commission in regulations), to
19 support candidates for State or local office in a
20 general election, or to support participating
21 candidates of the party in a general election for
22 Federal office, but only if it discloses the value
23 of the voucher used as an expenditure under
24 section 315(d).

1 “(2) EXCHANGE WITH POLITICAL PARTY COM-
2 MITTEE.—

3 “(A) IN GENERAL.—A participating can-
4 didate who receives a voucher under this section
5 may transfer the right to use all or a portion
6 of the value of the voucher to a committee of
7 the political party of which the individual is a
8 candidate (or, in the case of a participating
9 candidate who is not a member of any political
10 party, to a committee of the political party of
11 that candidate’s choice) in exchange for money
12 in an amount equal to the cash value of the
13 voucher or portion exchanged.

14 “(B) CONTINUATION OF CANDIDATE OBLI-
15 GATIONS.—The transfer of a voucher, in whole
16 or in part, to a political party committee under
17 this paragraph does not release the candidate
18 from any obligation under the agreement made
19 under subsection (b) or otherwise modify that
20 agreement or its application to that candidate.

21 “(C) PARTY COMMITTEE OBLIGATIONS.—
22 Any political party committee to which a vouch-
23 er or portion thereof is transferred under sub-
24 paragraph (A)—

1 “(i) shall account fully, in accordance
2 with such requirements as the Commission
3 may establish, for the receipt of the vouch-
4 er; and

5 “(ii) may not use the transferred
6 voucher or portion thereof for any purpose
7 other than a purpose described in para-
8 graph (1)(B).

9 “(D) VOUCHER AS A CONTRIBUTION
10 UNDER FECA.—If a candidate transfers a
11 voucher or any portion thereof to a political
12 party committee under subparagraph (A)—

13 “(i) the value of the voucher or por-
14 tion thereof transferred shall be treated as
15 a contribution from the candidate to the
16 committee, and from the committee to the
17 candidate, for purposes of sections 302
18 and 304;

19 “(ii) the committee may, in exchange,
20 provide to the candidate only funds subject
21 to the prohibitions, limitations, and report-
22 ing requirements of title III of this Act;
23 and

24 “(iii) the amount, if identified as a
25 ‘voucher exchange’, shall not be considered

1 a contribution for the purposes of sections
2 315 and 513.

3 “(e) VALUE; ACCEPTANCE; REDEMPTION.—

4 “(1) VOUCHER.—Each voucher disbursed by
5 the Commission under this section shall have a value
6 in dollars, redeemable upon presentation to the
7 Commission, together with such documentation and
8 other information as the Commission may require,
9 for the purchase of broadcast airtime for political
10 advertisements in accordance with this section.

11 “(2) ACCEPTANCE.—A broadcasting station
12 shall accept vouchers in payment for the purchase of
13 broadcast airtime for political advertisements in ac-
14 cordance with this section.

15 “(3) REDEMPTION.—The Commission shall re-
16 deem vouchers accepted by broadcasting stations
17 under paragraph (2) upon presentation, subject to
18 such documentation, verification, accounting, and
19 application requirements as the Commission may im-
20 pose to ensure the accuracy and integrity of the
21 voucher redemption system.

22 “(4) EXPIRATION.—

23 “(A) CANDIDATES.—A voucher may only
24 be used to pay for broadcast airtime for polit-
25 ical advertisements to be broadcast before mid-

1 night on the day before the date of the Federal
2 election in connection with which it was issued
3 and shall be null and void for any other use or
4 purpose.

5 “(B) EXCEPTION FOR POLITICAL PARTY
6 COMMITTEES.—A voucher held by a political
7 party committee may be used to pay for broad-
8 cast airtime for political advertisements to be
9 broadcast before midnight on December 31st of
10 the odd-numbered year following the year in
11 which the voucher was issued by the Commis-
12 sion.

13 “(5) VOUCHER AS EXPENDITURE UNDER
14 FECA.—The use of a voucher to purchase broadcast
15 airtime constitutes an expenditure as defined in sec-
16 tion 301(9)(A).

17 “(f) DEFINITIONS.—In this section:

18 “(1) BROADCASTING STATION.—The term
19 ‘broadcasting station’ has the meaning given that
20 term by section 315(f)(1) of the Communications
21 Act of 1934.

22 “(2) POLITICAL PARTY.—The term ‘political
23 party’ means a major party or a minor party as de-
24 fined in section 9002 (3) or (4) of the Internal Rev-
25 enue Code of 1986 (26 U.S.C. 9002 (3) or (4)).

1 **“Subtitle D—Administrative**
2 **Provisions**

3 **“SEC. 531. DUTIES OF THE FEDERAL ELECTION COMMIS-**
4 **SION.**

5 “(a) DUTIES AND POWERS.—

6 “(1) ADMINISTRATION.—The Commission shall
7 have the power to administer the provisions of this
8 title and shall prescribe regulations to carry out the
9 purposes of this title, including regulations—

10 “(A) to establish procedures for—

11 “(i) verifying the amount of valid
12 qualifying contributions with respect to a
13 candidate;

14 “(ii) effectively and efficiently moni-
15 toring and enforcing the limits on the rais-
16 ing of qualified small dollar contributions;

17 “(iii) monitoring the raising of quali-
18 fying multicandidate political committee
19 contributions through effectively and effi-
20 ciently monitoring and enforcing the limits
21 on individual contributions to qualified ac-
22 counts of multicandidate political commit-
23 tees;

24 “(iv) effectively and efficiently moni-
25 toring and enforcing the limits on the use

1 of personal funds by participating can-
2 didates;

3 “(v) monitoring the use of allocations
4 from the Fund and matching contributions
5 under this title through audits or other
6 mechanisms; and

7 “(vi) the administration of the vouch-
8 er program under section 525; and

9 “(B) regarding the conduct of debates in a
10 manner consistent with the best practices of
11 States that provide public financing for elec-
12 tions.

13 “(2) REVIEW OF FAIR ELECTIONS FINANC-
14 ING.—

15 “(A) IN GENERAL.—After each general
16 election for Federal office, the Commission shall
17 conduct a comprehensive review of the Fair
18 Elections financing program under this title, in-
19 cluding—

20 “(i) the maximum dollar amount of
21 qualified small dollar contributions under
22 section 501(13);

23 “(ii) the maximum and minimum dol-
24 lar amounts for qualifying contributions
25 under section 501(12);

1 “(iii) the number and value of quali-
2 fying contributions a candidate is required
3 to obtain under section 512 to qualify for
4 allocations from the Fund;

5 “(iv) the amount of allocations from
6 the Fund that candidates may receive
7 under section 522;

8 “(v) the maximum amount of match-
9 ing contributions a candidate may receive
10 under section 523;

11 “(vi) the maximum amount of en-
12 hanced matching contributions a candidate
13 may receive under section 524;

14 “(vii) the amount and usage of vouch-
15 ers under section 525;

16 “(viii) the overall satisfaction of par-
17 ticipating candidates and the American
18 public with the program; and

19 “(ix) such other matters relating to fi-
20 nancing of Senate campaigns as the Com-
21 mission determines are appropriate.

22 “(B) CRITERIA FOR REVIEW.—In con-
23 ducting the review under subparagraph (A), the
24 Commission shall consider the following:

1 “(i) QUALIFYING CONTRIBUTIONS
2 AND QUALIFIED SMALL DOLLAR CON-
3 TRIBUTIONS.—The Commission shall con-
4 sider whether the number and dollar
5 amount of qualifying contributions re-
6 quired and maximum dollar amount for
7 such qualifying contributions and qualified
8 small dollar contributions strikes a balance
9 regarding the importance of voter involve-
10 ment, the need to assure adequate incen-
11 tives for participating, and fiscal responsi-
12 bility, taking into consideration the num-
13 ber of primary and general election partici-
14 pating candidates, the electoral perform-
15 ance of those candidates, program cost,
16 and any other information the Commission
17 determines is appropriate.

18 “(ii) REVIEW OF PROGRAM BENE-
19 FITS.—The Commission shall consider
20 whether the totality of the amount of
21 funds allowed to be raised by participating
22 candidates (including through qualifying
23 contributions and small dollar contribu-
24 tions), allocations from the Fund under
25 section 522, matching contributions under

1 section 523, enhanced matching contribu-
2 tions under section 524, and vouchers
3 under section 525 are sufficient for voters
4 in each State to learn about the candidates
5 to cast an informed vote, taking into ac-
6 count the historic amount of spending by
7 winning candidates, media costs, primary
8 election dates, and any other information
9 the Commission determines is appropriate.

10 “(C) ADJUSTMENT OF AMOUNTS.—

11 “(i) IN GENERAL.—Based on the re-
12 view conducted under subparagraph (A),
13 the Commission shall provide for the ad-
14 justments of the following amounts:

15 “(I) The maximum dollar
16 amount of qualified small dollar con-
17 tributions under section 501(13)(C).

18 “(II) The maximum and min-
19 imum dollar amounts for qualifying
20 contributions under section
21 501(12)(A).

22 “(III) The number and value of
23 qualifying contributions a candidate is
24 required to obtain under section
25 512(a)(1).

1 “(IV) The base amount for can-
2 didates under section 522(d).

3 “(V) The maximum amount of
4 matching contributions a candidate
5 may receive under section 523(b).

6 “(VI) The maximum amount of
7 enhanced matching contributions a
8 candidate may receive under section
9 524(c).

10 “(VII) The dollar amount for
11 vouchers under section 525(c).

12 “(ii) REGULATIONS.—The Commis-
13 sion shall promulgate regulations providing
14 for the adjustments made under clause (i).

15 “(D) REPORT.—Not later than March 30
16 following any general election for Federal office,
17 the Commission shall submit a report to Con-
18 gress on the review conducted under subpara-
19 graph (A). Such report shall contain a detailed
20 statement of the findings, conclusions, and rec-
21 ommendations of the Commission based on
22 such review.

23 “(b) REPORTS.—Not later than March 30, 2024, and
24 every 2 years thereafter, the Commission shall submit to
25 the Senate Committee on Rules and Administration a re-

1 port documenting, evaluating, and making recommenda-
2 tions relating to the administrative implementation and
3 enforcement of the provisions of this title.

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated such sums as are nec-
6 essary to carry out the purposes of this subtitle.

7 **“SEC. 532. VIOLATIONS AND PENALTIES.**

8 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
9 TION AND EXPENDITURE REQUIREMENTS.—If a can-
10 didate who has been certified as a participating candidate
11 under section 514 accepts a contribution or makes an ex-
12 penditure that is prohibited under section 513, the Com-
13 mission shall assess a civil penalty against the candidate
14 in an amount that is not more than 3 times the amount
15 of the contribution or expenditure. Any amounts collected
16 under this subsection shall be deposited into the Fund.

17 “(b) REPAYMENT FOR IMPROPER USE OF FREEDOM
18 FROM INFLUENCE FUND.—

19 “(1) IN GENERAL.—If the Commission deter-
20 mines that any benefit made available to a partici-
21 pating candidate under this title was not used as
22 provided for in this title or that a participating can-
23 didate has violated any of the dates for remission of
24 funds contained in this title, the Commission shall

1 so notify the candidate and the candidate shall pay
2 to the Fund an amount equal to—

3 “(A) the amount of benefits so used or not
4 remitted, as appropriate; and

5 “(B) interest on any such amounts (at a
6 rate determined by the Commission).

7 “(2) OTHER ACTION NOT PRECLUDED.—Any
8 action by the Commission in accordance with this
9 subsection shall not preclude enforcement pro-
10 ceedings by the Commission in accordance with sec-
11 tion 309(a), including a referral by the Commission
12 to the Attorney General in the case of an apparent
13 knowing and willful violation of this title.”.

14 **SEC. 752. EXCEPTION TO LIMITATION ON COORDINATED**
15 **EXPENDITURES BY POLITICAL PARTY COM-**
16 **MITTEES WITH PARTICIPATING CANDIDATES.**

17 Section 315(d) of the Federal Election Campaign Act
18 of 1971 (52 U.S.C. 30116(d)) is amended—

19 (1) in paragraph (3)(A), by striking “in the
20 case of” and inserting “except as provided in para-
21 graph (6), in the case of”; and

22 (2) by adding at the end the following new
23 paragraph:

24 “(6)(A) The limitation under paragraph (3)(A)
25 shall not apply with respect to any expenditure from

1 a qualified political party-participating candidate co-
2 ordinated expenditure fund.

3 “(B) In this paragraph, the term ‘qualified po-
4 litical party-participating candidate coordinated ex-
5 penditure fund’ means a fund established by the na-
6 tional committee of a political party, or a State com-
7 mittee of a political party, including any subordinate
8 committee of a State committee, for purposes of
9 making expenditures in connection with the general
10 election campaign of a candidate for election to the
11 office of Senator who is a participating candidate (as
12 defined in section 501), that only accepts qualified
13 coordinated expenditure contributions.

14 “(C) In this paragraph, the term ‘qualified co-
15 ordinated expenditure contribution’ means, with re-
16 spect to the general election campaign of a candidate
17 for election to the office of Senator who is a partici-
18 pating candidate (as defined in section 501), any
19 contribution (or series of contributions)—

20 “(i) which is made by an individual who is
21 not prohibited from making a contribution
22 under this Act; and

23 “(ii) the aggregate amount of which does
24 not exceed \$500 per election.”.

1 **SEC. 753. ASSESSMENTS AGAINST FINES AND PENALTIES.**

2 (a) ASSESSMENTS RELATING TO CRIMINAL OF-
3 FENSES.—

4 (1) IN GENERAL.—Chapter 201 of title 18,
5 United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 3015. Special assessments for Freedom From Influ-
8 ence Fund**

9 “(a) ASSESSMENTS.—

10 “(1) CONVICTIONS OF CRIMES.—In addition to
11 any assessment imposed under this chapter, the
12 court shall assess on any organizational defendant or
13 any defendant who is a corporate officer or person
14 with equivalent authority in any other organization
15 who is convicted of a criminal offense under Federal
16 law an amount equal to 2.75 percent of any fine im-
17 posed on that defendant in the sentence imposed for
18 that conviction.

19 “(2) SETTLEMENTS.—The court shall assess on
20 any organizational defendant or defendant who is a
21 corporate officer or person with equivalent authority
22 in any other organization who has entered into a
23 settlement agreement or consent decree with the
24 United States in satisfaction of any allegation that
25 the defendant committed a criminal offense under

1 Federal law an amount equal to 2.75 percent of the
2 amount of the settlement.

3 “(b) MANNER OF COLLECTION.—An amount as-
4 sessed under subsection (a) shall be collected in the man-
5 ner in which fines are collected in criminal cases.

6 “(c) TRANSFERS.—In a manner consistent with sec-
7 tion 3302(b) of title 31, there shall be transferred from
8 the General Fund of the Treasury to the Freedom From
9 Influence Fund under section 502 of the Federal Election
10 Campaign Act of 1971 an amount equal to the amount
11 of the assessments collected under this section.”

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions of chapter 201 of title 18, United States Code,
14 is amended by adding at the end the following:

“3015. Special assessments for Freedom From Influence Fund.”

15 (b) ASSESSMENTS RELATING TO CIVIL PEN-
16 ALTIES.—

17 (1) IN GENERAL.—Chapter 97 of title 31,
18 United States Code, is amended by adding at the
19 end the following new section:

20 **“§ 9707. Special assessments for Freedom From Infl-**
21 **ence Fund**

22 “(a) ASSESSMENTS.—

23 “(1) CIVIL PENALTIES.—Any entity of the Fed-
24 eral Government which is authorized under any law,
25 rule, or regulation to impose a civil penalty shall as-

1 sess on each person, other than a natural person
2 who is not a corporate officer or person with equiva-
3 lent authority in any other organization, on whom
4 such a penalty is imposed an amount equal to 2.75
5 percent of the amount of the penalty.

6 “(2) ADMINISTRATIVE PENALTIES.—Any entity
7 of the Federal Government which is authorized
8 under any law, rule, or regulation to impose an ad-
9 ministrative penalty shall assess on each person,
10 other than a natural person who is not a corporate
11 officer or person with equivalent authority in any
12 other organization, on whom such a penalty is im-
13 posed an amount equal to 2.75 percent of the
14 amount of the penalty.

15 “(3) SETTLEMENTS.—Any entity of the Federal
16 Government which is authorized under any law, rule,
17 or regulation to enter into a settlement agreement or
18 consent decree with any person, other than a natural
19 person who is not a corporate officer or person with
20 equivalent authority in any other organization, in
21 satisfaction of any allegation of an action or omis-
22 sion by the person which would be subject to a civil
23 penalty or administrative penalty shall assess on
24 such person an amount equal to 2.75 percent of the
25 amount of the settlement.

1 “(b) MANNER OF COLLECTION.—An amount as-
2 sessed under subsection (a) shall be collected—

3 “(1) in the case of an amount assessed under
4 paragraph (1) of such subsection, in the manner in
5 which civil penalties are collected by the entity of the
6 Federal Government involved;

7 “(2) in the case of an amount assessed under
8 paragraph (2) of such subsection, in the manner in
9 which administrative penalties are collected by the
10 entity of the Federal Government involved; and

11 “(3) in the case of an amount assessed under
12 paragraph (3) of such subsection, in the manner in
13 which amounts are collected pursuant to settlement
14 agreements or consent decrees entered into by the
15 entity of the Federal Government involved.

16 “(c) TRANSFERS.—In a manner consistent with sec-
17 tion 3302(b) of this title, there shall be transferred from
18 the General Fund of the Treasury to the Freedom From
19 Influence Fund under section 502 of the Federal Election
20 Campaign Act of 1971 an amount equal to the amount
21 of the assessments collected under this section.

22 “(d) EXCEPTION FOR PENALTIES AND SETTLE-
23 MENTS UNDER AUTHORITY OF THE INTERNAL REVENUE
24 CODE OF 1986.—

1 “(1) IN GENERAL.—No assessment shall be
2 made under subsection (a) with respect to any civil
3 or administrative penalty imposed, or any settlement
4 agreement or consent decree entered into, under the
5 authority of the Internal Revenue Code of 1986.

6 “(2) CROSS REFERENCE.—For application of
7 special assessments for the Freedom From Influence
8 Fund with respect to certain penalties under the In-
9 ternal Revenue Code of 1986, see section 6761 of
10 the Internal Revenue Code of 1986.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions of chapter 97 of title 31, United States Code,
13 is amended by adding at the end the following:

“9707. Special assessments for Freedom From Influence Fund.”.

14 (c) ASSESSMENTS RELATING TO CERTAIN PEN-
15 ALTIES UNDER THE INTERNAL REVENUE CODE OF
16 1986.—

17 (1) IN GENERAL.—Chapter 68 of the Internal
18 Revenue Code of 1986 is amended by adding at the
19 end the following new subchapter:

1 **“Subchapter D—Special Assessments for**
2 **Freedom From Influence Fund**

3 **“SEC. 6761. SPECIAL ASSESSMENTS FOR FREEDOM FROM**
4 **INFLUENCE FUND.**

5 “(a) IN GENERAL.—Each person required to pay a
6 covered penalty shall pay an additional amount equal to
7 2.75 percent of the amount of such penalty.

8 “(b) COVERED PENALTY.—For purposes of this sec-
9 tion, the term ‘covered penalty’ means any addition to tax,
10 additional amount, penalty, or other liability provided
11 under subchapter A or B.

12 “(c) EXCEPTION FOR CERTAIN INDIVIDUALS.—

13 “(1) IN GENERAL.—In the case of a taxpayer
14 who is an individual, subsection (a) shall not apply
15 to any covered penalty if such taxpayer is an exempt
16 taxpayer for the taxable year for which such covered
17 penalty is assessed.

18 “(2) EXEMPT TAXPAYER.—For purposes of this
19 subsection, a taxpayer is an exempt taxpayer for any
20 taxable year if the taxable income of such taxpayer
21 for such taxable year does not exceed the dollar
22 amount at which begins the highest rate bracket in
23 effect under section 1 with respect to such taxpayer
24 for such taxable year.

1 “(d) APPLICATION OF CERTAIN RULES.—Except as
 2 provided in subsection (e), the additional amount deter-
 3 mined under subsection (a) shall be treated for purposes
 4 of this title in the same manner as the covered penalty
 5 to which such additional amount relates.

6 “(e) TRANSFER TO FREEDOM FROM INFLUENCE
 7 FUND.—The Secretary shall deposit any additional
 8 amount under subsection (a) in the General Fund of the
 9 Treasury and shall transfer from such General Fund to
 10 the Freedom From Influence Fund established under sec-
 11 tion 502 of the Federal Election Campaign Act of 1971
 12 an amount equal to the amounts so deposited (and, not-
 13 withstanding subsection (d), such additional amount shall
 14 not be the basis for any deposit, transfer, credit, appro-
 15 priation, or any other payment, to any other trust fund
 16 or account). Rules similar to the rules of section 9601
 17 shall apply for purposes of this subsection.”.

18 (2) CLERICAL AMENDMENT.—The table of sub-
 19 chapters for chapter 68 of such Code is amended by
 20 adding at the end the following new item:

“SUBCHAPTER D—SPECIAL ASSESSMENTS FOR FREEDOM FROM INFLUENCE
 FUND”.

21 (d) EFFECTIVE DATES.—

22 (1) IN GENERAL.—Except as provided in para-
 23 graph (2), the amendments made by this section
 24 shall apply with respect to convictions, agreements,

1 and penalties which occur on or after the date of the
2 enactment of this Act.

3 (2) ASSESSMENTS RELATING TO CERTAIN PEN-
4 ALTIES UNDER THE INTERNAL REVENUE CODE OF
5 1986.—The amendments made by subsection (c)
6 shall apply to covered penalties assessed after the
7 date of the enactment of this Act.

8 **PART II—PRESIDENTIAL ELECTIONS**

9 **Subpart A—Primary Elections**

10 **SEC. 761. INCREASE IN AND MODIFICATIONS TO MATCHING** 11 **PAYMENTS.**

12 (a) INCREASE AND MODIFICATION.—

13 (1) IN GENERAL.—The first sentence of section
14 9034(a) of the Internal Revenue Code of 1986 is
15 amended—

16 (A) by striking “an amount equal to the
17 amount of each contribution” and inserting “an
18 amount equal to 600 percent of the amount of
19 each matchable contribution (disregarding any
20 amount of contributions from any person to the
21 extent that the total of the amounts contributed
22 by such person for the election exceeds \$200)”;
23 and

1 (B) by striking “authorized committees”
2 and all that follows through “\$250” and insert-
3 ing “authorized committees”.

4 (2) MATCHABLE CONTRIBUTIONS.—Section
5 9034 of such Code is amended—

6 (A) by striking the last sentence of sub-
7 section (a); and

8 (B) by adding at the end the following new
9 subsection:

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

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

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

7 “(C) such contribution was a direct con-
8 tribution.

9 “(2) CONTRIBUTION.—For purposes of this
10 subsection, the term ‘contribution’ means a gift of
11 money made by a written instrument which identi-
12 fies the individual making the contribution by full
13 name and mailing address, but does not include a
14 subscription, loan, advance, or deposit of money, or
15 anything of value or anything described in subpara-
16 graph (B), (C), or (D) of section 9032(4).

17 “(3) DIRECT CONTRIBUTION.—

18 “(A) IN GENERAL.—For purposes of this
19 subsection, the term ‘direct contribution’
20 means, with respect to a candidate, a contribu-
21 tion which is made directly by an individual to
22 the candidate or an authorized committee of the
23 candidate and is not—

1 “(i) forwarded from the individual
2 making the contribution to the candidate
3 or committee by another person; or

4 “(ii) received by the candidate or com-
5 mittee with the knowledge that the con-
6 tribution was made at the request, sugges-
7 tion, or recommendation of another person.

8 “(B) OTHER DEFINITIONS.—In subpara-
9 graph (A)—

10 “(i) the term ‘person’ does not include
11 an individual (other than an individual de-
12 scribed in section 304(i)(7) of the Federal
13 Election Campaign Act of 1971), a polit-
14 ical committee of a political party, or any
15 political committee which is not a separate
16 segregated fund described in section
17 316(b) of the Federal Election Campaign
18 Act of 1971 and which does not make con-
19 tributions or independent expenditures,
20 does not engage in lobbying activity under
21 the Lobbying Disclosure Act of 1995 (2
22 U.S.C. 1601 et seq.), and is not estab-
23 lished by, controlled by, or affiliated with
24 a registered lobbyist under such Act, an
25 agent of a registered lobbyist under such

1 Act, or an organization which retains or
2 employs a registered lobbyist under such
3 Act; and

4 “(ii) a contribution is not ‘made at
5 the request, suggestion, or recommendation
6 of another person’ solely on the grounds
7 that the contribution is made in response
8 to information provided to the individual
9 making the contribution by any person, so
10 long as the candidate or authorized com-
11 mittee does not know the identity of the
12 person who provided the information to
13 such individual.”.

14 (3) CONFORMING AMENDMENTS.—

15 (A) Section 9032(4) of such Code is
16 amended by striking “section 9034(a)” and in-
17 serting “section 9034”.

18 (B) Section 9033(b)(3) of such Code is
19 amended by striking “matching contributions”
20 and inserting “matchable contributions”.

21 (b) MODIFICATION OF PAYMENT LIMITATION.—Sec-
22 tion 9034(b) of such Code is amended—

23 (1) by striking “The total” and inserting the
24 following:

25 “(1) IN GENERAL.—The total”;

1 (2) by striking “shall not exceed” and all that
2 follows and inserting “shall not exceed
3 \$250,000,000.”; and

4 (3) by adding at the end the following new
5 paragraph:

6 “(2) INFLATION ADJUSTMENT.—

7 “(A) IN GENERAL.—In the case of any ap-
8 plicable period beginning after 2029, the dollar
9 amount in paragraph (1) shall be increased by
10 an amount equal to—

11 “(i) such dollar amount, multiplied by

12 “(ii) the cost-of-living adjustment de-
13 termined under section 1(f)(3) for the cal-
14 endar year following the year which such
15 applicable period begins, determined by
16 substituting ‘calendar year 2028’ for ‘cal-
17 endar year 1992’ in subparagraph (B)
18 thereof.

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

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

5 **SEC. 762. ELIGIBILITY REQUIREMENTS FOR MATCHING**
6 **PAYMENTS.**

7 (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER
8 STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN
9 EXCESS OF \$200.—Section 9033(b)(3) of the Internal
10 Revenue Code of 1986 is amended—

11 (1) by striking “\$5,000” and inserting
12 “\$25,000”; and

13 (2) by striking “20 States” and inserting the
14 following: “20 States (disregarding any amount of
15 contributions from any such resident to the extent
16 that the total of the amounts contributed by such
17 resident for the election exceeds \$200)”.

18 (b) CONTRIBUTION LIMIT.—

19 (1) IN GENERAL.—Paragraph (4) of section
20 9033(b) of such Code is amended to read as follows:

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

1 (2) CONFORMING AMENDMENTS.—

2 (A) Section 9033(b) of such Code is
3 amended by adding at the end the following
4 new flush sentence:

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

8 (B) Section 9032(4) of such Code, as
9 amended by section 761(a)(3)(A), is amended
10 by inserting “or 9033(b)” after “9034”.

11 (c) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR
12 GENERAL ELECTION.—Section 9033(b) of such Code is
13 amended—

14 (1) by striking “and” at the end of paragraph
15 (3);

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

18 (3) by inserting after paragraph (4) the fol-
19 lowing new paragraph:

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

1 (d) PROHIBITION ON JOINT FUNDRAISING COMMIT-
2 TEES.—Section 9033(b) of such Code, as amended by sub-
3 section (c), is amended—

4 (1) by striking “and” at the end of paragraph
5 (4);

6 (2) by striking the period at the end of para-
7 graph (5) and inserting “; and”; and

8 (3) by inserting after paragraph (5) adding at
9 the end the following new paragraph:

10 “(6) the candidate will not establish a joint
11 fundraising committee with a political committee
12 other than another authorized committee of the can-
13 didate, except that candidate established a joint
14 fundraising committee with respect to a prior elec-
15 tion for which the candidate was not eligible to re-
16 ceive payments under section 9037 and the can-
17 didate does not terminate the committee, the can-
18 didate shall not be considered to be in violation of
19 this paragraph so long as that joint fundraising
20 committee does not receive any contributions or
21 make any disbursements during the election cycle for
22 which the candidate is eligible to receive payments
23 under such section.”.

1 **SEC. 763. 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. 764. 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. 765. 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. 766. 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 **SEC. 767. USE OF FREEDOM FROM INFLUENCE FUND AS**
 14 **SOURCE OF PAYMENTS.**

15 (a) IN GENERAL.—Chapter 96 of subtitle H of the
 16 Internal Revenue Code of 1986 is amended by adding at
 17 the end the following new section:

18 **“SEC. 9043. USE OF FREEDOM FROM INFLUENCE FUND AS**
 19 **SOURCE OF PAYMENTS.**

20 “(a) IN GENERAL.—Effective with respect to the
 21 Presidential election held in 2028 and each succeeding
 22 Presidential election, all payments made to candidates
 23 under this chapter shall be made from the Freedom From
 24 Influence Fund established under section 502 of the Fed-
 25 eral Election Campaign Act of 1971 (hereafter in this sec-
 26 tion referred to as the ‘Fund’) and any reference in this

1 chapter to the matching payment account shall be consid-
2 ered to be a reference to the Fund.

3 “(b) MANDATORY REDUCTION OF PAYMENTS IN
4 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

5 “(1) ADVANCE AUDITS BY COMMISSION.—Not
6 later than 90 days before the first day of each Presi-
7 dential election cycle (beginning with the cycle for
8 the election held in 2028), the Commission shall—

9 “(A) audit the Fund to determine whether,
10 after first making payments to participating
11 candidates under title V of the Federal Election
12 Campaign Act of 1971, the amounts remaining
13 in the Fund will be sufficient to make payments
14 to candidates under this chapter in the amounts
15 provided under this chapter during such elec-
16 tion cycle; and

17 “(B) submit a report to Congress describ-
18 ing the results of the audit.

19 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

20 “(A) AUTOMATIC REDUCTION ON PRO
21 RATA BASIS.—If, on the basis of the audit de-
22 scribed in paragraph (1), the Commission deter-
23 mines that the amount anticipated to be avail-
24 able in the Fund with respect to the Presi-
25 dential election cycle involved is not, or may not

1 be, sufficient to satisfy the full entitlements of
2 candidates to payments under this chapter for
3 such cycle, the Commission shall reduce each
4 amount which would otherwise be paid to a can-
5 didate under this chapter by such pro rata
6 amount as may be necessary to ensure that the
7 aggregate amount of payments anticipated to
8 be made with respect to the cycle will not ex-
9 ceed the amount anticipated to be available for
10 such payments in the Fund with respect to such
11 cycle.

12 “(B) RESTORATION OF REDUCTIONS IN
13 CASE OF AVAILABILITY OF SUFFICIENT FUNDS
14 DURING ELECTION CYCLE.—If, after reducing
15 the amounts paid to candidates with respect to
16 an election cycle under subparagraph (A), the
17 Commission determines that there are sufficient
18 amounts in the Fund to restore the amount by
19 which such payments were reduced (or any por-
20 tion thereof), to the extent that such amounts
21 are available, the Commission may make a pay-
22 ment on a pro rata basis to each such candidate
23 with respect to the election cycle in the amount
24 by which such candidate’s payments were re-

1 duced under subparagraph (A) (or any portion
2 thereof, as the case may be).

3 “(C) NO USE OF AMOUNTS FROM OTHER
4 SOURCES.—In any case in which the Commis-
5 sion determines that there are insufficient mon-
6 neys in the Fund to make payments to can-
7 didates under this chapter, moneys shall not be
8 made available from any other source for the
9 purpose of making such payments.

10 “(3) NO EFFECT ON AMOUNTS TRANSFERRED
11 FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-
12 tion does not apply to the transfer of funds under
13 section 9008(i).

14 “(4) PRESIDENTIAL ELECTION CYCLE DE-
15 FINED.—In this section, the term ‘Presidential elec-
16 tion cycle’ means, with respect to a Presidential elec-
17 tion, the period beginning on the day after the date
18 of the previous Presidential general election and
19 ending on the date of the Presidential election.”.

20 (b) CONFORMING AMENDMENTS.—Section 9037(a)
21 of the Internal Revenue Code of 1986 is amended by add-
22 ing at the end the following: “No amount shall be trans-
23 ferred under this subsection with respect to any Presi-
24 dential election held after 2024, and any amounts remain-
25 ing in such account after payments for such election are

1 made shall be transferred to the Freedom from Influence
 2 Fund under section 502 of the Federal Election Campaign
 3 Act of 1971.”

4 (c) CLERICAL AMENDMENT.—The table of sections
 5 for chapter 96 of subtitle H of such Code is amended by
 6 adding at the end the following new item:

“Sec. 9043. Use of Freedom From Influence Fund as source of payments.”.

7 **Subpart B—General Elections**

8 **SEC. 771. MODIFICATION OF ELIGIBILITY REQUIREMENTS**

9 **FOR PUBLIC FINANCING.**

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

12 “(a) IN GENERAL.—In order to be eligible to receive
 13 any payments under section 9006, the candidates of a po-
 14 litical party in a Presidential election shall meet the fol-
 15 lowing requirements:

16 “(1) PARTICIPATION IN PRIMARY PAYMENT
 17 SYSTEM.—The candidate for President received pay-
 18 ments under chapter 96 for the campaign for nomi-
 19 nation for election to be President.

20 “(2) AGREEMENTS WITH COMMISSION.—The
 21 candidates, in writing—

22 “(A) agree to obtain and furnish to the
 23 Commission such evidence as it may request of
 24 the qualified campaign expenses of such can-
 25 didates,

1 “(B) agree to keep and furnish to the
2 Commission such records, books, and other in-
3 formation as it may request, and

4 “(C) agree to an audit and examination by
5 the Commission under section 9007 and to pay
6 any amounts required to be paid under such
7 section.

8 “(3) PROHIBITION ON JOINT FUNDRAISING
9 COMMITTEES.—

10 “(A) PROHIBITION.—The candidates cer-
11 tifies in writing that the candidates will not es-
12 tablish a joint fundraising committee with a po-
13 litical committee other than another authorized
14 committee of the candidate.

15 “(B) STATUS OF EXISTING COMMITTEES
16 FOR PRIOR ELECTIONS.—If a candidate estab-
17 lished a joint fundraising committee described
18 in subparagraph (A) with respect to a prior
19 election for which the candidate was not eligible
20 to receive payments under section 9006 and the
21 candidate does not terminate the committee,
22 the candidate shall not be considered to be in
23 violation of subparagraph (A) so long as that
24 joint fundraising committee does not receive
25 any contributions or make any disbursements

1 with respect to the election for which the can-
 2 didate is eligible to receive payments under sec-
 3 tion 9006.”.

4 **SEC. 772. REPEAL OF EXPENDITURE LIMITATIONS AND USE**
 5 **OF QUALIFIED CAMPAIGN CONTRIBUTIONS.**

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

12 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
 13 TO DEFRAY EXPENSES.—

14 “(1) IN GENERAL.—In order to be eligible to
 15 receive any payments under section 9006, the can-
 16 didates of a party in a Presidential election shall
 17 certify to the Commission, under penalty of perjury,
 18 that—

19 “(A) such candidates and their authorized
 20 committees have not and will not accept any
 21 contributions to defray qualified campaign ex-
 22 penses other than—

23 “(i) qualified campaign contributions,
 24 and

1 “(ii) contributions to the extent nec-
2 essary to make up any deficiency payments
3 received out of the fund on account of the
4 application of section 9006(c), and

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

10 “(2) TIMING OF CERTIFICATION.—The can-
11 didate shall make the certification required under
12 this subsection at the same time the candidate
13 makes the certification required under subsection
14 (a)(3).”.

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

18 “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—
19 The term ‘qualified campaign contribution’ means,
20 with respect to any election for the office of Presi-
21 dent of the United States, a contribution from an in-
22 dividual to a candidate or an authorized committee
23 of a candidate which—

24 “(A) does not exceed \$1,000 for the elec-
25 tion; and

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

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

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

17 (c) CONFORMING AMENDMENTS.—

18 (1) REPEAL OF EXPENDITURE LIMITS.—

19 (A) IN GENERAL.—Section 315 of the Fed-
20 eral Election Campaign Act of 1971 (52 U.S.C.
21 30116) is amended by striking subsection (b).

22 (B) CONFORMING AMENDMENTS.—Section
23 315(c) of such Act (52 U.S.C. 30116(c)) is
24 amended—

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

3 (ii) in paragraph (2)(B)(i), by striking
4 “subsections (b) and (d)” and inserting
5 “subsection (d)”.

6 (2) REPEAL OF REPAYMENT REQUIREMENT.—

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

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

16 (i) by striking “a major party” and
17 inserting “a party”;

18 (ii) by inserting “qualified contribu-
19 tions and” after “contributions (other
20 than”;

21 (iii) by striking “(other than qualified
22 campaign expenses with respect to which
23 payment is required under paragraph
24 (2))”.

25 (3) CRIMINAL PENALTIES.—

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

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

11 “(b) CONTRIBUTIONS.—

12 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-
13 TIONS.—It shall be unlawful for an eligible can-
14 didate of a party in a Presidential election or any of
15 his authorized committees knowingly and willfully to
16 accept—

17 “(A) any contribution other than a quali-
18 fied campaign contribution to defray qualified
19 campaign expenses, except to the extent nec-
20 essary to make up any deficiency in payments
21 received out of the fund on account of the ap-
22 plication of section 9006(c); or

23 “(B) any contribution to defray expenses
24 which would be qualified campaign expenses but
25 for subparagraph (C) of section 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. 773. 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 \$250,000,000.”.

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 2029, the \$250,000,000
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 2028’ 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 772(b), 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 a direct con-
8 tribution (as defined in section 9034(e)(3)).”.

9 **SEC. 774. INCREASE IN LIMIT ON COORDINATED PARTY EX-**
10 **PENDITURES.**

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

14 “(2)(A) The national committee of a political party
15 may not make any expenditure in connection with the gen-
16 eral election campaign of any candidate for President of
17 the United States who is affiliated with such party which
18 exceeds \$100,000,000.

19 “(B) For purposes of this paragraph—

20 “(i) any expenditure made by or on behalf of a
21 national committee of a political party and in con-
22 nection with a Presidential election shall be consid-
23 ered to be made in connection with the general elec-
24 tion campaign of a candidate for President of the
25 United States who is affiliated with such party; and

1 “(ii) any communication made by or on behalf
2 of such party shall be considered to be made in con-
3 nection with the general election campaign of a can-
4 didate for President of the United States who is af-
5 filiated with such party if any portion of the commu-
6 nication is in connection with such election.

7 “(C) Any expenditure under this paragraph shall be
8 in addition to any expenditure by a national committee
9 of a political party serving as the principal campaign com-
10 mittee of a candidate for the office of President of the
11 United States.”.

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

14 (1) IN GENERAL.—Section 315(c)(1) of such
15 Act (52 U.S.C. 30116(c)(1)) is amended—

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

18 (B) by adding at the end the following new
19 subparagraph:

20 “(D) In any calendar year after 2028—

21 “(i) the dollar amount in subsection (d)(2) shall
22 be increased by the percent difference determined
23 under subparagraph (A);

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

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

4 (2) **BASE YEAR.**—Section 315(c)(2)(B) of such
5 Act (52 U.S.C. 30116(c)(2)(B)) is amended—

6 (A) in clause (i)—

7 (i) by striking “(d)” and inserting
8 “(d)(3)”; and

9 (ii) by striking “and” at the end;

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

12 (C) by adding at the end the following new
13 clause:

14 “(iii) for purposes of subsection (d)(2), cal-
15 endar year 2027.”.

16 **SEC. 775. ESTABLISHMENT OF UNIFORM DATE FOR RE-**
17 **LEASE OF PAYMENTS.**

18 (a) **DATE FOR PAYMENTS.**—

19 (1) **IN GENERAL.**—Section 9006(b) of the In-
20 ternal Revenue Code of 1986 is amended to read as
21 follows:

22 “(b) **PAYMENTS FROM THE FUND.**—If the Secretary
23 of the Treasury receives a certification from the Commis-
24 sion under section 9005 for payment to the eligible can-
25 didates of a political party, the Secretary shall pay to such

1 candidates out of the fund the amount certified by the
2 Commission on the later of—

3 “(1) the last Friday occurring before the first
4 Monday in September; or

5 “(2) 24 hours after receiving the certifications
6 for the eligible candidates of all major political par-
7 ties.

8 Amounts paid to any such candidates shall be under the
9 control of such candidates.”.

10 (2) CONFORMING AMENDMENT.—The first sen-
11 tence of section 9006(c) of such Code is amended by
12 striking “the time of a certification by the Commis-
13 sion under section 9005 for payment” and inserting
14 “the time of making a payment under subsection
15 (b)”.

16 (b) TIME FOR CERTIFICATION.—Section 9005(a) of
17 the Internal Revenue Code of 1986 is amended by striking
18 “10 days” and inserting “24 hours”.

19 **SEC. 776. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**
20 **PAIGN FUND.**

21 Section 9006(c) of the Internal Revenue Code of
22 1986 is amended by adding at the end the following new
23 sentence: “In making a determination of whether there are
24 insufficient moneys in the fund for purposes of the pre-
25 vious sentence, the Secretary shall take into account in

1 determining the balance of the fund for a Presidential
2 election year the Secretary’s best estimate of the amount
3 of moneys which will be deposited into the fund during
4 the year, except that the amount of the estimate may not
5 exceed the average of the annual amounts deposited in the
6 fund during the previous 3 years.”.

7 **SEC. 777. USE OF GENERAL ELECTION PAYMENTS FOR GEN-**
8 **ERAL ELECTION LEGAL AND ACCOUNTING**
9 **COMPLIANCE.**

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

17 **SEC. 778. USE OF FREEDOM FROM INFLUENCE FUND AS**
18 **SOURCE OF PAYMENTS.**

19 (a) IN GENERAL.—Chapter 95 of subtitle H of the
20 Internal Revenue Code of 1986 is amended by adding at
21 the end the following new section:

22 **“SEC. 9013. USE OF FREEDOM FROM INFLUENCE FUND AS**
23 **SOURCE OF PAYMENTS.**

24 “(a) IN GENERAL.—Effective with respect to the
25 Presidential election held in 2028 and each succeeding

1 Presidential election, the Secretary of the Treasury shall
2 transfer from the Freedom From Influence Fund estab-
3 lished under section 502 of the Federal Election Cam-
4 paign Act of 1971 to the Presidential Election Campaign
5 Fund such additional amounts as are necessary to make
6 payments pursuant to sections 9006(b) and 9008(j).

7 “(b) MANDATORY REDUCTION OF AMOUNT TRANS-
8 FERRED IN CASE OF INSUFFICIENT AMOUNTS IN
9 FUND.—

10 “(1) ADVANCE AUDITS BY COMMISSION.—Not
11 later than 90 days before the first day of each Presi-
12 dential election cycle (beginning with the cycle for
13 the election held in 2028), the Commission shall—

14 “(A) audit the Freedom From Influence
15 Fund to determine whether, after first making
16 payments to participating candidates under title
17 V of the Federal Election Campaign Act of
18 1971 and then making payments to candidates
19 under chapter 96, the amounts remaining in
20 the Freedom From Influence Fund (in addition
21 to amounts otherwise available in the Presi-
22 dential Election Campaign Fund under section
23 9006(a)) will be sufficient to make payments
24 under this chapter in the amounts provided

1 under this chapter during such election cycle;
2 and

3 “(B) submit a report to Congress describ-
4 ing the results of the audit.

5 “(2) REDUCTIONS IN AMOUNT TRANS-
6 FERRED.—

7 “(A) AUTOMATIC REDUCTION.—If, on the
8 basis of the audit described in paragraph (1),
9 the Commission determines that the amount
10 anticipated to be available in the Freedom
11 From Influence Fund with respect to the Presi-
12 dential election cycle involved is not, or may not
13 be, sufficient to satisfy the full entitlements to
14 payments under this chapter for such cycle, the
15 Commission shall reduce the amount trans-
16 ferred under subsection (a) to ensure that the
17 aggregate amount transferred with respect to
18 the cycle will not exceed the amount anticipated
19 to be available for making such payments with
20 respect to such cycle.

21 “(B) RESTORATION OF REDUCTIONS IN
22 CASE OF AVAILABILITY OF SUFFICIENT FUNDS
23 DURING ELECTION CYCLE.—If, after reducing
24 the amount transferred with respect to an elec-
25 tion cycle under subparagraph (A), the Com-

1 mission determines that there are sufficient
2 amounts in the Fund to restore the amount by
3 which such amounts were reduced (or any por-
4 tion thereof), to the extent that such amounts
5 are available, the Commission may provide for
6 the transfer with respect to the election cycle of
7 the amount by which such transfer was reduced
8 under subparagraph (A) (or any portion there-
9 of, as the case may be).

10 “(C) NO USE OF AMOUNTS FROM OTHER
11 SOURCES.—In any case in which the Commis-
12 sion determines that there are insufficient mon-
13 eys in the Freedom From Influence Fund under
14 this paragraph, moneys shall not be made avail-
15 able from any other source for the purpose of
16 transferring funds pursuant to this section.

17 “(3) NO EFFECT ON AMOUNTS TRANSFERRED
18 FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-
19 tion does not apply to the transfer of funds under
20 section 9008(i).

21 “(4) PRESIDENTIAL ELECTION CYCLE DE-
22 FINED.—In this section, the term ‘Presidential elec-
23 tion cycle’ means, with respect to a Presidential elec-
24 tion, the period beginning on the day after the date

1 of the previous Presidential general election and
 2 ending on the date of the Presidential election.”.

3 (b) CONFORMING AMENDMENTS.—Section 9006 of
 4 the Internal Revenue Code of 1986 is amended—

5 (1) in subsection (a), by adding at the end the
 6 following new sentence: “In addition to any amounts
 7 transferred to the fund under the preceding provi-
 8 sions of this subsection, with respect to the Presi-
 9 dential election held in 2028 and each succeeding
 10 Presidential election, the Secretary of the Treasury
 11 shall make transfers to the fund as described in sec-
 12 tion 9013.”; and

13 (2) in subsection (c), as amended by section
 14 776, in the third sentence, by striking “9037(b)”
 15 and inserting “9008(j)”.

16 (c) CLERICAL AMENDMENT.—The table of sections
 17 for chapter 95 of subtitle H of such Code is amended by
 18 adding at the end the following new item:

“Sec. 9013. Use of Freedom From Influence Fund as source of payments.”.

19 **Subpart C—Presidential Nominating Conventions**

20 **SEC. 779. PAYMENTS FOR PRESIDENTIAL NOMINATING**
 21 **CONVENTIONS.**

22 (a) IN GENERAL.—Section 9008 of the Internal Rev-
 23 enue Code of 1986 is amended—

24 (1) in subsection (i)—

1 (A) in paragraph (1) by striking “the enti-
2 tlement” and inserting “subject to subsection
3 (j), the entitlement”;

4 (B) in paragraph (2), by striking “main-
5 tained for” and all that follows through “under
6 this section”; and

7 (2) by adding at the end the following new sub-
8 section:

9 “(j) REESTABLISHMENT OF PAYMENTS.—

10 “(1) IN GENERAL.—Notwithstanding subsection
11 (i)(1), effective with respect to nominating conven-
12 tions for the Presidential election held in 2028 and
13 each succeeding Presidential election, a major party
14 or minor party shall be entitled to a payment under
15 this section.

16 “(2) ESTABLISHMENT OF ACCOUNTS.—The
17 Secretary shall maintain in the fund, in addition to
18 any account which the Secretary maintains under
19 section 9006(a) or subsection (a), a separate account
20 for the national committee of each major party and
21 minor party. The Secretary shall deposit in each
22 such account an amount equal to the amount which
23 each such committee may receive under subsection
24 (b). Such deposits shall be drawn from amounts
25 transferred under section 9013(a) and shall be made

1 before any transfer is made to any account for any
2 eligible candidate under section 9006(a).”.

3 (b) REPORTS BY FEDERAL ELECTION COMMIS-
4 SION.—Section 9009(a) of the Internal Revenue Code of
5 1986 is amended—

6 (1) in paragraph (2), by striking “and” at the
7 end;

8 (2) in paragraph (3), by striking the period at
9 the end and inserting a semicolon; and

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

12 “(4) the expenses incurred by the national com-
13 mittee of a major party or minor party with respect
14 to a presidential nominating convention;

15 “(5) the amounts certified by it under section
16 9008(g) for payment to each such committee; and

17 “(6) the amount of payments, if any, required
18 from such committees under section 9008(h), and
19 the reasons for such payment.”.

20 (c) PENALTIES.—Section 9012 of the Internal Rev-
21 enue Code of 1986 is amended—

22 (1) in subsection (a)(1), by inserting the fol-
23 lowing after the first sentence: “It shall be unlawful
24 for the national committee of a major party or
25 minor party knowingly and willfully to incur ex-

1 penses with respect to a presidential nominating
2 convention in excess of the expenditure limitation
3 applicable with respect to such committee under sec-
4 tion 9008(d) or for any host committee knowingly
5 and willfully to incur such expenses in excess of such
6 expenditure limitation, unless the incurring of such
7 expenses is authorized by the Commission under sec-
8 tion 9008(d)(3).”;

9 (2) in subsection (c), by redesignating para-
10 graph (2) as paragraph (3) and inserting the fol-
11 lowing after paragraph (1):

12 “(3) It shall be unlawful for the national com-
13 mittee of a major party or minor party which re-
14 ceives any payment under section 9008(b)(3) to use,
15 or authorize the use of, such payment for any pur-
16 pose other than a purpose authorized by section
17 9008(e).”;

18 (3) in subsection (e)(1), by adding at the end
19 the following new sentence: “It shall be unlawful for
20 the national committee of a major party or minor
21 party knowingly and willfully to give or accept any
22 kickback or any illegal payments in connection with
23 any expense incurred by such committee with re-
24 spect to a presidential nominating convention.”; and

1 (4) in subsection (e)(3), by inserting “, or in
2 connection with any expense incurred by the national
3 committee of a major party or minor party with re-
4 spect to a presidential nominating convention” after
5 “or their authorized committees”.

6 (d) CONFORMING AMENDMENTS.—Section 9008 of
7 the Internal Revenue Code of 1986 is amended—

8 (1) in subsection (a)—

9 (A) in the first sentence, by striking “na-
10 tional committee of each major party and minor
11 party” and inserting “amounts transferred
12 under subsection (i)(2)”;

13 (B) in the second sentence, by striking
14 “each such account” and all that follows
15 through “may receive” and inserting “such ac-
16 count an amount equal to the aggregate
17 amount that the national committee of each
18 major party and minor party is entitled to re-
19 ceive under subsection (b)”;

20 (2) in subsection (b)(3), by striking “subsection
21 (a)” and inserting “subsection (j)”;

22 (3) in subsection (i)(2), by striking “all
23 amounts” and all that follows through “minor
24 party” and inserting “all amounts in the account es-
25 tablished under subsection (a)”.

1 (e) CLARIFICATION REGARDING AMOUNTS FOR PEDI-
2 ATRIC RESEARCH INITIATIVE.—Nothing in the provisions
3 of, or amendments made by, this section shall affect
4 amounts transferred to the 10-Year Pediatric Research
5 Initiative Fund pursuant to section 9008(i)(2) of the In-
6 ternal Revenue Code of 1986.

7 **Subpart D—Effective Date**

8 **SEC. 779A. EFFECTIVE DATE.**

9 (a) IN GENERAL.—Except as otherwise provided, this
10 part and the amendments made by this part shall apply
11 with respect to the Presidential election held in 2028 and
12 each succeeding Presidential election, without regard to
13 whether or not the Federal Election Commission has pro-
14 mulgated the final regulations necessary to carry out this
15 part and the amendments made by this part by the dead-
16 line set forth in subsection (b).

17 (b) DEADLINE FOR REGULATIONS.—Not later than
18 June 30, 2026, the Federal Election Commission shall
19 promulgate such regulations as may be necessary to carry
20 out this part and the amendments made by this part.

1 **Subtitle D—Enhancing FEC**
2 **Enforcement**

3 **SEC. 781. MEMBERSHIP OF FEDERAL ELECTION COMMIS-**
4 **SION.**

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

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

1 bers shall constitute a quorum if there are 4 mem-
2 bers serving at the time.”.

3 (2) CONFORMING AMENDMENTS RELATING TO
4 REDUCTION IN NUMBER OF MEMBERS.—(A) The
5 second sentence of section 306(c) of such Act (52
6 U.S.C. 30106(c)) is amended by striking “affirma-
7 tive vote of 4 members of the Commission” and in-
8 serting “affirmative vote of a majority of the mem-
9 bers of the Commission who are serving at the
10 time”.

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

16 (i) Section 309(a)(2) (52 U.S.C.
17 30109(a)(2)).

18 (ii) Section 309(a)(4)(A)(i) (52 U.S.C.
19 30109(a)(4)(A)(i)).

20 (iii) Section 309(a)(5)(C) (52 U.S.C.
21 30109(a)(5)(C)).

22 (iv) Section 309(a)(6)(A) (52 U.S.C.
23 30109(a)(6)(A)).

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

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

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

10 “(2) TERMS OF SERVICE.—

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

14 “(B) SPECIAL RULE FOR INITIAL APPOINT-
15 MENTS.—Of the members first appointed to
16 serve terms that begin in January 2022, the
17 President shall designate two to serve for a 3-
18 year term.

19 “(C) NO REAPPOINTMENT PERMITTED.—
20 An individual who served a term as a member
21 of the Commission may not serve for an addi-
22 tional term, except that—

23 “(i) an individual who served a 3-year
24 term under subparagraph (B) may also be

1 appointed to serve a 6-year term under
2 subparagraph (A); and

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

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

19 “(E) LIMITATION ON SERVICE AFTER EX-
20 PIRATION OF TERM.—A member of the Com-
21 mission may continue to serve on the Commis-
22 sion after the expiration of the member’s term
23 for an additional period, but only until the ear-
24 lier of—

1 “(i) the date on which the member’s
2 successor has taken office as a member of
3 the Commission; or

4 “(ii) the expiration of the 1-year pe-
5 riod that begins on the last day of the
6 member’s term.”.

7 (c) QUALIFICATIONS.—Section 306(a)(3) of such Act
8 (52 U.S.C. 30106(a)(3)) is amended to read as follows:

9 “(3) QUALIFICATIONS.—

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

15 “(B) ASSISTANCE OF BLUE RIBBON ADVI-
16 SORY PANEL.—

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

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

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

21 “(iii) PUBLICATION.—At the time the
22 President submits to the Senate the nomi-
23 nations for individuals to be appointed as
24 members of the Commission, the President
25 shall publish the Blue Ribbon Advisory

1 Panel’s recommendations for such nomina-
2 tions.

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

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

18 **SEC. 782. ASSIGNMENT OF POWERS TO CHAIR OF FEDERAL**
19 **ELECTION COMMISSION.**

20 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

21 (1) IN GENERAL.—Section 306(a)(5) of the
22 Federal Election Campaign Act of 1971 (52 U.S.C.
23 30106(a)(5)) is amended to read as follows:

24 “(5) CHAIR.—

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

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

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

21 (2) CONFORMING AMENDMENT.—Section
22 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is
23 amended by striking “through its chairman or vice
24 chairman” and inserting “through the Chair”.

25 (b) POWERS.—

1 (1) ASSIGNMENT OF CERTAIN POWERS TO
2 CHAIR.—Section 307(a) of such Act (52 U.S.C.
3 30107(a)) is amended to read as follows:

4 “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR
5 AND COMMISSION.—

6 “(1) POWERS ASSIGNED TO CHAIR.—

7 “(A) ADMINISTRATIVE POWERS.—The
8 Chair of the Commission shall be the chief ad-
9 ministrative officer of the Commission and shall
10 have the authority to administer the Commis-
11 sion and its staff, and (in consultation with the
12 other members of the Commission) shall have
13 the power—

14 “(i) to appoint and remove the staff
15 director of the Commission;

16 “(ii) to request the assistance (includ-
17 ing personnel and facilities) of other agen-
18 cies and departments of the United States,
19 whose heads may make such assistance
20 available to the Commission with or with-
21 out reimbursement; and

22 “(iii) to prepare and establish the
23 budget of the Commission and to make
24 budget requests to the President, the Di-

1 rector of the Office of Management and
2 Budget, and Congress.

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

5 “(i) to appoint and remove the gen-
6 eral counsel of the Commission with the
7 concurrence of at least 2 other members of
8 the Commission;

9 “(ii) to require by special or general
10 orders, any person to submit, under oath,
11 such written reports and answers to ques-
12 tions as the Chair may prescribe;

13 “(iii) to administer oaths or affirma-
14 tions;

15 “(iv) to require by subpoena, signed
16 by the Chair, the attendance and testimony
17 of witnesses and the production of all doc-
18 umentary evidence relating to the execu-
19 tion of its duties;

20 “(v) in any proceeding or investiga-
21 tion, to order testimony to be taken by
22 deposition before any person who is des-
23 ignated by the Chair, and shall have the
24 power to administer oaths and, in such in-
25 stances, to compel testimony and the pro-

1 duction of evidence in the same manner as
2 authorized under clause (iv); and

3 “(vi) to pay witnesses the same fees
4 and mileage as are paid in like cir-
5 cumstances in the courts of the United
6 States.

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

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

19 “(B) to render advisory opinions under
20 section 308 of this Act;

21 “(C) to develop such prescribed forms and
22 to make, amend, and repeal such rules, pursu-
23 ant to the provisions of chapter 5 of title 5,
24 United States Code, as are necessary to carry
25 out the provisions of this Act and chapter 95

1 and chapter 96 of the Internal Revenue Code of
2 1986;

3 “(D) to conduct investigations and hear-
4 ings expeditiously, to encourage voluntary com-
5 pliance, and to report apparent violations to the
6 appropriate law enforcement authorities; and

7 “(E) to transmit to the President and Con-
8 gress not later than June 1 of each year a re-
9 port which states in detail the activities of the
10 Commission in carrying out its duties under
11 this Act, and which includes any recommenda-
12 tions for any legislative or other action the
13 Commission considers appropriate.

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

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

23 (A) by amending the first sentence of
24 paragraph (1) to read as follows: “The Com-
25 mission shall have a staff director who shall be

1 appointed by the Chair of the Commission in
2 consultation with the other members and a gen-
3 eral counsel who shall be appointed by the
4 Chair with the concurrence of at least two other
5 members.”;

6 (B) in paragraph (2), by striking “With
7 the approval of the Commission” and inserting
8 “With the approval of the Chair of the Commis-
9 sion”; and

10 (C) by striking paragraph (3).

11 (3) CONFORMING AMENDMENT RELATING TO
12 BUDGET SUBMISSION.—Section 307(d)(1) of such
13 Act (52 U.S.C. 30107(d)(1)) is amended by striking
14 “the Commission submits any budget” and inserting
15 “the Chair (or, pursuant to subsection (a)(3), the
16 Commission) submits any budget”.

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

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

1 **SEC. 783. REVISION TO ENFORCEMENT PROCESS.**

2 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
3 DETERMINING WHETHER VIOLATIONS HAVE OC-
4 CURRED.—

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

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

1 during such 30-day period the Commission, by vote of a
2 majority of the members of the Commission who are serv-
3 ing at the time, overrules the general counsel's determina-
4 tion. If the determination by the general counsel that the
5 Commission should investigate the matter takes effect, or
6 if the determination by the general counsel that the com-
7 plaint should be dismissed is overruled as provided under
8 the previous sentence, the general counsel shall initiate an
9 investigation of the matter on behalf of the Commission.

10 “(B) If the Commission initiates an investigation
11 pursuant to subparagraph (A), the Commission, through
12 the Chair, shall notify the subject of the investigation of
13 the alleged violation. Such notification shall set forth the
14 factual basis for such alleged violation. The Commission
15 shall make an investigation of such alleged violation, which
16 may include a field investigation or audit, in accordance
17 with the provisions of this section. The general counsel
18 shall provide notification to the Commission of any intent
19 to issue a subpoena or conduct any other form of discovery
20 pursuant to the investigation. Upon the expiration of the
21 15-day period which begins on the date the general counsel
22 provides such notification, the general counsel may issue
23 the subpoena or conduct the discovery, unless during such
24 15-day period the Commission, by vote of a majority of
25 the members of the Commission who are serving at the

1 time, prohibits the general counsel from issuing the sub-
2 poena or conducting the discovery.

3 “(3)(A) Upon completion of an investigation under
4 paragraph (2), the general counsel shall promptly submit
5 to the Commission the general counsel’s recommendation
6 that the Commission find either that there is probable
7 cause or that there is not probable cause to believe that
8 a person has committed, or is about to commit, a violation
9 of this Act or chapter 95 or chapter 96 of the Internal
10 Revenue Code of 1986, and shall include with the rec-
11 ommendation a brief stating the position of the general
12 counsel on the legal and factual issues of the case.

13 “(B) At the time the general counsel submits to the
14 Commission the recommendation under subparagraph (A),
15 the general counsel shall simultaneously notify the re-
16 spondent of such recommendation and the reasons there-
17 fore, shall provide the respondent with an opportunity to
18 submit a brief within 30 days stating the position of the
19 respondent on the legal and factual issues of the case and
20 replying to the brief of the general counsel. The general
21 counsel and shall promptly submit such brief to the Com-
22 mission upon receipt.

23 “(C) Not later than 30 days after the general counsel
24 submits the recommendation to the Commission under
25 subparagraph (A) (or, if the respondent submits a brief

1 under subparagraph (B), not later than 30 days after the
2 general counsel submits the respondent’s brief to the Com-
3 mission under such subparagraph), the Commission shall
4 approve or disapprove the recommendation by vote of a
5 majority of the members of the Commission who are serv-
6 ing at the time.”.

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

11 (A) in the third sentence, by striking “the
12 Commission” and inserting “the general coun-
13 sel”; and

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

21 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
22 MISSAL OF COMPLAINTS.—

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

1 “(8)(A)(i) Any party aggrieved by an order of the
2 Commission dismissing a complaint filed by such party or
3 finding either no reason to believe a violation has occurred
4 or no probable cause a violation has occurred may file a
5 petition with the United States District Court for the Dis-
6 trict of Columbia. Any petition under this subparagraph
7 shall be filed within 60 days after the date on which the
8 party received notice of the dismissal of the complaint.

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

16 “(B)(i) Any party who has filed a complaint with the
17 Commission and who is aggrieved by a failure of the Com-
18 mission, within 180 days after the filing of the complaint,
19 to either dismiss the complaint or to find reason to believe
20 a violation has occurred or is about to occur, may file a
21 petition with the United States District Court for the Dis-
22 trict of Columbia.

23 “(ii) In any proceeding under this subparagraph, the
24 court shall treat the failure to act on the complaint as
25 a dismissal of the complaint, and shall determine by de

1 novo review whether the agency's failure to act on the
2 complaint is contrary to law.

3 “(C) In any proceeding under this paragraph the
4 court may declare that the dismissal of the complaint or
5 the failure to act is contrary to law, and may direct the
6 Commission to conform with such declaration within 30
7 days, failing which the complainant may bring, in the
8 name of such complainant, a civil action to remedy the
9 violation involved in the original complaint.”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by paragraph (1) shall apply—

12 (A) in the case of complaints which are
13 dismissed by the Federal Election Commission,
14 with respect to complaints which are dismissed
15 on or after the date of the enactment of this
16 Act; and

17 (B) in the case of complaints upon which
18 the Federal Election Commission failed to act,
19 with respect to complaints which were filed on
20 or after the date of the enactment of this Act.

1 **SEC. 784. PERMITTING APPEARANCE AT HEARINGS ON RE-**
2 **QUESTS FOR ADVISORY OPINIONS BY PER-**
3 **SONS OPPOSING THE REQUESTS.**

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

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

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

23 **SEC. 785. PERMANENT EXTENSION OF ADMINISTRATIVE**
24 **PENALTY AUTHORITY.**

25 (a) EXTENSION OF AUTHORITY.—Section
26 309(a)(4)(C)(v) of the Federal Election Campaign Act of

1 1971 (52 U.S.C. 30109(a)(4)(C)(v)), as amended by Pub-
2 lie Law 115–386, is amended by striking “, and that end
3 on or before December 31, 2023”.

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

6 **SEC. 786. REQUIRING FORMS TO PERMIT USE OF ACCENT**
7 **MARKS.**

8 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-
9 eral Election Campaign Act of 1971 (52 U.S.C.
10 30111(a)(1)) is amended by striking the semicolon at the
11 end and inserting the following: “, and shall ensure that
12 all such forms (including forms in an electronic format)
13 permit the person using the form to include an accent
14 mark as part of the person’s identification;”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall take effect upon the expiration of the
17 90-day period which begins on the date of the enactment
18 of this Act.

19 **SEC. 787. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

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

22 (1) by striking “(e) The Commission” and in-
23 serting “(e)(1) The Commission”; and

24 (2) by adding at the end the following new
25 paragraph:

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

6 **SEC. 788. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**
7 **REPRESENT FEC IN SUPREME COURT.**

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

16 (b) EFFECTIVE DATE.—The amendment made by
17 paragraph (1) shall apply with respect to actions insti-
18 tuted before, on, or after the date of the enactment of
19 this Act.

20 **SEC. 789. EFFECTIVE DATE; TRANSITION.**

21 (a) IN GENERAL.—Except as otherwise provided, the
22 amendments made by this subtitle shall apply beginning
23 January 1, 2022.

24 (b) TRANSITION.—

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

7 (2) NO EFFECT ON EXISTING CASES OR PRO-
8 CEEDINGS.—Nothing in this subtitle or in any
9 amendment made by this subtitle shall affect any of
10 the powers exercised by the Federal Election Com-
11 mission prior to December 31, 2021, including any
12 investigation initiated by the Commission prior to
13 such date or any proceeding (including any enforce-
14 ment action) pending as of such date.

15 **Subtitle E—Miscellaneous**

16 **SEC. 791. COMPTROLLER GENERAL REPORT AND BRIEFING** 17 **ON CAMPAIGN DONATIONS BY NOMINEES BE-** 18 **FORE THE SENATE.**

19 (a) IN GENERAL.—Not later than one year after the
20 date of the enactment of this Act, the Comptroller General
21 of the United States shall—

22 (1) submit to the Select Committee on Ethics
23 of the Senate and the Committee on Ethics of the
24 House of Representatives a report on contributions
25 made to members of the Senate by individuals under

1 consideration for Senate-confirmed positions, includ-
2 ing judicial nominees; and

3 (2) provide a briefing to such committees on
4 such contributions.

5 (b) CONTENTS OF REPORT.—The report submitted
6 under subsection (a)(1) shall include—

7 (1) a review of the frequency and amount of
8 such contributions made to members of the Senate
9 by such individuals, both directly and through polit-
10 ical committees and other vehicles with substantial
11 connections to the individual or the member, over
12 the past 5 legislative sessions, and identify the fre-
13 quency of incidents in which such an individual
14 made such a contribution to a member of the Senate
15 and was then considered or supported by that mem-
16 ber for a judicial nomination or other Senate-con-
17 firmed position; and

18 (2) recommendations for such legislative and
19 administrative action as the Comptroller General de-
20 termines appropriate to reduce any undue influence
21 such contributions might exert upon the constitu-
22 tional advice and consent processes of the Senate.

23 (c) DEFINITIONS.—In this section, the terms “con-
24 tribution” and “political committee” have the meaning

1 given those terms in section 301 of the Federal Election
2 Campaign Act of 1971 (52 U.S.C. 30101).

3 **SEC. 792. EFFECTIVE DATE.**

4 Except as otherwise provided in this title, the provi-
5 sions of, and amendments made by, this title shall take
6 effect on the date that is one year after the date of enact-
7 ment of this Act, and shall apply with respect to elections
8 for Federal office occurring on or after such date, without
9 regard to whether or not the Federal Election Commission
10 has promulgated regulations to carry out such amend-
11 ments.

12 **SEC. 793. SEVERABILITY.**

13 If any provision of this title or amendment made by
14 this title, or the application of a provision or amendment
15 to any person or circumstance, is held to be unconstitu-
16 tional, the remainder of this title and amendments made
17 by this title, and the application of the provisions and
18 amendment to any person or circumstance, shall not be
19 affected by the holding.

○