

115TH CONGRESS
1ST SESSION

S. 1880

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2017

Mr. UDALL (for himself, Mr. MERKLEY, Mr. DURBIN, Mr. LEAHY, Ms. BALDWIN, Mrs. GILLIBRAND, Ms. HIRONO, Mr. KING, Ms. KLOBUCHAR, Mr. MARKEY, Mr. VAN HOLLEN, Mr. FRANKEN, Mr. WYDEN, Ms. WARREN, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

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

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

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

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

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

Sec. 1. Short title; etc.

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

Subtitle A—Campaign Disclosure and Transparency Reform

PART I—DISCLOSURE

SUBPART A—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 1001. Short title.

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

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

SUBPART B—CAMPAIGN DISBURSEMENT REPORTING

Sec. 1011. Campaign disbursement reporting.

Sec. 1012. Effective date.

PART II—CANDIDATE-SUPER PAC COORDINATION

Sec. 1021. Short title.

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

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

PART III—REAL-TIME TRANSPARENCY

Sec. 1031. Short title.

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

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

PART IV—STAND BY YOUR AD

Sec. 1041. Stand By Your Ad.

PART V—OTHER CAMPAIGN FINANCE REFORMS

Sec. 1051. Regulations with respect to best efforts for identifying persons mak-
ing contributions.

Sec. 1052. Rules relating to joint fundraising committees.

- Sec. 1053. Disclosure of bundled contributions to Presidential campaigns; increase in threshold for bundled contributions by lobbyists.
- Sec. 1054. Judicial review of actions related to campaign finance laws.
- Sec. 1055. Treatment of internet communications made by political committees as public communications.
- Sec. 1056. Application of limitations on contributions to political committees.

Subtitle B—Establishment of Federal Election Administration

- Sec. 1101. Short title.

PART I—FEDERAL ELECTION ADMINISTRATION

- Sec. 1111. Establishment of the Federal Election Administration.
- Sec. 1112. Executive Schedule positions.
- Sec. 1113. GAO examination of enforcement of campaign finance laws by the Department of Justice.
- Sec. 1114. GAO study and report on appropriate funding levels.
- Sec. 1115. Conforming amendments.

PART II—TRANSITION PROVISIONS

- Sec. 1121. Transfer of functions of Federal Election Commission.
- Sec. 1122. Transfer of property, records, and personnel.
- Sec. 1123. Repeals.
- Sec. 1124. Conforming amendments.
- Sec. 1125. Treatment of certain regulations.
- Sec. 1126. Effective date.

Subtitle C—Lobbying Reform

- Sec. 1201. Lobbyist registration reforms.

Subtitle D—Revolving Door Reform

- Sec. 1301. Short title.
- Sec. 1302. Restrictions on private sector payment for Government service.
- Sec. 1303. Requirements relating to slowing the revolving door among financial services regulators.
- Sec. 1304. Prohibition of procurement officers accepting employment from Government contractors.
- Sec. 1305. Revolving door restrictions on financial services regulators moving into the private sector.
- Sec. 1306. Restrictions on Federal examiners and supervisors of financial institutions.

Subtitle E—Addressing Conflicts of Interest

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

Subtitle F—Public Access to Visitor Logs

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

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

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

TITLE II—PUBLIC FINANCING

Subtitle A—Reforming Presidential Election Financing

PART I—PRIMARY ELECTIONS

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

PART II—GENERAL ELECTIONS

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

Subtitle B—Reforming Senate Election Financing

PART I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

SUBPART A—FAIR ELECTIONS FINANCING PROGRAM

- Sec. 2101. Findings and declarations.
- Sec. 2102. Eligibility requirements and benefits of Fair Elections financing of Senate election campaigns.
- Sec. 2103. Exception to limitation on coordinated expenditures by political party committees with participating candidates.

SUBPART B—IMPROVING VOTER INFORMATION

- Sec. 2111. Broadcasts relating to all Senate candidates.
- Sec. 2112. Broadcast rates for participating candidates.
- Sec. 2113. FCC to prescribe standardized form for reporting candidate campaign ads.

PART II—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

- Sec. 2121. Petition for certiorari.

Sec. 2122. Electronic filing of FEC reports.

PART III—PARTICIPATION IN FUNDING OF ELECTIONS

Sec. 2131. Refundable tax credit for Senate campaign contributions.

PART IV—REVENUE PROVISIONS

Sec. 2141. Fair Elections Fund revenue.

PART V—EFFECTIVE DATE

Sec. 2151. Effective date.

TITLE III—REDISTRICTING

Sec. 3001. Short title.

Sec. 3002. Finding of Constitutional authority.

Subtitle A—Requirements for Congressional Redistricting

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

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

Subtitle B—Independent Redistricting Commissions

Sec. 3201. Independent redistricting commission.

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

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

Sec. 3204. Establishment of related entities.

Subtitle C—Role of Courts in Development of Redistricting Plans

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

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

Subtitle D—Administrative and Miscellaneous Provisions

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

Sec. 3402. Civil enforcement.

Sec. 3403. State apportionment notice defined.

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

Sec. 3405. Effective date.

TITLE IV—VOTER REGISTRATION

Subtitle A—Automatic Voter Registration

Sec. 4001. Short title; findings and purpose.

Sec. 4002. Automatic registration of eligible individuals.

Sec. 4003. Contributing agency assistance in registration.

Sec. 4004. One-time contributing agency assistance in registration of eligible voters in existing records.

Sec. 4005. Voter protection and security in automatic registration.

Sec. 4006. Registration portability and correction.

Sec. 4007. Online registration.

Sec. 4008. Payments and grants.
 Sec. 4009. Miscellaneous provisions.
 Sec. 4010. Definitions.
 Sec. 4011. Effective date.

Subtitle B—Same Day Registration

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

Subtitle C—Vote by Mail

Sec. 4201. Promoting ability of voters to vote by mail in Federal elections.

TITLE V—SEVERABILITY

Sec. 5001. Severability.

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

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

7 **PART I—DISCLOSURE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **Subpart B—Campaign Disbursement Reporting**

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

17 (a) INFORMATION REQUIRED TO BE REPORTED.—

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

23 “(A) that expressly advocates the election
 24 or defeat of a clearly identified candidate, or is
 25 the functional equivalent of express advocacy

1 because, when taken as a whole, it can be inter-
 2 preted by a reasonable person only as advo-
 3 cating the election or defeat of a candidate, tak-
 4 ing into account whether the communication in-
 5 volved mentions a candidacy, a political party,
 6 or a challenger to a candidate, or takes a posi-
 7 tion on a candidate's character, qualifications,
 8 or fitness for office; and".

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

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

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

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

(or in the case of a special election, during the period beginning on the date on which the announcement with respect to such election is made and ending on the date of the special election);

“(III) in the case of a communication which refers to a candidate for the office of President or Vice President, is made in any State during the period beginning 120 days before the first primary election, caucus, or preference election held for the selection of delegates to a national nominating convention of a political party is held in any State (or, if no such election or caucus is held in any State, the first convention or caucus of a political party which has the authority to nominate a candidate for the office of President or Vice President) and ending on the date of the general election; and”.

(3) EFFECTIVE DATE; TRANSITION FOR ELECTIONEERING COMMUNICATIONS MADE PRIOR TO EN-

1 ACTMENT.—The amendment made by paragraph (2)
 2 shall apply with respect to communications made on
 3 or after January 1, 2018, except that no commu-
 4 nication which is made prior to such date shall be
 5 treated as an electioneering communication under
 6 subclause (II) or (III) of section 304(f)(3)(A)(i) of
 7 the Federal Election Campaign Act of 1971 (as
 8 amended by paragraph (2)) unless the communica-
 9 tion would be treated as an electioneering commu-
 10 nication under such section if the amendment made
 11 by paragraph (2) did not apply.

12 (b) DISCLOSURE REQUIREMENTS FOR CORPORA-
 13 TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER
 14 ENTITIES.—

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

18 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
 19 **MENTS BY COVERED ORGANIZATIONS.**

20 “(a) DISCLOSURE STATEMENT.—

21 “(1) IN GENERAL.—Any covered organization
 22 that makes campaign-related disbursements aggre-
 23 gating more than \$10,000 in an election reporting
 24 cycle shall, not later than 24 hours after each disclo-
 25 sure date, file a statement with the Commission

1 made under penalty of perjury that contains the in-
2 formation described in paragraph (2)—

3 “(A) in the case of the first statement filed
4 under this subsection, for the period beginning
5 on the first day of the election reporting cycle
6 and ending on the first such disclosure date;
7 and

8 “(B) in the case of any subsequent state-
9 ment filed under this subsection, for the period
10 beginning on the previous disclosure date and
11 ending on such disclosure date.

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

14 “(A) The name of the covered organization
15 and the principal place of business of such or-
16 ganization and, in the case of a covered organi-
17 zation that is a corporation (other than a busi-
18 ness concern that is an issuer of a class of secu-
19 rities registered under section 12 of the Securi-
20 ties Exchange Act of 1934 (15 U.S.C. 78l) or
21 that is required to file reports under section
22 15(d) of that Act (15 U.S.C. 78o(d))) or an en-
23 tity described in subsection (e)(2), a list of the
24 beneficial owners (as defined in paragraph
25 (4)(A)) of the entity that—

1 “(i) identifies each beneficial owner by
2 name and current residential or business
3 street address; and

4 “(ii) if any beneficial owner exercises
5 control over the entity through another
6 legal entity, such as a corporation, partner-
7 ship, limited liability company, or trust,
8 identifies each such other legal entity and
9 each such beneficial owner who will use
10 that other entity to exercise control over
11 the entity.

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

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

1 “(D) A certification by the chief executive
2 officer or person who is the head of the covered
3 organization that the campaign-related dis-
4bursement is not made in cooperation, consulta-
5tion, or concert with or at the request or sug-
6gestion of a candidate, authorized committee, or
7agent of a candidate, political party, or agent of
8a political party.

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

16 “(i) the name and address of each
17 person who made such payment during the
18 period covered by the statement;

19 “(ii) the date and amount of such
20 payment; and

21 “(iii) the aggregate amount of all such
22 payments made by the person during the
23 period beginning on the first day of the
24 election reporting cycle and ending on the
25 disclosure date,

1 but only if such payment was made by a person
2 who made payments to the account in an aggregate
3 amount of \$10,000 or more during the period
4 beginning on the first day of the election
5 reporting cycle and ending on the disclosure
6 date.

7 “(F) If the covered organization makes
8 campaign-related disbursements using funds
9 other than funds in a segregated bank account
10 described in subparagraph (E), for each payment
11 to the covered organization—

12 “(i) the name and address of each
13 person who made such payment during the
14 period covered by the statement;

15 “(ii) the date and amount of such
16 payment; and

17 “(iii) the aggregate amount of all such
18 payments made by the person during the
19 period beginning on the first day of the
20 election reporting cycle and ending on the
21 disclosure date,

22 but only if such payment was made by a person
23 who made payments to the covered organization
24 in an aggregate amount of \$10,000 or more
25 during the period beginning on the first day of

1 the election reporting cycle and ending on the
2 disclosure date.

3 “(G) Such other information as required in
4 rules established by the Commission to promote
5 the purposes of this section.

6 “(3) EXCEPTIONS.—

7 “(A) AMOUNTS RECEIVED IN ORDINARY
8 COURSE OF BUSINESS.—The requirement to in-
9 clude in a statement filed under paragraph (1)
10 the information described in paragraph (2)
11 shall not apply to amounts received by the cov-
12 ered organization in commercial transactions in
13 the ordinary course of any trade or business
14 conducted by the covered organization or in the
15 form of investments (other than investments by
16 the principal shareholder in a limited liability
17 corporation) in the covered organization.

18 “(B) DONOR RESTRICTION ON USE OF
19 FUNDS.—The requirement to include in a state-
20 ment submitted under paragraph (1) the infor-
21 mation described in subparagraph (F) of para-
22 graph (2) shall not apply if—

23 “(i) the person described in such sub-
24 paragraph prohibited, in writing, the use of

the payment made by such person for campaign-related disbursements; and

“(ii) the covered organization agreed to follow the prohibition and deposited the payment in an account which is segregated from any account used to make campaign-related disbursements.

“(C) AMOUNTS RECEIVED FROM AFFILIATES.—The requirement to include in a statement submitted under paragraph (1) the information described in subparagraph (F) of paragraph (2) shall not apply to any amount which is described in subsection (f)(3)(A)(i).

“(4) OTHER DEFINITIONS.—For purposes of this section:

“(A) BENEFICIAL OWNER DEFINED.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘beneficial owner’ means, with respect to any entity, a natural person who, directly or indirectly—

“(I) exercises substantial control over an entity through ownership, voting rights, agreement, or otherwise; or

1 “(II) has a substantial interest in
2 or receives substantial economic bene-
3 fits from the assets of an entity.

4 “(ii) EXCEPTIONS.—The term ‘bene-
5 ficial owner’ shall not include—

6 “(I) a minor child;

7 “(II) a person acting as a nomi-
8 nee, intermediary, custodian, or agent
9 on behalf of another person;

10 “(III) a person acting solely as
11 an employee of an entity and whose
12 control over or economic benefits from
13 the entity derives solely from the em-
14 ployment status of the person;

15 “(IV) a person whose only inter-
16 est in an entity is through a right of
17 inheritance, unless the person also
18 meets the requirements of clause (i);
19 or

20 “(V) a creditor of an entity, un-
21 less the creditor also meets the re-
22 quirements of clause (i).

23 “(iii) ANTI-ABUSE RULE.—The excep-
24 tions under clause (ii) shall not apply if
25 used for the purpose of evading, circum-

1 venting, or abusing the provisions of clause
 2 (i) or paragraph (2)(A).

3 “(B) DISCLOSURE DATE.—The term ‘dis-
 4 closure date’ means—

5 “(i) the first date during any election
 6 reporting cycle by which a person has
 7 made campaign-related disbursements ag-
 8 gregating more than \$10,000; and

9 “(ii) any other date during such elec-
 10 tion reporting cycle by which a person has
 11 made campaign-related disbursements ag-
 12 gregating more than \$10,000 since the
 13 most recent disclosure date for such elec-
 14 tion reporting cycle.

15 “(C) ELECTION REPORTING CYCLE.—The
 16 term ‘election reporting cycle’ means the 2-year
 17 period beginning on the date of the most recent
 18 general election for Federal office.

19 “(D) PAYMENT.—The term ‘payment’ in-
 20 cludes any contribution, donation, transfer, pay-
 21 ment of dues, or other payment.

22 “(b) COORDINATION WITH OTHER PROVISIONS.—

23 “(1) OTHER REPORTS FILED WITH THE COM-
 24 MISSION.—Information included in a statement filed

1 under this section may be excluded from statements
 2 and reports filed under section 304.

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

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

13 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
 14 FINED.—

15 “(1) IN GENERAL.—In this section, the term
 16 ‘campaign-related disbursement’ means a disburse-
 17 ment by a covered organization for any of the fol-
 18 lowing:

19 “(A) An independent expenditure con-
 20 sisting of a public communication.

21 “(B) An electioneering communication, as
 22 defined in section 304(f)(3).

23 “(C) A covered transfer.

24 “(2) INTENT NOT REQUIRED.—A disbursement
 25 for an item described in subparagraph (A), (B), or

1 (C) of paragraph (1) shall be treated as a campaign-
2 related disbursement regardless of the intent of the
3 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) EXCEPTION FOR CERTAIN TRANSFERS
24 AMONG AFFILIATES.—

1 “(A) EXCEPTION FOR CERTAIN TRANS-
2 FERS AMONG AFFILIATES.—

3 “(i) IN GENERAL.—The term ‘covered
4 transfer’ does not include an amount
5 transferred by one covered organization to
6 another covered organization if such trans-
7 fer—

8 “(I) is not made directly into a
9 separate segregated bank account de-
10 scribed in subsection (a)(2)(E); and

11 “(II) is treated as a transfer be-
12 tween affiliates under subparagraph
13 (B).

14 “(ii) SPECIAL RULE.—If the aggre-
15 gate amount of transfers described in
16 clause (i) exceeds \$50,000 in any election
17 reporting cycle—

18 “(I) the covered organization
19 which makes such transfers shall pro-
20 vide to the covered organization re-
21 ceiving such transfers the information
22 required under subsection (a)(2)(F)
23 (applied by substituting ‘the period
24 beginning on the first day of the elec-
25 tion reporting cycle and ending on the

1 date of the most recent transfer de-
 2 scribed in subsection (f)(3)(A)(i)’ for
 3 ‘the period covered by the statement’
 4 in clause (i) thereof); and

5 “(II) the covered organization re-
 6 ceiving such transfers shall report the
 7 information described in subclause (I)
 8 on any statement filed under sub-
 9 section (a)(1) as if any contribution,
 10 donation, or transfer to which such
 11 information relates was made directly
 12 to the covered organization receiving
 13 the transfer.

14 “(B) DESCRIPTION OF TRANSFERS BE-
 15 TWEEN AFFILIATES.—A transfer of amounts
 16 from one covered organization to another cov-
 17 ered organization shall be treated as a transfer
 18 between affiliates if—

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

21 “(ii) each of the organizations is an
 22 affiliate of the same organization,

23 except that the transfer shall not be treated as
 24 a transfer between affiliates if one of the orga-

nizations is established for the purpose of making campaign-related disbursements.

“(C) DETERMINATION OF AFFILIATE STATUS.—For purposes of this paragraph, the following organizations shall be considered to be affiliated with each other:

“(i) A membership organization, including a trade or professional association, and the related State and local entities of that organization.

“(ii) A national or international labor organization and its State or local unions, or an organization of national or international unions and its State and local entities.

“(iii) A corporation and its wholly owned subsidiaries.

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

1 ner as this paragraph applies to an amount
2 transferred by a covered organization to an-
3 other covered organization.”.

4 (2) CONFORMING AMENDMENT.—Section
5 304(f)(6) of such Act (52 U.S.C. 30104) is amended
6 by striking “Any requirement” and inserting “Ex-
7 cept as provided in section 324(b), any require-
8 ment”.

9 (3) COORDINATION WITH FINCEN.—

10 (A) IN GENERAL.—The Director of the Fi-
11 nancial Crimes Enforcement Network of the
12 Department of the Treasury shall provide the
13 Federal Election Commission with such infor-
14 mation as necessary to assist in administering
15 and enforcing section 324 of the Federal Elec-
16 tion Campaign Act of 1971, as added by this
17 subsection.

18 (B) REPORT.—Not later than 6 months
19 after the date of the enactment of this Act, the
20 Chairman of the Federal Election Commission,
21 in consultation with the Director of the Finan-
22 cial Crimes Enforcement Network of the De-
23 partment of the Treasury, shall submit to Con-
24 gress a report with recommendations for pro-
25 viding further legislative authority to assist in

1 the administration and enforcement of such sec-
 2 tion 324.

3 **SEC. 1012. EFFECTIVE DATE.**

4 Except as provided in section 1011(a)(3), the amend-
 5 ments made by this title shall apply with respect to dis-
 6 bursements made on or after January 1, 2018, and shall
 7 take effect without regard to whether or not the Federal
 8 Election Commission has promulgated regulations to carry
 9 out such amendments.

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

12 **SEC. 1021. SHORT TITLE.**

13 This part may be cited as the “Stop Super PAC-Can-
 14 didate Coordination Act”.

15 **SEC. 1022. CLARIFICATION OF TREATMENT OF COORDI-**
 16 **NATED EXPENDITURES AS CONTRIBUTIONS**
 17 **TO CANDIDATES.**

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

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

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

23 (ii) and inserting “; or”; and

24 (3) by adding at the end the following new
 25 clause:

1 “(iii) any payment made by any person
 2 (other than a candidate, an authorized com-
 3 mittee of a candidate, or a political committee
 4 of a political party) for a coordinated expendi-
 5 ture (as such term is defined in section 325)
 6 which is not otherwise treated as a contribution
 7 under clause (i) or clause (ii).”.

8 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.
 9 30101 et seq.), as amended by this Act, is amended to
 10 by adding at the end the following new section:

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

12 “(a) COORDINATED EXPENDITURES.—

13 “(1) IN GENERAL.—For purposes of section
 14 301(8)(A)(iii), the term ‘coordinated expenditure’
 15 means—

16 “(A) any expenditure, or any payment for
 17 a covered communication described in sub-
 18 section (d), which is made in cooperation, con-
 19 sultation, or concert with, or at the request or
 20 suggestion of, a candidate, an authorized com-
 21 mittee of a candidate, a political committee of
 22 a political party, or agents of the candidate or
 23 committee, as defined in subsection (b); or

24 “(B) any payment for any communication
 25 which republishes, disseminates, or distributes,

1 in whole or in part, any video or broadcast or
2 any written, graphic, or other form of campaign
3 material prepared by the candidate or com-
4 mittee or by agents of the candidate or com-
5 mittee (including any excerpt or use of any
6 video from any such broadcast or written,
7 graphic, or other form of campaign material).

8 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
9 COMMUNICATIONS.—A payment for a communication
10 (including a covered communication described in
11 subsection (d)) shall not be treated as a coordinated
12 expenditure under this subsection if—

13 “(A) the communication appears in a news
14 story, commentary, or editorial distributed
15 through the facilities of any broadcasting sta-
16 tion, newspaper, magazine, or other periodical
17 publication, unless such facilities are owned or
18 controlled by any political party, political com-
19 mittee, or candidate; or

20 “(B) the communication constitutes a can-
21 didate debate or forum conducted pursuant to
22 regulations adopted by the Commission pursu-
23 ant to section 304(f)(3)(B)(iii), or which solely
24 promotes such a debate or forum and is made

1 by or on behalf of the person sponsoring the de-
2 bate or forum.

3 “(b) COORDINATION DESCRIBED.—

4 “(1) IN GENERAL.—For purposes of this sec-
5 tion, a payment is made ‘in cooperation, consulta-
6 tion, or concert with, or at the request or suggestion
7 of,’ a candidate, an authorized committee of a can-
8 didate, a political committee of a political party, or
9 agents of the candidate or committee, if the pay-
10 ment, or any communication for which the payment
11 is made, is not made entirely independently of the
12 candidate, committee, or agents. For purposes of the
13 previous sentence, a payment or communication not
14 made entirely independently of the candidate or
15 committee includes any payment or communication
16 made pursuant to any general or particular under-
17 standing with, or pursuant to any communication
18 with, the candidate, committee, or agents about the
19 payment or communication.

20 “(2) NO FINDING OF COORDINATION BASED
21 SOLELY ON SHARING OF INFORMATION REGARDING
22 LEGISLATIVE OR POLICY POSITION.—For purposes
23 of this section, a payment shall not be considered to
24 be made by a person in cooperation, consultation, or
25 concert with, or at the request or suggestion of, a

1 candidate or committee, solely on the grounds that
2 the person or the person's agent engaged in discus-
3 sions with the candidate or committee, or with any
4 agent of the candidate or committee, regarding that
5 person's position on a legislative or policy matter
6 (including urging the candidate or committee to
7 adopt that person's position), so long as there is no
8 communication between the person and the can-
9 didate or committee, or any agent of the candidate
10 or committee, regarding the candidate's or commit-
11 tee's campaign advertising, message, strategy, pol-
12 icy, polling, allocation of resources, fundraising, or
13 other campaign activities.

14 “(3) NO EFFECT ON PARTY COORDINATION
15 STANDARD.—Nothing in this section shall be con-
16 strued to affect the determination of coordination
17 between a candidate and a political committee of a
18 political party for purposes of section 315(d).

19 “(4) NO SAFE HARBOR FOR USE OF FIRE-
20 WALL.—A person shall be determined to have made
21 a payment in cooperation, consultation, or concert
22 with, or at the request or suggestion of, a candidate
23 or committee, in accordance with this section with-
24 out regard to whether or not the person established
25 and used a firewall or similar procedures to restrict

1 the sharing of information between individuals who
 2 are employed by or who are serving as agents for the
 3 person making the payment.

4 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
 5 COVERED COMMUNICATIONS.—

6 “(1) PAYMENTS MADE IN COOPERATION, CON-
 7 SULTATION, OR CONCERT WITH CANDIDATES.—For
 8 purposes of subsection (a)(1)(A), if the person who
 9 makes a payment for a covered communication, as
 10 defined in subsection (d), is a coordinated spender
 11 under paragraph (2) with respect to the candidate
 12 as described in subsection (d)(1), the payment for
 13 the covered communication is made in cooperation,
 14 consultation, or concert with the candidate.

15 “(2) COORDINATED SPENDER DEFINED.—For
 16 purposes of this subsection, the term ‘coordinated
 17 spender’ means, with respect to a candidate or an
 18 authorized committee of a candidate, a person (other
 19 than a political committee of a political party) for
 20 which any of the following applies:

21 “(A) During the 4-year period ending on
 22 the date on which the person makes the pay-
 23 ment, the person was directly or indirectly
 24 formed or established by or at the request or
 25 suggestion of, or with the encouragement of,

1 the candidate (including an individual who later
2 becomes a candidate) or committee or agents of
3 the candidate or committee, including with the
4 approval of the candidate or committee or
5 agents of the candidate or committee.

6 “(B) The candidate or committee or any
7 agent of the candidate or committee solicits
8 funds, appears at a fundraising event, or en-
9 gages in other fundraising activity on the per-
10 son’s behalf during the election cycle involved,
11 including by providing the person with names of
12 potential donors or other lists to be used by the
13 person in engaging in fundraising activity, re-
14 gardless of whether the person pays fair market
15 value for the names or lists provided. For pur-
16 poses of this subparagraph, the term ‘election
17 cycle’ means, with respect to an election for
18 Federal office, the period beginning on the day
19 after the date of the most recent general elec-
20 tion for that office (or, if the general election
21 resulted in a runoff election, the date of the
22 runoff election) and ending on the date of the
23 next general election for that office (or, if the
24 general election resulted in a runoff election,
25 the date of the runoff election).

1 “(C) The person is established, directed, or
2 managed by the candidate or committee or by
3 any person who, during the 4-year period end-
4 ing on the date on which the person makes the
5 payment, has been employed or retained as a
6 political, campaign media, or fundraising ad-
7 viser or consultant for the candidate or com-
8 mittee or for any other entity directly or indi-
9 rectly controlled by the candidate or committee,
10 or has held a formal position with the candidate
11 or committee.

12 “(D) The person has retained the profes-
13 sional services of any person who, during the 2-
14 year period ending on the date on which the
15 person makes the payment, has provided or is
16 providing professional services relating to the
17 campaign to the candidate or committee. For
18 purposes of this subparagraph, the term ‘pro-
19 fessional services’ includes any services in sup-
20 port of the candidate’s or committee’s campaign
21 activities, including advertising, message, strat-
22 egy, policy, polling, allocation of resources,
23 fundraising, and campaign operations, but does
24 not include accounting or legal services.

1 “(E) The person is established, directed, or
 2 managed by a member of the immediate family
 3 of the candidate, or the person or any officer or
 4 agent of the person has had more than inci-
 5 dental discussions about the candidate’s cam-
 6 paign with a member of the immediate family
 7 of the candidate. For purposes of this subpara-
 8 graph, the term ‘immediate family’ has the
 9 meaning given such term in section 9004(e) of
 10 the Internal Revenue Code of 1986.

11 “(d) COVERED COMMUNICATION DEFINED.—

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

17 “(A) expressly advocates the election of the
 18 candidate or the defeat of an opponent of the
 19 candidate (or contains the functional equivalent
 20 of express advocacy);

21 “(B) promotes or supports the candidate,
 22 or attacks or opposes an opponent of the can-
 23 didate (regardless of whether the communica-
 24 tion expressly advocates the election or defeat

1 of a candidate or contains the functional equiv-
 2 alent of express advocacy); or

3 “(C) refers to the candidate or an oppo-
 4 nent of the candidate but is not described in
 5 subparagraph (A) or subparagraph (B), but
 6 only if the communication is disseminated dur-
 7 ing the applicable election period.

8 “(2) APPLICABLE ELECTION PERIOD.—In para-
 9 graph (1)(C), the ‘applicable election period’ means,
 10 with respect to any candidate, the period beginning
 11 120 days prior to the candidate’s primary or pref-
 12 erence election, nominating convention, or caucus,
 13 and ending on the day after the general election.

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 (c) EFFECTIVE DATE.—

2 (1) REPEAL OF EXISTING REGULATIONS ON CO-
3 ORDINATION.—Effective upon the expiration of the
4 90-day period which begins on the date of the enact-
5 ment of this Act—

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

12 (B) the Federal Election Commission shall
13 promulgate new regulations on coordinated
14 communications which reflect the amendments
15 made by this part.

16 (2) EFFECTIVE DATE.—The amendments made
17 by this section shall apply with respect to payments
18 made on or after the expiration of the 120-day pe-
19 riod which begins on the date of the enactment of
20 this Act, without regard to whether or not the Fed-
21 eral Election Commission has promulgated regula-
22 tions in accordance with paragraph (1)(B) as of the
23 expiration of such period.

1 **SEC. 1023. CLARIFICATION OF BAN ON FUNDRAISING FOR**
2 **SUPER PACS BY FEDERAL CANDIDATES AND**
3 **OFFICEHOLDERS.**

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

7 (1) by striking “or” at the end of subparagraph
8 (A);

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

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

13 “(C) solicit, receive, direct, or transfer
14 funds to or on behalf of any political committee
15 which accepts donations or contributions that
16 do not comply with the limitations, prohibitions,
17 and reporting requirements of this Act (or to or
18 on behalf of any account of a political com-
19 mittee which is established for the purpose of
20 accepting such donations or contributions), or
21 to or on behalf of any political organization
22 under section 527 of the Internal Revenue Code
23 of 1986 which accepts such donations or con-
24 tributions (other than a committee of a State or
25 local political party or a candidate for election
26 for State or local office).”.

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

4 **PART III—REAL-TIME TRANSPARENCY**

5 **SEC. 1031. SHORT TITLE.**

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

8 **SEC. 1032. 48-HOUR NOTIFICATION REQUIRED FOR ALL PO-**
 9 **LITICAL COMMITTEES RECEIVING CUMU-**
 10 **LATIVE CONTRIBUTIONS OF \$1,000 OR MORE**
 11 **DURING A YEAR FROM ANY CONTRIBUTOR.**

12 (a) NOTIFICATION.—Section 304(a)(6)(A) of the
 13 Federal Election Campaign Act of 1971 (2 U.S.C.
 14 434(a)(6)(A)) is amended to read as follows:

15 “(A)(i) If a political committee receives an aggregate
 16 amount of contributions equal to or greater than \$1,000
 17 from any contributor during a calendar year, the com-
 18 mittee shall submit a notification to the Commission con-
 19 taining the name of the committee (and, in the case of
 20 an authorized committee of a candidate, the name of the
 21 candidate and the office sought by the candidate), the
 22 identification of the contributor, and the date of receipt
 23 and amount of the contributions involved.

24 “(ii) If, at any time after a political committee is re-
 25 quired to submit a notification under this subparagraph

1 with respect to a contributor during a calendar year, the
2 political committee receives additional contributions from
3 that contributor during that year, the committee shall sub-
4 mit an additional notification under clause (i) with respect
5 to such contributor each time the aggregate amount of the
6 additional contributions received from the contributor dur-
7 ing the year equals or exceeds \$1,000 (excluding the
8 amount of any contribution for which information is re-
9 quired to be included in a previous notification under this
10 subparagraph).

11 “(iii) The political committee shall submit the notifi-
12 cation required under this subparagraph with respect to
13 a contributor—

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

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

1 “(iv) For purposes of this subparagraph, any amount
 2 transferred by a joint fundraising committee which is es-
 3 tablished by an authorized committee of a candidate to
 4 any other authorized committee of that candidate shall be
 5 treated as a contribution by the joint fundraising com-
 6 mittee to such authorized committee.”.

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

18 **SEC. 1033. FILING BY SENATE CANDIDATES WITH FEDERAL**
 19 **ELECTION COMMISSION.**

20 (a) MANDATORY FILING WITH FEC.—Section
 21 302(g) of the Federal Election Campaign Act of 1971 (2
 22 U.S.C. 432(g)) is amended to read as follows:

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

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

4 **PART IV—STAND BY YOUR AD**

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

6 (a) DISCLAIMER REQUIREMENTS FOR CAMPAIGN-RE-
 7 LATED DISBURSEMENTS.—Section 318(a) of the Federal
 8 Election Campaign Act of 1971 (52 U.S.C. 30120(a)) is
 9 amended by striking “for the purpose of financing commu-
 10 nications expressly advocating the election or defeat of a
 11 clearly identified candidate” and inserting “for a cam-
 12 paign-related disbursement, as defined in section 324, con-
 13 sisting of a public communication”.

14 (b) STAND BY YOUR AD REQUIREMENTS.—

15 (1) MAINTENANCE OF REQUIREMENTS FOR PO-
 16 LITICAL PARTIES AND CERTAIN POLITICAL COMMIT-
 17 TEES.—Section 318(d)(2) of such Act (52 U.S.C.
 18 30120(d)(2)) is amended—

19 (A) in the heading, by striking “OTHERS”
 20 and inserting “CERTAIN POLITICAL COMMIT-
 21 TEES”;

22 (B) by striking “Any communication” and
 23 inserting “(A) Any communication”;

24 (C) by inserting “which (except to the ex-
 25 tent provided in the last sentence of this para-

1 graph) is paid for by a political committee (in-
 2 cluding a political committee of a political
 3 party) and” after “subsection (a)”;

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

6 (E) by adding at the end the following new
 7 subparagraph:

8 “(B) This paragraph does not apply to a com-
 9 munication paid for in whole or in part with a pay-
 10 ment which is treated as a campaign-related dis-
 11 bursement under section 324 and with respect to
 12 which a covered organization files a statement under
 13 such section.”.

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

18 “(e) COMMUNICATIONS BY OTHERS.—

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

1 “(A) The individual disclosure statement
2 described in paragraph (2)(A) (if the person
3 paying for the communication is an individual)
4 or the organizational disclosure statement de-
5 scribed in paragraph (2)(B) (if the person pay-
6 ing for the communication is not an individual).

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

21 “(C) If the communication is transmitted
22 through radio and is paid for in whole or in
23 part with a payment which is treated as a cam-
24 paign-related disbursement under section 324,
25 the Top Two Funders list (if applicable), un-

less, on the basis of criteria established in regulations issued by the Commission, the communication is of such short duration that including the Top Two Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the Top Two Funders list.

“(2) DISCLOSURE STATEMENTS DESCRIBED.—

“(A) INDIVIDUAL DISCLOSURE STATEMENTS.—The individual disclosure statement described in this subparagraph is the following: ‘I am _____, and I approve this message.’, with the blank filled in with the name of the applicable individual.

“(B) ORGANIZATIONAL DISCLOSURE STATEMENTS.—The organizational disclosure statement described in this subparagraph is the following: ‘I am _____, the _____ of _____, and _____ approves this message.’, with—

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

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

4 “(iii) the third and fourth blank each
 5 to be filled in with the name of the organi-
 6 zation or other person paying for the com-
 7 munication.

8 “(3) METHOD OF CONVEYANCE OF STATE-
 9 MENT.—

10 “(A) COMMUNICATIONS TRANSMITTED
 11 THROUGH RADIO.—In the case of a communica-
 12 tion to which this subsection applies which is
 13 transmitted through radio, the disclosure state-
 14 ments required under paragraph (1) shall be
 15 made by audio by the applicable individual in a
 16 clearly spoken manner.

17 “(B) COMMUNICATIONS TRANSMITTED
 18 THROUGH TELEVISION.—In the case of a com-
 19 munication to which this subsection applies
 20 which is transmitted through television, the in-
 21 formation required under paragraph (1)—

22 “(i) shall appear in writing at the end
 23 of the communication or in a crawl along
 24 the bottom of the communication in a
 25 clearly readable manner, with a reasonable

1 degree of color contrast between the back-
 2 ground and the printed statement, for a
 3 period of at least 6 seconds; and

4 “(ii) shall also be conveyed by an
 5 unobscured, full-screen view of the applica-
 6 ble individual or by the applicable indi-
 7 vidual making the statement in voice-over
 8 accompanied by a clearly identifiable pho-
 9 tograph or similar image of the individual,
 10 except in the case of a Top Five Funders
 11 list.

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

13 “(A) APPLICABLE INDIVIDUAL.—The term
 14 ‘applicable individual’ means, with respect to a
 15 communication to which this subsection ap-
 16 plies—

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

19 “(ii) if the communication is paid for
 20 by a corporation, the chief executive officer
 21 of the corporation (or, if the corporation
 22 does not have a chief executive officer, the
 23 highest ranking official of the corporation);

1 “(iii) if the communication is paid for
2 by a labor organization, the highest rank-
3 ing officer of the labor organization; and

4 “(iv) if the communication is paid for
5 by any other person, the highest ranking
6 official of such person.

7 “(B) COVERED ORGANIZATION AND CAM-
8 PAIGN-RELATED DISBURSEMENT.—The terms
9 ‘campaign-related disbursement’ and ‘covered
10 organization’ have the meaning given such
11 terms in section 324.

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

ple provided the fifth largest of such payments, the covered organization involved shall select one of those persons to be included on the Top Five Funders list.

“(D) TOP TWO FUNDERS LIST.—The term ‘Top Two Funders list’ means, with respect to a communication paid for in whole or in part with a payment which is treated as a campaign-related disbursement under section 324, a list of the persons who provided the largest and the second largest payments of any type in an aggregate amount equal to or exceeding \$10,000 which are required under section 324(a) to be included in the reports filed by a covered organization with respect to such communication during the 12-month period ending on the date of the disbursement and the amount of the payments each such person provided. If two or more persons provided the second largest of such payments, the covered organization involved shall select one of those persons to be included on the Top Two Funders list.”.

(c) APPLICATION OF DISCLOSURE REQUIREMENTS

FOR AUDIO AND VIDEO COMMUNICATIONS TO AUDIO AND

1 VIDEO PORTIONS OF COMMUNICATIONS TRANSMITTED
 2 THROUGH INTERNET OR ELECTRONIC MAIL.—

3 (1) COMMUNICATIONS BY CANDIDATES OR AU-
 4 THORIZED PERSONS.—Section 318(d)(1) of the Fed-
 5 eral Election Campaign Act of 1971 (52 U.S.C.
 6 30120(d)(1)) is amended by adding at the end the
 7 following new subparagraph:

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

15 “(i) any audio portion of the commu-
 16 nication shall meet the requirements appli-
 17 cable under subparagraph (A) to commu-
 18 nications transmitted through radio; and

19 “(ii) any video portion of the commu-
 20 nication shall meet the requirements appli-
 21 cable under subparagraph (B) to commu-
 22 nications transmitted through television.”.

23 (2) COMMUNICATIONS BY OTHERS.—

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

4 (i) by redesignating subparagraph (B)
 5 as subparagraph (C); and

6 (ii) by inserting after subparagraph

7 (A) the following new subparagraph:

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

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

22 (i) in paragraph (1) in the matter pre-
 23 ceding subparagraph (A), by striking
 24 “radio or television” and inserting “radio

1 or television, through the Internet, or
 2 through any form of electronic mail”; and

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

5 “(C) COMMUNICATIONS TRANSMITTED
 6 THROUGH INTERNET OR ELECTRONIC MAIL.—

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

17 (d) DISCLOSURE REQUIREMENTS FOR CAMPAIGN
 18 COMMUNICATIONS MADE THROUGH PRERECORDED
 19 TELEPHONE CALLS.—

20 (1) APPLICATION OF REQUIREMENTS.—Section
 21 318(a) of the Federal Election Campaign Act of
 22 1971 (52 U.S.C. 30120(a)) is amended by inserting
 23 after “mailing,” each place it appears the following:
 24 “telephone call which consists in substantial part of
 25 a prerecorded audio message,”.

(2) TREATMENT AS AUDIO COMMUNICATION.—

(A) COMMUNICATIONS BY CANDIDATES OR AUTHORIZED PERSONS.—Section 318(d)(1) of such Act (52 U.S.C. 30120(d)(1)), as amended by subsection (c)(1), is further amended by adding at the end the following new subparagraph:

“(D) PRERECORDED TELEPHONE CALLS.—Any communication described in paragraph (1) or (2) of subsection (a) which is a telephone call which consists in substantial part of a prerecorded audio message shall meet the requirements applicable under subparagraph (A) to communications transmitted through radio, except that the statement required under such subparagraph shall be made at the beginning of the telephone call.”.

(B) COMMUNICATIONS BY OTHERS.—

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

(I) by redesignating subparagraph (C) as subparagraph (D); and

1 (II) by inserting after subpara-
2 graph (B) the following new subpara-
3 graph:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(6) No authorized committee of a candidate for the
 2 office of President may establish, participate in, or have
 3 any involvement with any joint fundraising committee.”.

4 (2) CONFORMING AMENDMENT.—Section
 5 302(e)(3)(A)(ii) of such Act (52 U.S.C.
 6 30102(e)(3)(A)(ii)) is amended by striking “can-
 7 didates may” and inserting “candidates (other than
 8 candidates for the office of President) may”.

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

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

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

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

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

9 “(1) IN GENERAL.—

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

1 “(B) DISCLOSURE OF BUNDLED CON-

2 TRIBUTIONS BY POLITICAL COMMITTEES.—

3 Each committee described in paragraph (6)

4 shall include in the first report required to be

5 filed under this section after each covered pe-

6 riod (as defined in paragraph (2)) a separate

7 schedule setting forth the name of each political

8 committee (other than a committee of a polit-

9 ical party) which provided two or more bundled

10 contributions to the committee in an aggregate

11 amount greater than the applicable threshold

12 (as defined in paragraph (3)) during the cov-

13 ered period, and the aggregate amount of the

14 bundled contributions provided by each such po-

15 litical committee during the covered period.

16 “(C) DISCLOSURE OF BUNDLED CON-

17 TRIBUTIONS TO PRESIDENTIAL CAMPAIGNS.—

18 Each committee which is an authorized com-

19 mittee of a candidate for the office of President

20 or for nomination to such office shall include in

21 the first report required to be filed under this

22 section after each covered period (as defined in

23 paragraph (2)) a separate schedule setting forth

24 the name, address, and employer of each person

25 who provided two or more bundled contribu-

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

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

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

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

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

1 which any person provided two or more
2 bundled contributions to the committee;
3 and

4 “(B) with respect to any other com-
5 mittee—

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

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

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

17 “(3) APPLICABLE THRESHOLD.—

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

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

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

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

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

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

1 aggregate amount of all bundled contributions
2 which were provided to the committee by all
3 sponsors of the event.”.

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

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

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

12 (3) in paragraph (8)(A)—

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

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

22 (C) by striking “the person” each place it
23 appears in clause (ii) and inserting “such per-
24 son”.

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

5 **SEC. 1054. JUDICIAL REVIEW OF ACTIONS RELATED TO**
6 **CAMPAIGN FINANCE LAWS.**

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

11 **“SEC. 407. JUDICIAL REVIEW.**

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

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

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

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

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

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

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

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

10 (b) CONFORMING AMENDMENTS.—

11 (1) IN GENERAL.—

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

14 **“SEC. 9011. JUDICIAL REVIEW.**

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

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

21 **“SEC. 9041. JUDICIAL REVIEW.**

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

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

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

7 **SEC. 1055. TREATMENT OF INTERNET COMMUNICATIONS**
8 **MADE BY POLITICAL COMMITTEES AS PUB-**
9 **LIC COMMUNICATIONS.**

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

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

19 **SEC. 1056. APPLICATION OF LIMITATIONS ON CONTRIBU-**
20 **TIONS TO POLITICAL COMMITTEES.**

21 (a) IN GENERAL.—Section 315(a)(1) of the Federal
22 Election Campaign Act of 1974 (52 U.S.C. 30116(a)(1))
23 is amended by striking subparagraph (C) and inserting
24 the following:

15 **Subtitle B—Establishment of**
16 **Federal Election Administration**

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

21 SEC. 1111. ESTABLISHMENT OF THE FEDERAL ELECTION
22 ADMINISTRATION.

•S 1880 IS

1 **“Subtitle B—Administrative**
 2 **Provisions**

3 **“CHAPTER 1—ESTABLISHMENT OF THE**
 4 **FEDERAL ELECTION ADMINISTRATION**

5 **“SEC. 351. ESTABLISHMENT OF THE FEDERAL ELECTION**
 6 **ADMINISTRATION.**

7 “(a) IN GENERAL.—There is established the Federal
 8 Election Administration (in this Act referred to as the
 9 ‘Administration’).

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

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

18 “(1) This Act.

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

22 “(3) The Presidential Primary Matching Pay-
 23 ment Account Act under chapter 96 of the Internal
 24 Revenue Code of 1986.

1 “(d) EXCLUSIVE CIVIL JURISDICTION.—The Admin-
 2 istration shall have exclusive jurisdiction with respect to
 3 the civil enforcement of the statutes identified in sub-
 4 section (c).

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

10 “(f) MEETINGS AND QUORUM.—

11 “(1) MEETINGS.—The Administration shall
 12 meet—

13 “(A) at least once each month; and

14 “(B) at the call of the Chair.

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

17 “(g) SEAL.—The Administration shall procure a
 18 proper seal, with such suitable inscriptions and devices as
 19 the President shall approve. This seal, to be known as the
 20 official seal of the Federal Election Administration, shall
 21 be kept and used to verify official documents, under such
 22 rules and regulations as the Administration may prescribe.
 23 Judicial notice shall be taken of the seal.

24 “(h) PRINCIPAL OFFICE.—The principal office of the
 25 Administration shall be in or near the District of Colum-

1 bia, but the Administration may meet or exercise any of
 2 its powers anywhere in the United States.

3 **“SEC. 352. COMPOSITION OF THE FEDERAL ELECTION AD-**
 4 **MINISTRATION.**

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

16 “(b) APPOINTMENT.—

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

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

1 “(3) QUALIFICATIONS.—

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

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

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

1 who holds any public office at the time of
2 selection.

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

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

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

24 “(c) TERM OF OFFICE.—

25 “(1) IN GENERAL.—

1 “(A) CHAIR.—The Chair of the Adminis-
2 tration shall be appointed for a term of 10
3 years.

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

8 “(C) INITIAL APPOINTMENTS.—Of the
9 members initially appointed under subpara-
10 graph (B), 2 members shall be appointed for a
11 term of 3 years.

12 “(2) LIMITATION TO ONE TERM.—A member of
13 the Administration may only serve 1 term, except
14 that—

15 “(A) an individual appointed under sub-
16 paragraph (B) of paragraph (1) who is ap-
17 pointed for the term described in subparagraph
18 (C) of such paragraph may be appointed to a
19 6-year term in addition to the term described in
20 such subparagraph; and

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

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

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

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

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

15 “(5) PROHIBITING ENGAGEMENT WITH OTHER
 16 BUSINESS OR EMPLOYMENT DURING SERVICE.—A
 17 member of the Commission shall not engage in any
 18 other business, vocation, or employment. Any indi-
 19 vidual who is engaging in any other business, voca-
 20 tion, or employment at the time of his or her ap-
 21 pointment to the Commission shall terminate or liq-
 22 uidate such activity not later than 90 days after
 23 such appointment.

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

4 **“SEC. 353. STAFF DIRECTOR.**

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

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

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

10 “(2) shall perform such responsibilities as the
11 Administration shall prescribe; and

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

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

18 “(B) procure temporary and intermittent
19 services to the same extent as is authorized by
20 section 3109(b) of title 5, United States Code,
21 but at rates for individuals not to exceed the
22 daily equivalent of the annual rate of basic pay
23 in effect for grade GS–15 of the General Sched-
24 ule (5 U.S.C. 5332).

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

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

7 **“SEC. 354. GENERAL COUNSEL.**

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

10 “(b) RESPONSIBILITIES.—The general counsel
 11 shall—

12 “(1) serve as the chief legal officer of the Ad-
 13 ministration;

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

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

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

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

1 **“SEC. 355. INSPECTOR GENERAL.**

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

6 **“CHAPTER 2—OPERATION OF THE**
7 **FEDERAL ELECTION ADMINISTRATION**

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

9 “(a) CHAIR.—

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

17 “(2) OTHER POWERS.—The Chair has the
18 power—

19 “(A) to the fullest extent practicable, to re-
20 quest the assistance of other agencies and de-
21 partments of the United States, including the
22 personnel and facilities of such agencies and de-
23 partments and the heads of such agencies and
24 departments may make available to the Chair
25 such personnel, facilities, and other assistance,
26 with or without reimbursement;

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

4 “(C) to require, by special or general or-
5 ders, any person to submit, under oath, such
6 written reports and answers to questions as the
7 Chair may prescribe;

8 “(D) to administer oaths or affirmations;

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

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

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

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

22 “(b) ADMINISTRATION.—The Administration shall
23 have the power—

24 “(1) to initiate, defend, or appeal, through the
25 general counsel, any civil action in the name of the

1 Administration to enforce the provisions of this Act
2 and chapters 95 and 96 of the Internal Revenue
3 Code of 1986;

4 “(2) to assess civil penalties for violations of
5 this Act and chapters 95 and 96 of the Internal
6 Revenue Code of 1986;

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

10 “(4) to establish procedures and schedules for
11 agency adjudication that ensure timely enforcement
12 of this Act and chapters 95 and 96 of the Internal
13 Revenue Code of 1986;

14 “(5) to render advisory opinions under section
15 363;

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

18 “(7) to establish procedures for alternative dis-
19 pute resolution of violations of this Act or of chapter
20 95 or 96 of the Internal Revenue Code of 1986;

21 “(8) to conduct investigations and hearings ex-
22 peditiously, to encourage voluntary compliance, and
23 to report apparent violations to the appropriate law
24 enforcement authorities; and

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

8 **“SEC. 362. INDEPENDENT BUDGET REQUESTS AND LEGIS-**
9 **LATIVE PROPOSALS.**

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

15 “(b) AUTHORITY TO MAKE INDEPENDENT LEGISLA-
16 TIVE RECOMMENDATIONS.—Whenever the Administration
17 submits any legislative recommendation, testimony, or
18 comments on legislation requested by Congress or by any
19 Member of Congress, to the President or the Office of
20 Management and Budget, the Administration shall con-
21 currently transmit a copy thereof to Congress or to the
22 Member requesting the same. No officer or agency of the
23 United States shall have any authority to require the Ad-
24 ministration to submit its legislative recommendations,
25 testimony, or comments on legislation, to any office or

1 agency of the United States for approval, comments, or
 2 review, prior to the submission of such recommendations,
 3 testimony, or comments to Congress.

4 **“SEC. 363. ADVISORY OPINIONS.**

5 “(a) REQUESTS FOR ADVISORY OPINIONS.—

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

15 “(2) REQUESTS BY CANDIDATES.—If an advi-
 16 sory opinion is requested by a candidate, or any au-
 17 thorized committee of such candidate, during the 60-
 18 day period before any election for Federal office in-
 19 volving the requesting party, the Administration
 20 shall render a written advisory opinion relating to
 21 such request not later than 20 days after the Ad-
 22 ministration receives a complete written request.

23 “(b) RULEMAKING REQUIRED.—Any rule of law
 24 which is not stated in this Act or in chapter 95 or 96
 25 of the Internal Revenue Code of 1986 may be initially pro-

1 posed by the Administration only as a rule or regulation
 2 pursuant to procedures established in section 365. No
 3 opinion of an advisory nature may be issued by the Admin-
 4 istration or any other officer or employee of the Adminis-
 5 tration except in accordance with the provisions of this
 6 section.

7 “(c) RELIANCE ON ADVISORY OPINIONS.—

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

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

14 “(B) any person involved in any specific
 15 transaction or activity which is indistinguish-
 16 able in all its material aspects from the trans-
 17 action or activity with respect to which such ad-
 18 visory opinion is rendered.

19 “(2) PROTECTION FROM LIABILITY.—Notwith-
 20 standing any other provisions of law, any person
 21 who relies upon any provision or finding of an advi-
 22 sory opinion in accordance with the provisions of
 23 paragraph (1) and who acts in good faith in accord-
 24 ance with the provisions and findings of such advi-
 25 sory opinion shall not, as a result of any such act,

1 be subject to any sanction provided by this Act or
 2 by chapter 95 or 96 of the Internal Revenue Code
 3 of 1986.

4 “(d) NOTICE AND COMMENT.—

5 “(1) PUBLICATION OF REQUESTS.—The Admin-
 6 istration shall make public any request made under
 7 subsection (a) for an advisory opinion.

8 “(2) OPPORTUNITY TO COMMENT.—

9 “(A) WRITTEN COMMENTS.—Before ren-
 10 dering an advisory opinion, the Administration
 11 shall accept written comments submitted by any
 12 interested party within the 10-day period fol-
 13 lowing the date on which the request is made
 14 public.

15 “(B) TESTIMONY.—To the extent that the
 16 Commission provides an opportunity for a per-
 17 son requesting an advisory opinion under this
 18 section (or counsel for such person) to appear
 19 before the Commission to present testimony in
 20 support of the request, and the person (or coun-
 21 sel) accepts such opportunity, the Commission
 22 shall provide a reasonable opportunity for an
 23 interested party who submitted written com-
 24 ments under subparagraph (A) in response to
 25 the request (or counsel for such interested

1 party) to appear before the Commission to
2 present testimony in response to the request.

3 “(e) JUDICIAL REVIEW.—

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

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

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

15 “(a) ISSUANCE BY THE CHAIR.—If the Administra-
16 tion is conducting an investigation pursuant to section 371
17 or 372, the Chair shall, on behalf of the Administration,
18 have the power to require by subpoena the attendance and
19 testimony of witnesses and the production of all documen-
20 tary evidence relating to the execution of the Administra-
21 tion’s duties.

22 “(b) ISSUANCE BY AN ADMINISTRATIVE LAW
23 JUDGE.—Any administrative law judge presiding over an
24 enforcement action pursuant to section 373 shall have the
25 power to require by subpoena the attendance and testi-

1 mony of witnesses and the production of all documentary
 2 evidence relating to the administrative law judge's duties.

3 “(c) ISSUANCE AND ENFORCEMENT OF SUB-
 4 POENAS.—

5 “(1) ISSUANCE.—Subpoenas issued under sub-
 6 section (a) or (b) shall bear the signature of the
 7 Chair or an administrative law judge, respectively,
 8 and shall be served by any person or class of persons
 9 designated by the Chair or administrative law judge
 10 for that purpose.

11 “(2) ENFORCEMENT.—In the case of contu-
 12 macy or failure to obey a subpoena issued under
 13 subsection (a) or (b), the Federal district court for
 14 the judicial district in which the subpoenaed person
 15 resides, is served, or may be found may issue an
 16 order requiring such person to appear at any des-
 17 ignated place to testify or to produce documentary
 18 or other evidence. Any failure to obey the order of
 19 the court may be punished by the court as a con-
 20 tempt of that court.

21 “(d) WITNESS ALLOWANCES AND FEES.—Section
 22 1821 of title 28, United States Code, shall apply to wit-
 23 nesses requested or subpoenaed to appear at any hearing
 24 of the Administration. The per diem and mileage allow-

1 ances for witnesses shall be paid from funds available to
2 pay the expenses of the Administration.

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

6 **“SEC. 365. RULEMAKING AUTHORITY.**

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

14 “(b) AUTHORITY TO PROMULGATE INDEPENDENT
15 REGULATIONS.—Whenever the Administration promul-
16 gates any regulation, it shall not be required to submit
17 such regulation for review or approval to the President
18 or the Office of Management and Budget.

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

23 “(d) FORMS.—

24 “(1) IN GENERAL.—The Administration shall
25 prescribe forms necessary to implement this Act and

1 chapters 95 and 96 of the Internal Revenue Code of
2 1986.

3 “(2) PUBLIC PROTECTION.—Any forms pre-
4 scribed by the Administration under paragraph (1),
5 and any information-gathering activities of the Ad-
6 ministration under this Act, shall not be subject to
7 the provisions of section 3512 of title 44, United
8 States Code.

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

17 “(f) CONSULTATION WITH IRS.—In prescribing
18 rules, regulations, and forms under this section, the Ad-
19 ministration and the Secretary of the Treasury shall con-
20 sult and work together to promulgate rules, regulations,
21 and forms which are mutually consistent. The Administra-
22 tion shall report to Congress annually on the steps it has
23 taken to comply with this subsection.

24 “(g) JUDICIAL REVIEW.—

1 “(1) IN GENERAL.—Any person adversely af-
2 fected by a rule, regulation, or form promulgated by
3 the Administration may obtain judicial review of
4 such rule, regulation, or form by filing a petition in
5 the United States Court of Appeals for the District
6 of Columbia Circuit.

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

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

15 **“SEC. 366. LITIGATION AUTHORITY.**

16 “(a) IN GENERAL.—Notwithstanding sections 516
17 and 518 of title 28, United States Code, and section 3106
18 of title 5, United States Code, the Administration is au-
19 thorized to bring, appear in, defend against, and appeal
20 any action instituted under this Act or chapter 95 or 96
21 of the Internal Revenue Code of 1986, in any court ei-
22 ther—

23 “(1) by attorneys employed by the Administra-
24 tion; or

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

8 “(b) COMPENSATION OF APPOINTED COUNSEL.—
 9 The compensation of counsel appointed on a temporary
 10 basis under subsection (a)(2) shall be paid out of any
 11 funds otherwise available to pay the compensation of em-
 12 ployees of the Administration.

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

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

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

18 “(1) prepare, publish, and furnish to all persons
 19 required to file reports and statements under this
 20 Act a manual recommending uniform methods of
 21 bookkeeping and reporting;

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

24 “(3) within 48 hours after the time of the re-
 25 ceipt by the Administration of reports and state-

1 ments filed with the Administration, make them
2 available for public inspection, and copying, at the
3 expense of the person requesting such copying, ex-
4 cept that any information copied from such reports
5 or statements may not be sold or used by any person
6 for the purpose of soliciting contributions or for
7 commercial purposes, other than using the name and
8 address of any political committee to solicit contribu-
9 tions from such committee;

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

14 “(5)(A) compile and maintain a cumulative
15 index of designations, reports, and statements filed
16 under this Act, publish the index at regular inter-
17 vals, and make the index available for purchase di-
18 rectly or by mail;

19 “(B) compile, maintain, and revise a separate
20 cumulative index of reports and statements filed by
21 multicandidate committees, including in such index a
22 list of multicandidate committees; and

23 “(C) compile and maintain a list of multi-
24 candidate committees, which shall be revised and
25 made available monthly;

1 “(6) prepare and publish periodically lists of
2 authorized committees which fail to file reports as
3 required by this Act; and

4 “(7) serve as a national clearinghouse for the
5 compilation of information and review of procedures
6 with respect to the administration of Federal elec-
7 tions.

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

15 “(c) CONTRACTS.—The Administration may enter
16 into contracts for the purpose of performing the duties
17 described in subsection (a).

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

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

24 “(2) information made available as a result of
25 the application of paragraph (7) of such subsection

1 shall be made available to the public only upon the
2 payment of the cost thereof.

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

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

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

13 “(c) AUDITS AND FIELD EXAMINATIONS WHERE
14 THRESHOLDS NOT MET.—

15 “(1) INTERNAL REVIEW.—The Administration
16 shall conduct an internal review of reports filed by
17 selected committees to determine if the reports filed
18 by a particular committee meet the threshold re-
19 quirements for substantial compliance with the Act.
20 Such thresholds for compliance shall be established
21 by the Administration.

22 “(2) AUDITS AND FIELD EXAMINATIONS.—The
23 Administration may vote to conduct an audit and
24 field investigation of any committee which it deter-
25 mines under paragraph (1) does not meet the

1 threshold requirements established by the Adminis-
2 tration. Such audits shall be commenced within 30
3 days of such vote, except that any audit under the
4 provisions of this subsection of an authorized com-
5 mittee of a candidate shall be commenced within 6
6 months of the election for which such committee is
7 authorized.

8 “(d) RANDOM AUDITS.—

9 “(1) IN GENERAL.—In addition to any audits
10 conducted under subsection (c), the Administration
11 may, subject to paragraph (2), conduct audits of any
12 committee selected at random to ensure compliance
13 with this Act. The selection of any committee under
14 this paragraph shall be based on standards and pro-
15 cedures adopted by the Administration, except that
16 in any calendar year such audits may be initiated
17 against no more than 3 percent of all authorized
18 candidate campaign committees.

19 “(2) APPLICABLE RULES.—

20 “(A) IN GENERAL.—If the Administration
21 selects a committee for audit under paragraph
22 (1), the Administration shall promptly notify
23 the committee of the selection and commence
24 the audit within 30 days of the selection.

1 “(B) SPECIAL RULES FOR AUTHORIZED
2 COMMITTEES.—If the committee selected under
3 paragraph (1) is an authorized committee of a
4 candidate, the audit—

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

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

10 “(3) EXCEPTION.—This subsection shall not
11 apply to an authorized committee of a candidate for
12 President or Vice President subject to audit under
13 section 9007 or 9038 of the Internal Revenue Code
14 of 1986.

15 **“SEC. 369. CONGRESSIONAL OVERSIGHT.**

16 “Nothing in this Act shall be construed to limit, re-
17 strict, or diminish any investigatory, informational, over-
18 sight, supervisory, or disciplinary authority or function of
19 Congress or any committee of Congress with respect to
20 elections for Federal office.

21 **“CHAPTER 3—ENFORCEMENT**

22 **“SEC. 371. INITIATION OF ENFORCEMENT ACTIONS BY AD-**
23 **MINISTRATION.**

24 “(a) IN GENERAL.—The Administration may initiate
25 a civil enforcement action under section 373 if, after con-

ducting an investigation, the Administration finds reasonable grounds to believe that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 has occurred or is about to occur.

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

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

“SEC. 372. COMPLAINT TO INITIATE ENFORCEMENT ACTION.

“(a) FILING OF COMPLAINT.—

“(1) IN GENERAL.—Any person may file a complaint with the Administration alleging a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986.

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

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

3 “(B) notarized; and

4 “(C) made under penalty of perjury and
5 subject to the provisions of section 1001 of title
6 18, United States Code.

7 “(3) ACTION BY THE ADMINISTRATION.—Sub-
8 ject to paragraph (4), based on the allegations in a
9 complaint filed under paragraph (1), and such inves-
10 tigations the Administration deems necessary and
11 appropriate, the Administration may—

12 “(A) initiate a civil enforcement action
13 under section 373 if the Administration finds
14 reasonable grounds to believe a violation has oc-
15 curred or is about to occur; or

16 “(B) dismiss the complaint.

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

22 “(5) RECOVERY OF COSTS.—Any person who
23 has filed a complaint under paragraph (1) shall be
24 entitled to recover from the Administration up to
25 \$1,000 of the costs incurred in preparing and filing

1 the complaint if, based on the complaint, the Admin-
 2 istration—

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

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

8 “(b) NOTICE AND OPPORTUNITY TO DEMONSTRATE
 9 NO VIOLATION.—Prior to initiating an enforcement action
 10 under subsection (a)(3)(A), the Administration shall give
 11 any person named in a complaint notice and an oppor-
 12 tunity to demonstrate that there are no reasonable
 13 grounds to believe a violation described in such subsection
 14 has occurred or is about to occur, but the Administration’s
 15 determination under subsection (a)(3) shall not be subject
 16 to judicial review in an action brought by such person.

17 “(c) FAILURE BY THE ADMINISTRATION TO TAKE
 18 TIMELY ACTION.—

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

20 “(A) dismisses a complaint filed under
 21 subsection (a); or

22 “(B) fails to initiate a civil enforcement ac-
 23 tion under section 373 within 180 days of the
 24 filing of such a complaint, the person filing the
 25 complaint under subsection (a) may seek judi-

1 cial review of the Administration’s dismissal, or
2 failure to act, in Federal district court in the
3 District of Columbia or in the district in which
4 such person resides.

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

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

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

14 “(a) IN GENERAL.—The Administration shall have
15 the authority to impose a civil monetary penalty under sec-
16 tion 375, issue a cease-and-desist order under section 376,
17 or do both, if the Administration finds, by an order made
18 on the record after notice and an opportunity for hearing
19 before an administrative law judge pursuant to subchapter
20 II of chapter 5 of title 5, United States Code, that a per-
21 son has violated (or, in the case of a cease-and-desist
22 order, has violated or is about to violate) this Act or chap-
23 ter 95 or 96 of the Internal Revenue Code of 1986. The
24 general counsel shall represent the Administration in any
25 proceeding before an administrative law judge.

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

2 “(1) NOTICE.—If the Administration finds
3 under section 371 or 372 that there are reasonable
4 grounds to believe a violation has occurred or is
5 about to occur, the Administration shall serve writ-
6 ten notice of the charges on each respondent, and
7 shall conduct such further investigation as the Ad-
8 ministration deems necessary and appropriate.

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

14 “(3) EFFECT OF FAILURE TO REQUEST A
15 HEARING.—If no hearing is requested, the Adminis-
16 tration shall make a finding on the charges, and
17 shall issue whatever relief the Administration deems
18 appropriate under sections 375 and 376.

19 “(c) CONCILIATION.—

20 “(1) PROCEDURES FOR ENTERING INTO CON-
21 CILIATION AGREEMENTS.—

22 “(A) IN GENERAL.—If the respondent re-
23 quests a hearing under subsection (b)(2), the
24 Administration shall attempt, for a period that
25 does not exceed 60 days (or 15 days if the hear-

1 ing is requested within 60 days of an election),
2 to correct or prevent such violation by informal
3 methods of conference, conciliation, and persua-
4 sion, and to enter into a conciliation agreement
5 with the respondent. In the case of a hearing
6 that is requested at a time other than within 60
7 days of an election, the period for conciliation
8 shall not be less than 30 days unless an agree-
9 ment is reached before then.

10 “(B) INCLUSION OF CIVIL MONETARY PEN-
11 ALTIES.—A conciliation agreement may include
12 a requirement that the person involved in such
13 conciliation shall pay a civil monetary penalty
14 that does not exceed the amounts set forth in
15 subsection (a) of section 375 or, in the case of
16 a knowing and willful violation, the amounts set
17 forth in subsection (b) of such section. The con-
18 ciliation agreement may also include the re-
19 quirement that the person involved consent to
20 the terms of a cease-and-desist order, as pro-
21 vided in section 376.

22 “(C) REPRESENTATION BY GENERAL
23 COUNSEL.—The general counsel shall represent
24 the Administration in any negotiations for a
25 conciliation agreement and any such concilia-

1 tion agreement shall be subject to the approval
2 of the Administration.

3 “(D) BAR TO FURTHER ACTION.—A con-
4 ciliation agreement, unless violated, is a com-
5 plete bar to any further action by the Adminis-
6 tration.

7 “(2) CONFIDENTIALITY.—No action by the Ad-
8 ministration or any other person, and no informa-
9 tion derived in connection with any conciliation at-
10 tempt by the Administration may be made public by
11 the Administration, without the written consent of
12 the respondent, except that if a conciliation agree-
13 ment is agreed upon and signed by the Administra-
14 tion and the respondent, the Administration shall
15 make such agreement public.

16 “(3) VIOLATION OF CONCILIATION AGREE-
17 MENT.—In any case in which a person has entered
18 into a conciliation agreement with the Administra-
19 tion under paragraph (1), the Administration may
20 institute a civil action for relief if the Administration
21 believes the person has violated any provision of
22 such conciliation agreement. Such civil action shall
23 be brought in the Federal district court for the dis-
24 trict in which the respondent resides or has its prin-
25 cipal place of business, or for the District of Colum-

1 bia. Such court shall have jurisdiction to issue any
2 relief appropriate under sections 375 and 376. For
3 the Administration to obtain relief in any such ac-
4 tion, the Administration need only establish that the
5 person has violated, in whole or in part, any require-
6 ment of such conciliation agreement.

7 “(d) HEARING.—At the request of any respondent,
8 a hearing on the charges served under subsection (b)(1)
9 shall be conducted before an administrative law judge, who
10 shall make such findings of fact and conclusions of law
11 as the administrative law judge deems appropriate. The
12 administrative law judge shall also have the authority to
13 impose a civil monetary penalty on the respondent, issue
14 a cease-and-desist order, or both. The decision of the ad-
15 ministrative law judge shall constitute final agency action
16 unless an appeal is taken under subsection (e).

17 “(e) APPEAL TO ADMINISTRATION.—

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

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

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

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

4 “(C) the determination of the administra-
5 tive law judge is contrary to law or to the duly
6 promulgated rules or decisions of the Adminis-
7 tration;

8 “(D) a prejudicial error of procedure was
9 committed; or

10 “(E) the decision or the relief ordered is
11 otherwise arbitrary, capricious, or an abuse of
12 discretion.

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

16 “(f) JUDICIAL REVIEW.—

17 “(1) IN GENERAL.—Any party aggrieved by a
18 final agency action and who has exhausted all ad-
19 ministrative remedies, including requesting a hearing
20 before an administrative law judge and appealing an
21 adverse decision of an administrative law judge to
22 the Administration, may obtain judicial review of
23 such action in the United States Court of Appeals
24 for any circuit wherein such person resides or has its
25 principal place of business, or in the United States

1 Court of Appeals for the District of Columbia Cir-
2 cuit.

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

7 “(3) PETITION FOR JUDICIAL REVIEW.—To ob-
8 tain judicial review under paragraph (1), an ag-
9 grievied party described in such paragraph shall file
10 a petition with the court during the 30-day period
11 beginning on the date on which the order was
12 issued. A copy of such petition shall be transmitted
13 forthwith by the clerk of the court to the Adminis-
14 tration, and thereupon the Administration shall file
15 in the court the record upon which the order com-
16 plained of was entered, as provided in section 2112
17 of title 28, United States Code.

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

19 “(a) NOTIFICATION.—Before taking any action under
20 section 373 against any person who has failed to file a
21 report required under section 304(a)(2)(A)(iii) for the cal-
22 endar quarter immediately preceding the election involved,
23 or in accordance with section 304(a)(2)(A)(i), the Admin-
24 istration shall notify the person of such failure to file the
25 required reports.

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

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

8 “(a) IN GENERAL.—Any person who violates this
9 Act, or chapter 95 or 96 of the Internal Revenue Code
10 of 1986, shall be liable to the United States for a civil
11 monetary penalty for each violation which does not exceed
12 the greater of \$5,000 or an amount equal to any contribu-
13 tion or expenditure involved in such violation. Such pen-
14 alty shall be imposed by the Administration pursuant to
15 section 373.

16 “(b) KNOWING AND WILLFUL VIOLATIONS.—Any
17 person who commits a knowing and willful violation of this
18 Act, or of chapter 95 or 96 of the Internal Revenue Code
19 of 1986, shall be liable to the United States for a civil
20 monetary penalty for each violation which does not exceed
21 the greater of \$10,000 or an amount equal to 200 percent
22 of any contribution or expenditure involved in such viola-
23 tion (or, in the case of a violation of section 320, which
24 is not less than 300 percent of the amount involved in
25 the violation and is not more than the greater of \$50,000

1 or 1,000 percent of the amount involved in the violation).
 2 Such penalty shall be imposed by the Administration pur-
 3 suant to section 373.

4 “(c) DETERMINATION OF CIVIL MONETARY PEN-
 5 ALTY.—In determining the amount of a civil monetary
 6 penalty under this section with respect to a violation de-
 7 scribed in this section, the Administration or an adminis-
 8 trative law judge shall take into account the nature, cir-
 9 cumstances, extent, and gravity of the violation and, with
 10 respect to the violator, any prior violation, the degree of
 11 culpability, and such other matters as justice may require.

12 “(d) REFERRAL TO ATTORNEY GENERAL.—

13 “(1) IN GENERAL.—If the Administration de-
 14 termines that a knowing and willful violation of this
 15 Act which is subject to section 379, or a knowing
 16 and willful violation of chapter 95 or 96 of the Inter-
 17 nal Revenue Code of 1986, has occurred or is about
 18 to occur, the Administration may refer such appar-
 19 ent violation to the Attorney General without regard
 20 to any limitations set forth under section 373.

21 “(2) REPORTING BY THE ATTORNEY GEN-
 22 ERAL.—Whenever the Administration refers an ap-
 23 parent violation to the Attorney General, the Attor-
 24 ney General shall report to the Administration any
 25 action taken by the Attorney General regarding the

1 apparent violation. Each report shall be transmitted
2 within 60 days after the date the Administration re-
3 fers an apparent violation, and every 30 days there-
4 after until the final disposition of the apparent viola-
5 tion.

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

7 “(a) IN GENERAL.—If the Administration finds,
8 after notice and opportunity for hearing under section
9 373, that any person is violating, has violated, or is about
10 to violate any provision of this Act, or chapter 95 or 96
11 of the Internal Revenue Code of 1986, or any rule or regu-
12 lation thereunder, the Administration may publish any
13 findings and enter an order requiring such person, or any
14 other person that is, was, or would be a cause of the viola-
15 tion due to an act or omission the person knew or should
16 have known would contribute to such violation, to cease
17 and desist from committing or causing such violation and
18 any future violation of the same provision, rule, or regula-
19 tion. Such order may, in addition to requiring a person
20 to cease and desist from committing or causing a violation,
21 require such person to comply (or to take steps to effect
22 compliance) with such provision, rule, or regulation, upon
23 such terms and conditions and within such time as the
24 Administration may specify in such order.

1 “(b) TEMPORARY ORDER.—Whenever the Adminis-
2 tration determines that an alleged violation or threatened
3 violation specified in the notice initiating a civil enforce-
4 ment action under section 373, or the continuation there-
5 of, is likely to result in violation of this Act, or of chapter
6 95 or 96 of the Internal Revenue Code of 1986, and sub-
7 stantial harm to the public interest, the Administration
8 may apply to the Federal district court for the district in
9 which the respondent resides or has its principal place of
10 business, in which the alleged or threatened violation oc-
11 curred or is about to occur, or for the District of Colum-
12 bia, for a temporary restraining order or a preliminary
13 injunction requiring the respondent to cease and desist
14 from the violation or threatened violation and to take such
15 action to prevent the violation or threatened violation. The
16 Administration may apply for such order without regard
17 to any limitation under section 373.

18 **“SEC. 377. COLLECTION.**

19 “If any person fails to pay an assessment of a civil
20 penalty—

21 “(1) after the order making the assessment has
22 become a final order and such person has not timely
23 filed a petition for judicial review of the order in ac-
24 cordance with section 373(f)(3) or if the order of the
25 Administration is upheld after judicial review; or

1 “(2) after a court in an action brought under
2 section 373(c)(3) has entered a final judgment no
3 longer subject to appeal in favor of the Administra-
4 tion,
5 the Attorney General shall recover the amount assessed
6 (plus interest at currently prevailing rates from the date
7 of the expiration of the 30-day period referred to in section
8 373(f)(3) or the date of such final judgment, as the case
9 may be) in an action brought in any appropriate district
10 court of the United States. In such an action, the validity,
11 amount, and appropriateness of such penalty shall not be
12 subject to review.

13 **“SEC. 378. CONFIDENTIALITY.**

14 “(a) PRIOR TO A FINDING OF REASONABLE
15 GROUNDS.—Any proceedings conducted by the Adminis-
16 tration prior to a finding that there are reasonable
17 grounds to believe a violation of the law has occurred or
18 is about to occur, including any investigation pursuant to
19 section 371 or pursuant to a complaint filed under section
20 372, shall be confidential and none of the Administration’s
21 records concerning the complaint shall be made public, ex-
22 cept that the person filing a complaint pursuant to section
23 372 is permitted to make such complaint public.

24 “(b) AFTER A FINDING OF REASONABLE
25 GROUNDS.—Except as provided in subsection (d), if the

1 Administration makes a finding pursuant to section 371
2 or 372 that there are reasonable grounds to believe that
3 a violation of law has occurred or is about to occur—

4 “(1) the finding of the Administration as well
5 as any complaint filed under section 372, any notice
6 of charges, and any answer or similar documents
7 filed with the Administration shall be made public;
8 and

9 “(2) all proceedings conducted before an admin-
10 istrative law judge under section 373, and all docu-
11 ments used during such proceedings, shall be made
12 public.

13 “(c) AFTER DISMISSAL OF A COMPLAINT OR CON-
14 CLUSION OF PROCEEDINGS FOLLOWING A FINDING OF
15 REASONABLE GROUNDS.—Subject to subsection (d), fol-
16 lowing the Administration’s dismissal of a complaint filed
17 under section 372 or the termination of proceedings fol-
18 lowing a finding of reasonable grounds under section 371
19 or 372, the Administration shall, not later than the date
20 that is 30 days after such dismissal or termination, make
21 public—

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

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

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

5 “(4) all documentary materials and testimony
6 constituting the record on which the Administration
7 relied in taking its actions.

8 Subject to subsection (d), the affirmative disclosure re-
9 quirement of this subsection is without prejudice to the
10 right of any person to request and obtain records relating
11 to an investigation under section 552 of title 5, United
12 States Code.

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

15 “(1) IN GENERAL.—The Administration shall
16 issue regulations providing for the protection of in-
17 formation the disclosure of which under subsection
18 (b) or (c) would impair any person’s constitutionally
19 protected right of privacy, freedom of speech, or
20 freedom of association. The Administration shall
21 also issue regulations addressing the application of
22 exemptions from disclosure contained in section 552
23 of title 5, United States Code, to records comprising
24 the Administration’s investigative files. Such regula-
25 tions shall consider the need to protect any person’s

1 constitutionally protected rights to privacy, freedom
2 of speech, and freedom of association, as well as the
3 need to make information about the Administra-
4 tion's activities and decisions widely accessible to the
5 public.

6 “(2) PETITION TO MAINTAIN CONFIDEN-
7 TIALITY.—

8 “(A) IN GENERAL.—Any person who would
9 be adversely affected by any disclosure of infor-
10 mation about the person made pursuant to sub-
11 section (b) or (c), or by the conduct in public
12 of a hearing or other proceeding conducted pur-
13 suant to section 373, shall have the right to pe-
14 tition the Administration to maintain the con-
15 fidentiality of such information or such pro-
16 ceeding on the ground that such information
17 falls within the scope of any exemption from
18 disclosure contained in section 552 of title 5,
19 United States Code, or is prohibited from dis-
20 closure under the Administration's regulations,
21 the Constitution, or any other provision of law.
22 Upon the receipt of such petition, the Adminis-
23 tration shall make a prompt determination
24 whether the information should be kept con-
25 fidential, and shall withhold such information

1 from disclosure pending this determination. The
 2 Administration shall notify the petitioner in
 3 writing of the determination.

4 “(B) REGULATIONS.—The Administration
 5 shall prescribe regulations governing the consid-
 6 eration of petitions under this paragraph. Such
 7 regulations shall provide for public notice of the
 8 pendancy of any petition filed under subpara-
 9 graph (A) and the right of any interested party
 10 to respond to or comment on such petition.

11 “(e) PENALTIES.—Any member or employee of the
 12 Administration, or any other person, who violates the pro-
 13 visions of this section shall be fined not more than \$2,000.
 14 Any such member, employee, or other person who know-
 15 ingly and willfully violates the provisions of this section
 16 shall be fined not more than \$5,000.

17 **“SEC. 379. CRIMINAL PENALTIES.**

18 “(a) KNOWING AND WILLFUL VIOLATIONS.—Any
 19 person who knowingly and willfully commits a violation of
 20 any provision of this Act that involves the making, receiv-
 21 ing, or reporting of any contribution, donation, or expendi-
 22 ture—

23 “(1) aggregating \$25,000 or more during a cal-
 24 endar year shall be fined under title 18, United

1 States Code, or imprisoned for not more than 5
2 years, or both; or

3 “(2) aggregating \$2,000 or more (but less than
4 \$25,000) during a calendar year shall be fined under
5 such title, or imprisoned for not more than 1 year,
6 or both.

7 “(b) CONTRIBUTIONS OR EXPENDITURES BY NA-
8 TIONAL BANKS, CORPORATIONS, OR LABOR ORGANIZA-
9 TIONS.—In the case of a knowing and willful violation of
10 section 316(b)(3), the penalties set forth in subsection (a)
11 shall apply to each violation involving an amount aggre-
12 gating \$250 or more during a calendar year. Such a viola-
13 tion of section 316(b)(3) may incorporate a violation of
14 section 317(a), 320, or 321.

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

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

1 “(1) imprisoned for not more than 2 years if
 2 the amount is less than \$25,000 and subject to im-
 3 prisonment under subsection (a) if the amount is
 4 \$25,000 or more;

5 “(2) fined not less than 300 percent of the
 6 amount involved in the violation and not more than
 7 the greater of—

8 “(A) \$50,000; or

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

11 “(3) both imprisoned as provided under para-
 12 graph (1) and fined as provided under paragraph
 13 (2).

14 “(e) EFFECT OF CONCILIATION AGREEMENTS.—

15 “(1) EVIDENCE OF LACK OF KNOWLEDGE AND
 16 INTENT.—In any criminal action brought for a viola-
 17 tion of any provision of this Act or of chapter 95 or
 18 96 of the Internal Revenue Code of 1986, any de-
 19 fendant may evidence their lack of knowledge or in-
 20 tent to commit the alleged violation by introducing
 21 as evidence a conciliation agreement entered into be-
 22 tween the defendant and the Administration under
 23 section 373(c)(1) which specifically deals with the
 24 act or failure to act constituting such violation and
 25 which is still in effect.

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

9 “(A) the specific act or failure to act which
 10 constitutes the violation for which the action
 11 was brought is the subject of a conciliation
 12 agreement entered into between the defendant
 13 and the Administration under section 373(c)(1);

14 “(B) the conciliation agreement is in ef-
 15 fect; and

16 “(C) the defendant is, with respect to the
 17 violation involved, in compliance with the concil-
 18 iation agreement.

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

20 “No person shall be prosecuted, tried, or punished
 21 for any violation of this Act, unless the indictment is found
 22 or the information is instituted within 5 years after the
 23 date of the violation.

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

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

7 **SEC. 1112. EXECUTIVE SCHEDULE POSITIONS.**

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

11 “Chair, Federal Election Administration.”.

12 (b) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—
 13 Section 5315 of title 5, United States Code, is amended
 14 by adding at the end the following:

15 “Members (other than the Chair), Federal Elec-
 16 tion Administration.

17 “Inspector General, Federal Election Adminis-
 18 tration.”.

19 **SEC. 1113. GAO EXAMINATION OF ENFORCEMENT OF CAM-**
 20 **PAIGN FINANCE LAWS BY THE DEPARTMENT**
 21 **OF JUSTICE.**

22 (a) EXAMINATION.—The Comptroller General of the
 23 United States shall conduct a thorough examination of the
 24 enforcement of the criminal provisions of the Federal
 25 Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.)

1 and chapters 95 and 96 of the Internal Revenue Code of
2 1986 by the Attorney General.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Comptroller General shall
5 submit to the Attorney General and Congress a report on
6 the examination conducted under subsection (a) together
7 with recommendations on how the Attorney General may
8 improve the enforcement of the criminal provisions of the
9 Federal Election Campaign Act of 1971 (52 U.S.C. 30101
10 et seq.) and chapters 95 and 96 of the Internal Revenue
11 Code of 1986, including recommendations on the re-
12 sources that the Attorney General would require to effec-
13 tively enforce such criminal provisions.

14 **SEC. 1114. GAO STUDY AND REPORT ON APPROPRIATE**
15 **FUNDING LEVELS.**

16 (a) STUDY.—The Comptroller General of the United
17 States shall conduct an ongoing study on the level of fund-
18 ing that constitutes an adequate level of resources for the
19 Federal Election Administration to competently execute
20 the responsibilities imposed on the Administration by this
21 Act and the amendments made by this Act.

22 (b) REPORT.—Not later than 1 year after the date
23 of enactment of this Act, and once every 2 years there-
24 after, the Comptroller General shall submit to the Director
25 of the Office of Management and Budget and Congress

1 a report on the study conducted under subsection (a) to-
 2 gether with recommendations for such legislation and ad-
 3 ministrative action as the Comptroller General determines
 4 to be appropriate.

5 **SEC. 1115. CONFORMING AMENDMENTS.**

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

8 (1) in paragraph (1), by striking “and” after
 9 the semicolon;

10 (2) in paragraph (2), by striking the period and
 11 inserting “; and”; and

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

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

15 (b) COVERAGE UNDER INSPECTOR GENERAL ACT.—

16 Section 8G(a)(2) of the Inspector General Act of 1978 (5
 17 U.S.C. App.) is amended by striking “Federal Election
 18 Commission” and inserting “Federal Election Administra-
 19 tion”.

20 (c) COVERAGE OF PERSONNEL UNDER HATCH

21 ACT.—Section 7323(b) of title 5, United States Code, is
 22 amended—

23 (1) in paragraph (1), by striking “Federal Elec-
 24 tion Commission” and inserting “Federal Election
 25 Administration”; and

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

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

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

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

13 **PART II—TRANSITION PROVISIONS**

14 **SEC. 1121. TRANSFER OF FUNCTIONS OF FEDERAL ELEC-**
 15 **TION COMMISSION.**

16 There are transferred to the Federal Election Admin-
 17 istration established under section 351 of the Federal
 18 Election Campaign Act of 1971 (as added by section
 19 1311) all functions that the Federal Election Commission
 20 exercised before the date described in section 1326(a).

21 **SEC. 1122. TRANSFER OF PROPERTY, RECORDS, AND PER-**
 22 **SONNEL.**

23 (a) PROPERTY AND RECORDS.—The contracts, liabil-
 24 ities, records, property, and other assets and interests of,
 25 or made available in connection with, the offices and func-

1 tions of the Federal Election Commission which are trans-
 2 ferred by this subtitle are transferred to the Federal Elec-
 3 tion Administration.

4 (b) PERSONNEL.—The personnel employed in con-
 5 nection with the offices and functions of the Federal Elec-
 6 tion Commission which are transferred by this subtitle are
 7 transferred to the Federal Election Administration.

8 **SEC. 1123. REPEALS.**

9 (a) PROVISIONS OF THE FEDERAL ELECTION CAM-
 10 PAIGN ACT OF 1971.—The following provisions of the
 11 Federal Election Campaign Act of 1971 are repealed:

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

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

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

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

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

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

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

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

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

23 **SEC. 1124. CONFORMING AMENDMENTS.**

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

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

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

5 (2) by striking “Federal Election Commission”
6 and inserting “Administration” each place it ap-
7 pears; and

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

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

13 (c) Section 207(j)(7)(B)(i) of title 18, United States
14 Code, is amended by striking “the Federal Election Com-
15 mission by a former officer or employee of the Federal
16 Election Commission” and inserting “the Federal Election
17 Administration by a former officer or employee of the Fed-
18 eral Election Commission or the Federal Election Admin-
19 istration”.

20 (d) Section 103 of the Ethics in Government Act of
21 1978 (5 U.S.C. App.) is amended—

22 (1) in subsection (e), by striking “the Federal
23 Election Commission” and inserting “the Federal
24 Election Administration”; and

1 (2) in subsection (k), by striking “the Federal
2 Election Commission” and inserting “the Federal
3 Election Administration”.

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

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

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

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

15 “(3) The term ‘Administration’ means the Fed-
16 eral Election Administration established under sec-
17 tion 351 of the Federal Election Campaign Act of
18 1971.”.

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

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

25 (1) in paragraph (1)—

1 (A) by striking “Federal Election Commis-
2 sion” and inserting “Federal Election Adminis-
3 tration”; and

4 (B) by striking “Commission” and insert-
5 ing “Administration”; and

6 (2) in paragraph (2), by striking “Federal Elec-
7 tion Commission” and inserting “Federal Election
8 Administration”.

9 (h) Section 6(a)(9) of the Lobbying Disclosure Act
10 1995 (2 U.S.C. 1605(a)(9)) is amended by striking “the
11 Federal Election Commission” and inserting “the Federal
12 Election Administration”.

13 **SEC. 1125. TREATMENT OF CERTAIN REGULATIONS.**

14 (a) REGULATIONS ON DISCLOSURE OF ELECTION-
15 EERING COMMUNICATIONS.—

16 (1) IN GENERAL.—Effective on the date that is
17 90 days after enactment of this Act, the regulations
18 on disclosure of electioneering communications
19 adopted by the Federal Election Commission and
20 published in the Federal Register at page 419 of vol-
21 ume 68 on January 3, 2003, and at page 5057 of
22 volume 68 on January 31, 2003, as amended at
23 page 72913 of volume 72 on December 26, 2007,
24 are repealed.

1 (2) NEW REGULATIONS.—Not later than 90
2 days after the date of the enactment of this Act, the
3 Federal Election Commission shall promulgate new
4 regulations on disclosure of electioneering commu-
5 nications under section 304(f) of the Federal Elec-
6 tion Campaign Act of 1971 (52 U.S.C. 30104(f)).
7 The regulations promulgated under this paragraph
8 shall require the disclosure of the identification of all
9 persons who make a contribution to a person who
10 makes an electioneering communication and shall
11 not limit such disclosure to only to persons who
12 make contributions for the purpose of furthering
13 electioneering communications, or any similar limita-
14 tion on the scope of such disclosure.

15 (b) REGULATIONS ON SOLICITATIONS AT NON-FED-
16 ERAL FUNDRAISING EVENTS.—

17 (1) IN GENERAL.—Effective on the date that is
18 90 days after the date of the enactment of this Act,
19 the regulations on participation by Federal can-
20 didates and officeholders at non-Federal fundraising
21 events adopted by the Federal Election Commission
22 and published in the Federal Register at page 24383
23 of volume 75 on May 5, 2010, are repealed.

24 (2) NEW REGULATIONS.—Not later than 90
25 days after enactment of this Act, the Federal Elec-

1 tion Commission shall promulgate new regulations
 2 on participation by Federal candidates and office-
 3 holders in non-Federal fundraising events. The regu-
 4 lations shall limit the participation by Federal can-
 5 didates and officeholders in such events to attend-
 6 ing, speaking, or being a featured guest at a fund-
 7 raising event for a State, district, or local committee
 8 of a political party, and shall not allow Federal can-
 9 didates and officeholders to participate in or solicit
 10 funds at any other fundraising event where non-Fed-
 11 eral funds are raised.

12 **SEC. 1126. EFFECTIVE DATE.**

13 (a) IN GENERAL.—Except as provided in section
 14 1125, this subtitle and the amendments made by this sub-
 15 title shall take effect on the date that is 6 months after
 16 the date of enactment of this Act.

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

22 **Subtitle C—Lobbying Reform**

23 **SEC. 1201. LOBBYIST REGISTRATION REFORMS.**

24 Section 3(10) of the Lobbying Disclosure Act of 1995
 25 (2 U.S.C. 1602(10)) is amended by striking “contact,

1 other than” and all that follows through “3-month pe-
 2 riod.” and inserting “contact over a 2-year period.”.

3 **Subtitle D—Revolving Door Reform**

4 **SEC. 1301. SHORT TITLE.**

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

7 **SEC. 1302. RESTRICTIONS ON PRIVATE SECTOR PAYMENT** 8 **FOR GOVERNMENT SERVICE.**

9 Section 209 of title 18, United States Code, is
 10 amended—

11 (1) in subsection (a)—

12 (A) by striking “any salary” and inserting
 13 “any bonus, salary”; and

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

16 (2) in subsection (b)—

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

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

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

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

5 **SEC. 1303. REQUIREMENTS RELATING TO SLOWING THE RE-**
 6 **VOLVING DOOR AMONG FINANCIAL SERVICES**
 7 **REGULATORS.**

8 (a) IN GENERAL.—The Ethics in Government Act of
 9 1978 (5 U.S.C. App.) is amended by adding at the end
 10 the following:

11 **“TITLE VI—SPECIAL REQUIRE-**
 12 **MENTS FOR FINANCIAL SERV-**
 13 **ICES REGULATORS**

14 **“SEC. 601. DEFINITIONS.**

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

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

19 “(1) COVERED FINANCIAL SERVICES AGENCY.—
 20 The term ‘covered financial services agency’—

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

25 “(B) includes—

1 “(i) the Board of Governors of the
2 Federal Reserve System;

3 “(ii) the Office of the Comptroller of
4 the Currency;

5 “(iii) the Federal Deposit Insurance
6 Corporation;

7 “(iv) the National Credit Union Ad-
8 ministration;

9 “(v) the Securities and Exchange
10 Commission;

11 “(vi) the Federal Housing Finance
12 Agency;

13 “(vii) the Bureau of Consumer Finan-
14 cial Protection;

15 “(viii) the Commodity Futures Trad-
16 ing Commission; and

17 “(ix) the Department of the Treasury.

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

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

24 “(B) in the case of a position not under
25 the General Schedule, a supervisory position for

1 which the rate of basic pay is not less than 120
2 percent of the minimum rate of basic pay for
3 GS–15 of the General Schedule; or

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

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

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

16 “(B) does not include—

17 “(i) instances in which the service
18 provided was limited to a speech or similar
19 appearance; or

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

1 “(4) FORMER EMPLOYER.—The term ‘former
2 employer’—

3 “(A) means a person for whom a covered
4 financial services regulator served as an em-
5 ployee, officer, director, trustee, or general part-
6 ner during the 2-year period ending on the date
7 (after such service) on which the covered finan-
8 cial services regulator begins service in the Fed-
9 eral Government; and

10 “(B) does not include—

11 “(i) an entity in the Federal Govern-
12 ment, including an executive branch agen-
13 cy;

14 “(ii) a State or local government;

15 “(iii) the District of Columbia;

16 “(iv) an Indian tribe, as defined in
17 section 4 of the Indian Self-Determination
18 and Education Assistance Act (25 U.S.C.
19 450b); or

20 “(v) the government of a territory or
21 possession of the United States.

1 **“SEC. 602. CONFLICT OF INTEREST AND ELIGIBILITY**
2 **STANDARDS FOR FINANCIAL SERVICES REG-**
3 **ULATORS.**

4 “(a) IN GENERAL.—A covered financial services reg-
5 ulator shall not make, participate in making, or in any
6 way attempt to use the official position of the covered fi-
7 nancial services regulator to influence a particular matter
8 that provides a direct and substantial pecuniary benefit
9 for a former employer or former client of the covered fi-
10 nancial services regulator.

11 “(b) RECUSAL.—A covered financial services regu-
12 lator shall recuse himself or herself from any official ac-
13 tion that would violate subsection (a).

14 “(c) WAIVER.—

15 “(1) IN GENERAL.—The head of the covered fi-
16 nancial services agency employing a covered financial
17 services regulator, in consultation with the Director
18 of the Office of Government Ethics, may grant a
19 written waiver of the restrictions under subsection
20 (a) if, and to the extent that, the head of the cov-
21 ered financial services agency certifies in writing
22 that—

23 “(A) the application of the restriction to
24 the particular matter is inconsistent with the
25 purposes of the restriction; or

1 “(B) it is in the public interest to grant
2 the waiver.

3 “(2) PUBLICATION.—The Director of the Office
4 of Government Ethics shall make each waiver under
5 paragraph (1) publicly available on the Web site of
6 the Office of Government Ethics.

7 **“SEC. 603. NEGOTIATING FUTURE PRIVATE SECTOR EM-**
8 **PLOYMENT.**

9 “(a) PROHIBITION.—Except as provided in sub-
10 section (c), and notwithstanding any other provision of
11 law, a covered financial services regulator may not partici-
12 pate in any particular matter which involves, to the knowl-
13 edge of the covered financial services regulator, an indi-
14 vidual or entity with whom the covered financial services
15 regulator is in negotiations of future employment or has
16 an arrangement concerning prospective employment.

17 “(b) DISCLOSURE OF EMPLOYMENT NEGOTIA-
18 TIONS.—

19 “(1) IN GENERAL.—If a covered financial serv-
20 ices regulator begins any negotiations of future em-
21 ployment with another person, or an agent or inter-
22 mediary of another person, or other discussion or
23 communication with another person, or an agent or
24 intermediary of another person, mutually conducted
25 with a view toward reaching an agreement regarding

1 possible employment of the covered financial services
2 regulator, the covered financial services regulator
3 shall notify the designated agency ethics official of
4 the covered financial services agency employing the
5 covered financial services regulator regarding the ne-
6 gotiations, discussions, or communications.

7 “(2) INFORMATION.—A designated agency eth-
8 ics official receiving notice under paragraph (1),
9 after consultation with the Director of the Office of
10 Government Ethics, shall inform the covered finan-
11 cial services regulator of any potential conflicts of
12 interest involved in any negotiations, discussions, or
13 communications with the other person and the pro-
14 hibitions applicable.

15 “(c) WAIVERS ONLY WHEN EXCEPTIONAL CIR-
16 CUMSTANCES EXIST.—

17 “(1) IN GENERAL.—The head of a covered fi-
18 nancial services agency may only grant a waiver of
19 subsection (a) if the head determines that excep-
20 tional circumstances exist.

21 “(2) REVIEW AND PUBLICATION.—For any
22 waiver granted under paragraph (1), the Director of
23 the Office of Government Ethics shall—

1 “(A) review the circumstances relating to
2 the waiver and the determination that excep-
3 tional circumstances exist; and

4 “(B) make the waiver publicly available on
5 the Web site of the Office of Government Eth-
6 ics, which shall include—

7 “(i) the name of the private person or
8 persons involved in the negotiations or ar-
9 rangement concerning prospective employ-
10 ment; and

11 “(ii) the date on which the negotia-
12 tions or arrangements commenced.

13 “(d) SCOPE.—For purposes of this section, the term
14 ‘negotiations of future employment’ is not limited to dis-
15 cussions of specific terms or conditions of employment in
16 a specific position.

17 **“SEC. 604. RECORDKEEPING.**

18 “The Director of the Office of Government Ethics
19 shall—

20 “(1) receive all employment histories, recusal
21 and waiver records, and other disclosure records for
22 covered executive branch officials necessary for mon-
23 itoring compliance to this title;

24 “(2) promulgate rules and regulations, in con-
25 sultation with the Director of the Office of Per-

1 sonnel Management and the Attorney General, for
2 implementation of this title;

3 “(3) provide guidance and assistance where ap-
4 propriate to facilitate compliance with this title;

5 “(4) review and, where necessary, assist des-
6 ignated agency ethics officers in providing advice to
7 covered financial services regulators regarding com-
8 pliance with this title; and

9 “(5) if the Director determines that a violation
10 of this title may have occurred, and in consultation
11 with the designated agency ethics officer and the
12 Counsel to the President, refer the compliance case
13 to the United States Attorney for the District of Co-
14 lumbia for enforcement action.

15 **“SEC. 605. PENALTIES AND INJUNCTIONS.**

16 “(a) CRIMINAL PENALTIES.—

17 “(1) IN GENERAL.—Any person who violates
18 section 602 or 603 shall be fined under title 18,
19 United States Code, imprisoned for not more than
20 1 year, or both.

21 “(2) WILLFUL VIOLATIONS.—Any person who
22 willfully violates section 602 or 603 shall be fined
23 under title 18, United States Code, imprisoned for
24 not more than 5 years, or both.

25 “(b) CIVIL ENFORCEMENT.—

1 “(1) IN GENERAL.—The Attorney General may
 2 bring a civil action in the appropriate United States
 3 district court against any person who violates, or
 4 who the Attorney General has reason to believe is
 5 engaging in conduct that violates, section 602 or
 6 603.

7 “(2) CIVIL PENALTY.—

8 “(A) IN GENERAL.—Upon proof by a pre-
 9 ponderance of the evidence that a person vio-
 10 lated section 602 or 603, the court shall impose
 11 a civil penalty of not more than the greater
 12 of—

13 “(i) \$100,000 for each violation; or

14 “(ii) the amount of compensation the
 15 person received or was offered for the con-
 16 duct constituting the violation.

17 “(B) RULE OF CONSTRUCTION.—A civil
 18 penalty under this subsection shall be in addi-
 19 tion to any other criminal or civil statutory,
 20 common law, or administrative remedy, avail-
 21 able to the United States or any other person.

22 “(3) INJUNCTIVE RELIEF.—

23 “(A) IN GENERAL.—In a civil action
 24 brought under paragraph (1) against a person,
 25 the Attorney General may petition the court for

1 an order prohibiting the person from engaging
 2 in conduct that violates section 602 or 603. The
 3 court may issue such an order if the court finds
 4 by a preponderance of the evidence that the
 5 conduct of the person violates section 602 or
 6 603.

7 “(B) RULE OF CONSTRUCTION.—The filing
 8 of a petition seeking injunctive relief under this
 9 paragraph shall not preclude any other remedy
 10 which is available by law to the United States
 11 or any other person.”.

12 **SEC. 1304. PROHIBITION OF PROCUREMENT OFFICERS AC-**
 13 **CEPTING EMPLOYMENT FROM GOVERNMENT**
 14 **CONTRACTORS.**

15 (a) EXPANSION OF PROHIBITION ON ACCEPTANCE
 16 BY FORMER OFFICIALS OF COMPENSATION FROM CON-
 17 TRACTORS.—Section 2104 of title 41, United States Code,
 18 is amended—

19 (1) in subsection (a)—

20 (A) in the matter preceding paragraph

21 (1)—

22 (i) by striking “or consultant” and in-
 23 serting “consultant, lawyer, or lobbyist”;
 24 and

1 (ii) by striking “one year” and insert-
 2 ing “2 years”; and

3 (B) in paragraph (3), by striking “person-
 4 ally made for the Federal agency” and inserting
 5 “participated personally and substantially in”;
 6 and

7 (2) by amending subsection (b) to read as fol-
 8 lows:

9 “(b) PROHIBITION ON COMPENSATION FROM AFFILI-
 10 ATES AND SUBCONTRACTORS.—A former official respon-
 11 sible for a Government contract referred to in paragraph
 12 (1), (2), or (3) of subsection (a) shall be prohibited from
 13 accepting compensation for two years after awarding such
 14 contract from any division, affiliate, or subcontractor of
 15 the contractor.”.

16 (b) REQUIREMENT FOR PROCUREMENT OFFICERS
 17 TO DISCLOSE JOB OFFERS MADE ON BEHALF OF REL-
 18 ATIVES.—Section 2103(a) of title 41, United States Code,
 19 is amended in the matter preceding paragraph (1) by in-
 20 serting after “that official” the following: “, or for a rel-
 21 ative (as defined in section 3110 of title 5) of that offi-
 22 cial,”.

23 (c) REQUIREMENT ON AWARD OF GOVERNMENT
 24 CONTRACTS TO FORMER EMPLOYERS.—

1 (1) IN GENERAL.—Chapter 21 of title 41,
 2 United States Code, is amended by adding at the
 3 end the following:

4 **“§ 2108. Prohibition on involvement by certain**
 5 **former contractor employees in procure-**
 6 **ments**

7 “An employee of the Federal Government may not
 8 be personally and substantially involved with any award
 9 of a contract to, or the administration of a contract award-
 10 ed to, a contractor that is a former employer of the em-
 11 ployee during the 2-year period beginning on the date on
 12 which the employee leaves the employment of the con-
 13 tractor.”.

14 (2) TECHNICAL AND CONFORMING AMEND-
 15 MENT.—The table of sections for chapter 21 of title
 16 41, United States Code, is amended by adding at
 17 the end the following:

“2108. Prohibition on involvement by certain former contractor employees in
 procurements.”.

18 (d) REGULATIONS.—The Administrator for Federal
 19 Procurement Policy and the Director of the Office of Man-
 20 agement and Budget shall—

21 (1) in consultation with the Director of the Of-
 22 fice of Personnel Management and the Counsel to
 23 the President, promulgate regulations to carry out
 24 and ensure the enforcement of chapter 21 of title

1 41, United States Code, as amended by this section;
2 and

3 (2) in consultation with designated agency eth-
4 ics officers (as defined under section 601 of the Eth-
5 ics in Government Act of 1978 (5 U.S.C. App.)),
6 monitor compliance with such chapter by individuals
7 and agencies.

8 **SEC. 1305. REVOLVING DOOR RESTRICTIONS ON FINANCIAL**
9 **SERVICES REGULATORS MOVING INTO THE**
10 **PRIVATE SECTOR.**

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

13 (1) by redesignating subsections (e) through (l)
14 as subsections (f) through (m), respectively; and

15 (2) by inserting after subsection (d) the fol-
16 lowing:

17 “(e) RESTRICTIONS ON EMPLOYMENT FOR FINAN-
18 CIAL SERVICES REGULATORS.—

19 “(1) IN GENERAL.—In addition to the restric-
20 tions set forth in subsections (a), (b), (c), and (d),
21 a covered financial services regulator shall not—

22 “(A) during the 2-year period beginning on
23 the date his or her employment as a covered fi-
24 nancial services regulator ceases—

1 “(i) knowingly act as agent or attor-
2 ney for, or otherwise represent, any other
3 person for compensation (except the
4 United States) in any formal or informal
5 appearance before;

6 “(ii) with the intent to influence,
7 make any oral or written communication
8 on behalf of any other person (except the
9 United States) to; or

10 “(iii) knowingly aid, advise, or assist
11 in—

12 “(I) representing any other per-
13 son (except the United States) in any
14 formal or informal appearance before;
15 or

16 “(II) making, with the intent to
17 influence, any oral or written commu-
18 nication on behalf of any other person
19 (except the United States) to,
20 any court of the United States, or any officer
21 or employee thereof, in connection with any ju-
22 dicial or other proceeding, which was actually
23 pending under his or her official responsibility
24 as a covered financial services regulator during
25 the 1-year period ending on the date his or her

1 employment as a covered financial services reg-
2 ulator ceases or in which he or she participated
3 personally and substantially as a covered finan-
4 cial services regulator; or

5 “(B) during the 2-year period beginning on
6 the date his or her employment as a covered fi-
7 nancial services regulator ceases—

8 “(i) knowingly act as a lobbyist or
9 agent for, or otherwise represent, any
10 other person for compensation (except the
11 United States) in any formal or informal
12 appearance before;

13 “(ii) with the intent to influence,
14 make any oral or written communication
15 or conduct any lobbying activities on behalf
16 of any other person (except the United
17 States) to; or

18 “(iii) knowingly aid, advise, or assist
19 in—

20 “(I) representing any other per-
21 son (except the United States) in any
22 formal or informal appearance before;
23 or

24 “(II) making, with the intent to
25 influence, any oral or written commu-

1 nication or conduct any lobbying ac-
 2 tivities on behalf of any other person
 3 (except the United States) to,
 4 any department or agency of the executive
 5 branch or Congress (including any committee of
 6 Congress), or any officer or employee thereof,
 7 in connection with any matter which is pending
 8 before the department, agency, or Congress.

9 “(2) PENALTY.—Any person who violates para-
 10 graph (1) shall be punished as provided in section
 11 216.

12 “(3) DEFINITIONS.—In this subsection—

13 “(A) the term ‘covered financial services
 14 regulator’ has the meaning given that term
 15 under section 601 of the Ethics in Government
 16 Act of 1978 (5 U.S.C. App.); and

17 “(B) the terms ‘lobbyist’ and ‘lobbying ac-
 18 tivities’ have the meanings given such terms in
 19 section 3 of the Lobbying Disclosure Act of
 20 1995 (2 U.S.C. 1602).”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) Section 103(a) of the Honest Leadership
 23 and Open Government Act of 2007 (2 U.S.C.
 24 4702(a)) is amended by striking “section 207(e)”
 25 each place it appears and inserting “section 207(f)”.

1 (2) Section 207 of title 18, United States Code,
2 as amended by subsection (a), is amended—

3 (A) in subsection (g), as so redesignated,
4 by striking “or (e)” and inserting “or (f)”;

5 (B) in subsection (j)(1)(B), as so redesign-
6 nated, by striking “subsection (f)” and insert-
7 ing “subsection (g)”; and

8 (C) in subsection (k), as so redesignated—

9 (i) in paragraph (2), in the matter
10 preceding subparagraph (A), by striking
11 “and (e)” and inserting “(e), and (f)”;

12 (ii) in paragraph (4), by striking “and
13 (e)” and inserting “(e), and (f)”; and

14 (iii) in paragraph (7)—

15 (I) in subparagraph (A), by strik-
16 ing “and (e)” and inserting “(e), and
17 (f)”; and

18 (II) in subparagraph (B)(ii), in
19 the matter preceding subclause (I), by
20 striking “subsections (c), (d), or (e)”
21 and inserting “subsection (c), (d), (e),
22 or (f)”.

23 (3) Section 141(b)(3) of the Trade Act of 1974
24 (19 U.S.C. 2171(b)(3)) is amended by striking “sec-
25 tion 207(f)(3)” and inserting “207(g)(3)”.

1 (4) Section 7802(b)(3)(B) of the Internal Rev-
 2 enue Code of 1986 is amended by striking “and (f)
 3 of section 207” and inserting “and (g) of section
 4 207”.

5 (5) Section 106(p)(6)(I)(ii) of title 49, United
 6 States Code, is amended by striking “and (f) of sec-
 7 tion 207” and inserting “and (g) of section 207”.

8 **SEC. 1306. RESTRICTIONS ON FEDERAL EXAMINERS AND**
 9 **SUPERVISORS OF FINANCIAL INSTITUTIONS.**

10 (a) IN GENERAL.—Section 10(k) of the Federal De-
 11 posit Insurance Act (12 U.S.C. 1820(k)) is amended—

12 (1) in the subsection heading—

13 (A) by striking “One-Year” and inserting
 14 “Two-Year”; and

15 (B) by striking “Examiners” and inserting
 16 “Examiners and Supervisors”;

17 (2) in paragraph (1)—

18 (A) by striking subparagraph (B) and in-
 19 serting the following:

20 “(B) served—

21 “(i) not less than 2 months during the
 22 final 12 months of the employment of the
 23 person with such agency or entity as the
 24 senior examiner (or a functionally equiva-
 25 lent position) of a depository institution or

depository institution holding company
with continuing, broad responsibility for
the examination (or inspection) of that de-
pository institution or depository institu-
tion holding company on behalf of the rel-
evant agency or Federal reserve bank; or

“(ii) as a supervisor of the senior ex-
aminer with responsibility for managing
the oversight of not more than 5 deposi-
tory institutions or depository institution
holding companies on behalf of the rel-
evant agency or Federal reserve bank;
and”; and

(B) in subparagraph (C)—

(i) in the matter preceding clause (i),
by striking “1 year” and inserting “2
years”;

(ii) in clause (i), by striking “or” and
inserting a semicolon;

(iii) in clause (ii), by striking the pe-
riod at the end and inserting a semicolon;
and

(iv) by adding at the end the fol-
lowing:

1 “(iii) a business entity, firm, or asso-
 2 ciation that represents the depository insti-
 3 tution or depository institution holding
 4 company for compensation.”;

5 (3) by redesignating paragraphs (2) through
 6 (6) as paragraphs (3) through (7), respectively;

7 (4) by inserting after paragraph (1) the fol-
 8 lowing:

9 “(2) APPLICATION OF PENALTIES FOR SUPER-
 10 VISORS.—A supervisor of a large financial service
 11 regulatory agency or a supervisor of a senior exam-
 12 iner shall be subject to the penalties described in
 13 paragraph (7) if the supervisor of the senior exam-
 14 iner or the senior examiner knowingly accepts com-
 15 pensation during the period beginning on the date
 16 on which the service of the supervisor or senior ex-
 17 aminer is terminated and ending on the date that is
 18 2 years after the date on which the service on which
 19 the service of the supervisor or senior examiner is
 20 terminated—

21 “(A) as—

22 “(i) an employee;

23 “(ii) an officer;

24 “(iii) a director; or

25 “(iv) a consultant; and

1 “(B) from—

2 “(i) a depository institution;

3 “(ii) a depository institution holding
4 company that is designated by the Finan-
5 cial Stability Oversight Council as a sys-
6 temically important financial market utility
7 under section 804 of the Payment, Clear-
8 ing, and Settlement Supervision Act of
9 2010 (12 U.S.C. 5463); or

10 “(iii) a business entity, firm, or asso-
11 ciation that represents an institution de-
12 scribed in clause (ii) for compensation.”;

13 (5) in paragraph (4), as so redesignated, by
14 striking “or other company.” and inserting “or other
15 company, firm, or association.”; and

16 (6) in the matter preceding clause (i) of sub-
17 paragraph (A) of paragraph (7), as so redesignated,
18 by striking “other company” and inserting “other
19 company, firm, or association”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 Section 10(k) of the Federal Deposit Insurance Act (12
22 U.S.C. 1820(k)) is amended—

23 (1) in paragraph (1), by striking “paragraph
24 (6)” and inserting “paragraph (7)”;

1 (2) in paragraph (5)(A), as so redesignated, by
 2 inserting “and paragraph (2)” before the period at
 3 the end; and

4 (3) in paragraph (7), as so redesignated—

5 (A) in subparagraph (A)—

6 (i) by striking “subject to paragraph
 7 (1)” and inserting “subject to paragraph
 8 (1) or (2)”; and

9 (ii) by striking “paragraph (1)(C)”
 10 and inserting “paragraph (1)(C) or para-
 11 graph (2)”; and

12 (B) in subparagraph (C)—

13 (i) by striking “person described in
 14 paragraph (1)” and inserting “person de-
 15 scribed in paragraph (1) or (2)”; and

16 (ii) by inserting “paragraph (2)” be-
 17 fore the period at the end.

18 **Subtitle E—Addressing Conflicts of** 19 **Interest**

20 **SEC. 1401. SHORT TITLE.**

21 This subtitle may be cited as the “Presidential Con-
 22 flicts of Interest Act of 2017”.

1 **SEC. 1402. DIVESTITURE OF PERSONAL FINANCIAL INTER-**
 2 **ESTS OF THE PRESIDENT AND VICE PRESI-**
 3 **DENT THAT POSE A POTENTIAL CONFLICT OF**
 4 **INTEREST.**

5 (a) DEFINITIONS.—

6 (1) IN GENERAL.—In this section—

7 (A) the term “conflict-free holding” means
 8 a financial interest described in section
 9 102(f)(8) of the Ethics in Government Act of
 10 1978 (5 U.S.C. App.);

11 (B) the term “financial interest posing a
 12 potential conflict of interest” means a financial
 13 interest of the President, the Vice President,
 14 the spouse of the President or Vice President,
 15 or a minor child of the President or Vice Presi-
 16 dent, as applicable, that—

17 (i) would constitute a financial inter-
 18 est described in subsection (a) of section
 19 208 of title 18, United States Code—

20 (I) if—

21 (aa) for purposes of such
 22 section 208, the terms “officer”
 23 and “employee” included the
 24 President and the Vice President;
 25 and

1 (bb) the President or Vice
2 President, as applicable, partici-
3 pated as described in subsection
4 (a) of such section 208 in rela-
5 tion to such financial interest;
6 and

7 (II) determined without regard to
8 any exception under subsection (b) of
9 such section 208; or

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

17 (C) the term “qualified blind trust” has
18 the meaning given that term in section
19 102(f)(3) of the Ethics in Government Act of
20 1978 (5 U.S.C. App.), unless otherwise speci-
21 fied in this Act; and

22 (D) the term “tax return”—

23 (i) means any Federal income tax re-
24 turn and any amendment or supplement
25 thereto, including supporting schedules, at-

1 tachments, or lists which are supplemental
 2 to, or part of, the return for the taxable
 3 year; and

4 (ii) includes any information return
 5 that reports information that does or may
 6 affect the liability for tax for the taxable
 7 year.

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

15 (b) INITIAL FINANCIAL DISCLOSURE.—

16 (1) SUBMISSION OF DISCLOSURE.—

17 (A) IN GENERAL.—Not later than 30 days
 18 after assuming the office of President or Vice
 19 President, respectively, the President and Vice
 20 President shall submit to Congress and the Di-
 21 rector of the Office of Government Ethics a dis-
 22 closure of financial interests.

23 (B) APPLICATION TO SITTING PRESIDENT
 24 AND VICE PRESIDENT.—For any individual who
 25 is serving as the President or Vice President on

1 the date of enactment of this Act, the disclosure
2 of financial interests shall be submitted to Con-
3 gress and the Director of the Office of Govern-
4 ment Ethics not later than 30 days after the
5 date of enactment of this Act.

6 (2) CONTENTS.—

7 (A) PRESIDENT.—The disclosure of finan-
8 cial interests submitted under paragraph (1) by
9 the President shall—

10 (i) describe in detail each financial in-
11 terest of the President, the spouse of the
12 President, or a minor child of the Presi-
13 dent;

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

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

21 (I) the 3 most recent taxable
22 years; and

23 (II) each taxable year for which
24 an audit of the return by the Internal

1 Revenue Service is pending on the
 2 date the report is filed.

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

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

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

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

17 (I) the 3 most recent taxable
 18 years; and

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

23 (c) DIVESTITURE OF FINANCIAL INTERESTS POSING
 24 A POTENTIAL CONFLICT OF INTEREST.—

1 (1) IN GENERAL.—The President, the Vice
 2 President, the spouse of the President or Vice Presi-
 3 dent, and any minor child of the President or Vice
 4 President shall divest of any financial interest posing
 5 a potential conflict of interest by transferring such
 6 interest to a qualified blind trust.

7 (2) TRUSTEE DUTIES.—Within a reasonable pe-
 8 riod of time after the date a financial interest is
 9 transferred to a qualified blind trust under para-
 10 graph (1), the trustee of the qualified blind trust
 11 shall—

12 (A) sell the financial interest; and

13 (B) use the proceeds of the sale of the fi-
 14 nancial interest to purchase conflict-free hold-
 15 ings.

16 (d) REVIEW BY OFFICE OF GOVERNMENT ETHICS.—

17 (1) IN GENERAL.—The Director of the Office of
 18 Government Ethics shall submit to Congress, the
 19 President, and the Vice President an annual report
 20 regarding the financial interests of the President,
 21 the Vice President, the spouse of the President or
 22 Vice President, and any minor child of the President
 23 or Vice President.

24 (2) CONTENTS.—Each report submitted under
 25 paragraph (1) shall—

1 (A) indicate whether any financial interest
 2 of the President, the Vice President, the spouse
 3 of the President or Vice President, or a minor
 4 child of the President or Vice President is a fi-
 5 nancial interest posing a potential conflict of in-
 6 terest;

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

14 (C) redact such information as the Direc-
 15 tor of the Office of Government Ethics deter-
 16 mines necessary for preventing identity theft,
 17 such as Social Security numbers or taxpayer
 18 identification numbers.

19 (e) ENFORCEMENT.—

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

1 (A) the Director of the Office of Govern-
 2 ment Ethics is unable to issue a report indi-
 3 cating whether the President or the Vice Presi-
 4 dent is in substantial compliance with sub-
 5 section (c); or

6 (B) there is probable cause to believe that
 7 the President or the Vice President has not
 8 complied with subsection (c).

9 (2) FAIR MARKET VALUE.—In granting injunc-
 10 tive relief to the plaintiff, the court shall ensure that
 11 any divestment procedure shall ensure the fair mar-
 12 ket return for any asset that is liquidated.

13 **SEC. 1403. RECUSAL OF APPOINTEES.**

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

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

20 “(A) the President who appointed the officer or
 21 employee, which shall include any entity in which the
 22 President has a substantial interest; or

23 “(B) the spouse of the President who appointed
 24 the officer or employee, which shall include any enti-

1 ty in which the spouse of the President has a sub-
2 stantial interest.

3 “(2)(A) Subject to subparagraph (B), if an officer or
4 employee is recused under paragraph (1), a career ap-
5 pointee in the agency of the officer or employee shall per-
6 form the functions and duties of the officer or employee
7 with respect to the matter.

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

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

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

20 “(II) delegate the authorities and responsibil-
21 ities of the Commission with respect to the matter
22 to a subcommittee of the Commission; or

23 “(III) designate an officer or employee of the
24 Commission who was not appointed by the President
25 who appointed the member of the Commission

1 recused from the matter to exercise the authorities
 2 and duties of the recused member with respect to
 3 the matter.

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

7 “(4) For purposes of this section, the term ‘particular
 8 matter’ shall have the meaning given the term in section
 9 207(i).”.

10 **SEC. 1404. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**
 11 **DENT.**

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

14 (1) in the section heading, by inserting “**the**
 15 **President, Vice President, or a**” after
 16 “**Contracts by**”; and

17 (2) in the first undesignated paragraph, by in-
 18 serting “the President or Vice President,” after
 19 “Whoever, being”.

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

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

1 **SEC. 1405. PRESIDENTIAL TAX TRANSPARENCY.**

2 (a) IN GENERAL.—Title I of the Ethics in Govern-
3 ment Act of 1978 (5 U.S.C. App.) is amended—

4 (1) by inserting after section 102 the following:

5 **“SEC. 102A. DISCLOSURE OF TAX RETURNS.**

6 “(a) DEFINITIONS.—In this section—

7 “(1) the term ‘covered candidate’ means an in-
8 dividual—

9 “(A) required to file a report under section
10 101(c); and

11 “(B) who is nominated by a major party
12 as a candidate for the office of President;

13 “(2) the term ‘covered individual’ means—

14 “(A) a President required to file a report
15 under subsection (a) or (d) of section 101; and

16 “(B) an individual who occupies the office
17 of the President required to file a report under
18 section 101(e);

19 “(3) the term ‘major party’ has the meaning
20 given the term in section 9002 of the Internal Rev-
21 enue Code of 1986; and

22 “(4) the term ‘income tax return’ means, with
23 respect to any covered candidate or covered indi-
24 vidual, any return (within the meaning of section
25 6103(b) of the Internal Revenue Code of 1986) re-

1 lated to Federal income taxes, but does not in-
2 clude—

3 “(A) information returns issued to persons
4 other than such covered candidate or covered
5 individual; and

6 “(B) declarations of estimated tax.

7 “(b) DISCLOSURE.—

8 “(1) COVERED INDIVIDUALS.—

9 “(A) IN GENERAL.—In addition to the in-
10 formation described in subsections (a) and (b)
11 of section 102, a covered individual shall in-
12 clude in each report required to be filed under
13 this title a copy of the income tax returns of the
14 covered individual for the 3 most recent taxable
15 years for which a return have been filed with
16 the Internal Revenue Service as of the date on
17 which the report is filed.

18 “(B) FAILURE TO DISCLOSE.—If an in-
19 come tax return is not disclosed under subpara-
20 graph (A), the Director of the Office of Govern-
21 ment Ethics shall submit to the Secretary of
22 the Treasury a request that the Secretary of
23 the Treasury provide the Director of the Office
24 of Government Ethics with a copy of the in-
25 come tax return.

1 “(C) PUBLICLY AVAILABLE.—Each income
2 tax return submitted under this paragraph shall
3 be filed with the Director of the Office of Gov-
4 ernment Ethics and made publicly available in
5 the same manner as the information described
6 in subsections (a) and (b) of section 102.

7 “(D) REDACTION OF CERTAIN INFORMA-
8 TION.—Before making any income tax return
9 submitted under this paragraph available to the
10 public, the Director of the Office of Government
11 Ethics shall redact such information as the Di-
12 rector of the Office of Government Ethics, in
13 consultation with the Secretary of the Treasury
14 (or a delegate of the Secretary), determines ap-
15 propriate.

16 “(2) CANDIDATES.—

17 “(A) IN GENERAL.—Not later than 15
18 days after the date on which a covered can-
19 didate is nominated, the covered candidate shall
20 amend the report filed by the covered candidate
21 under section 101(c) with the Federal Election
22 Commission to include a copy of the income tax
23 returns of the covered candidate for the 3 most
24 recent taxable years for which a return has
25 been filed with the Internal Revenue Service.

1 “(B) FAILURE TO DISCLOSE.—If an in-
2 come tax return is not disclosed under subpara-
3 graph (A) the Federal Election Commission
4 shall submit to the Secretary of the Treasury a
5 request that the Secretary of the Treasury pro-
6 vide the Federal Election Commission with the
7 income tax return.

8 “(C) PUBLICLY AVAILABLE.—Each income
9 tax return submitted under this paragraph shall
10 be filed with the Federal Election Commission
11 and made publicly available in the same manner
12 as the information described in section 102(b).

13 “(D) REDACTION OF CERTAIN INFORMA-
14 TION.—Before making any income tax return
15 submitted under this paragraph available to the
16 public, the Federal Election Commission shall
17 redact such information as the Federal Election
18 Commission, in consultation with the Secretary
19 of the Treasury (or a delegate of the Secretary)
20 and the Director of the Office of Government
21 Ethics, determines appropriate.

22 “(3) SPECIAL RULE FOR SITTING PRESI-
23 DENTS.—Not later than 30 days after the date of
24 enactment of this section, the President shall submit
25 to the Director of the Office of Government Ethics

1 a copy of the income tax returns described in para-
2 graph (1)(A).”; and

3 (2) in section 104—

4 (A) in subsection (a)—

5 (i) in paragraph (1), in the first sen-
6 tence, by inserting “or any individual who
7 knowingly and willfully falsifies or who
8 knowingly and willfully fails to file an in-
9 come tax return that such individual is re-
10 quired to disclose pursuant to section
11 102A” before the period; and

12 (ii) in paragraph (2)(A)—

13 (I) in clause (i), by inserting “or
14 falsify any income tax return that
15 such person is required to disclose
16 under section 102A” before the semi-
17 colon; and

18 (II) in clause (ii), by inserting
19 “or fail to file any income tax return
20 that such person is required to dis-
21 closed under section 102A” before the
22 period;

23 (B) in subsection (b), in the first sentence
24 by inserting “or willfully failed to file or has
25 willfully falsified an income tax return required

to be disclosed under section 102A” before the period;

(C) in subsection (c), by inserting “or failing to file or falsifying an income tax return required to be disclosed under section 102A” before the period; and

(D) in subsection (d)(1)—

(i) in the matter preceding subparagraph (A), by inserting “or files an income tax return required to be disclosed under section 102A” after “title”; and

(ii) in subparagraph (A), by inserting “or such income tax return, as applicable,” after “report”.

(b) AUTHORITY TO DISCLOSE INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(23) DISCLOSURE OF RETURN INFORMATION OF PRESIDENTS AND CERTAIN PRESIDENTIAL CANDIDATES.—

“(A) DISCLOSURE OF RETURNS OF PRESIDENTS.—

“(i) IN GENERAL.—The Secretary shall, upon written request from the Direc-

1 tor of the Office of Government Ethics
 2 pursuant to section 102A(b)(1)(B) of the
 3 Ethics in Government Act of 1978, provide
 4 to officers and employees of the Office of
 5 Government Ethics a copy of any income
 6 tax return of the President which is re-
 7 quired to be filed under section 102A of
 8 such Act.

9 “(ii) DISCLOSURE TO PUBLIC.—The
 10 Director of the Office of Government Eth-
 11 ics may disclose to the public the income
 12 tax return of any President which is re-
 13 quired to be filed with the Director pursu-
 14 ant to section 102A of the Ethics in Gov-
 15 ernment Act of 1978.

16 “(B) DISCLOSURE OF RETURNS OF CER-
 17 TAIN CANDIDATES FOR PRESIDENT.—

18 “(i) IN GENERAL.—The Secretary
 19 shall, upon written request from the Chair-
 20 man of the Federal Election Commission
 21 pursuant to section 102A(b)(2)(B) of the
 22 Ethics in Government Act of 1978, provide
 23 to officers and employees of the Federal
 24 Election Commission copies of the applica-
 25 ble returns of any person who has been

1 nominated as a candidate of a major party
 2 (as defined in section 9002(a)) for the of-
 3 fice of President.

4 “(ii) DISCLOSURE TO PUBLIC.—The
 5 Federal Election Commission may disclose
 6 to the public applicable returns of any per-
 7 son who has been nominated as a can-
 8 didate of a major party (as defined in sec-
 9 tion 9002(6)) for the office of President
 10 and which is required to be filed with the
 11 Commission pursuant to section 102A of
 12 the Ethics in Government Act.

13 “(C) APPLICABLE RETURNS.—For pur-
 14 poses of this paragraph, the term ‘applicable re-
 15 turns’ means, with respect to any candidate for
 16 the office of President, income tax returns for
 17 the 3 most recent taxable years for which a re-
 18 turn has been filed as of the date of the nomi-
 19 nation.”.

20 (2) CONFORMING AMENDMENTS.—Section
 21 6103(p)(4) of such Code, in the matter preceding
 22 subparagraph (A) and in subparagraph (F)(ii), is
 23 amended by striking “or (22)” and inserting “(22),
 24 or (23)” each place it appears.

1 **SEC. 1406. SENSE OF CONGRESS REGARDING VIOLATIONS.**

2 It is the sense of Congress that a violation of section
3 1402 of this Act or the Ethics in Government Act of 1978
4 (5 U.S.C. App.) by the President or the Vice President
5 would constitute a high crime or misdemeanor under arti-
6 cle II, section 4 of the Constitution of the United States.

7 **SEC. 1407. RULE OF CONSTRUCTION.**

8 Nothing in this subtitle or an amendment made by
9 this subtitle shall be construed to violate the Constitution
10 of the United States.

11 **Subtitle F—Public Access to Visitor**
12 **Logs**

13 **SEC. 1501. SHORT TITLE.**

14 This subtitle may be cited as the “Making Access
15 Records Available to Lead American Government Open-
16 ness Act” or the “MAR-A-LAGO Act”.

17 **SEC. 1502. FINDINGS.**

18 Congress finds the following:

19 (1) Beginning in 2009, the Obama administra-
20 tion instituted a policy to release the visitor access
21 records for the White House complex.

22 (2) This policy was responsible for making pub-
23 lic the names of nearly 6,000,000 visitors to the
24 White House in the 8 years of the Obama adminis-
25 tration.

1 (3) This policy provided the people of the
2 United States with insight into who influences the
3 White House and transparency regarding efforts by
4 lobbyists to effect policies, legislation, and Presi-
5 dential actions.

6 (4) To date, the Trump administration has not
7 indicated whether it will continue the policy of pub-
8 licly releasing White House visitor access records.

9 (5) Since taking office on January 20, 2017,
10 President Trump has conducted official business not
11 only in the White House, but also at several of his
12 privately owned clubs and resorts.

13 (6) President Trump’s Mar-a-Lago Club in
14 Palm Beach, Florida, has been dubbed the “Winter
15 White House” and the “Southern White House”.

16 (7) President Trump has spent 5 of his first 9
17 weekends in office at Mar-a-Lago.

18 (8) Mar-a-Lago is a private membership facility
19 open to members, their guests, and others who have
20 been invited as guests for special events.

21 (9) Visitors to Mar-a-Lago do not undergo the
22 same background checks as White House visitors
23 and visitor access records to the club have not been
24 released to the public.

1 (10) The President has conducted official busi-
2 ness and hosted international leaders at Mar-a-Lago.

3 (11) Media reports have shown President
4 Trump and members of his Cabinet at Mar-a-Lago
5 and nearby Trump International Golf Club inter-
6 acting with members and guests, providing access
7 unavailable to the general public.

8 (12) President Trump owns many other prop-
9 erties that offer similar amenities and membership-
10 only access where he is likely to conduct official
11 business during his term in office.

12 (13) On March 11, 2017, President Trump
13 hosted several members of his Cabinet at his Trump
14 National Golf Club in Potomac Falls, Virginia, to
15 discuss homeland security, health care, and the
16 economy according to media reports.

17 (14) Media reports have indicated that the
18 President may use his Bedminster, New Jersey, re-
19 sort as a “Summer White House”.

20 (15) The people of the United States expect
21 and deserve transparency in government. The policy
22 to release visitor access records instituted by the
23 previous administration appropriately balanced
24 transparency with the need for confidentiality in
25 government actions.

1 (16) To the extent Mar-a-Lago and any other
 2 private facilities become locations where the Presi-
 3 dent conducts business and interacts with individ-
 4 uals who are not government officials, the same dis-
 5 closures should apply.

6 **SEC. 1503. IMPROVING ACCESS TO INFLUENTIAL VISITOR**
 7 **ACCESS RECORDS.**

8 (a) DEFINITIONS.—In this section:

9 (1) COVERED LOCATION.—The term “covered
 10 location” means—

11 (A) the White House;

12 (B) the residence of the Vice President;

13 and

14 (C) any other location at which the Presi-
 15 dent or the Vice President regularly conducts
 16 official business.

17 (2) COVERED RECORDS.—The term “covered
 18 records” means information relating to a visit at a
 19 covered location, which shall include—

20 (A) the name of each visitor at the covered
 21 location;

22 (B) the name of each individual with whom
 23 each visitor described in subparagraph (A) met
 24 at the covered location; and

25 (C) the purpose of the visit.

1 (b) REQUIREMENT.—Except as provided in sub-
2 section (c), not later than 30 days after the date of enact-
3 ment of this Act, the President shall establish, and update
4 every 90 days, a publicly available database that contains
5 covered records for the preceding 90-day period.

6 (c) EXCEPTIONS.—

7 (1) IN GENERAL.—The President shall not in-
8 clude in the database established under subsection
9 (b) any covered record—

10 (A) the posting of which would implicate
11 personal privacy or law enforcement concerns or
12 threaten national security; or

13 (B) relating to a purely personal guest at
14 a covered location.

15 (2) SENSITIVE MEETINGS.—With respect to a
16 particularly sensitive meeting at a covered location,
17 the President shall—

18 (A) include the number of visitors at the
19 covered location in the database established
20 under subsection (b); and

21 (B) post the applicable covered records in
22 the database established under subsection (b)
23 when the President determines that release of
24 the covered records is no longer sensitive.

1 **Subtitle G—Requiring Individuals**
2 **Nominated or Appointed to Cer-**
3 **tain Positions To Disclose Cer-**
4 **tain Types of Contributions**

5 **SEC. 1601. SHORT TITLE.**

6 This subtitle may be cited as the “Conflicts from Po-
7 litical Fundraising Act of 2017”.

8 **SEC. 1602. FINDINGS.**

9 Congress finds the following:

10 (1) Public confidence in the Federal Govern-
11 ment is based on the expectation that officers and
12 employees will discharge their duties impartially, and
13 avoid either actual conflicts of interest or the ap-
14 pearance thereof.

15 (2) The risk of an actual conflict of interest, or
16 the appearance thereof, arises when a nominee or
17 appointee to a Senate-confirmed position or an indi-
18 vidual in a position of a confidential or policymaking
19 character has previously donated to, solicited for, or
20 received funds from a political action committee or
21 entity organized under section 501(c)(4) or section
22 501(c)(6) of the Internal Revenue Code of 1986.

23 (3) Since the 2010 decision by the Supreme
24 Court of the United States in *Citizens United v.*
25 *Federal Election Commission*, spending by corpora-

1 tions subject to Federal laws and regulations has in-
2 creased dramatically.

3 (4) While some corporate political spending is
4 done publicly, contributions to entities organized
5 under section 501(c)(4) of the Internal Revenue
6 Code of 1986 need not be disclosed, making this
7 spending effectively anonymous. The risk of an ac-
8 tual conflict of interest, or the appearance thereof,
9 arises whether political spending is public or anony-
10 mous.

11 (5) Current financial disclosure requirements do
12 not require filers to report funds they have donated
13 to, solicited for, or received from political action
14 committees or entities organized under section
15 501(c)(4) or section 501(c)(6) of the Internal Rev-
16 enue Code of 1986.

17 (6) Apparent or actual conflicts of interest are
18 best ameliorated through public disclosure of this ac-
19 tivity to the Office of Government Ethics so the ap-
20 parent or actual conflicts can be addressed in ethics
21 agreements negotiated between the filer and the
22 agency in which the filer will serve.

1 **SEC. 1603. DISCLOSURE OF CERTAIN TYPES OF CONTRIBU-**
 2 **TIONS.**

3 (a) DEFINITIONS.—Section 109 of the Ethics in Gov-
 4 ernment Act of 1978 (5 U.S.C. App.) is amended—

5 (1) by redesignating paragraphs (2) through
 6 (19) as paragraphs (5) through (22), respectively;
 7 and

8 (2) by inserting after paragraph (1) the fol-
 9 lowing:

10 “(2) ‘covered contribution’ means a payment,
 11 advance, forbearance, rendering, or deposit of
 12 money, or any thing of value—

13 “(A)(i) that—

14 “(I) is—

15 “(aa) made by or on behalf of a
 16 covered individual; or

17 “(bb) solicited in writing by or on
 18 behalf of a covered individual; and

19 “(II) is made—

20 “(aa) to a political organization,
 21 as defined in section 527 of the Inter-
 22 nal Revenue Code of 1986; or

23 “(bb) to an organization—

24 “(AA) that is described in
 25 paragraph (4) or (6) of section
 26 501(c) of the Internal Revenue

1 Code of 1986 and exempt from
2 tax under section 501(a) of such
3 Code; and

4 “(BB) that promotes or op-
5 poses changes in Federal laws or
6 regulations that are (or would
7 be) administered by the agency in
8 which the covered individual has
9 been nominated for appointment
10 to a covered position or is serving
11 in a covered position; or

12 “(ii) that is—

13 “(I) solicited in writing by or on be-
14 half of a covered individual; and

15 “(II) made—

16 “(aa) by an individual or entity
17 the activities of which are subject to
18 Federal laws or regulations that are
19 (or would be) administered by the
20 agency in which the covered individual
21 has been nominated for appointment
22 to a covered position or is serving in
23 a covered position; and

24 “(bb) to—

1 “(AA) a political organiza-
 2 tion, as defined in section 527 of
 3 the Internal Revenue Code of
 4 1986; or

5 “(BB) an organization that
 6 is described in paragraph (4) or
 7 (6) of section 501(c) of the Inter-
 8 nal Revenue Code of 1986 and
 9 exempt from tax under section
 10 501(a) of such Code; and

11 “(B) that is made to an organization de-
 12 scribed in item (aa) or (bb) of clause (i)(II) or
 13 clause (ii)(II)(bb) of subparagraph (A) for
 14 which the total amount of such payments, ad-
 15 vances, forbearances, renderings, or deposits of
 16 money, or any thing of value, during the cal-
 17 endar year in which it is made is not less than
 18 the contribution limitation in effect under sec-
 19 tion 315(a)(1)(A) of the Federal Election Cam-
 20 paign Act of 1971 (52 U.S.C. 30116(a)(1)(A))
 21 for elections occurring during such calendar
 22 year;

23 “(3) ‘covered individual’ means an individual
 24 who has been nominated or appointed to a covered
 25 position; and

1 “(4) ‘covered position’—

2 “(A) means—

3 “(i) a position described under sec-
4 tions 5312 through 5316 of title 5, United
5 States Code;

6 “(ii) a position placed in level IV or V
7 of the Executive Schedule under section
8 5317 of title 5, United States Code;

9 “(iii) a position as a limited term ap-
10 pointee, limited emergency appointee, or
11 noncareer appointee in the Senior Execu-
12 tive Service, as defined under paragraphs
13 (5), (6), and (7), respectively, of section
14 3132(a) of title 5, United States Code; and

15 “(iv) a position in the executive
16 branch of the Government of a confidential
17 or policy-determining character under
18 schedule C of subpart C of part 213 of
19 title 5 of the Code of Federal Regulations;
20 and

21 “(B) does not include a position if the in-
22 dividual serving in the position has been ex-
23 cluded from the application of section
24 101(f)(5);”.

1 (b) DISCLOSURE REQUIREMENTS.—The Ethics in
2 Government Act of 1978 (5 U.S.C. App.) is amended—

3 (1) in section 101—

4 (A) in subsection (a)—

5 (i) by inserting “(1)” before “With-
6 in”;

7 (ii) by striking “unless” and inserting
8 “and, if the individual is assuming a cov-
9 ered position, the information described in
10 section 102(j), except that, subject to para-
11 graph (2), the individual shall not be re-
12 quired to file a report if”; and

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

15 “(2) If an individual has left a position described in
16 subsection (f) that is not a covered position and, within
17 30 days, assumes a position that is a covered position, the
18 individual shall, within 30 days of assuming the covered
19 position, file a report containing the information described
20 in section 102(j)(2)(A).”;

21 (B) in subsection (b)(1), in the first sen-
22 tence, by inserting “and the information re-
23 quired by section 102(j)” after “described in
24 section 102(b)”;

1 (C) in subsection (d), by inserting “and, if
 2 the individual is serving in a covered position,
 3 the information required by section
 4 102(j)(2)(A)” after “described in section
 5 102(a)”;

6 (D) in subsection (e), by inserting “and, if
 7 the individual was serving in a covered position,
 8 the information required by section
 9 102(j)(2)(A)” after “described in section
 10 102(a)”;

11 (2) in section 102—

12 (A) in subsection (g), by striking “Political
 13 campaign funds” and inserting “Except as pro-
 14 vided in subsection (j), political campaign
 15 funds”;

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

17 “(j)(1) In this subsection—

18 “(A) the term ‘applicable period’ means—

19 “(i) with respect to a report filed pursuant
 20 to subsection (a) or (b) of section 101, the year
 21 of filing and the 4 calendar years preceding the
 22 year of the filing; and

23 “(ii) with respect to a report filed pursuant
 24 to subsection (d) or (e) of section 101, the pre-
 25 ceding calendar year; and

1 “(B) the term ‘covered gift’ means a gift that—

2 “(i) is made to a covered individual, the
3 spouse of a covered individual, or the dependent
4 child of a covered individual;

5 “(ii) is made by an entity described in item
6 (aa) or (bb) of section 109(2)(A)(i)(II); and

7 “(iii) would have been required to be re-
8 ported under subsection (a)(2) if the covered in-
9 dividual had been required to file a report
10 under section 101(d) with respect to the cal-
11 endar year during which the gift was made.

12 “(2)(A) A report filed pursuant to subsection (a), (b),
13 (d), or (e) of section 101 by a covered individual shall in-
14 clude, for each covered contribution made by or on behalf
15 of, or that was solicited in writing by or on behalf of, the
16 covered individual during the applicable period—

17 “(i) the date on which the covered contribution
18 was made;

19 “(ii) if applicable, the date or dates on which
20 the covered contribution was solicited;

21 “(iii) the value of the covered contribution;

22 “(iv) the name of the person making the cov-
23 ered contribution; and

24 “(v) the name of the person receiving the cov-
25 ered contribution.

1 “(B)(i) Subject to clause (ii), a covered contribution
 2 made by or on behalf of, or that was solicited in writing
 3 by or on behalf of, a covered individual shall constitute
 4 a conflict of interest, or an appearance thereof, with re-
 5 spect to the official duties of the covered individual.

6 “(ii) The Director of the Office of Government Ethics
 7 may exempt a covered contribution from the application
 8 of clause (i) if the Director determines the circumstances
 9 of the solicitation and making of the covered contribution
 10 do not present a risk of a conflict of interest and the ex-
 11 emption of the covered contribution would not affect ad-
 12 versely the integrity of the Government or the public’s con-
 13 fidence in the integrity of the Government.

14 “(3) A report filed pursuant to subsection (a) or (b)
 15 of section 101 by a covered individual shall include the
 16 information described in subsection (a)(2) with respect to
 17 each covered gift received during the applicable period.”.

18 (c) PROVISION OF REPORTS AND ETHICS AGREE-
 19 MENTS TO CONGRESS.—Section 105 of the Ethics in Gov-
 20 ernment Act of 1978 (5 U.S.C. App.) is amended by add-
 21 ing at the end the following:

22 “(e) Not later than 30 days after receiving a written
 23 request from the Chairman or Ranking Member of a com-
 24 mittee or subcommittee of either House of Congress with
 25 jurisdiction of the agency in which a covered individual

1 has been nominated for appointment to a covered position
 2 or is serving in a covered position, the Director of the Of-
 3 fice of Government Ethics shall provide to the Chairman
 4 or Ranking Member, respectively, each report filed under
 5 this title by the covered individual and any ethics agree-
 6 ment entered into between the agency and the covered in-
 7 dividual.”.

8 (d) RULES ON ETHICS AGREEMENTS.—The Director
 9 of the Office of Government Ethics shall promptly issue
 10 rules regarding how an agency in the executive branch
 11 shall address information required to be disclosed under
 12 the amendments made by this Act in drafting ethics agree-
 13 ments between the agency and individuals appointed to po-
 14 sitions in the agency.

15 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) The Ethics in Government Act of 1978 (5
 17 U.S.C. App.) is amended—

18 (A) in section 101(f)—

19 (i) in paragraph (9), by striking “sec-
 20 tion 109(12)” and inserting “section
 21 109(15)”;

22 (ii) in paragraph (10), by striking
 23 “section 109(13)” and inserting “section
 24 109(16)”;

1 (iii) in paragraph (11), by striking
 2 “section 109(10)” and inserting “section
 3 109(13)”; and

4 (iv) in paragraph (12), by striking
 5 “section 109(8)” and inserting “section
 6 109(11)”; and

7 (B) in section 103(l)—

8 (i) in paragraph (9), by striking “sec-
 9 tion 109(12)” and inserting “section
 10 109(15)”; and

11 (ii) in paragraph (10), by striking
 12 “section 109(13)” and inserting “section
 13 109(16)”; and

14 (C) in section 105(b)(3)(A), by striking
 15 “section 109(8) or 109(10)” and inserting “sec-
 16 tion 109(11) or 109(13)”.

17 (2) Section 3(4)(D) of the Lobbying Disclosure
 18 Act of 1995 (2 U.S.C. 1602(4)(D)) is amended by
 19 striking “section 109(13)” and inserting “section
 20 109(16)”.

21 (3) Section 21A of the Securities Exchange Act
 22 of 1934 (15 U.S.C. 78u–1) is amended—

23 (A) in subsection (g)(2)(B)(ii), by striking
 24 “section 109(11) of the Ethics in Government
 25 Act of 1978 (5 U.S.C. App. 109(11)))” and in-

serting “section 109 of the Ethics in Govern-
ment Act of 1978 (5 U.S.C. App.)”; and

(B) in subsection (h)(2)—

(i) in subparagraph (B), by striking
“section 109(8) of the Ethics in Govern-
ment Act of 1978 (5 U.S.C. App. 109(8))”
and inserting “section 109 of the Ethics in
Government Act of 1978 (5 U.S.C. App.)”;
and

(ii) in subparagraph (C), by striking
“section 109(10) of the Ethics in Govern-
ment Act of 1978 (5 U.S.C. App.
109(10))” and inserting “section 109 of
the Ethics in Government Act of 1978 (5
U.S.C. App.)”.

(4) Section 499(j)(2) of the Public Health Serv-
ice Act (42 U.S.C. 290b(j)(2)) is amended by strik-
ing “section 109(16) of the Ethics in Government
Act of 1978” and inserting “section 109 of the Eth-
ics in Government Act of 1978 (5 U.S.C. App.)”.

1 **TITLE II—PUBLIC FINANCING**
 2 **Subtitle A—Reforming Presidential**
 3 **Election Financing**

4 **PART I—PRIMARY ELECTIONS**

5 **SEC. 2001. INCREASE IN AND MODIFICATIONS TO MATCH-**
 6 **ING PAYMENTS.**

7 (a) INCREASE AND MODIFICATION.—

8 (1) IN GENERAL.—The first sentence of section
 9 9034(a) of the Internal Revenue Code of 1986 is
 10 amended—

11 (A) by striking “an amount equal to the
 12 amount of each contribution” and inserting “an
 13 amount equal to 600 percent of the amount of
 14 each matchable contribution (disregarding any
 15 amount of contributions from any person to the
 16 extent that the total of the amounts contributed
 17 by such person for the election exceeds \$200)”;
 18 and

19 (B) by striking “authorized committees”
 20 and all that follows through “\$250” and insert-
 21 ing “authorized committees”.

22 (2) MATCHABLE CONTRIBUTIONS.—Section
 23 9034 of such Code is amended—

24 (A) by striking the last sentence of sub-
 25 section (a); and

1 (B) by inserting after subsection (b) the
 2 following new subsection:

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

5 “(1) MATCHABLE CONTRIBUTION.—The term
 6 ‘matchable contribution’ means, with respect to the
 7 nomination for election to the office of President of
 8 the United States, a contribution by an individual to
 9 a candidate or an authorized committee of a can-
 10 didate with respect to which the candidate has cer-
 11 tified in writing that—

12 “(A) the individual making such contribu-
 13 tion has not made aggregate contributions (in-
 14 cluding such matchable contribution) to such
 15 candidate and the authorized committees of
 16 such candidate in excess of \$1,000 for the elec-
 17 tion;

18 “(B) such candidate and the authorized
 19 committees of such candidate will not accept
 20 contributions from such individual (including
 21 such matchable contribution) aggregating more
 22 than the amount described in subparagraph
 23 (A); and

24 “(C) such contribution was not—

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

3 “(ii) received by the candidate or com-
4 mittee from a contributor or contributors,
5 but credited by the committee or candidate
6 to another person who is not an individual
7 through records, designations, or other
8 means of recognizing (whether in writing
9 or not in writing) that a certain amount of
10 money has been raised by such person.

11 “(2) CONTRIBUTION.—For purposes of this
12 subsection, the term ‘contribution’ means a gift of
13 money made by a written instrument which identi-
14 fies the individual making the contribution by full
15 name and mailing address, but does not include a
16 subscription, loan, advance, or deposit of money, or
17 anything of value or anything described in subpara-
18 graph (B), (C), or (D) of section 9032(4).”.

19 (3) CONFORMING AMENDMENTS.—

20 (A) Section 9032(4) of such Code is
21 amended by striking “section 9034(a)” and in-
22 serting “section 9034”.

23 (B) Section 9033(b)(3) of such Code is
24 amended by striking “matching contributions”
25 and inserting “matchable contributions”.

1 (b) MODIFICATION OF PAYMENT LIMITATION.—

2 (1) IN GENERAL.—Section 9034(b) of such
3 Code is amended—

4 (A) by striking “Every” and inserting the
5 following:

6 “(1) IN GENERAL.—Every”;

7 (B) by striking “shall not exceed” and all
8 that follows and inserting “shall not exceed
9 \$300,000,000.”; and

10 (C) by adding at the end the following new
11 paragraph:

12 “(3) INFLATION ADJUSTMENT.—

13 “(A) IN GENERAL.—In the case of any ap-
14 plicable period beginning after 2019, the dollar
15 amount in paragraph (1) shall be increased by
16 an amount equal to—

17 “(i) such dollar amount, multiplied by

18 “(ii) the cost-of-living adjustment de-
19 termined under section 1(f)(3) for the cal-
20 endar year following the year which such
21 applicable period begins, determined by
22 substituting ‘calendar year 2018’ for ‘cal-
23 endar year 1992’ in subparagraph (B)
24 thereof.

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

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

SEC. 2002. ELIGIBILITY REQUIREMENTS FOR MATCHING PAYMENTS.

(a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN EXCESS OF \$200.—Section 9033(b)(3) of the Internal Revenue Code of 1986 is amended—

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

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

(b) CONTRIBUTION LIMIT.—

1 (1) IN GENERAL.—Paragraph (4) of section
2 9033(b) of such Code is amended to read as follows:

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

8 (2) CONFORMING AMENDMENTS.—

9 (A) Section 9033(b) of such Code is
10 amended by adding at the end the following
11 new flush sentence:

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

15 (B) Section 9032(4) of such Code, as
16 amended by section 2001(a)(3)(A) is amended
17 by inserting “or 9033(b)” after “9034”.

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

21 (1) by striking “and” at the end of paragraph
22 (3);

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

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

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

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

12 (1) by striking “and” at the end of paragraph
13 (4);

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

16 (3) by adding at the end the following new
17 paragraph:

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

1 **SEC. 2003. REPEAL OF EXPENDITURE LIMITATIONS.**

2 (a) IN GENERAL.—Subsection (a) of section 9035 of
3 the Internal Revenue Code of 1986 is amended to read
4 as follows:

5 “(a) PERSONAL EXPENDITURE LIMITATION.—No
6 candidate shall knowingly make expenditures from his per-
7 sonal funds, or the personal funds of his immediate family,
8 in connection with his campaign for nomination for elec-
9 tion to the office of President in excess of, in the aggre-
10 gate, \$50,000.”.

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

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

16 **SEC. 2004. PERIOD OF AVAILABILITY OF MATCHING PAY-**
17 **MENTS.**

18 Section 9032(6) of the Internal Revenue Code of
19 1986 is amended by striking “the beginning of the cal-
20 endar year in which a general election for the office of
21 President of the United States will be held” and inserting
22 “the date that is 6 months prior to the date of the earliest
23 State primary election”.

1 **SEC. 2005. EXAMINATION AND AUDITS OF MATCHABLE CON-**
 2 **TRIBUTIONS.**

3 Section 9038(a) of the Internal Revenue Code of
 4 1986 is amended by inserting “and matchable contribu-
 5 tions accepted by” after “qualified campaign expenses of”.

6 **SEC. 2006. MODIFICATION TO LIMITATION ON CONTRIBU-**
 7 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**
 8 **DIDATES.**

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

13 **PART II—GENERAL ELECTIONS**

14 **SEC. 2011. MODIFICATION OF ELIGIBILITY REQUIREMENTS**
 15 **FOR PUBLIC FINANCING.**

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

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

22 “(1) PARTICIPATION IN PRIMARY PAYMENT
 23 SYSTEM.—The candidate for President received pay-
 24 ments under chapter 96 for the campaign for nomi-
 25 nation for election to be President.

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

3 “(A) agree to obtain and furnish to the
4 Commission such evidence as it may request of
5 the qualified campaign expenses of such can-
6 didates,

7 “(B) agree to keep and furnish to the
8 Commission such records, books, and other in-
9 formation as it may request, and

10 “(C) agree to an audit and examination by
11 the Commission under section 9007 and to pay
12 any amounts required to be paid under such
13 section.

14 “(3) BAN ON BUNDLED CONTRIBUTIONS.—The
15 candidates certify to the Commission, under penalty
16 of perjury and within such time prior to the day of
17 the presidential election as the Commission shall
18 prescribe by rules or regulations, that the candidates
19 and the authorized committees of such candidates
20 will not accept any bundled contribution (as defined
21 in section 304(i)(8) of the Federal Election Cam-
22 paign Act of 1971) forwarded by or credited to a
23 person described in section 304(i)(7) of such Act.”.

1 **SEC. 2012. REPEAL OF EXPENDITURE LIMITATIONS AND**
2 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**
3 **TIONS.**

4 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
5 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME
6 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-
7 TIES.—Section 9003 of the Internal Revenue Code of
8 1986 is amended by striking subsections (b) and (c) and
9 inserting the following:

10 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
11 TO DEFRAY EXPENSES.—

12 “(1) IN GENERAL.—In order to be eligible to
13 receive any payments under section 9006, the can-
14 didates of a party in a presidential election shall cer-
15 tify to the Commission, under penalty of perjury,
16 that—

17 “(A) such candidates and their authorized
18 committees have not and will not accept any
19 contributions to defray qualified campaign ex-
20 penses other than—

21 “(i) qualified campaign contributions,
22 and

23 “(ii) contributions to the extent nec-
24 essary to make up any deficiency payments
25 received out of the fund on account of the
26 application of section 9006(c), and

1 “(B) such candidates and their authorized
 2 committees have not and will not accept any
 3 contribution to defray expenses which would be
 4 qualified campaign expenses but for subpara-
 5 graph (C) of section 9002(11).

6 “(2) TIMING OF CERTIFICATION.—The can-
 7 didate shall make the certification required under
 8 this subsection at the same time the candidate
 9 makes the certification required under subsection
 10 (a)(3).”.

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

14 “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—
 15 The term ‘qualified campaign contribution’ means,
 16 with respect to any election for the office of Presi-
 17 dent of the United States, a contribution from an in-
 18 dividual to a candidate or an authorized committee
 19 of a candidate which—

20 “(A) does not exceed \$1,000 for the elec-
 21 tion; and

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

24 “(i) the individual making such con-
 25 tribution has not made aggregate contribu-

tions (including such qualified contribution) to such candidate and the authorized committees of such candidate in excess of the amount described in subparagraph (A), and

“(ii) such candidate and the authorized committees of such candidate will not accept contributions from such individual (including such qualified contribution) aggregating more than the amount described in subparagraph (A) with respect to such election.”.

(c) CONFORMING AMENDMENTS.—

(1) REPEAL OF EXPENDITURE LIMITS.—

(A) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116) is amended by striking subsection (b).

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

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

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

1 (2) REPEAL OF REPAYMENT REQUIREMENT.—

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

7 (B) CONFORMING AMENDMENT.—Para-
8 graph (2) of section 9007(b) of such Code, as
9 redesignated by subparagraph (A), is amend-
10 ed—

11 (i) by striking “a major party” and
12 inserting “a party”;

13 (ii) by inserting “qualified contribu-
14 tions and” after “contributions (other
15 than”; and

16 (iii) by striking “(other than qualified
17 campaign expenses with respect to which
18 payment is required under paragraph
19 (2))”.

20 (3) CRIMINAL PENALTIES.—

21 (A) REPEAL OF PENALTY FOR EXCESS EX-
22 PENSES.—Section 9012 of the Internal Revenue
23 Code of 1986 is amended by striking subsection
24 (a).

1 (B) PENALTY FOR ACCEPTANCE OF DIS-
2 ALLOWED CONTRIBUTIONS; APPLICATION OF
3 SAME PENALTY FOR CANDIDATES OF MAJOR,
4 MINOR, AND NEW PARTIES.—Subsection (b) of
5 section 9012 of such Code is amended to read
6 as follows:

7 “(b) CONTRIBUTIONS.—

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

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

1 not more than \$5,000, or imprisoned not more than
2 one year, or both.”.

3 **SEC. 2013. MATCHING PAYMENTS AND OTHER MODIFICA-**
4 **TIONS TO PAYMENT AMOUNTS.**

5 (a) IN GENERAL.—

6 (1) AMOUNT OF PAYMENTS; APPLICATION OF
7 SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,
8 AND NEW PARTIES.—Subsection (a) of section 9004
9 of the Internal Revenue Code of 1986 is amended to
10 read as follows:

11 “(a) IN GENERAL.—Subject to the provisions of this
12 chapter, the eligible candidates of a party in a presidential
13 election shall be entitled to equal payment under section
14 9006 in an amount equal to 600 percent of the amount
15 of each matchable contribution received by such candidate
16 or by the candidate’s authorized committees (disregarding
17 any amount of contributions from any person to the extent
18 that the total of the amounts contributed by such person
19 for the election exceeds \$200), except that total amount
20 to which a candidate is entitled under this paragraph shall
21 not exceed \$300,000,000.”.

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

1 “(b) INFLATION ADJUSTMENT.—

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

6 “(A) such dollar amount; multiplied by

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

13 “(2) APPLICABLE PERIOD.—For purposes of
14 this subsection, the term ‘applicable period’ means
15 the 4-year period beginning with the first day fol-
16 lowing the date of the general election for the office
17 of President and ending on the date of the next such
18 general election.

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

23 (3) CONFORMING AMENDMENT.—Section
24 9005(a) of such Code is amended by adding at the
25 end the following new sentence: “The Commission

1 shall make such additional certifications as may be
2 necessary to receive payments under section 9004.”.

3 (b) MATCHABLE CONTRIBUTION.—Section 9002 of
4 such Code, as amended by section 2012, is amended by
5 adding at the end the following new paragraph:

6 “(14) MATCHABLE CONTRIBUTION.—The term
7 ‘matchable contribution’ means, with respect to the
8 election to the office of President of the United
9 States, a contribution by an individual to a can-
10 didate or an authorized committee of a candidate
11 with respect to which the candidate has certified in
12 writing that—

13 “(A) the individual making such contribu-
14 tion has not made aggregate contributions (in-
15 cluding such matchable contribution) to such
16 candidate and the authorized committees of
17 such candidate in excess of \$1,000 for the elec-
18 tion;

19 “(B) such candidate and the authorized
20 committees of such candidate will not accept
21 contributions from such individual (including
22 such matchable contribution) aggregating more
23 than the amount described in subparagraph (A)
24 with respect to such election; and

25 “(C) such contribution was not—

1 “(i) forwarded from the contributor
 2 by any person other than an individual, or
 3 “(ii) received by the candidate or com-
 4 mittee from a contributor or contributors,
 5 but credited by the committee or candidate
 6 to another person who is not an individual
 7 through records, designations, or other
 8 means of recognizing (whether in writing
 9 or not in writing) that a certain amount of
 10 money has been raised by such person.”.

11 **SEC. 2014. INCREASE IN LIMIT ON COORDINATED PARTY**
 12 **EXPENDITURES.**

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

16 “(2)(A) The national committee of a political party
 17 may not make any expenditure in connection with the gen-
 18 eral election campaign of any candidate for President of
 19 the United States who is affiliated with such party which
 20 exceeds \$100,000,000.

21 “(B) For purposes of this paragraph—

22 “(i) any expenditure made by or on behalf of a
 23 national committee of a political party and in con-
 24 nection with a presidential election shall be consid-
 25 ered to be made in connection with the general elec-

1 tion campaign of a candidate for President of the
 2 United States who is affiliated with such party; and

3 “(ii) any communication made by or on behalf
 4 of such party shall be considered to be made in con-
 5 nection with the general election campaign of a can-
 6 didate for President of the United States who is af-
 7 filiated with such party if any portion of the commu-
 8 nication is in connection with such election.

9 “(C) Any expenditure under this paragraph shall be
 10 in addition to any expenditure by a national committee
 11 of a political party serving as the principal campaign com-
 12 mittee of a candidate for the office of President of the
 13 United States.”.

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

16 (1) IN GENERAL.—Section 315(c)(1) of such
 17 Act (52 U.S.C. 30116(c)(1)), as amended by section
 18 2012(c)(1)(B), is amended—

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

21 (B) by inserting at the end the following
 22 new subparagraph:

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

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

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

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

9 (2) BASE YEAR.—Section 315(c)(2)(B) of such
 10 Act (52 U.S.C. 30116(c)(2)(B)), as amended by sec-
 11 tion 2012(c)(1)(B), is amended—

12 (A) in clause (i)—

13 (i) by striking “(d)” and inserting
 14 “(d)(3)”; and

15 (ii) by striking “and” at the end;

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

18 (C) by adding at the end the following new
 19 clause:

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

22 **SEC. 2015. ESTABLISHMENT OF UNIFORM DATE FOR RE-**
 23 **LEASE OF PAYMENTS.**

24 (a) DATE FOR PAYMENTS.—

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

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

10 “(1) the last Friday occurring before the first
11 Monday in September; or

12 “(2) 24 hours after receiving the certifications
13 for the eligible candidates of all major political par-
14 ties.

15 Amounts paid to any such candidates shall be under the
16 control of such candidates.”.

17 (2) CONFORMING AMENDMENT.—The first sen-
18 tence of section 9006(c) of such Code is amended by
19 striking “the time of a certification by the Commis-
20 sion under section 9005 for payment” and inserting
21 “the time of making a payment under subsection
22 (b)”.

23 (b) TIME FOR CERTIFICATION.—Section 9005(a) of
24 the Internal Revenue Code of 1986 is amended by striking
25 “10 days” and inserting “24 hours”.

1 **SEC. 2016. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**
 2 **PAIGN FUND.**

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

15 (b) SPECIAL RULE FOR FIRST CAMPAIGN CYCLE
 16 UNDER THIS ACT.—

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

20 “(d) SPECIAL AUTHORITY TO BORROW.—

21 “(1) IN GENERAL.—Notwithstanding subsection
 22 (c), there are authorized to be appropriated to the
 23 fund, as repayable advances, such sums as are nec-
 24 essary to carry out the purposes of the fund during
 25 the period ending on the first presidential election

1 occurring after the date of the enactment of this
2 subsection.

3 “(2) REPAYMENT OF ADVANCES.—

4 “(A) IN GENERAL.—Advances made to the
5 fund shall be repaid, and interest on such ad-
6 vances shall be paid, to the general fund of the
7 Treasury when the Secretary determines that
8 moneys are available for such purposes in the
9 fund.

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

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

1 **SEC. 2017. USE OF GENERAL ELECTION PAYMENTS FOR**
 2 **GENERAL ELECTION LEGAL AND ACCOUNT-**
 3 **ING COMPLIANCE.**

4 Section 9002(11) of the Internal Revenue Code of
 5 1986 is amended by adding at the end the following new
 6 sentence: “For purposes of subparagraph (A), an expense
 7 incurred by a candidate or authorized committee for gen-
 8 eral election legal and accounting compliance purposes
 9 shall be considered to be an expense to further the election
 10 of such candidate.”.

11 **Subtitle B—Reforming Senate**
 12 **Election Financing**

13 **PART I—FAIR ELECTIONS FINANCING OF SENATE**
 14 **ELECTION CAMPAIGNS**

15 **Subpart A—Fair Elections Financing Program**

16 **SEC. 2101. FINDINGS AND DECLARATIONS.**

17 (a) UNDERMINING OF DEMOCRACY BY CAMPAIGN
 18 CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate
 19 finds and declares that the current system of privately fi-
 20 nanced campaigns for election to the United States Senate
 21 has the capacity, and is often perceived by the public, to
 22 undermine democracy in the United States by—

23 (1) creating a culture that fosters actual or per-
 24 ceived conflicts of interest by encouraging Senators
 25 to accept large campaign contributions from private

1 interests that are directly affected by Federal legis-
2 lation;

3 (2) diminishing or appearing to diminish Sen-
4 ators' accountability to constituents by compelling
5 legislators to be accountable to the major contribu-
6 tors who finance their election campaigns;

7 (3) undermining the meaning of the right to
8 vote by allowing monied interests to have a dis-
9 proportionate and unfair influence within the polit-
10 ical process;

11 (4) imposing large, unwarranted costs on tax-
12 payers through legislative and regulatory distortions
13 caused by unequal access to lawmakers for campaign
14 contributors;

15 (5) making it difficult for some qualified can-
16 didates to mount competitive Senate election cam-
17 paigns;

18 (6) disadvantaging challengers and discouraging
19 competitive elections; and

20 (7) burdening incumbents with a preoccupation
21 with fundraising and thus decreasing the time avail-
22 able to carry out their public responsibilities.

23 (b) ENHANCEMENT OF DEMOCRACY BY PROVIDING
24 ALLOCATIONS FROM THE FAIR ELECTIONS FUND.—The
25 Senate finds and declares that providing the option of the

1 replacement of large private campaign contributions with
2 allocations from the Fair Elections Fund for all primary,
3 runoff, and general elections to the Senate would enhance
4 American democracy by—

5 (1) reducing the actual or perceived conflicts of
6 interest created by fully private financing of the elec-
7 tion campaigns of public officials and restoring pub-
8 lic confidence in the integrity and fairness of the
9 electoral and legislative processes through a program
10 which allows participating candidates to adhere to
11 substantially lower contribution limits for contribu-
12 tors with an assurance that there will be sufficient
13 funds for such candidates to run viable electoral
14 campaigns;

15 (2) increasing the public's confidence in the ac-
16 countability of Senators to the constituents who elect
17 them, which derives from the program's qualifying
18 criteria to participate in the voluntary program and
19 the conclusions that constituents may draw regard-
20 ing candidates who qualify and participate in the
21 program;

22 (3) helping to reduce the ability to make large
23 campaign contributions as a determinant of a citi-
24 zen's influence within the political process by facili-
25 tating the expression of support by voters at every

1 level of wealth, encouraging political participation,
 2 and incentivizing participation on the part of Sen-
 3 ators through the matching of small dollar contribu-
 4 tions;

5 (4) potentially saving taxpayers billions of dol-
 6 lars that may be (or that are perceived to be) cur-
 7 rently allocated based upon legislative and regu-
 8 latory agendas skewed by the influence of campaign
 9 contributions;

10 (5) creating genuine opportunities for all Amer-
 11 icans to run for the Senate and encouraging more
 12 competitive elections;

13 (6) encouraging participation in the electoral
 14 process by citizens of every level of wealth; and

15 (7) freeing Senators from the incessant pre-
 16 occupation with raising money, and allowing them
 17 more time to carry out their public responsibilities.

18 **SEC. 2102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**
 19 **FAIR ELECTIONS FINANCING OF SENATE**
 20 **ELECTION CAMPAIGNS.**

21 The Federal Election Campaign Act of 1971 (52
 22 U.S.C. 30101 et seq.) is amended by adding at the end
 23 the following:

1 **“TITLE V—FAIR ELECTIONS FI-**
 2 **NANCING OF SENATE ELEC-**
 3 **TION CAMPAIGNS**

4 **“Subtitle A—General Provisions**

5 **“SEC. 501. DEFINITIONS.**

6 “In this title:

7 “(1) ALLOCATION FROM THE FUND.—The term
 8 ‘allocation from the Fund’ means an allocation of
 9 money from the Fair Elections Fund to a partici-
 10 pating candidate pursuant to section 522.

11 “(2) BOARD.—The term ‘Board’ means the
 12 Fair Elections Oversight Board established under
 13 section 531.

14 “(3) FAIR ELECTIONS QUALIFYING PERIOD.—
 15 The term ‘Fair Elections qualifying period’ means,
 16 with respect to any candidate for Senator, the pe-
 17 riod—

18 “(A) beginning on the date on which the
 19 candidate files a statement of intent under sec-
 20 tion 511(a)(1); and

21 “(B) ending on the date that is 30 days
 22 before—

23 “(i) the date of the primary election;

24 or

1 “(ii) in the case of a State that does
2 not hold a primary election, the date pre-
3 scribed by State law as the last day to
4 qualify for a position on the general elec-
5 tion ballot.

6 “(4) FAIR ELECTIONS START DATE.—The term
7 ‘Fair Elections start date’ means, with respect to
8 any candidate, the date that is 180 days before—

9 “(A) the date of the primary election; or

10 “(B) in the case of a State that does not
11 hold a primary election, the date prescribed by
12 State law as the last day to qualify for a posi-
13 tion on the general election ballot.

14 “(5) FUND.—The term ‘Fund’ means the Fair
15 Elections Fund established by section 502.

16 “(6) IMMEDIATE FAMILY.—The term ‘imme-
17 diate family’ means, with respect to any candidate—

18 “(A) the candidate’s spouse;

19 “(B) a child, stepchild, parent, grand-
20 parent, brother, half-brother, sister, or half-sis-
21 ter of the candidate or the candidate’s spouse;
22 and

23 “(C) the spouse of any person described in
24 subparagraph (B).

1 “(7) MATCHING CONTRIBUTION.—The term
2 ‘matching contribution’ means a matching payment
3 provided to a participating candidate for qualified
4 small dollar contributions, as provided under section
5 523.

6 “(8) NONPARTICIPATING CANDIDATE.—The
7 term ‘nonparticipating candidate’ means a candidate
8 for Senator who is not a participating candidate.

9 “(9) PARTICIPATING CANDIDATE.—The term
10 ‘participating candidate’ means a candidate for Sen-
11 ator who is certified under section 515 as being eli-
12 gible to receive an allocation from the Fund.

13 “(10) QUALIFYING CONTRIBUTION.—The term
14 ‘qualifying contribution’ means, with respect to a
15 candidate, a contribution that—

16 “(A) is in an amount that is—

17 “(i) not less than the greater of \$5 or
18 the amount determined by the Commission
19 under section 531; and

20 “(ii) not more than the greater of
21 \$150 or the amount determined by the
22 Commission under section 531;

23 “(B) is made by an individual—

1 “(i) who is a resident of the State in
2 which such candidate is seeking election;
3 and

4 “(ii) who is not otherwise prohibited
5 from making a contribution under this Act;

6 “(C) is made during the Fair Elections
7 qualifying period; and

8 “(D) meets the requirements of section
9 512(b).

10 “(11) QUALIFIED SMALL DOLLAR CONTRIBU-
11 TION.—The term ‘qualified small dollar contribution’
12 means, with respect to a candidate, any contribution
13 (or series of contributions)—

14 “(A) which is not a qualifying contribution
15 (or does not include a qualifying contribution);

16 “(B) which is made by an individual who
17 is not prohibited from making a contribution
18 under this Act; and

19 “(C) the aggregate amount of which does
20 not exceed the greater of—

21 “(i) \$150 per election; or

22 “(ii) the amount per election deter-
23 mined by the Commission under section
24 531.

1 “(12) QUALIFYING MULTICANDIDATE POLIT-
2 ICAL COMMITTEE CONTRIBUTION.—

3 “(A) IN GENERAL.—The term ‘qualifying
4 multicandidate political committee contribution’
5 means any contribution to a candidate that is
6 made from a qualified account of a multi-
7 candidate political committee (within the mean-
8 ing of section 315(a)(2)).

9 “(B) QUALIFIED ACCOUNT.—For purposes
10 of subparagraph (A), the term ‘qualified ac-
11 count’ means, with respect to a multicandidate
12 political committee, a separate, segregated ac-
13 count of the committee that consists solely of
14 contributions which meet the following require-
15 ments:

16 “(i) All contributions to such account
17 are made by individuals who are not pro-
18 hibited from making contributions under
19 this Act.

20 “(ii) The aggregate amount of con-
21 tributions from each individual to such ac-
22 count and all other accounts of the polit-
23 ical committee do not exceed the amount
24 described in paragraph (11)(C).

1 **“SEC. 502. FAIR ELECTIONS FUND.**

2 “(a) ESTABLISHMENT.—There is established in the
3 Treasury a fund to be known as the ‘Fair Elections Fund’.

4 “(b) AMOUNTS HELD BY FUND.—The Fund shall
5 consist of the following amounts:

6 “(1) APPROPRIATED AMOUNTS.—

7 “(A) IN GENERAL.—Amounts appropriated
8 to the Fund.

9 “(B) SENSE OF THE SENATE REGARDING
10 APPROPRIATIONS.—It is the sense of the Senate
11 that—

12 “(i) there should be imposed on any
13 payment made to any person (other than a
14 State or local government or a foreign na-
15 tion) who has a contract with the Govern-
16 ment of the United States in excess of
17 \$10,000,000 a tax equal to 0.50 percent of
18 amount paid pursuant to each contract, ex-
19 cept that the aggregate tax on each con-
20 tract for any taxable year shall not exceed
21 \$500,000; and

22 “(ii) the revenue from such tax should
23 be appropriated to the Fund.

24 “(2) VOLUNTARY CONTRIBUTIONS.—Voluntary
25 contributions to the Fund.

1 “(3) OTHER DEPOSITS.—Amounts deposited
2 into the Fund under—

3 “(A) section 513(c) (relating to exceptions
4 to contribution requirements);

5 “(B) section 521(c) (relating to remittance
6 of allocations from the Fund);

7 “(C) section 533 (relating to violations);
8 and

9 “(D) any other section of this Act.

10 “(4) INVESTMENT RETURNS.—Interest on, and
11 the proceeds from, the sale or redemption of, any
12 obligations held by the Fund under subsection (c).

13 “(c) INVESTMENT.—The Commission shall invest
14 portions of the Fund in obligations of the United States
15 in the same manner as provided under section 9602(b)
16 of the Internal Revenue Code of 1986.

17 “(d) USE OF FUND.—

18 “(1) IN GENERAL.—The sums in the Fund
19 shall be used to provide benefits to participating
20 candidates as provided in subtitle C.

21 “(2) INSUFFICIENT AMOUNTS.—Under regula-
22 tions established by the Commission, rules similar to
23 the rules of section 9006(c) of the Internal Revenue
24 Code shall apply.

“Subtitle B—Eligibility and Certification

“SEC. 511. ELIGIBILITY.

“(a) IN GENERAL.—A candidate for Senator is eligible to receive an allocation from the Fund for any election if the candidate meets the following requirements:

“(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate under this title during the period beginning on the Fair Elections start date and ending on the last day of the Fair Elections qualifying period.

“(2) The candidate meets the qualifying contribution requirements of section 512.

“(3) Not later than the last day of the Fair Elections qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate’s principal campaign committee declaring that the candidate—

“(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 513;

“(B) if certified, will comply with the debate requirements of section 514;

1 “(C) if certified, will not run as a non-
 2 participating candidate during such year in any
 3 election for the office that such candidate is
 4 seeking; and

5 “(D) has either qualified or will take steps
 6 to qualify under State law to be on the ballot.

7 “(b) GENERAL ELECTION.—Notwithstanding sub-
 8 section (a), a candidate shall not be eligible to receive an
 9 allocation from the Fund for a general election or a gen-
 10 eral runoff election unless the candidate’s party nominated
 11 the candidate to be placed on the ballot for the general
 12 election or the candidate otherwise qualified to be on the
 13 ballot under State law.

14 **“SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.**

15 “(a) IN GENERAL.—A candidate for Senator meets
 16 the requirement of this section if, during the Fair Elec-
 17 tions qualifying period, the candidate obtains—

18 “(1) a number of qualifying contributions equal
 19 to the greater of—

20 “(A) the sum of—

21 “(i) 2,000; plus

22 “(ii) 500 for each congressional dis-
 23 trict in the State with respect to which the
 24 candidate is seeking election; or

1 “(B) the amount determined by the Com-
2 mission under section 531; and

3 “(2) a total dollar amount of qualifying con-
4 tributions equal to the greater of—

5 “(A) 10 percent of the amount of the allo-
6 cation such candidate would be entitled to re-
7 ceive for the primary election under section
8 522(c)(1) (determined without regard to para-
9 graph (5) thereof) if such candidate were a par-
10 ticipating candidate; or

11 “(B) the amount determined by the Com-
12 mission under section 531.

13 “(b) REQUIREMENTS RELATING TO RECEIPT OF
14 QUALIFYING CONTRIBUTION.—Each qualifying contribu-
15 tion—

16 “(1) may be made by means of a personal
17 check, money order, debit card, credit card, or elec-
18 tronic payment account;

19 “(2) shall be accompanied by a signed state-
20 ment containing—

21 “(A) the contributor’s name and the con-
22 tributor’s address in the State in which the con-
23 tributor is registered to vote; and

24 “(B) an oath declaring that the contrib-
25 utor—

1 “(i) understands that the purpose of
2 the qualifying contribution is to show sup-
3 port for the candidate so that the can-
4 didate may qualify for Fair Elections fi-
5 nancing;

6 “(ii) is making the contribution in his
7 or her own name and from his or her own
8 funds;

9 “(iii) has made the contribution will-
10 ingly; and

11 “(iv) has not received anything of
12 value in return for the contribution; and

13 “(3) shall be acknowledged by a receipt that is
14 sent to the contributor with a copy kept by the can-
15 didate for the Commission and a copy kept by the
16 candidate for the election authorities in the State
17 with respect to which the candidate is seeking elec-
18 tion.

19 “(c) VERIFICATION OF QUALIFYING CONTRIBU-
20 TIONS.—The Commission shall establish procedures for
21 the auditing and verification of qualifying contributions to
22 ensure that such contributions meet the requirements of
23 this section.

1 **“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIRE-**
 2 **MENTS.**

3 “(a) GENERAL RULE.—A candidate for Senator
 4 meets the requirements of this section if, during the elec-
 5 tion cycle of the candidate, the candidate—

6 “(1) except as provided in subsection (b), ac-
 7 cepts no contributions other than—

8 “(A) qualifying contributions;

9 “(B) qualified small dollar contributions;

10 “(C) qualifying multicandidate political
 11 committee contributions;

12 “(D) allocations from the Fund under sec-
 13 tion 522;

14 “(E) matching contributions under section
 15 523; and

16 “(F) vouchers provided to the candidate
 17 under section 524;

18 “(2) makes no expenditures from any amounts
 19 other than from—

20 “(A) qualifying contributions;

21 “(B) qualified small dollar contributions;

22 “(C) qualifying multicandidate political
 23 committee contributions;

24 “(D) allocations from the Fund under sec-
 25 tion 522;

1 “(E) matching contributions under section
2 523; and

3 “(F) vouchers provided to the candidate
4 under section 524; and

5 “(3) makes no expenditures from personal
6 funds or the funds of any immediate family member
7 (other than funds received through qualified small
8 dollar contributions and qualifying contributions).

9 For purposes of this subsection, a payment made by a po-
10 litical party in coordination with a participating candidate
11 shall not be treated as a contribution to or as an expendi-
12 ture made by the participating candidate.

13 “(b) CONTRIBUTIONS FOR LEADERSHIP PACs,
14 ETC.—A political committee of a participating candidate
15 which is not an authorized committee of such candidate
16 may accept contributions other than contributions de-
17 scribed in subsection (a)(1) from any person if—

18 “(1) the aggregate contributions from such per-
19 son for any calendar year do not exceed \$150; and

20 “(2) no portion of such contributions is dis-
21 bursed in connection with the campaign of the par-
22 ticipating candidate.

23 “(c) EXCEPTION.—Notwithstanding subsection (a), a
24 candidate shall not be treated as having failed to meet
25 the requirements of this section if any contributions that

1 are not qualified small dollar contributions, qualifying con-
 2 tributions, qualifying multicandidate political committee
 3 contributions, or contributions that meet the requirements
 4 of subsection (b) and that are accepted before the date
 5 the candidate files a statement of intent under section
 6 511(a)(1) are—

7 “(1) returned to the contributor; or

8 “(2) submitted to the Commission for deposit in
 9 the Fund.

10 **“SEC. 514. DEBATE REQUIREMENT.**

11 “A candidate for Senator meets the requirements of
 12 this section if the candidate participates in at least—

13 “(1) 1 public debate before the primary election
 14 with other participating candidates and other willing
 15 candidates from the same party and seeking the
 16 same nomination as such candidate; and

17 “(2) 2 public debates before the general election
 18 with other participating candidates and other willing
 19 candidates seeking the same office as such can-
 20 didate.

21 **“SEC. 515. CERTIFICATION.**

22 “(a) IN GENERAL.—Not later than 5 days after a
 23 candidate for Senator files an affidavit under section
 24 511(a)(3), the Commission shall—

1 “(1) certify whether or not the candidate is a
2 participating candidate; and

3 “(2) notify the candidate of the Commission’s
4 determination.

5 “(b) REVOCATION OF CERTIFICATION.—

6 “(1) IN GENERAL.—The Commission may re-
7 voke a certification under subsection (a) if—

8 “(A) a candidate fails to qualify to appear
9 on the ballot at any time after the date of cer-
10 tification; or

11 “(B) a candidate otherwise fails to comply
12 with the requirements of this title, including
13 any regulatory requirements prescribed by the
14 Commission.

15 “(2) REPAYMENT OF BENEFITS.—If certifi-
16 cation is revoked under paragraph (1), the candidate
17 shall repay to the Fund an amount equal to the
18 value of benefits received under this title plus inter-
19 est (at a rate determined by the Commission) on any
20 such amount received.

21 **“Subtitle C—Benefits**

22 **“SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.**

23 “(a) IN GENERAL.—For each election with respect
24 to which a candidate is certified as a participating can-
25 didate, such candidate shall be entitled to—

1 “(1) an allocation from the Fund to make or
2 obligate to make expenditures with respect to such
3 election, as provided in section 522;

4 “(2) matching contributions, as provided in sec-
5 tion 523; and

6 “(3) for the general election, vouchers for
7 broadcasts of political advertisements, as provided in
8 section 524.

9 “(b) RESTRICTION ON USES OF ALLOCATIONS FROM
10 THE FUND.—Allocations from the Fund received by a par-
11 ticipating candidate under section 522 and matching con-
12 tributions under section 523 may only be used for cam-
13 paign-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 par-
18 ticipating 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

1 522 and the matching contributions received by
2 the candidate under section 523.

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 515;

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 2021—

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 2020;

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 515.

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. POLITICAL ADVERTISING VOUCHERS.**

17 “(a) IN GENERAL.—The Commission shall establish
 18 and administer a voucher program for the purchase of
 19 airtime on broadcasting stations for political advertise-
 20 ments in accordance with the provisions of this section.

21 “(b) CANDIDATES.—The Commission shall only dis-
 22 burse vouchers under the program established under sub-
 23 section (a) to participants certified pursuant to section
 24 515 who have agreed in writing to keep and furnish to

1 the Commission such records, books, and other informa-
2 tion as it may require.

3 “(c) AMOUNTS.—The Commission shall disburse
4 vouchers to each candidate certified under subsection (b)
5 in an aggregate amount equal to the greater of—

6 “(1) \$100,000 multiplied by the number of con-
7 gressional districts in the State with respect to
8 which such candidate is running for office; or

9 “(2) the amount determined by the Commission
10 under section 531.

11 “(d) USE.—

12 “(1) EXCLUSIVE USE.—Vouchers disbursed by
13 the Commission under this section may be used only
14 for the purchase of broadcast airtime for political
15 advertisements relating to a general election for the
16 office of Senate by the participating candidate to
17 which the vouchers were disbursed, except that—

18 “(A) a candidate may exchange vouchers
19 with a political party under paragraph (2); and

20 “(B) a political party may use vouchers
21 only to purchase broadcast airtime for political
22 advertisements for generic party advertising (as
23 defined by the Commission in regulations), to
24 support candidates for State or local office in a
25 general election, or to support participating

1 candidates of the party in a general election for
2 Federal office, but only if it discloses the value
3 of the voucher used as an expenditure under
4 section 315(d).

5 “(2) EXCHANGE WITH POLITICAL PARTY COM-
6 MITTEE.—

7 “(A) IN GENERAL.—A participating can-
8 didate who receives a voucher under this section
9 may transfer the right to use all or a portion
10 of the value of the voucher to a committee of
11 the political party of which the individual is a
12 candidate (or, in the case of a participating
13 candidate who is not a member of any political
14 party, to a committee of the political party of
15 that candidate’s choice) in exchange for money
16 in an amount equal to the cash value of the
17 voucher or portion exchanged.

18 “(B) CONTINUATION OF CANDIDATE OBLI-
19 GATIONS.—The transfer of a voucher, in whole
20 or in part, to a political party committee under
21 this paragraph does not release the candidate
22 from any obligation under the agreement made
23 under subsection (b) or otherwise modify that
24 agreement or its application to that candidate.

1 “(C) PARTY COMMITTEE OBLIGATIONS.—

2 Any political party committee to which a vouch-
3 er or portion thereof is transferred under sub-
4 paragraph (A)—

5 “(i) shall account fully, in accordance
6 with such requirements as the Commission
7 may establish, for the receipt of the vouch-
8 er; and

9 “(ii) may not use the transferred
10 voucher or portion thereof for any purpose
11 other than a purpose described in para-
12 graph (1)(B).

13 “(D) VOUCHER AS A CONTRIBUTION
14 UNDER FECA.—If a candidate transfers a
15 voucher or any portion thereof to a political
16 party committee under subparagraph (A)—

17 “(i) the value of the voucher or por-
18 tion thereof transferred shall be treated as
19 a contribution from the candidate to the
20 committee, and from the committee to the
21 candidate, for purposes of sections 302
22 and 304;

23 “(ii) the committee may, in exchange,
24 provide to the candidate only funds subject
25 to the prohibitions, limitations, and report-

1 ing requirements of title III of this Act;
2 and

3 “(iii) the amount, if identified as a
4 ‘voucher exchange’, shall not be considered
5 a contribution for the purposes of sections
6 315 and 513.

7 “(e) VALUE; ACCEPTANCE; REDEMPTION.—

8 “(1) VOUCHER.—Each voucher disbursed by
9 the Commission under this section shall have a value
10 in dollars, redeemable upon presentation to the
11 Commission, together with such documentation and
12 other information as the Commission may require,
13 for the purchase of broadcast airtime for political
14 advertisements in accordance with this section.

15 “(2) ACCEPTANCE.—A broadcasting station
16 shall accept vouchers in payment for the purchase of
17 broadcast airtime for political advertisements in ac-
18 cordance with this section.

19 “(3) REDEMPTION.—The Commission shall re-
20 deem vouchers accepted by broadcasting stations
21 under paragraph (2) upon presentation, subject to
22 such documentation, verification, accounting, and
23 application requirements as the Commission may im-
24 pose to ensure the accuracy and integrity of the
25 voucher redemption system.

1 “(4) EXPIRATION.—

2 “(A) CANDIDATES.—A voucher may only
3 be used to pay for broadcast airtime for polit-
4 ical advertisements to be broadcast before mid-
5 night on the day before the date of the Federal
6 election in connection with which it was issued
7 and shall be null and void for any other use or
8 purpose.

9 “(B) EXCEPTION FOR POLITICAL PARTY
10 COMMITTEES.—A voucher held by a political
11 party committee may be used to pay for broad-
12 cast airtime for political advertisements to be
13 broadcast before midnight on December 31st of
14 the odd-numbered year following the year in
15 which the voucher was issued by the Commis-
16 sion.

17 “(5) VOUCHER AS EXPENDITURE UNDER
18 FECA.—The use of a voucher to purchase broadcast
19 airtime constitutes an expenditure as defined in sec-
20 tion 301(9)(A).

21 “(f) DEFINITIONS.—In this section:

22 “(1) BROADCASTING STATION.—The term
23 ‘broadcasting station’ has the meaning given that
24 term by section 315(f)(1) of the Communications
25 Act of 1934.

1 “(2) POLITICAL PARTY.—The term ‘political
2 party’ means a major party or a minor party as de-
3 fined in section 9002 (3) or (4) of the Internal Rev-
4 enue Code of 1986 (26 U.S.C. 9002 (3) or (4)).

5 **“Subtitle D—Administrative**
6 **Provisions**

7 **“SEC. 531. FAIR ELECTIONS OVERSIGHT BOARD.**

8 “(a) ESTABLISHMENT.—There is established within
9 the Federal Election Commission an entity to be known
10 as the ‘Fair Elections Oversight Board’.

11 “(b) STRUCTURE AND MEMBERSHIP.—

12 “(1) IN GENERAL.—The Board shall be com-
13 posed of 5 members appointed by the President by
14 and with the advice and consent of the Senate, of
15 whom—

16 “(A) 2 shall be appointed after consulta-
17 tion with the majority leader of the Senate;

18 “(B) 2 shall be appointed after consulta-
19 tion with the minority leader of the Senate; and

20 “(C) 1 shall be appointed upon the rec-
21 ommendation of the members appointed under
22 subparagraphs (A) and (B).

23 “(2) QUALIFICATIONS.—

24 “(A) IN GENERAL.—The members shall be
25 individuals who are nonpartisan and, by reason

1 of their education, experience, and attainments,
2 exceptionally qualified to perform the duties of
3 members of the Board.

4 “(B) PROHIBITION.—No member of the
5 Board may be—

6 “(i) an employee of the Federal Gov-
7 ernment;

8 “(ii) a registered lobbyist; or

9 “(iii) an officer or employee of a polit-
10 ical party or political campaign.

11 “(3) DATE.—Members of the Board shall be
12 appointed not later than 60 days after the date of
13 the enactment of this Act.

14 “(4) TERMS.—A member of the Board shall be
15 appointed for a term of 5 years.

16 “(5) VACANCIES.—A vacancy on the Board
17 shall be filled not later than 30 calendar days after
18 the date on which the Board is given notice of the
19 vacancy, in the same manner as the original ap-
20 pointment. The individual appointed to fill the va-
21 cancy shall serve only for the unexpired portion of
22 the term for which the individual’s predecessor was
23 appointed.

1 “(6) CHAIRPERSON.—The Board shall des-
2 ignate a Chairperson from among the members of
3 the Board.

4 “(c) DUTIES AND POWERS.—

5 “(1) ADMINISTRATION.—

6 “(A) IN GENERAL.—The Board shall have
7 such duties and powers as the Commission may
8 prescribe, including the power to administer the
9 provisions of this title.

10 “(2) REVIEW OF FAIR ELECTIONS FINANC-
11 ING.—

12 “(A) IN GENERAL.—After each general
13 election for Federal office, the Board shall con-
14 duct a comprehensive review of the Fair Elec-
15 tions financing program under this title, includ-
16 ing—

17 “(i) the maximum dollar amount of
18 qualified small dollar contributions under
19 section 501(11);

20 “(ii) the maximum and minimum dol-
21 lar amounts for qualifying contributions
22 under section 501(10);

23 “(iii) the number and value of quali-
24 fying contributions a candidate is required

1 to obtain under section 512 to qualify for
2 allocations from the Fund;

3 “(iv) the amount of allocations from
4 the Fund that candidates may receive
5 under section 522;

6 “(v) the maximum amount of match-
7 ing contributions a candidate may receive
8 under section 523;

9 “(vi) the amount and usage of vouch-
10 ers under section 524;

11 “(vii) the overall satisfaction of par-
12 ticipating candidates and the American
13 public with the program; and

14 “(viii) such other matters relating to
15 financing of Senate campaigns as the
16 Board determines are appropriate.

17 “(B) CRITERIA FOR REVIEW.—In con-
18 ducting the review under subparagraph (A), the
19 Board shall consider the following:

20 “(i) QUALIFYING CONTRIBUTIONS
21 AND QUALIFIED SMALL DOLLAR CON-
22 TRIBUTIONS.—The Board shall consider
23 whether the number and dollar amount of
24 qualifying contributions required and max-
25 imum dollar amount for such qualifying

1 contributions and qualified small dollar
2 contributions strikes a balance regarding
3 the importance of voter involvement, the
4 need to assure adequate incentives for par-
5 ticipating, and fiscal responsibility, taking
6 into consideration the number of primary
7 and general election participating can-
8 didates, the electoral performance of those
9 candidates, program cost, and any other
10 information the Board determines is ap-
11 propriate.

12 “(ii) REVIEW OF PROGRAM BENE-
13 FITS.—The Board shall consider whether
14 the totality of the amount of funds allowed
15 to be raised by participating candidates
16 (including through qualifying contributions
17 and small dollar contributions), allocations
18 from the Fund under section 522, match-
19 ing contributions under section 523, and
20 vouchers under section 524 are sufficient
21 for voters in each State to learn about the
22 candidates to cast an informed vote, taking
23 into account the historic amount of spend-
24 ing by winning candidates, media costs,
25 primary election dates, and any other in-

1 formation the Board determines is appro-
2 priate.

3 “(C) ADJUSTMENT OF AMOUNTS.—

4 “(i) IN GENERAL.—Based on the re-
5 view conducted under subparagraph (A),
6 the Board shall provide for the adjust-
7 ments of the following amounts:

8 “(I) The maximum dollar
9 amount of qualified small dollar con-
10 tributions under section 501(11)(C).

11 “(II) The maximum and min-
12 imum dollar amounts for qualifying
13 contributions under section
14 501(10)(A).

15 “(III) The number and value of
16 qualifying contributions a candidate is
17 required to obtain under section
18 512(a)(1).

19 “(IV) The base amount for can-
20 didates under section 522(d).

21 “(V) The maximum amount of
22 matching contributions a candidate
23 may receive under section 523(b).

24 “(VI) The dollar amount for
25 vouchers under section 524(c).

1 “(ii) REGULATIONS.—The Commis-
2 sion shall promulgate regulations providing
3 for the adjustments made by the Board
4 under clause (i).

5 “(D) REPORT.—Not later than March 30
6 following any general election for Federal office,
7 the Board shall submit a report to Congress on
8 the review conducted under paragraph (1).
9 Such report shall contain a detailed statement
10 of the findings, conclusions, and recommenda-
11 tions of the Board based on such review.

12 “(d) MEETINGS AND HEARINGS.—

13 “(1) MEETINGS.—The Board may hold such
14 hearings, sit and act at such times and places, take
15 such testimony, and receive such evidence as the
16 Board considers advisable to carry out the purposes
17 of this Act.

18 “(2) QUORUM.—Three members of the Board
19 shall constitute a quorum for purposes of voting, but
20 a quorum is not required for members to meet and
21 hold hearings.

22 “(e) REPORTS.—Not later than March 30, 2019, and
23 every 2 years thereafter, the Board shall submit to the
24 Senate Committee on Rules and Administration a report
25 documenting, evaluating, and making recommendations

1 relating to the administrative implementation and enforce-
2 ment of the provisions of this title.

3 “(f) ADMINISTRATION.—

4 “(1) COMPENSATION OF MEMBERS.—

5 “(A) IN GENERAL.—Each member, other
6 than the Chairperson, shall be paid at a rate
7 equal to the daily equivalent of the minimum
8 annual rate of basic pay prescribed for level IV
9 of the Executive Schedule under section 5315
10 of title 5, United States Code.

11 “(B) CHAIRPERSON.—The Chairperson
12 shall be paid at a rate equal to the daily equiva-
13 lent of the minimum annual rate of basic pay
14 prescribed for level III of the Executive Sched-
15 ule under section 5314 of title 5, United States
16 Code.

17 “(2) PERSONNEL.—

18 “(A) DIRECTOR.—The Board shall have a
19 staff headed by an Executive Director. The Ex-
20 ecutive Director shall be paid at a rate equiva-
21 lent to a rate established for the Senior Execu-
22 tive Service under section 5382 of title 5,
23 United States Code.

24 “(B) STAFF APPOINTMENT.—With the ap-
25 proval of the Chairperson, the Executive Direc-

1 tor may appoint such personnel as the Execu-
2 tive Director and the Board determines to be
3 appropriate.

4 “(C) ACTUARIAL EXPERTS AND CONSULT-
5 ANTS.—With the approval of the Chairperson,
6 the Executive Director may procure temporary
7 and intermittent services under section 3109(b)
8 of title 5, United States Code.

9 “(D) DETAIL OF GOVERNMENT EMPLOY-
10 EES.—Upon the request of the Chairperson, the
11 head of any Federal agency may detail, without
12 reimbursement, any of the personnel of such
13 agency to the Board to assist in carrying out
14 the duties of the Board. Any such detail shall
15 not interrupt or otherwise affect the civil service
16 status or privileges of the Federal employee.

17 “(E) OTHER RESOURCES.—The Board
18 shall have reasonable access to materials, re-
19 sources, statistical data, and other information
20 from the Library of Congress and other agen-
21 cies of the executive and legislative branches of
22 the Federal Government. The Chairperson of
23 the Board shall make requests for such access
24 in writing when necessary.

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated such sums as are nec-
 3 essary to carry out the purposes of this subtitle.

4 **“SEC. 532. ADMINISTRATION PROVISIONS.**

5 “The Commission shall prescribe regulations to carry
 6 out the purposes of this title, including regulations—

7 “(1) to establish procedures for—

8 “(A) verifying the amount of valid quali-
 9 fying contributions with respect to a candidate;

10 “(B) effectively and efficiently monitoring
 11 and enforcing the limits on the raising of quali-
 12 fied small dollar contributions;

13 “(C) monitoring the raising of qualifying
 14 multicandidate political committee contributions
 15 through effectively and efficiently monitoring
 16 and enforcing the limits on individual contribu-
 17 tions to qualified accounts of multicandidate po-
 18 litical committees;

19 “(D) effectively and efficiently monitoring
 20 and enforcing the limits on the use of personal
 21 funds by participating candidates;

22 “(E) monitoring the use of allocations
 23 from the Fund and matching contributions
 24 under this title through audits or other mecha-
 25 nisms; and

1 “(F) the administration of the voucher
2 program under section 524; and

3 “(2) regarding the conduct of debates in a man-
4 ner consistent with the best practices of States that
5 provide public financing for elections.

6 **“SEC. 533. VIOLATIONS AND PENALTIES.**

7 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
8 TION AND EXPENDITURE REQUIREMENTS.—If a can-
9 didate who has been certified as a participating candidate
10 under section 515(a) accepts a contribution or makes an
11 expenditure that is prohibited under section 513, the Com-
12 mission shall assess a civil penalty against the candidate
13 in an amount that is not more than 3 times the amount
14 of the contribution or expenditure. Any amounts collected
15 under this subsection shall be deposited into the Fund.

16 “(b) REPAYMENT FOR IMPROPER USE OF FAIR
17 ELECTIONS FUND.—

18 “(1) IN GENERAL.—If the Commission deter-
19 mines that any benefit made available to a partici-
20 pating candidate under this title was not used as
21 provided for in this title or that a participating can-
22 didate has violated any of the dates for remission of
23 funds contained in this title, the Commission shall
24 so notify the candidate and the candidate shall pay
25 to the Fund an amount equal to—

1 “(A) the amount of benefits so used or not
2 remitted, as appropriate; and

3 “(B) interest on any such amounts (at a
4 rate determined by the Commission).

5 “(2) OTHER ACTION NOT PRECLUDED.—Any
6 action by the Commission in accordance with this
7 subsection shall not preclude enforcement pro-
8 ceedings by the Commission in accordance with sec-
9 tion 309(a), including a referral by the Commission
10 to the Attorney General in the case of an apparent
11 knowing and willful violation of this title.”.

12 **SEC. 2103. EXCEPTION TO LIMITATION ON COORDINATED**
13 **EXPENDITURES BY POLITICAL PARTY COM-**
14 **MITTEES WITH PARTICIPATING CANDIDATES.**

15 Section 315(d) of the Federal Election Campaign Act
16 of 1971 (52 U.S.C. 30116(d)) is amended—

17 (1) in paragraph (3)(A), by striking “in the
18 case of” and inserting “except as provided in para-
19 graph (5), in the case of”; and

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

22 “(6)(A) The limitation under paragraph (3)(A) shall
23 not apply with respect to any expenditure from a qualified
24 political party-participating candidate coordinated expend-
25 iture fund.

1 “(B) In this paragraph, the term ‘qualified political
2 party-participating candidate coordinated expenditure
3 fund’ means a fund established by the national committee
4 of a political party, or a State committee of a political
5 party, including any subordinate committee of a State
6 committee, for purposes of making expenditures in connec-
7 tion with the general election campaign of a candidate for
8 election to the office of Senator who is a participating can-
9 didate (as defined in section 501), that only accepts quali-
10 fied coordinated expenditure contributions.

11 “(C) In this paragraph, the term ‘qualified coordi-
12 nated expenditure contribution’ means, with respect to the
13 general election campaign of a candidate for election to
14 the office of Senator who is a participating candidate (as
15 defined in section 501), any contribution (or series of con-
16 tributions)—

17 “(i) which is made by an individual who is not
18 prohibited from making a contribution under this
19 Act; and

20 “(ii) the aggregate amount of which does not
21 exceed \$500 per election.”.

Subpart B—Improving Voter Information

SEC. 2111. BROADCASTS RELATING TO ALL SENATE CANDIDATES.

(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “to such office” and inserting the following: “to such office, or by a national committee of a political party on behalf of such candidate in connection with such campaign,”; and

(2) in subparagraph (A), by inserting “for preemptible use thereof” after “station”.

(b) PREEMPTION; AUDITS.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (f) and (g), respectively and moving them to follow the existing subsection (e);

(2) by redesignating the existing subsection (e) as subsection (c); and

(3) by inserting after subsection (c) (as redesignated by paragraph (2)) the following:

“(d) PREEMPTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding the requirements of subsection (b)(1)(A), a licensee shall not preempt

1 the use of a broadcasting station by a legally quali-
 2 fied candidate for Senate who has purchased and
 3 paid for such use.

4 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-
 5 CENSEE.—If a program to be broadcast by a broad-
 6 casting station is preempted because of cir-
 7 cumstances beyond the control of the station, any
 8 candidate or party advertising spot scheduled to be
 9 broadcast during that program shall be treated in
 10 the same fashion as a comparable commercial adver-
 11 tising spot.

12 “(e) AUDITS.—During the 30-day period preceding
 13 a primary or primary runoff election and the 60-day pe-
 14 riod preceding a general or special election, the Commis-
 15 sion shall conduct such audits as it deems necessary to
 16 ensure that each licensee to which this section applies is
 17 allocating television broadcast advertising time in accord-
 18 ance with this section and section 312.”.

19 (c) REVOCATION OF LICENSE FOR FAILURE TO PER-
 20 MIT ACCESS.—Section 312(a)(7) of the Communications
 21 Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

22 (1) by striking “or repeated”;

23 (2) by inserting “or cable system” after “broad-
 24 casting station”; and

1 (3) by striking “his candidacy” and inserting
 2 “the candidacy of the candidate, under the same
 3 terms, conditions, and business practices as apply to
 4 the most favored advertiser of the licensee”.

5 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
 6 Section 315 of the Communications Act of 1934 (47
 7 U.S.C. 315) is amended—

8 (1) in subsection (f), as redesignated by sub-
 9 section (b)(1)—

10 (A) in the matter preceding paragraph (1),
 11 by striking “For purposes of this section—”
 12 and inserting the following: “DEFINITIONS.—
 13 For purposes of this section:”;

14 (B) in paragraph (1)—

15 (i) by striking “the term” and insert-
 16 ing “BROADCASTING STATION.—The
 17 term”; and

18 (ii) by striking “; and” and inserting
 19 a period; and

20 (C) in paragraph (2), by striking “the
 21 terms” and inserting “LICENSEE; STATION LI-
 22 CENSEE.—The terms”; and

23 (2) in subsection (g), as redesignated by sub-
 24 section (b)(1), by striking “The Commission” and
 25 inserting “REGULATIONS.—The Commission”.

1 **SEC. 2112. BROADCAST RATES FOR PARTICIPATING CAN-**
 2 **DIDATES.**

3 Section 315(b) of the Communications Act of 1934
 4 (47 U.S.C. 315(b)), as amended by section 2111, is
 5 amended—

6 (1) in paragraph (1)(A), by striking “paragraph
 7 (2)” and inserting “paragraphs (2) and (3)”; and
 8 (2) by adding at the end the following:

9 “(3) PARTICIPATING CANDIDATES.—In the case
 10 of a participating candidate (as defined in section
 11 501(9) of the Federal Election Campaign Act of
 12 1971), the charges made for the use of any broad-
 13 casting station for a television broadcast shall not
 14 exceed 80 percent of the lowest charge described in
 15 paragraph (1)(A) during—

16 “(A) the 45 days preceding the date of a
 17 primary or primary runoff election in which the
 18 candidate is opposed; and

19 “(B) the 60 days preceding the date of a
 20 general or special election in which the can-
 21 didate is opposed.

22 “(4) RATE CARDS.—A licensee shall provide to
 23 a candidate for Senate a rate card that discloses—

24 “(A) the rate charged under this sub-
 25 section; and

1 “(B) the method that the licensee uses to
2 determine the rate charged under this sub-
3 section.”.

4 **SEC. 2113. FCC TO PRESCRIBE STANDARDIZED FORM FOR**
5 **REPORTING CANDIDATE CAMPAIGN ADS.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of enactment of this Act, the Federal Communica-
8 tions Commission shall initiate a rulemaking proceeding
9 to establish a standardized form to be used by each broad-
10 casting station, as defined in section 315(f) of the Com-
11 munications Act of 1934 (47 U.S.C. 315(f)) (as redesign-
12 nated by section 2111(b)(1)), to record and report the
13 purchase of advertising time by or on behalf of a candidate
14 for nomination for election, or for election, to Federal elec-
15 tive office.

16 (b) CONTENTS.—The form prescribed by the Federal
17 Communications Commission under subsection (a) shall
18 require a broadcasting station to report to the Federal
19 Communications Commission and to the Federal Election
20 Commission, at a minimum—

- 21 (1) the station call letters and mailing address;
22 (2) the name and telephone number of the sta-
23 tion’s sales manager (or individual with responsi-
24 bility for advertising sales);

1 (3) the name of the candidate who purchased
2 the advertising time, or on whose behalf the adver-
3 tising time was purchased, and the Federal elective
4 office for which he or she is a candidate;

5 (4) the name, mailing address, and telephone
6 number of the person responsible for purchasing
7 broadcast political advertising for the candidate;

8 (5) notation as to whether the purchase agree-
9 ment for which the information is being reported is
10 a draft or final version; and

11 (6) with respect to the advertisement—

12 (A) the date and time of the broadcast;

13 (B) the program in which the advertise-
14 ment was broadcast; and

15 (C) the length of the broadcast airtime.

16 (c) INTERNET ACCESS.—In its rulemaking under
17 subsection (a), the Federal Communications Commission
18 shall require any broadcasting station required to file a
19 report under this section that maintains an Internet
20 website to make available a link to each such report on
21 that website.

1 **PART II—RESPONSIBILITIES OF THE FEDERAL**

2 **ELECTION COMMISSION**

3 **SEC. 2121. PETITION FOR CERTIORARI.**

4 Section 307(a)(6) of the Federal Election Campaign
5 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
6 serting “(including a proceeding before the Supreme
7 Court on certiorari)” after “appeal”.

8 **SEC. 2122. ELECTRONIC FILING OF FEC REPORTS.**

9 Section 304(a)(11) of the Federal Election Campaign
10 Act of 1971 (52 U.S.C. 30104(a)(11)) is amended—

11 (1) in subparagraph (A), by striking “under
12 this Act—” and all that follows and inserting
13 “under this Act shall be required to maintain and
14 file such designation, statement, or report in elec-
15 tronic form accessible by computers.”;

16 (2) in subparagraph (B), by striking “48
17 hours” and all that follows through “filed electroni-
18 cally)” and inserting “24 hours”; and

19 (3) by striking subparagraph (D).

20 **PART III—PARTICIPATION IN FUNDING OF**

21 **ELECTIONS**

22 **SEC. 2131. REFUNDABLE TAX CREDIT FOR SENATE CAM-**
23 **PAIGN CONTRIBUTIONS.**

24 (a) IN GENERAL.—Subpart C of part IV of sub-
25 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 (relating to refundable credits) is amended by insert-
 2 ing after section 36B the following new section:

3 **“SEC. 36C. CREDIT FOR SENATE CAMPAIGN CONTRIBU-**
 4 **TIONS.**

5 “(a) IN GENERAL.—In the case of an individual,
 6 there shall be allowed as a credit against the tax imposed
 7 by this subtitle an amount equal to 50 percent of the
 8 qualified My Voice Federal Senate campaign contributions
 9 paid or incurred by the taxpayer during the taxable year.

10 “(b) LIMITATIONS.—

11 “(1) DOLLAR LIMITATION.—The amount of
 12 qualified My Voice Federal Senate campaign con-
 13 tributions taken into account under subsection (a)
 14 for the taxable year shall not exceed \$50 (twice such
 15 amount in the case of a joint return).

16 “(2) LIMITATION ON CONTRIBUTIONS TO FED-
 17 ERAL SENATE CANDIDATES.—No credit shall be al-
 18 lowed under this section to any taxpayer for any tax-
 19 able year if such taxpayer made aggregate contribu-
 20 tions in excess of \$300 during the taxable year to—

21 “(A) any single Federal Senate candidate,
 22 or

23 “(B) any political committee established
 24 and maintained by a national political party.

1 “(3) PROVISION OF INFORMATION.—No credit
2 shall be allowed under this section to any taxpayer
3 unless the taxpayer provides the Secretary with such
4 information as the Secretary may require to verify
5 the taxpayer’s eligibility for the credit and the
6 amount of the credit for the taxpayer.

7 “(c) QUALIFIED MY VOICE FEDERAL SENATE CON-
8 TRIBUTIONS.—For purposes of this section, the term ‘My
9 Voice Federal Senate campaign contribution’ means any
10 contribution of cash by an individual to a Federal Senate
11 candidate or to a political committee established and
12 maintained by a national political party if such contribu-
13 tion is not prohibited under the Federal Election Cam-
14 paign Act of 1971.

15 “(d) FEDERAL SENATE CANDIDATE.—For purposes
16 of this section—

17 “(1) IN GENERAL.—The term ‘Federal Senate
18 candidate’ means any candidate for election to the
19 office of Senator.

20 “(2) TREATMENT OF AUTHORIZED COMMIT-
21 TEES.—Any contribution made to an authorized
22 committee of a Federal Senate candidate shall be
23 treated as made to such candidate.

24 “(e) INFLATION ADJUSTMENT.—

1 “(1) IN GENERAL.—In the case of a taxable
 2 year beginning after 2019, the \$50 amount under
 3 subsection (b)(1) shall be increased by an amount
 4 equal to—

5 “(A) such dollar amount, multiplied by

6 “(B) the cost-of-living adjustment deter-
 7 mined under section 1(f)(3) for the calendar
 8 year in which the taxable year begins, deter-
 9 mined by substituting ‘calendar year 2018’ for
 10 ‘calendar year 1992’ in subparagraph (B)
 11 thereof.

12 “(2) ROUNDING.—If any amount as adjusted
 13 under subparagraph (A) is not a multiple of \$5,
 14 such amount shall be rounded to the nearest mul-
 15 tiple of \$5.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 6211(b)(4)(A) of such Code is
 18 amended by inserting “36C,” after “36B,”.

19 (2) Section 1324(b)(2) of title 31, United
 20 States Code, is amended by inserting “36C,” after
 21 “36B,”.

22 (3) The table of sections for subpart C of part
 23 IV of subchapter A of chapter 1 of the Internal Rev-
 24 enue Code of 1986 is amended by inserting after the
 25 item relating to section 36B the following new item:

“Sec. 36C. Credit for Senate campaign contributions.”.

1 (c) FORMS.—The Secretary of the Treasury, or his
 2 designee, shall ensure that the credit for contributions to
 3 Federal Senate candidates allowed under section 36C of
 4 the Internal Revenue Code of 1986, as added by this sec-
 5 tion, may be claimed on Forms 1040EZ and 1040A.

6 (d) ADMINISTRATION.—At the request of the Sec-
 7 retary of the Treasury, the Federal Election Commission
 8 shall provide the Secretary of the Treasury with such in-
 9 formation and other assistance as the Secretary may rea-
 10 sonably require to administer the credit allowed under sec-
 11 tion 36C of the Internal Revenue Code of 1986, as added
 12 by this section.

13 (e) EFFECTIVE DATE.—The amendments made by
 14 this section shall apply to taxable years beginning after
 15 December 31, 2018.

16 **PART IV—REVENUE PROVISIONS**

17 **SEC. 2141. FAIR ELECTIONS FUND REVENUE.**

18 (a) IN GENERAL.—The Internal Revenue Code of
 19 1986 is amended by inserting after chapter 36 the fol-
 20 lowing new chapter:

21 **“CHAPTER 37—TAX ON PAYMENTS PURSU-** 22 **ANT TO CERTAIN GOVERNMENT CON-** 23 **TRACTS**

“Sec. 4501. Imposition of tax.

1 **“SEC. 4501. IMPOSITION OF TAX.**

2 “(a) TAX IMPOSED.—There is hereby imposed on any
3 payment made to a qualified person pursuant to a contract
4 with the Government of the United States a tax equal to
5 0.50 percent of the amount paid.

6 “(b) LIMITATION.—The aggregate amount of tax im-
7 posed per contract under subsection (a) for any calendar
8 year shall not exceed \$500,000.

9 “(c) QUALIFIED PERSON.—For purposes of this sec-
10 tion, the term ‘qualified person’ means any person
11 which—

12 “(1) is not a State or local government, a for-
13 eign nation, or an organization described in section
14 501(c)(3) which is exempt from taxation under sec-
15 tion 501(a), and

16 “(2) has a contract with the Government of the
17 United States with a value in excess of \$10,000,000.

18 “(d) PAYMENT OF TAX.—The tax imposed by this
19 section shall be paid by the person receiving such payment.

20 “(e) USE OF REVENUE GENERATED BY TAX.—It is
21 the sense of the Senate that amounts equivalent to the
22 revenue generated by the tax imposed under this chapter
23 should be appropriated for the financing of a Fair Elec-
24 tions Fund and used for the public financing of Senate
25 elections.”.

1 (b) CONFORMING AMENDMENT.—The table of chap-
 2 ters of the Internal Revenue Code of 1986 is amended by
 3 inserting after the item relating to chapter 36 the fol-
 4 lowing:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT
 CONTRACTS”.

5 (c) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply to contracts entered into after the
 7 date of the enactment of this Act.

8 **PART V—EFFECTIVE DATE**

9 **SEC. 2151. EFFECTIVE DATE.**

10 Except as otherwise provided for in this subtitle, this
 11 subtitle and the amendments made by this subtitle shall
 12 take effect on January 1, 2019.

13 **TITLE III—REDISTRICTING**

14 **SEC. 3001. SHORT TITLE.**

15 This title may be cited as the “Redistricting Reform
 16 Act”.

17 **SEC. 3002. FINDING OF CONSTITUTIONAL AUTHORITY.**

18 Congress finds that it has the authority to establish
 19 the terms and conditions States must follow in carrying
 20 out Congressional redistricting after an apportionment of
 21 Members of the House of Representatives because—

22 (1) the authority granted to Congress under ar-
 23 ticle I, section 4 of the Constitution of the United
 24 States gives Congress the power to enact laws gov-

1 erning the time, place, and manner of elections for
 2 Members of the House of Representatives; and

3 (2) the authority granted to Congress under
 4 section 5 of the fourteenth amendment to the Con-
 5 stitution gives Congress the power to enact laws to
 6 enforce section 2 of such amendment, which requires
 7 Representatives to be apportioned among the several
 8 States according to their number.

9 **Subtitle A—Requirements for**
 10 **Congressional Redistricting**

11 **SEC. 3101. LIMIT ON CONGRESSIONAL REDISTRICTING**
 12 **AFTER AN APPORTIONMENT.**

13 The Act entitled “An Act for the relief of Doctor Ri-
 14 cardo Vallejo Samala and to provide for congressional re-
 15 districting”, approved December 14, 1967 (2 U.S.C. 2c),
 16 is amended by adding at the end the following: “A State
 17 which has been redistricted in the manner provided by law
 18 after an apportionment under section 22(a) of the Act en-
 19 titled ‘An Act to provide for the fifteenth and subsequent
 20 decennial censuses and to provide for an apportionment
 21 of Representatives in Congress’, approved June 18, 1929
 22 (2 U.S.C. 2a), may not be redistricted again until after
 23 the next apportionment of Representatives under such sec-
 24 tion, unless a court requires the State to conduct such
 25 subsequent redistricting to comply with the Constitution

1 or to enforce the Voting Rights Act of 1965 (52 U.S.C.
2 10301 et seq.).”.

3 **SEC. 3102. REQUIRING CONGRESSIONAL REDISTRICTING**
4 **TO BE CONDUCTED THROUGH PLAN OF INDE-**
5 **PENDENT STATE COMMISSION.**

6 (a) USE OF PLAN REQUIRED.—Notwithstanding any
7 other provision of law, any Congressional redistricting
8 conducted by a State shall be conducted in accordance
9 with—

10 (1) the redistricting plan developed and enacted
11 into law by the independent redistricting commission
12 established in the State, in accordance with subtitle
13 B; or

14 (2) if a plan developed by such commission is
15 not enacted into law, the redistricting plan developed
16 and enacted into law by a 3-judge court of the
17 United States District Court for the District of Co-
18 lumbia, in accordance with section 3301.

19 (b) CONFORMING AMENDMENT.—Section 22(c) of
20 the Act entitled “An Act to provide for the fifteenth and
21 subsequent decennial censuses and to provide for an ap-
22 portionment of Representatives in Congress”, approved
23 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
24 “in the manner provided by the law thereof” and insert-

1 ing: “in the manner provided by the Redistricting Reform
2 Act”.

3 **Subtitle B—Independent** 4 **Redistricting Commissions**

5 **SEC. 3201. INDEPENDENT REDISTRICTING COMMISSION.**

6 (a) APPOINTMENT OF MEMBERS.—

7 (1) IN GENERAL.—The nonpartisan agency es-
8 tablished or designated by a State under section
9 3204(a) shall establish an independent redistricting
10 commission for the State, which shall consist of 12
11 members appointed by the agency as follows:

12 (A) The agency shall appoint 4 members
13 on a random basis from the majority category
14 of the approved selection pool (as described in
15 section 3202(b)(1)(A)).

16 (B) The agency shall appoint 4 members
17 on a random basis from the minority category
18 of the approved selection pool (as described in
19 section 3202(b)(1)(B)).

20 (C) The agency shall appoint 4 members
21 on a random basis from the independent cat-
22 egory of the approved selection pool (as de-
23 scribed in section 3202(b)(1)(C)).

24 (2) APPOINTMENT OF ALTERNATES TO SERVE
25 IN CASE OF VACANCIES.—At the time the agency ap-

1 points the members of the independent redistricting
2 commission under paragraph (1) from each of the
3 categories referred to in such paragraph, the agency
4 shall, on a random basis, designate 2 other individ-
5 uals from such category to serve as alternate mem-
6 bers who may be appointed to fill vacancies in the
7 commission in accordance with paragraph (3).

8 (3) VACANCY.—If a vacancy occurs in the com-
9 mission with respect to a member who was ap-
10 pointed from one of the categories referred to in
11 paragraph (1), the nonpartisan agency shall fill the
12 vacancy by appointing, on a random basis, one of
13 the 2 alternates from such category who was des-
14 ignated under paragraph (2). At the time the agency
15 appoints an alternate to fill a vacancy under the pre-
16 vious sentence, the agency shall designate, on a ran-
17 dom basis, another individual from the same cat-
18 egory to serve as an alternate member, in accord-
19 ance with paragraph (2).

20 (b) PROCEDURES FOR CONDUCTING COMMISSION
21 BUSINESS.—

22 (1) CHAIR.—Members of an independent redis-
23 tricting commission established under this section
24 shall select by majority vote one member who was
25 appointed from the independent category of the ap-

1 proved selection pool described in section
2 3202(b)(1)(C) to serve as chair of the commission.
3 The commission may not take any action to develop
4 a redistricting plan for the State under section 3203
5 until the appointment of the commission's chair.

6 (2) REQUIRING MAJORITY APPROVAL FOR AC-
7 TIONS.—The independent redistricting commission
8 of a State may not publish and disseminate any
9 draft or final redistricting plan, or take any other
10 action, without the approval of at least—

11 (A) a majority of the whole membership of
12 the commission; and

13 (B) at least one member of the commission
14 appointed from each of the categories of the ap-
15 proved selection pool described in section
16 3202(b)(1).

17 (3) QUORUM.—A majority of the members of
18 the commission shall constitute a quorum.

19 (c) STAFF; CONTRACTORS.—

20 (1) STAFF.—The independent redistricting
21 commission of a State may appoint and set the pay
22 of such staff as it considers appropriate, subject to
23 State law.

24 (2) CONTRACTORS.—The independent redis-
25 tricting commission of a State may enter into such

1 contracts with vendors as it considers appropriate,
2 subject to State law, except that any such contract
3 shall be valid only if approved by the vote of a ma-
4 jority of the members of the commission, including
5 at least one member appointed from each of the cat-
6 egories of the approved selection pool described in
7 section 3202(b)(1).

8 (3) GOAL OF IMPARTIALITY.—The commission
9 shall take such steps as it considers appropriate to
10 ensure that any staff appointed under this sub-
11 section, and any vendor with whom the commission
12 enters into a contract under this subsection, will
13 work in an impartial manner, and may require any
14 person who applies for an appointment to a staff po-
15 sition or for a vendor's contract with the commission
16 to provide information on the person's history of po-
17 litical activity (including donations to candidates, po-
18 litical committees, and political parties) as a condi-
19 tion of the appointment or the contract.

20 (d) TERMINATION.—

21 (1) IN GENERAL.—The independent redis-
22 tricting commission of a State shall terminate on the
23 earlier of—

24 (A) June 14 of the following year ending
25 in the numeral zero; or

1 (B) the day on which the nonpartisan
2 agency established or designated by a State
3 under section 3204(a) has, in accordance with
4 section 3202(b)(1), submitted a selection pool
5 to the Select Committee on Redistricting for the
6 State established under section 3204(b).

7 (2) PRESERVATION OF RECORDS.—The State
8 shall ensure that the records of the independent re-
9 districting commission are retained in the appro-
10 priate State archive in such manner as may be nec-
11 essary to enable the State to respond to any civil ac-
12 tion brought with respect to Congressional redis-
13 tricting in the State.

14 **SEC. 3202. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS OF COMMISSION.**

17 (a) CRITERIA FOR ELIGIBILITY.—

18 (1) IN GENERAL.—An individual is eligible to
19 serve as a member of an independent redistricting
20 commission if the individual meets each of the fol-
21 lowing criteria:

22 (A) As of the date of appointment, the in-
23 dividual is registered to vote in elections for
24 Federal office held in the State.

1 (B) During the 3-year period ending on
2 the date of the individual's appointment, the in-
3 dividual has been continuously registered to
4 vote with the same political party, or has not
5 been registered to vote with any political party.

6 (C) The individual submits to the non-
7 partisan agency established or designated by a
8 State under section 3204(a), at such time and
9 in such form as the agency may require, an ap-
10 plication for inclusion in the selection pool
11 under this section, and includes with the appli-
12 cation a written statement containing the fol-
13 lowing information and assurances:

14 (i) A statement of the political party
15 with which the individual is affiliated, if
16 any.

17 (ii) An assurance that the individual
18 shall commit to carrying out the individ-
19 ual's duties under this title in an honest,
20 independent, and impartial fashion, and to
21 upholding public confidence in the integrity
22 of the redistricting process.

23 (iii) An assurance that, during the
24 covered periods described in paragraph (3),
25 the individual has not taken and will not

1 take any action which would disqualify the
2 individual from serving as a member of the
3 commission under paragraph (2).

4 (2) DISQUALIFICATIONS.—An individual is not
5 eligible to serve as a member of the commission if
6 any of the following applies during any of the cov-
7 ered periods described in paragraph (3):

8 (A) The individual or (in the case of the
9 covered periods described in subparagraphs (A)
10 and (B) of paragraph (3)) an immediate family
11 member of the individual holds public office or
12 is a candidate for election for public office.

13 (B) The individual or (in the case of the
14 covered periods described in subparagraphs (A)
15 and (B) of paragraph (3)) an immediate family
16 member of the individual serves as an officer of
17 a political party or as an officer, employee, or
18 paid consultant of a campaign committee of a
19 candidate for public office.

20 (C) The individual or (in the case of the
21 covered periods described in subparagraphs (A)
22 and (B) of paragraph (3)) an immediate family
23 member of the individual holds a position as a
24 registered lobbyist under the Lobbying Dislo-

1 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
2 equivalent State or local law.

3 (D) The individual or (in the case of the
4 covered periods described in subparagraphs (A)
5 and (B) of paragraph (3)) an immediate family
6 member of the individual is an employee of an
7 elected public official, a contractor with the leg-
8 islature of the State, or a donor to the cam-
9 paign of any candidate for public office (other
10 than a donor who, during any of such covered
11 periods, gives an aggregate amount of \$20,000
12 or less to the campaigns of all candidates for all
13 public offices).

14 (3) COVERED PERIODS DESCRIBED.—In this
15 subsection, the term “covered period” means, with
16 respect to the appointment of an individual to the
17 commission, any of the following:

18 (A) The 5-year period ending on the date
19 of the individual’s appointment.

20 (B) The period beginning on the date of
21 the individual’s appointment and ending on Au-
22 gust 14 of the next year ending in the numeral
23 one.

1 (C) The 5-year period beginning on the
2 day after the last day of the period described in
3 subparagraph (B).

4 (4) IMMEDIATE FAMILY MEMBER DEFINED.—In
5 this subsection, the term “immediate family mem-
6 ber” means, with respect to an individual, a father,
7 stepfather, mother, stepmother, son, stepson, daugh-
8 ter, stepdaughter, brother, stepbrother, sister, step-
9 sister, husband, wife, father-in-law, or mother-in-
10 law.

11 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
12 POOL.—

13 (1) IN GENERAL.—Not later than June 15 of
14 each year ending in the numeral zero, the non-
15 partisan agency established or designated by a State
16 under section 3204(a) shall develop and submit to
17 the Select Committee on Redistricting for the State
18 established under section 3204(b) a selection pool of
19 36 individuals who are eligible to serve as members
20 of the independent redistricting commission of the
21 State under this title, consisting of individuals in the
22 following categories:

23 (A) A majority category, consisting of 12
24 individuals who are affiliated with the political
25 party with the largest percentage of the reg-

1 istered voters in the State who are affiliated
2 with a political party (as determined with re-
3 spect to the most recent statewide election for
4 Federal office held in the State for which such
5 information is available).

6 (B) A minority category, consisting of 12
7 individuals who are affiliated with the political
8 party with the second largest percentage of the
9 registered voters in the State who are affiliated
10 with a political party (as so determined).

11 (C) An independent category, consisting of
12 12 individuals who are not affiliated with either
13 of the political parties described in subpara-
14 graph (A) or subparagraph (B).

15 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
16 OPING POOL.—In selecting individuals for the selec-
17 tion pool under this subsection, the nonpartisan
18 agency shall—

19 (A) to the maximum extent practicable, en-
20 sure that the pool reflects the representative de-
21 mographic groups (including races, ethnicities,
22 and genders) and geographic regions of the
23 State; and

24 (B) take into consideration the analytical
25 skills of the individuals selected in relevant

1 fields (including mapping, data management,
2 law, community outreach, demography, and the
3 geography of the State) and their ability to
4 work on an impartial basis.

5 (3) DETERMINATION OF POLITICAL PARTY AF-
6 FILIATION OF INDIVIDUALS IN SELECTION POOL.—
7 For purposes of this section, an individual shall be
8 considered to be affiliated with a political party on
9 the basis of the information the individual provides
10 in the application submitted under subsection
11 (a)(1)(D).

12 (4) ENCOURAGING RESIDENTS TO APPLY FOR
13 INCLUSION IN POOL.—The nonpartisan agency shall
14 take such steps as may be necessary to ensure that
15 residents of the State across various geographic re-
16 gions and demographic groups are aware of the op-
17 portunity to serve on the independent redistricting
18 commission, including publicizing the role of the
19 panel and using newspapers, broadcast media, and
20 online sources, including ethnic media, to encourage
21 individuals to apply for inclusion in the selection
22 pool developed under this subsection.

23 (5) REPORT ON ESTABLISHMENT OF SELEC-
24 TION POOL.—At the time the nonpartisan agency
25 submits the selection pool to the Select Committee

1 on Redistricting under paragraph (1), it shall pub-
2 lish a report describing the process by which the
3 pool was developed, and shall include in the report
4 a description of how the individuals in the pool meet
5 the eligibility criteria of subsection (a) and of how
6 the pool reflects the factors the agency is required
7 to take into consideration under paragraph (2).

8 (6) ACTION BY SELECT COMMITTEE.—

9 (A) IN GENERAL.—Not later than 14 days
10 after receiving the selection pool from the non-
11 partisan agency under paragraph (1), the Select
12 Committee on Redistricting shall—

13 (i) approve the pool as submitted by
14 the nonpartisan agency, in which case the
15 pool shall be considered the approved selec-
16 tion pool for purposes of section
17 3021(a)(1); or

18 (ii) reject the pool, in which case the
19 nonpartisan agency shall develop and sub-
20 mit a replacement selection pool in accord-
21 ance with subsection (c).

22 (B) INACTION DEEMED REJECTION.—If
23 the Select Committee on Redistricting fails to
24 approve or reject the pool within the deadline
25 set forth in subparagraph (A), the Select Com-

1 mittee shall be deemed to have rejected the pool
2 for purposes of such subparagraph.

3 (c) DEVELOPMENT OF REPLACEMENT SELECTION
4 POOL.—

5 (1) IN GENERAL.—If the Select Committee on
6 Redistricting rejects the selection pool submitted by
7 the nonpartisan agency under subsection (b), not
8 later than 14 days after the rejection, the non-
9 partisan agency shall develop and submit to the Se-
10 lect Committee a replacement selection pool, under
11 the same terms and conditions that applied to the
12 development and submission of the selection pool
13 under paragraphs (1) through (5) of subsection (b).
14 The replacement pool submitted under this para-
15 graph may include individuals who were included in
16 the rejected selection pool submitted under sub-
17 section (b), so long as at least one of the individuals
18 in the replacement pool was not included in such re-
19 jected pool.

20 (2) ACTION BY SELECT COMMITTEE.—

21 (A) IN GENERAL.—Not later than 14 days
22 after receiving the replacement selection pool
23 from the nonpartisan agency under paragraph
24 (1), the Select Committee on Redistricting
25 shall—

1 (i) approve the pool as submitted by
 2 the nonpartisan agency, in which case the
 3 pool shall be considered the approved selec-
 4 tion pool for purposes of section
 5 3201(a)(1); or

6 (ii) reject the pool, in which case the
 7 nonpartisan agency shall develop and sub-
 8 mit a second replacement selection pool in
 9 accordance with subsection (d).

10 (B) INACTION DEEMED REJECTION.—If
 11 the Select Committee on Redistricting fails to
 12 approve or reject the pool within the deadline
 13 set forth in subparagraph (A), the Select Com-
 14 mittee shall be deemed to have rejected the pool
 15 for purposes of such subparagraph.

16 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
 17 LECTION POOL.—

18 (1) IN GENERAL.—If the Select Committee on
 19 Redistricting rejects the replacement selection pool
 20 submitted by the nonpartisan agency under sub-
 21 section (c), not later than 14 days after the rejec-
 22 tion, the nonpartisan agency shall develop and sub-
 23 mit to the Select Committee a second replacement
 24 selection pool, under the same terms and conditions
 25 that applied to the development and submission of

1 the selection pool under paragraphs (1) through (5)
2 of subsection (b). The second replacement selection
3 pool submitted under this paragraph may include in-
4 dividuals who were included in the rejected selection
5 pool submitted under subsection (b) or the rejected
6 replacement selection pool submitted under sub-
7 section (c), so long as at least one of the individuals
8 in the replacement pool was not included in either
9 such rejected pool.

10 (2) ACTION BY SELECT COMMITTEE.—

11 (A) IN GENERAL.—Not later than 14 days
12 after receiving the second replacement selection
13 pool from the nonpartisan agency under para-
14 graph (1), the Select Committee on Redis-
15 tricting shall—

16 (i) approve the pool as submitted by
17 the nonpartisan agency, in which case the
18 pool shall be considered the approved selec-
19 tion pool for purposes of section
20 3201(a)(1); or

21 (ii) reject the pool, in which case—

22 (I) the nonpartisan agency shall
23 not develop or submit any other selec-
24 tion pool for purposes of this title;
25 and

1 (II) the United States District
2 Court for the District of Columbia
3 shall develop and enact the redis-
4 tricting plan for the State, in accord-
5 ance with section 3301.

6 (B) INACTION DEEMED REJECTION.—If
7 the Select Committee on Redistricting fails to
8 approve or reject the pool within the deadline
9 set forth in subparagraph (A), the Select Com-
10 mittee shall be deemed to have rejected the pool
11 for purposes of such subparagraph.

12 **SEC. 3203. CRITERIA FOR REDISTRICTING PLAN BY INDE-**
13 **PENDENT COMMISSION; PUBLIC NOTICE AND**
14 **INPUT.**

15 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

16 (1) CRITERIA.—The independent redistricting
17 commission of a State shall develop a redistricting
18 plan for the State in accordance with the following
19 criteria, prioritized according to the following order:

20 (A) Districts shall each have equal popu-
21 lation per representative as nearly as prac-
22 ticable, in accordance with the Constitution of
23 the United States.

24 (B) To the extent not inconsistent with the
25 above criteria, districts shall comply with the

1 Voting Rights Act of 1965 (52 U.S.C. 10301 et
2 seq.).

3 (C) To the extent not inconsistent with the
4 above criteria, districts shall be geographically
5 contiguous.

6 (D) To the extent practicable and not in-
7 consistent with the above criteria, district
8 boundaries shall minimize the division of any
9 community of interest, municipality, county, or
10 neighborhood. For purposes of this subpara-
11 graph, a community of interest is a contiguous
12 population which shares common social or eco-
13 nomic interests that should be included within
14 a single district for purposes of its effective and
15 fair representation. Examples of such shared in-
16 terests are those common to an urban area, a
17 rural area, an industrial area, or an agricultural
18 area, and those common to areas in which the
19 people share similar living standards, use the
20 same transportation facilities, have similar work
21 opportunities, or have access to the same media
22 of communication relevant to the election proc-
23 ess. Communities of interest shall not include
24 relationships with political parties, incumbent
25 officeholders, or political candidates.

1 (E) To the extent practicable and not in-
 2 consistent with the above criteria, districts shall
 3 be geographically compact such that nearby
 4 areas of population are not bypassed for more
 5 distant areas of population.

6 (2) FACTORS PROHIBITED FROM CONSIDER-
 7 ATION.—In developing the redistricting plan for the
 8 State, the independent redistricting commission may
 9 not take into consideration any of the following fac-
 10 tors, except to the extent necessary to comply with
 11 the Voting Rights Act of 1965:

12 (A) The political party affiliation or voting
 13 history of the population of a district.

14 (B) The residence of any Member of the
 15 House of Representatives or candidate.

16 (b) PUBLIC NOTICE AND INPUT.—

17 (1) USE OF OPEN AND TRANSPARENT PROC-
 18 ESS.—The independent redistricting commission of a
 19 State shall hold each of its meetings in public, shall
 20 solicit and take into consideration comments from
 21 the public throughout the process of developing the
 22 redistricting plan for the State, and shall carry out
 23 its duties in an open and transparent manner which
 24 provides for the widest public dissemination reason-

1 ably possible of its proposed and final redistricting
2 plans.

3 (2) WEBSITE.—The commission shall maintain
4 a public Internet site which is not affiliated with or
5 maintained by the office of any elected official and
6 which includes the following features:

7 (A) General information on the commission
8 and its members, including contact information.

9 (B) An updated schedule of commission
10 hearings and activities, including deadlines for
11 the submission of comments.

12 (C) All draft redistricting plans developed
13 by the commission under subsection (c) and the
14 final redistricting plan developed under sub-
15 section (d).

16 (D) Live streaming of commission hearings
17 and an archive of previous meetings and other
18 commission records.

19 (E) A method by which members of the
20 public may submit comments directly to the
21 commission.

22 (F) Access to the demographic data used
23 by the commission to develop the proposed re-
24 districting plans, together with any software
25 used to draw maps of proposed districts.

1 (3) PUBLIC COMMENT PERIOD.—The commis-
2 sion shall solicit, accept, and consider comments
3 from the public with respect to its duties, activities,
4 and procedures at any time during the period—

5 (A) which begins on January 1 of the year
6 ending in the numeral one; and

7 (B) which ends 7 days before the date of
8 the meeting at which the commission shall vote
9 on approving the final redistricting plan for en-
10 actment into law under subsection (d)(2).

11 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-
12 GRAPHIC LOCATIONS.—To the greatest extent prac-
13 ticable, the commission shall hold its meetings and
14 hearings in various geographic regions and locations
15 throughout the State.

16 (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-
17 NARY REDISTRICTING PLAN.—

18 (1) IN GENERAL.—Prior to developing and pub-
19 lishing a final redistricting plan under subsection
20 (d), the independent redistricting commission of a
21 State shall develop and publish a preliminary redis-
22 tricting plan.

23 (2) MINIMUM PUBLIC HEARINGS PRIOR TO DE-
24 VELOPMENT.—

1 (A) 3 HEARINGS REQUIRED.—Prior to de-
2 veloping a preliminary redistricting plan under
3 this subsection, the commission shall hold not
4 fewer than 3 public hearings at which members
5 of the public may provide input and comments
6 regarding the potential contents of redistricting
7 plans for the State and the process by which
8 the commission will develop the preliminary
9 plan under this subsection.

10 (B) MINIMUM PERIOD FOR NOTICE PRIOR
11 TO HEARINGS.—The commission shall notify
12 the public through the website maintained
13 under subsection (b)(2), as well as through pub-
14 lication of notice in newspapers of general cir-
15 culation throughout the State, of the date, time,
16 and location of each of the hearings held under
17 this paragraph not fewer than 14 days prior to
18 the date of the hearing.

19 (3) PUBLICATION OF PRELIMINARY PLAN.—

20 (A) IN GENERAL.—The commission shall
21 post the preliminary redistricting plan devel-
22 oped under this subsection, together with a re-
23 port that includes the commission's responses
24 to any public comments received under sub-
25 section (b)(3), on the website maintained under

1 subsection (b)(2), and shall provide for the pub-
2 lication of each such plan in newspapers of gen-
3 eral circulation throughout the State.

4 (B) MINIMUM PERIOD FOR NOTICE PRIOR
5 TO PUBLICATION.—Not fewer than 14 days
6 prior to the date on which the commission posts
7 and publishes the preliminary plan under this
8 paragraph, the commission shall notify the pub-
9 lic through the website maintained under sub-
10 section (b)(2), as well as through publication of
11 notice in newspapers of general circulation
12 throughout the State, of the pending publica-
13 tion of the plan.

14 (4) MINIMUM PERIOD FOR PUBLIC COMMENT
15 AFTER PUBLICATION OF PLAN.—The commission
16 shall accept and consider comments from the public
17 with respect to the preliminary redistricting plan
18 published under paragraph (3) for not fewer than 30
19 days after the date on which the plan is published.

20 (5) POST-PUBLICATION HEARINGS.—

21 (A) 3 HEARINGS REQUIRED.—After post-
22 ing and publishing the preliminary redistricting
23 plan under paragraph (3), the commission shall
24 hold not fewer than 3 public hearings at which

1 members of the public may provide input and
2 comments regarding the preliminary plan.

3 (B) MINIMUM PERIOD FOR NOTICE PRIOR
4 TO HEARINGS.—The commission shall notify
5 the public through the website maintained
6 under subsection (b)(2), as well as through pub-
7 lication of notice in newspapers of general cir-
8 culation throughout the State, of the date, time,
9 and location of each of the hearings held under
10 this paragraph not fewer than 14 days prior to
11 the date of the hearing.

12 (6) PERMITTING MULTIPLE PRELIMINARY
13 PLANS.—At the option of the commission, after de-
14 veloping and publishing the preliminary redistricting
15 plan under this subsection, the commission may de-
16 velop and publish subsequent preliminary redis-
17 tricting plans, so long as the process for the develop-
18 ment and publication of each such subsequent plan
19 meets the requirements set forth in this subsection
20 for the development and publication of the first pre-
21 liminary redistricting plan.

22 (d) PROCESS FOR ENACTMENT OF FINAL REDIS-
23 TRICTING PLAN.—

24 (1) IN GENERAL.—After taking into consider-
25 ation comments from the public on any preliminary

1 redistricting plan developed and published under
2 subsection (c), the independent redistricting commis-
3 sion of a State shall develop and publish a final re-
4 districting plan for the State.

5 (2) MEETING; FINAL VOTE.—Not later than
6 August 15 of each year ending in the numeral one,
7 the commission shall hold a public hearing at which
8 the members of the commission shall vote on approv-
9 ing the final plan for enactment into law.

10 (3) PUBLICATION OF PLAN AND ACCOMPANYING
11 MATERIALS.—Not fewer than 14 days before the
12 date of the meeting under paragraph (2), the com-
13 mission shall provide the following information to
14 the public through the website maintained under
15 subsection (b)(2), as well as through newspapers of
16 general circulation throughout the State:

17 (A) The final redistricting plan, including
18 all relevant maps.

19 (B) A report by the commission to accom-
20 pany the plan which provides the background
21 for the plan and the commission's reasons for
22 selecting the plan as the final redistricting plan,
23 including responses to the public comments re-
24 ceived on any preliminary redistricting plan de-
25 veloped and published under subsection (c).

1 (C) Any dissenting or additional views with
2 respect to the plan of individual members of the
3 commission.

4 (4) ENACTMENT.—The final redistricting plan
5 developed and published under this subsection shall
6 be deemed to be enacted into law if—

7 (A) the plan is approved by a majority of
8 the whole membership of the commission; and

9 (B) at least one member of the commission
10 appointed from each of the categories of the ap-
11 proved selection pool described in section
12 3202(b)(1) approves the plan.

13 (e) DEADLINE.—The independent redistricting com-
14 mission of a State shall approve a final redistricting plan
15 for the State not later than August 15 of each year ending
16 in the numeral one.

17 **SEC. 3204. ESTABLISHMENT OF RELATED ENTITIES.**

18 (a) ESTABLISHMENT OR DESIGNATION OF NON-
19 PARTISAN AGENCY OF STATE LEGISLATURE.—

20 (1) IN GENERAL.—Each State shall establish a
21 nonpartisan agency in the legislative branch of the
22 State government to appoint the members of the
23 independent redistricting commission for the State
24 in accordance with section 3201.

1 (2) NONPARTISANSHIP DESCRIBED.—For pur-
2 poses of this subsection, an agency shall be consid-
3 ered to be nonpartisan if under law the agency—

4 (A) is required to provide services on a
5 nonpartisan basis;

6 (B) is required to maintain impartiality;
7 and

8 (C) is prohibited from advocating for the
9 adoption or rejection of any legislative proposal.

10 (3) DESIGNATION OF EXISTING AGENCY.—At
11 its option, a State may designate an existing agency
12 in the legislative branch of its government to appoint
13 the members of the independent redistricting com-
14 mission plan for the State under this title, so long
15 as the agency meets the requirements for non-
16 partisanship under this subsection.

17 (4) TERMINATION OF AGENCY SPECIFICALLY
18 ESTABLISHED FOR REDISTRICTING.—If a State does
19 not designate an existing agency under paragraph
20 (3) but instead establishes a new agency to serve as
21 the nonpartisan agency under this section, the new
22 agency shall terminate upon the enactment into law
23 of the redistricting plan for the State.

1 (5) DEADLINE.—The State shall meet the re-
2 quirements of this subsection not later than each
3 August 15 of a year ending in the numeral nine.

4 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
5 DISTRICTING.—

6 (1) IN GENERAL.—Each State shall appoint a
7 Select Committee on Redistricting to approve or dis-
8 approve a selection pool developed by the inde-
9 pendent redistricting commission for the State under
10 section 3202.

11 (2) APPOINTMENT.—The Select Committee on
12 Redistricting for a State under this subsection shall
13 consist of the following members:

14 (A) 1 member of the upper house of the
15 State legislature, who shall be appointed by the
16 leader of the party with the greatest number of
17 seats in the upper house.

18 (B) 1 member of the upper house of the
19 State legislature, who shall be appointed by the
20 leader of the party with the second greatest
21 number of seats in the upper house.

22 (C) 1 member of the lower house of the
23 State legislature, who shall be appointed by the
24 leader of the party with the greatest number of
25 seats in the lower house.

1 (D) 1 member of the lower house of the
 2 State legislature, who shall be appointed by the
 3 leader of the party with the second greatest
 4 number of seats in the lower house.

5 (3) SPECIAL RULE FOR STATES WITH UNICAM-
 6 ERAL LEGISLATURE.—In the case of a State with a
 7 unicameral legislature, the Select Committee on Re-
 8 districting for the State under this subsection shall
 9 consist of the following members:

10 (A) 2 members of the State legislature ap-
 11 pointed by the leader of the party with the
 12 greatest number of seats in the legislature.

13 (B) 2 members of the State legislature ap-
 14 pointed by the leader of the party with the sec-
 15 ond greatest number of seats in legislature.

16 (4) DEADLINE.—The State shall meet the re-
 17 quirements of this subsection not later than each
 18 January 15 of a year ending in the numeral zero.

19 **Subtitle C—Role of Courts in** 20 **Development of Redistricting Plans**

21 **SEC. 3301. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE** 22 **COURT.**

23 (a) DEVELOPMENT OF PLAN.—If any of the trig-
 24 gering events described in subsection (c) occur with re-
 25 spect to a State—

1 (1) not later than December 15 of the year in
2 which the triggering event occurs, the United States
3 District Court for the District of Columbia, acting
4 through a 3-judge court convened pursuant to sec-
5 tion 2284 of title 28, United States Code, shall de-
6 velop and publish the Congressional redistricting
7 plan for the State; and

8 (2) the plan developed and published by the
9 Court under this subsection shall be deemed to be
10 enacted on the date on which the Court publishes
11 the plan.

12 (b) PROCEDURES FOR DEVELOPMENT OF PLAN.—

13 (1) CRITERIA.—It is the sense of Congress
14 that, in developing a redistricting plan for a State
15 under this section, the Court should adhere to the
16 same terms and conditions that applied (or that
17 would have applied, as the case may be) to the devel-
18 opment of a plan by the independent redistricting
19 commission of the State under section 3203(a).

20 (2) ACCESS TO INFORMATION AND RECORDS OF
21 COMMISSION.—The Court shall have access to any
22 information, data, software, or other records and
23 material that was used (or that would have been
24 used, as the case may be) by the independent redis-

1 tricting commission of the State in carrying out its
 2 duties under this title.

3 (c) TRIGGERING EVENTS DESCRIBED.—The “trig-
 4 gering events” described in this subsection are as follows:

5 (1) The failure of the State to establish or des-
 6 ignate a nonpartisan agency of the State legislature
 7 under section 3204(a) prior to the expiration of the
 8 deadline set forth in section 3204(a)(5).

9 (2) The failure of the State to appoint a Select
 10 Committee on Redistricting under section 3204(b)
 11 prior to the expiration of the deadline set forth in
 12 section 3204(b)(4).

13 (3) The failure of the Select Committee on Re-
 14 districting to approve any selection pool under sec-
 15 tion 3202 prior to the expiration of the deadline set
 16 forth for the approval of the second replacement se-
 17 lection pool in section 3202(d)(2).

18 (4) The failure of the independent redistricting
 19 commission of the State to approve a final redis-
 20 tricting plan for the State prior to the expiration of
 21 the deadline set forth in section 3203(e).

22 **SEC. 3302. SPECIAL RULE FOR REDISTRICTING CON-**
 23 **DUCTED UNDER ORDER OF FEDERAL COURT.**

24 If a Federal court requires a State to conduct redis-
 25 tricting subsequent to an apportionment of Representa-

1 tives in the State in order to comply with the Constitution
 2 or to enforce the Voting Rights Act of 1965, section 3203
 3 shall apply with respect to the redistricting, except that
 4 the court may revise any of the deadlines set forth in such
 5 section if the court determines that a revision is appro-
 6 priate in order to provide for a timely enactment of a new
 7 redistricting plan for the State.

8 **Subtitle D—Administrative and** 9 **Miscellaneous Provisions**

10 **SEC. 3401. PAYMENTS TO STATES FOR CARRYING OUT RE-** 11 **DISTRICTING.**

12 (a) AUTHORIZATION OF PAYMENTS.—Subject to sub-
 13 section (d), not later than 30 days after a State receives
 14 a State apportionment notice, the Election Assistance
 15 Commission shall make a payment to the State in an
 16 amount equal to the product of—

17 (1) the number of Representatives to which the
 18 State is entitled, as provided under the notice; and

19 (2) \$150,000.

20 (b) USE OF FUNDS.—A State shall use the payment
 21 made under this section to establish and operate the
 22 State’s independent redistricting commission, to imple-
 23 ment the State redistricting plan, and to otherwise carry
 24 out Congressional redistricting in the State.

1 (c) NO PAYMENT TO STATES WITH SINGLE MEM-
 2 BER.—The Election Assistance Commission shall not
 3 make a payment under this section to any State which
 4 is not entitled to more than one Representative under its
 5 State apportionment notice.

6 (d) REQUIRING SUBMISSION OF SELECTION POOL AS
 7 CONDITION OF PAYMENT.—The Election Assistance Com-
 8 mission may not make a payment to a State under this
 9 section until the State certifies to the Commission that
 10 the nonpartisan agency established or designated by a
 11 State under section 3204(a) has, in accordance with sec-
 12 tion 3202(b)(1), submitted a selection pool to the Select
 13 Committee on Redistricting for the State established
 14 under section 3204(b).

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 16 are authorized to be appropriated such sums as may be
 17 necessary for payments under this section.

18 **SEC. 3402. CIVIL ENFORCEMENT.**

19 (a) CIVIL ENFORCEMENT.—

20 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
 21 torney General may bring a civil action in an appro-
 22 priate district court for such relief as may be appro-
 23 priate to carry out this title.

24 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
 25 TION.—Any citizen of a State who is aggrieved by

1 the failure of the State redistricting plan which is
2 enacted into law under section 3203 to meet the re-
3 quirements for such a plan under this title may
4 bring a civil action in an appropriate district court
5 for such relief as may be appropriate to remedy the
6 failure, so long as the individual brings the action
7 during the 45-day period which begins on the date
8 on which the plan is enacted into law.

9 (b) EXPEDITED CONSIDERATION.—In any action
10 brought forth under this section, the following rules shall
11 apply:

12 (1) The action shall be filed in the United
13 States District Court for the District of Columbia
14 and shall be heard by a 3-judge court convened pur-
15 suant to section 2284 of title 28, United States
16 Code.

17 (2) The 3-judge court shall consolidate actions
18 brought for relief under subsection (b)(1) with re-
19 spect to the same State redistricting plan.

20 (3) A copy of the complaint shall be delivered
21 promptly to the Clerk of the House of Representa-
22 tives and the Secretary of the Senate.

23 (4) A final decision in the action shall be re-
24 viewable only by appeal directly to the Supreme
25 Court of the United States. Such appeal shall be

1 taken by the filing of a notice of appeal within 10
2 days, and the filing of a jurisdictional statement
3 within 30 days, of the entry of the final decision.

4 (5) It shall be the duty of the district court and
5 the Supreme Court of the United States to advance
6 on the docket and to expedite to the greatest pos-
7 sible extent the disposition of the action and appeal.

8 (c) ATTORNEY'S FEES.—In a civil action under this
9 section, the court may allow the prevailing party (other
10 than the United States) reasonable attorney fees, includ-
11 ing litigation expenses, and costs.

12 (d) RELATION TO OTHER LAWS.—

13 (1) RIGHTS AND REMEDIES ADDITIONAL TO
14 OTHER RIGHTS AND REMEDIES.—The rights and
15 remedies established by this section are in addition
16 to all other rights and remedies provided by law, and
17 neither the rights and remedies established by this
18 section nor any other provision of this title shall su-
19 persede, restrict, or limit the application of the Vot-
20 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

21 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
22 this title authorizes or requires conduct that is pro-
23 hibited by the Voting Rights Act of 1965 (52 U.S.C.
24 10301 et seq.).

1 **SEC. 3403. STATE APPORTIONMENT NOTICE DEFINED.**

2 In this title, the “State apportionment notice” means,
3 with respect to a State, the notice sent to the State from
4 the Clerk of the House of Representatives under section
5 22(b) of the Act entitled “An Act to provide for the fif-
6 teenth and subsequent decennial censuses and to provide
7 for an apportionment of Representatives in Congress”, ap-
8 proved June 18, 1929 (2 U.S.C. 2a), of the number of
9 Representatives to which the State is entitled.

10 **SEC. 3404. NO EFFECT ON ELECTIONS FOR STATE AND**
11 **LOCAL OFFICE.**

12 Nothing in this title or in any amendment made by
13 this title may be construed to affect the manner in which
14 a State carries out elections for State or local office, in-
15 cluding the process by which a State establishes the dis-
16 tricts used in such elections.

17 **SEC. 3405. EFFECTIVE DATE.**

18 This title and the amendments made by this title
19 shall apply with respect to redistricting carried out pursu-
20 ant to the decennial census conducted during 2020 or any
21 succeeding decennial census.

**TITLE IV—VOTER
REGISTRATION
Subtitle A—Automatic Voter
Registration**

SEC. 4001. SHORT TITLE; FINDINGS AND PURPOSE.

(a) SHORT TITLE.—This subtitle may be cited as the
“Automatic Voter Registration Act of 2017”.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) the right to vote is a fundamental
right of citizens of the United States;

(B) it is the responsibility of the State and
Federal governments to ensure that every eligi-
ble citizen is registered to vote;

(C) existing voter registration systems can
be inaccurate, costly, inaccessible and con-
fusing, with damaging effects on voter partici-
pation in elections and disproportionate impacts
on young people, persons with disabilities, and
racial and ethnic minorities; and

(D) voter registration systems must be up-
dated with 21st century technologies and proce-
dures to maintain their security.

(2) PURPOSE.—It is the purpose of this sub-
title—

1 (A) to establish that it is the responsibility
 2 of government at every level to ensure that all
 3 eligible citizens are registered to vote;

4 (B) to enable the State and Federal gov-
 5 ernments to register all eligible citizens to vote
 6 with accurate, cost-efficient, and up-to-date pro-
 7 cedures;

8 (C) to modernize voter registration and list
 9 maintenance procedures with electronic and
 10 Internet capabilities; and

11 (D) to protect and enhance the integrity,
 12 accuracy, efficiency, and accessibility of the
 13 electoral process for all eligible citizens.

14 **SEC. 4002. AUTOMATIC REGISTRATION OF ELIGIBLE INDIVIDUALS.**
 15

16 (a) **REQUIRING STATES TO ESTABLISH AND OPERATE AUTOMATIC REGISTRATION SYSTEM.—**
 17

18 (1) **IN GENERAL.**—The chief State election offi-
 19 cial of each State shall establish and operate a sys-
 20 tem of automatic registration for the registration of
 21 eligible individuals to vote for elections for Federal
 22 office in the State, in accordance with the provisions
 23 of this Act.

24 (2) **DEFINITION.**—The term “automatic reg-
 25 istration” means a system that registers an indi-

1 vidual to vote in elections for Federal office in a
2 State, if eligible, by electronically transferring the
3 information necessary for registration from govern-
4 ment agencies to election officials of the State so
5 that, unless the individual affirmatively declines to
6 be registered, the individual will be registered to vote
7 in such elections.

8 (b) REGISTRATION OF VOTERS BASED ON NEW
9 AGENCY RECORDS.—The chief State election official
10 shall—

11 (1) not later than 15 days after a contributing
12 agency has transmitted information with respect to
13 an individual pursuant to section 4003, ensure that
14 the individual is registered to vote in elections for
15 Federal office in the State if the individual is eligible
16 to be registered to vote in such elections; and

17 (2) send written notice to the individual, in ad-
18 dition to other means of notice established by this
19 title, of the individual's voter registration status.

20 (c) ONE-TIME REGISTRATION OF VOTERS BASED ON
21 EXISTING CONTRIBUTING AGENCY RECORDS.—The chief
22 State election official shall—

23 (1) identify all individuals whose information is
24 transmitted by a contributing agency pursuant to

1 section 4004 and who are eligible to be, but are not
2 currently, registered to vote in that State;

3 (2) promptly send each such individual written
4 notice, in addition to other means of notice estab-
5 lished by this title, which shall not identify the con-
6 tributing agency that transmitted the information
7 but shall include—

8 (A) an explanation that voter registration
9 is voluntary, but if the individual does not de-
10 cline registration, the individual will be reg-
11 istered to vote;

12 (B) a statement offering the opportunity to
13 decline voter registration through means con-
14 sistent with the requirements of this title;

15 (C) in the case of a State in which affili-
16 ation or enrollment with a political party is re-
17 quired in order to participate in an election to
18 select the party's candidate in an election for
19 Federal office, a statement offering the indi-
20 vidual the opportunity to affiliate or enroll with
21 a political party or to decline to affiliate or en-
22 roll with a political party, through means con-
23 sistent with the requirements of this title;

24 (D) the substantive qualifications of an
25 elector in the State as listed in the mail voter

1 registration application form for elections for
2 Federal office prescribed pursuant to section 9
3 of the National Voter Registration Act of 1993,
4 the consequences of false registration, and a
5 statement that the individual should decline to
6 register if the individual does not meet all those
7 qualifications;

8 (E) instructions for correcting any erro-
9 neous information; and

10 (F) instructions for providing any addi-
11 tional information which is listed in the mail
12 voter registration application form for elections
13 for Federal office prescribed pursuant to section
14 9 of the National Voter Registration Act of
15 1993;

16 (3) ensure that each such individual who is eli-
17 gible to register to vote in elections for Federal of-
18 fice in the State is promptly registered to vote not
19 later than 45 days after the official sends the indi-
20 vidual the written notice under paragraph (2), un-
21 less, during the 30-day period which begins on the
22 date the election official sends the individual such
23 written notice, the individual declines registration in
24 writing, through a communication made over the

1 Internet, or by an officially logged telephone commu-
 2 nication; and

3 (4) send written notice to each such individual,
 4 in addition to other means of notice established by
 5 this title, of the individual's voter registration status.

6 (d) CONTRIBUTING AGENCY DEFINED.—In this title,
 7 the term “contributing agency” means, with respect to a
 8 State, an agency listed in section 4003(e).

9 **SEC. 4003. CONTRIBUTING AGENCY ASSISTANCE IN REG-**
 10 **ISTRATION.**

11 (a) IN GENERAL.—In accordance with this title, each
 12 contributing agency in a State shall assist the State's chief
 13 election official in registering to vote all eligible individuals
 14 served by that agency.

15 (b) REQUIREMENTS FOR CONTRIBUTING AGEN-
 16 CIES.—

17 (1) INSTRUCTIONS ON AUTOMATIC REGISTRA-
 18 TION.—With each application for service or assist-
 19 ance, and with each related recertification, renewal,
 20 or change of address, or, in the case of an institu-
 21 tion of higher education, with each registration of a
 22 student for enrollment in a course of study, each
 23 contributing agency that (in the normal course of its
 24 operations) requests individuals to affirm United
 25 States citizenship (either directly or as part of the

1 overall application for service or assistance) shall in-
2 form each such individual who is a citizen of the
3 United States of the following:

4 (A) Unless that individual declines to reg-
5 ister to vote, or is found ineligible to vote, the
6 individual will be registered to vote or, if appli-
7 cable, the individual's registration will be up-
8 dated.

9 (B) The substantive qualifications of an
10 elector in the State as listed in the mail voter
11 registration application form for elections for
12 Federal office prescribed pursuant to section 9
13 of the National Voter Registration Act of 1993,
14 the consequences of false registration, and the
15 individual should decline to register if the indi-
16 vidual does not meet all those qualifications.

17 (C) In the case of a State in which affili-
18 ation or enrollment with a political party is re-
19 quired in order to participate in an election to
20 select the party's candidate in an election for
21 Federal office, the requirement that the indi-
22 vidual must affiliate or enroll with a political
23 party in order to participate in such an election.

24 (D) Voter registration is voluntary, and
25 neither registering nor declining to register to

1 vote will in any way affect the availability of
2 services or benefits, nor be used for other pur-
3 poses.

4 (2) OPPORTUNITY TO DECLINE REGISTRATION
5 REQUIRED.—Each contributing agency shall ensure
6 that each application for service or assistance, and
7 each related recertification, renewal, or change of
8 address, or, in the case of an institution of higher
9 education, each registration of a student for enroll-
10 ment in a course of study, cannot be completed until
11 the individual is given the opportunity to decline to
12 be registered to vote.

13 (3) INFORMATION TRANSMITTAL.—Upon the
14 expiration of the 30-day period which begins on the
15 date the contributing agency informs the individual
16 of the information described in paragraph (1), each
17 contributing agency shall electronically transmit to
18 the appropriate State election official, in a format
19 compatible with the statewide voter database main-
20 tained under section 303 of the Help America Vote
21 Act of 2002 (52 U.S.C. 21083), the following infor-
22 mation, unless during such 30-day period the indi-
23 vidual declined to be registered to vote:

24 (A) The individual's given name(s) and
25 surname(s).

1 (B) The individual's date of birth.

2 (C) The individual's residential address.

3 (D) Information showing that the indi-
4 vidual is a citizen of the United States.

5 (E) The date on which information per-
6 taining to that individual was collected or last
7 updated.

8 (F) If available, the individual's signature
9 in electronic form.

10 (G) Information regarding the individual's
11 affiliation or enrollment with a political party,
12 if the individual provides such information.

13 (H) Any additional information listed in
14 the mail voter registration application form for
15 elections for Federal office prescribed pursuant
16 to section 9 of the National Voter Registration
17 Act of 1993, including any valid driver's license
18 number or the last 4 digits of the individual's
19 Social Security number, if the individual pro-
20 vided such information.

21 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-
22 TRIBUTING AGENCIES.—With each application for service
23 or assistance, and with each related recertification, re-
24 newal, or change of address, or in the case of an institu-
25 tion of higher education, with each registration of a stu-

1 dent for enrollment in a course of study, any contributing
 2 agency that in the normal course of its operations does
 3 not request individuals applying for service or assistance
 4 to affirm United States citizenship (either directly or as
 5 part of the overall application for service or assistance)
 6 shall—

7 (1) complete the requirements of section 7(a)(6)
 8 of the National Voter Registration Act of 1993 (52
 9 U.S.C. 20506(a)(6));

10 (2) ensure that each applicant's transaction
 11 with the agency cannot be completed until the appli-
 12 cant has indicated whether the applicant wishes to
 13 register to vote or declines to register to vote in elec-
 14 tions for Federal office held in the State; and

15 (3) for each individual who wishes to register to
 16 vote, transmit that individual's information in ac-
 17 cordance with subsection (b)(3).

18 (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-
 19 ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR
 20 SERVICE OR ASSISTANCE.—Each contributing agency
 21 shall offer each individual, with each application for serv-
 22 ice or assistance, and with each related recertification, re-
 23 newal, or change of address, or in the case of an institu-
 24 tion of higher education, with each registration of a stu-
 25 dent for enrollment in a course of study, the opportunity

1 to register to vote as prescribed by this section without
2 regard to whether the individual previously declined a reg-
3 istration opportunity.

4 (e) CONTRIBUTING AGENCIES.—

5 (1) STATE AGENCIES.—In each State, each of
6 the following agencies shall be treated as a contrib-
7 uting agency:

8 (A) Each agency in a State that is re-
9 quired by Federal law to provide voter registra-
10 tion services, including the State motor vehicle
11 authority and other voter registration agencies
12 under the National Voter Registration Act of
13 1993.

14 (B) Each agency in a State that admin-
15 isters a program pursuant to title III of the So-
16 cial Security Act (42 U.S.C. 501 et seq.), title
17 XIX of the Social Security Act (42 U.S.C. 1396
18 et seq.), or the Patient Protection and Afford-
19 able Care Act (Public Law 111–148).

20 (C) Each State agency primarily respon-
21 sible for regulating the private possession of
22 firearms.

23 (D) Each State agency primarily respon-
24 sible for maintaining identifying information for
25 students enrolled at public secondary schools,

1 including, where applicable, the State agency
2 responsible for maintaining the education data
3 system described in section 6201(e)(2) of the
4 America COMPETES Act (20 U.S.C.
5 9871(e)(2)).

6 (E) In the case of a State in which an in-
7 dividual disenfranchised by a criminal convic-
8 tion may become eligible to vote upon comple-
9 tion of a criminal sentence or any part thereof,
10 or upon formal restoration of rights, the State
11 agency responsible for administering that sen-
12 tence, or part thereof, or that restoration of
13 rights.

14 (F) Any other agency of the State which is
15 designated by the State as a contributing agen-
16 cy.

17 (2) FEDERAL AGENCIES.—In each State, each
18 of the following agencies of the Federal Government
19 shall be treated as a contributing agency with re-
20 spect to individuals who are residents of that State
21 (except as provided in subparagraph (C)):

22 (A) The Social Security Administration,
23 the Department of Veterans Affairs, the De-
24 fense Manpower Data Center of the Depart-
25 ment of Defense, the Employee and Training

1 Administration of the Department of Labor,
2 and the Centers for Medicare & Medicaid Serv-
3 ices of the Department of Health and Human
4 Services.

5 (B) The Bureau of Citizenship and Immi-
6 gration Services, but only with respect to indi-
7 viduals who have completed the naturalization
8 process.

9 (C) In the case of an individual who is a
10 resident of a State in which an individual
11 disenfranchised by a criminal conviction under
12 Federal law may become eligible to vote upon
13 completion of a criminal sentence or any part
14 thereof, or upon formal restoration of rights,
15 the Federal agency responsible for admin-
16 istering that sentence or part thereof (without
17 regard to whether the agency is located in the
18 same State in which the individual is a resi-
19 dent), but only with respect to individuals who
20 have completed the criminal sentence or any
21 part thereof.

22 (D) Any other agency of the Federal Gov-
23 ernment which the State designates as a con-
24 tributing agency, but only if the State and the
25 head of the agency determine that the agency

1 collects information sufficient to carry out the
2 responsibilities of a contributing agency under
3 this section.

4 (3) INSTITUTIONS OF HIGHER EDUCATION.—

5 Each institution of higher education that receives
6 Federal funds shall be treated as a contributing
7 agency in the State in which it is located, but only
8 with respect to students of the institution (including
9 students who attend classes online) who reside in the
10 State. An institution of higher education described
11 in the previous sentence shall be exempt from the
12 voter registration requirements of section 487(a)(23)
13 of the Higher Education Act of 1965 (20 U.S.C.
14 1094(a)(23)) if the institution is in compliance with
15 the applicable requirements of this Act.

16 (4) PUBLICATION.—Not later than 180 days
17 prior to the date of each election for Federal office
18 held in the State, the chief State election official
19 shall publish on the public website of the official an
20 updated list of all contributing agencies in that
21 State.

22 (5) PUBLIC EDUCATION.—The chief State elec-
23 tion official of each State, in collaboration with each
24 contributing agency, shall take appropriate measures

1 to educate the public about voter registration under
2 this section.

3 **SEC. 4004. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE**
4 **IN REGISTRATION OF ELIGIBLE VOTERS IN**
5 **EXISTING RECORDS.**

6 (a) INITIAL TRANSMITTAL OF INFORMATION.—For
7 each individual already listed in a contributing agency’s
8 records as of the date of enactment of this Act, and for
9 whom the agency has the information listed in section
10 4003(b)(3), the agency shall promptly transmit that infor-
11 mation to the appropriate State election official in accord-
12 ance with section 4003(b)(3) not later than the effective
13 date described in section 4011(a).

14 (b) TRANSITION.—For each individual listed in a con-
15 tributing agency’s records as of the effective date de-
16 scribed in section 4011(a) (but who was not listed in a
17 contributing agency’s records as of the date of enactment
18 of this Act), and for whom the agency has the information
19 listed in section 4003(b)(3), the Agency shall promptly
20 transmit that information to the appropriate State election
21 official in accordance with section 4003(b)(3) not later
22 than 6 months after the effective date described in section
23 4011(a).

1 **SEC. 4005. VOTER PROTECTION AND SECURITY IN AUTO-**
2 **MATIC REGISTRATION.**

3 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—

4 An individual shall not be prosecuted under any Federal
5 law, adversely affected in any civil adjudication concerning
6 immigration status or naturalization, or subject to an alle-
7 gation in any legal proceeding that the individual is not
8 a citizen of the United States on any of the following
9 grounds:

10 (1) The individual notified an election office of
11 the individual's automatic registration to vote under
12 this title.

13 (2) The individual is not eligible to vote in elec-
14 tions for Federal office but was automatically reg-
15 istered to vote under this title.

16 (3) The individual was automatically registered
17 to vote under this title at an incorrect address.

18 (4) The individual declined the opportunity to
19 register to vote or did not make an affirmation of
20 citizenship, including through automatic registration,
21 under this title.

22 (b) LIMITS ON USE OF AUTOMATIC REGISTRA-
23 TION.—The automatic registration of any individual or the
24 fact that an individual declined the opportunity to register
25 to vote or did not make an affirmation of citizenship (in-
26 cluding through automatic registration) under this title

1 may not be used as evidence against that individual in any
2 State or Federal law enforcement proceeding, and an indi-
3 vidual's lack of knowledge or willfulness of such registra-
4 tion may be demonstrated by the individual's testimony
5 alone.

6 (c) PROTECTION OF ELECTION INTEGRITY.—Noth-
7 ing in subsection (a) or (b) may be construed to prohibit
8 or restrict any action under color of law against an indi-
9 vidual who—

10 (1) knowingly and willfully makes a false state-
11 ment to effectuate or perpetuate automatic voter
12 registration by any individual; or

13 (2) casts a ballot knowingly and willfully in vio-
14 lation of State law or the laws of the United States.

15 (d) CONTRIBUTING AGENCIES' PROTECTION OF IN-
16 FORMATION.—Nothing in this title authorizes a contrib-
17 uting agency to collect, retain, transmit, or publicly dis-
18 close any of the following:

19 (1) An individual's decision to decline to reg-
20 ister to vote or not to register to vote.

21 (2) An individual's decision not to affirm his or
22 her citizenship.

23 (3) Any information that a contributing agency
24 transmits pursuant to section 4003(b)(3), except in
25 pursuing the agency's ordinary course of business.

1 (e) ELECTION OFFICIALS' PROTECTION OF INFOR-
2 MATION.—

3 (1) PUBLIC DISCLOSURE PROHIBITED.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), with respect to any individual for
6 whom any State election official receives infor-
7 mation from a contributing agency, the State
8 election officials shall not publicly disclose any
9 of the following:

10 (i) The identity of the contributing
11 agency.

12 (ii) Any information not necessary to
13 voter registration.

14 (iii) Any voter information otherwise
15 shielded from disclosure under State law or
16 section 8(a) of the National Voter Reg-
17 istration Act of 1993 (52 U.S.C.
18 20507(a)).

19 (iv) Any portion of the individual's
20 Social Security number.

21 (v) Any portion of the individual's
22 motor vehicle driver's license number.

23 (vi) The individual's signature.

24 (vii) The individual's telephone num-
25 ber.

1 (viii) The individual's email address.

2 (B) SPECIAL RULE FOR INDIVIDUALS REG-
3 ISTERED TO VOTE.—With respect to any indi-
4 vidual for whom any State election official re-
5 ceives information from a contributing agency
6 and who, on the basis of such information, is
7 registered to vote in the State under this title,
8 the State election officials shall not publicly dis-
9 close any of the following:

10 (i) The identity of the contributing
11 agency.

12 (ii) Any information not necessary to
13 voter registration.

14 (iii) Any voter information otherwise
15 shielded from disclosure under State law or
16 section 8(a) of the National Voter Reg-
17 istration Act of 1993 (52 U.S.C.
18 20507(a)).

19 (iv) Any portion of the individual's
20 Social Security number.

21 (v) Any portion of the individual's
22 motor vehicle driver's license number.

23 (vi) The individual's signature.

24 (2) VOTER RECORD CHANGES.—Each State
25 shall maintain for at least 2 years and shall make

1 available for public inspection and, where available,
2 photocopying at a reasonable cost, all records of
3 changes to voter records, including removals and up-
4 dates.

5 (3) DATABASE MANAGEMENT STANDARDS.—

6 The Director of the National Institute of Standards
7 and Technology shall, after providing the public with
8 notice and the opportunity to comment—

9 (A) establish standards governing the com-
10 parison of data for voter registration list main-
11 tenance purposes, identifying as part of such
12 standards the specific data elements, the
13 matching rules used, and how a State may use
14 the data to determine and deem that an indi-
15 vidual is ineligible under State law to vote in an
16 election, or to deem a record to be a duplicate
17 or outdated;

18 (B) ensure that the standards developed
19 pursuant to this paragraph are uniform and
20 nondiscriminatory and are applied in a uniform
21 and nondiscriminatory manner; and

22 (C) publish the standards developed pursu-
23 ant to this paragraph on the Director's website
24 and make those standards available in written
25 form upon request.

1 (4) SECURITY POLICY.—The Director of the
2 National Institute of Standards and Technology
3 shall, after providing the public with notice and the
4 opportunity to comment, publish privacy and secu-
5 rity standards for voter registration information.
6 The standards shall require the chief State election
7 official of each State to adopt a policy that shall
8 specify—

9 (A) each class of users who shall have au-
10 thorized access to the computerized statewide
11 voter registration list, specifying for each class
12 the permission and levels of access to be grant-
13 ed, and setting forth other safeguards to pro-
14 tect the privacy, security, and accuracy of the
15 information on the list; and

16 (B) security safeguards to protect personal
17 information transmitted through the informa-
18 tion transmittal processes of section 4003 or
19 section 4004, the online system used pursuant
20 to section 4007, any telephone interface, the
21 maintenance of the voter registration database,
22 and any audit procedure to track access to the
23 system.

24 (5) STATE COMPLIANCE WITH NATIONAL
25 STANDARDS.—

1 (A) CERTIFICATION.—The chief executive
 2 officer of the State shall annually file with the
 3 Election Assistance Commission a statement
 4 certifying to the Director of the National Insti-
 5 tute of Standards and Technology that the
 6 State is in compliance with the standards re-
 7 ferred to in paragraphs (4) and (5). A State
 8 may meet the requirement of the previous sen-
 9 tence by filing with the Commission a statement
 10 which reads as follows: “_____ hereby
 11 certifies that it is in compliance with the stand-
 12 ards referred to in paragraphs (4) and (5) of
 13 section 4005(e) of the Automatic Voter Reg-
 14 istration Act of 2017.” (with the blank to be
 15 filled in with the name of the State involved).

16 (B) PUBLICATION OF POLICIES AND PRO-
 17 CEDURES.—The chief State election official of a
 18 State shall publish on the official’s website the
 19 policies and procedures established under this
 20 section, and shall make those policies and pro-
 21 cedures available in written form upon public
 22 request.

23 (C) FUNDING DEPENDENT ON CERTIFI-
 24 CATION.—If a State does not timely file the cer-
 25 tification required under this paragraph, it shall

1 not receive any payment under this Act for the
2 upcoming fiscal year.

3 (D) COMPLIANCE OF STATES THAT RE-
4 QUIRE CHANGES TO STATE LAW.—In the case
5 of a State that requires State legislation to
6 carry out an activity covered by any certifi-
7 cation submitted under this paragraph, for a
8 period of not more than 2 years the State shall
9 be permitted to make the certification notwith-
10 standing that the legislation has not been en-
11 acted at the time the certification is submitted,
12 and such State shall submit an additional cer-
13 tification once such legislation is enacted.

14 (f) RESTRICTIONS ON USE OF INFORMATION.—No
15 person acting under color of law may discriminate against
16 any individual based on, or use for any purpose other than
17 voter registration, election administration, or enforcement
18 relating to election crimes, any of the following:

19 (1) Voter registration records.

20 (2) An individual's declination to register to
21 vote or complete an affirmation of citizenship under
22 section 4003(b).

23 (3) An individual's voter registration status.

24 (g) PROHIBITION ON THE USE OF VOTER REGISTRA-
25 TION INFORMATION FOR COMMERCIAL PURPOSES.—In-

1 formation collected under this title shall not be used for
2 commercial purposes. Nothing in this subsection may be
3 construed to prohibit the transmission, exchange, or dis-
4 semination of information for political purposes, including
5 the support of campaigns for election for Federal, State,
6 or local public office or the activities of political commit-
7 tees (including committees of political parties) under the
8 Federal Election Campaign Act of 1971.

9 **SEC. 4006. REGISTRATION PORTABILITY AND CORRECTION.**

10 (a) CORRECTING REGISTRATION INFORMATION AT
11 POLLING PLACE.—Notwithstanding section 302(a) of the
12 Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if
13 an individual is registered to vote in elections for Federal
14 office held in a State, the appropriate election official at
15 the polling place for any such election (including a location
16 used as a polling place on a date other than the date of
17 the election) shall permit the individual to—

18 (1) update the individual's address for purposes
19 of the records of the election official;

20 (2) correct any incorrect information relating to
21 the individual, including the individual's name and
22 political party affiliation, in the records of the elec-
23 tion official; and

24 (3) cast a ballot in the election on the basis of
25 the updated address or corrected information, and to

1 have the ballot treated as a regular ballot and not
2 as a provisional ballot under section 302(a) of such
3 Act.

4 (b) UPDATES TO COMPUTERIZED STATEWIDE VOTER
5 REGISTRATION LISTS.—If an election official at the poll-
6 ing place receives an updated address or corrected infor-
7 mation from an individual under subsection (a), the offi-
8 cial shall ensure that the address or information is
9 promptly entered into the computerized statewide voter
10 registration list in accordance with section
11 303(a)(1)(A)(vi) of the Help America Vote Act of 2002
12 (52 U.S.C. 21083(a)(1)(A)(vi)).

13 **SEC. 4007. ONLINE REGISTRATION.**

14 (a) IN GENERAL.—Each State shall ensure that the
15 following services are available on the official public
16 websites of the appropriate State election officials:

17 (1) Application for or update to voter registra-
18 tion using an electronic version of the mail voter
19 registration application form the Election Assistance
20 Commission prescribes, and any additional voter reg-
21 istration form the State develops pursuant to section
22 6(a) of the National Voter Registration Act of 1993
23 (52 U.S.C. 20505(a)).

24 (2) Completion of a printable version of the
25 mail voter registration application form the Election

1 Assistance Commission prescribes, and any addi-
2 tional voter registration form the State develops pur-
3 suant to section 6(a) of the National Voter Registra-
4 tion Act of 1993 (52 U.S.C. 20505(a)).

5 (3) Correction of voter registration.

6 (4) Designation of political party affiliation,
7 where applicable.

8 (5) Cancellation of registration and removal
9 from the voter rolls.

10 (6) Declination of any automatic registration.

11 (b) SIGNATURE REQUIREMENTS.—The appropriate
12 State election official shall accept an online voter registra-
13 tion application and register each eligible individual to
14 vote if the application provides a signature by any of the
15 following:

16 (1) In the case of an individual who has a sig-
17 nature on file with a State agency, including the
18 State motor vehicle authority, that is required to
19 provide voter registration services by the National
20 Voter Registration Act of 1993 (52 U.S.C. 20501 et
21 seq.), the individual consents to the transfer of that
22 electronic signature.

23 (2) The individual submits with the application
24 an electronic copy of the individual's handwritten
25 signature.

1 (3) If the State chooses to accept it, the indi-
2 vidual's execution of a computerized mark in the sig-
3 nature field on an online voter registration applica-
4 tion.

5 (4) The individual otherwise completes registra-
6 tion under this section and provides a signature at
7 the time of casting a ballot in an election or at the
8 time of applying for a ballot (including an absentee
9 ballot) in an upcoming election. The online system
10 and disposition notice sent to any individual pursu-
11 ant to this paragraph must inform the individual of
12 the process for providing a signature.

13 (c) INTERAGENCY TRANSMISSION OF ELECTRONIC
14 SIGNATURES.—Each State agency that is required by the
15 National Voter Registration Act of 1993 (52 U.S.C.
16 20501 et seq.) to provide voter registration services, in-
17 cluding the State motor vehicle authority, shall electroni-
18 cally transmit to the appropriate State election official the
19 signature of any individual who has a signature on file
20 with the agency and who consents to the transfer of that
21 electronic signature under subsection (b)(1).

22 (d) PRE-ELECTION CORRECTION.—Any correction to
23 the statewide voter registration database pursuant to this
24 section that is made no later than the lesser of thirty days,
25 or the period State law provides, before a Federal election

1 shall be effective for purposes of that Federal election and
2 succeeding elections.

3 (e) ACCESSIBILITY OF SERVICES.—Each State shall
4 ensure that all of the services provided under this section
5 are provided in a manner accessible to individuals with
6 disabilities.

7 **SEC. 4008. PAYMENTS AND GRANTS.**

8 (a) IN GENERAL.—The Election Assistance Commis-
9 sion shall make grants to each eligible State to assist the
10 State in implementing the requirements of this title.

11 (b) ELIGIBILITY; APPLICATION.—A State is eligible
12 to receive a grant under this section if the State submits
13 to the Commission, at such time and in such form as the
14 Commission may require, an application containing—

15 (1) a description of the activities the State will
16 carry out with the grant;

17 (2) an assurance that the State shall carry out
18 such activities without partisan bias and without
19 promoting any particular point of view regarding
20 any issue; and

21 (3) such other information and assurances as
22 the Commission may require.

23 (c) AMOUNT OF GRANT; PRIORITIES.—The Commis-
24 sion shall determine the amount of a grant made to an
25 eligible State under this section. In determining the

1 amounts of the grants, the Commission shall give priority
2 to providing funds for those activities which are most like-
3 ly to accelerate compliance with the requirements of this
4 title, including—

5 (1) investments supporting electronic informa-
6 tion transfer, including electronic collection and
7 transfer of signatures, between contributing agencies
8 and the appropriate State election officials;

9 (2) updates to online or electronic voter reg-
10 istration systems already operating as of the date of
11 the enactment of this Act;

12 (3) introduction of online voter registration sys-
13 tems in jurisdictions in which those systems did not
14 previously exist; and

15 (4) public education on the availability of new
16 methods of registering to vote, updating registration,
17 and correcting registration.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) AUTHORIZATION.—There are authorized to
20 be appropriated to carry out this section—

21 (A) \$500,000,000 for fiscal year 2018; and

22 (B) such sums as may be necessary for
23 each succeeding fiscal year.

24 (2) CONTINUING AVAILABILITY OF FUNDS.—

25 Any amounts appropriated pursuant to the authority

1 of this subsection shall remain available without fis-
2 cal year limitation until expended.

3 **SEC. 4009. MISCELLANEOUS PROVISIONS.**

4 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—
5 Each contributing agency shall ensure that the services
6 it provides under this title are made available to individ-
7 uals with disabilities to the same extent as services are
8 made available to all other individuals.

9 (b) TRANSMISSION THROUGH SECURE THIRD PARTY
10 PERMITTED.—Nothing in this title shall be construed to
11 prevent a contributing agency from contracting with a
12 third party to assist the agency in meeting the information
13 transmittal requirements of this Act, so long as the data
14 transmittal complies with the applicable requirements of
15 this title, including the privacy and security provisions of
16 section 4005.

17 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION
18 OF SERVICES.—The services made available by contrib-
19 uting agencies under this title and by the State under sec-
20 tions 4006 and 4007 shall be made in a manner consistent
21 with paragraphs (4), (5), and (6)(C) of section 7(a) of
22 the National Voter Registration Act of 1993 (52 U.S.C.
23 20506(a)).

24 (d) NOTICES.—Each State may send notices under
25 this title via electronic mail if the individual has provided

1 an electronic mail address and consented to electronic mail
2 communications for election-related materials. All notices
3 sent pursuant to this title that require a response must
4 offer the individual notified the opportunity to respond at
5 no cost to the individual.

6 (e) ENFORCEMENT.—Section 11 of the National
7 Voter Registration Act of 1993 (52 U.S.C. 20510), relat-
8 ing to civil enforcement and the availability of private
9 rights of action, shall apply with respect to this title in
10 the same manner as such section applies to such Act.

11 (f) RELATION TO OTHER LAWS.—Except as pro-
12 vided, nothing in this title may be construed to authorize
13 or require conduct prohibited under, or to supersede, re-
14 strict, or limit the application of any of the following:

15 (1) The Voting Rights Act of 1965 (52 U.S.C.
16 10301 et seq.).

17 (2) The Uniformed and Overseas Citizens Ab-
18 sentee Voting Act (52 U.S.C. 20301 et seq.).

19 (3) The National Voter Registration Act of
20 1993 (52 U.S.C. 20501 et seq.).

21 (4) The Help America Vote Act of 2002 (52
22 U.S.C. 20901 et seq.).

23 **SEC. 4010. DEFINITIONS.**

24 In this title, the following definitions apply:

1 (1) The term “chief State election official”
2 means, with respect to a State, the individual des-
3 ignated by the State under section 10 of the Na-
4 tional Voter Registration Act of 1993 (52 U.S.C.
5 20509) to be responsible for coordination of the
6 State’s responsibilities under such Act.

7 (2) The term “Commission” means the Election
8 Assistance Commission.

9 (3) The term “State” means each of the several
10 States and the District of Columbia.

11 **SEC. 4011. EFFECTIVE DATE.**

12 (a) IN GENERAL.—Except as provided in subsection
13 (b), this subtitle and the amendments made by this sub-
14 title shall apply with respect to a State beginning January
15 1, 2019.

16 (b) WAIVER.—Subject to the approval of the Com-
17 mission, if a State certifies to the Commission that the
18 State will not meet the deadline referred to in subsection
19 (a) because of extraordinary circumstances and includes
20 in the certification the reasons for the failure to meet the
21 deadline, subsection (a) shall apply to the State as if the
22 reference in such subsection to “January 1, 2019” were
23 a reference to “January 1, 2021”.

1 **Subtitle B—Same Day Registration**

2 **SEC. 4101. SHORT TITLE.**

3 This subtitle may be cited as the “Same Day Reg-
4 istration Act of 2017”.

5 **SEC. 4102. SAME DAY REGISTRATION.**

6 (a) IN GENERAL.—Subtitle A of title III of the Help
7 America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is
8 amended by inserting after section 303 the following new
9 section:

10 **“SEC. 303A. SAME DAY REGISTRATION.**

11 “(a) IN GENERAL.—

12 “(1) REGISTRATION.—Notwithstanding section
13 8(a)(1)(D) of the National Voter Registration Act of
14 1993 (52 U.S.C. 20507(a)(1)(D)), each State shall
15 permit any eligible individual on the day of a Fed-
16 eral election and on any day when voting, including
17 early voting, is permitted for a Federal election—

18 “(A) to register to vote in such election at
19 the polling place using a form that meets the
20 requirements under section 9(b) of the National
21 Voter Registration Act of 1993 (or, if the indi-
22 vidual is already registered to vote, to revise
23 any of the individual’s voter registration infor-
24 mation); and

25 “(B) to cast a vote in such election.

1 “(2) EXCEPTION.—The requirements under
 2 paragraph (1) shall not apply to a State in which,
 3 under a State law in effect continuously on and after
 4 the date of the enactment of this section, there is no
 5 voter registration requirement for individuals in the
 6 State with respect to elections for Federal office.

7 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
 8 section, the term ‘eligible individual’ means, with respect
 9 to any election for Federal office, an individual who is oth-
 10 erwise qualified to vote in that election.

11 “(c) EFFECTIVE DATE.—Each State shall be re-
 12 quired to comply with the requirements of subsection (a)
 13 for the regularly scheduled general election for Federal of-
 14 fice occurring in November 2018 and for any subsequent
 15 election for Federal office.”.

16 (b) CONFORMING AMENDMENT RELATING TO EN-
 17 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
 18 is amended by striking “and 303” and inserting “303, and
 19 303A”.

20 (c) CLERICAL AMENDMENT.—The table of contents
 21 for such Act is amended by inserting after the item relat-
 22 ing to section 303 the following new item:

“Sec. 303A. Same day registration.”.

1 **Subtitle C—Vote by Mail**

2 **SEC. 4201. PROMOTING ABILITY OF VOTERS TO VOTE BY**
 3 **MAIL IN FEDERAL ELECTIONS.**

4 (a) VOTING BY MAIL IN FEDERAL ELECTIONS.—

5 (1) IN GENERAL.—Subtitle A of title III of the
 6 Help America Vote Act of 2002 (52 U.S.C. 21081
 7 et seq.), as amended by section 4102, is amended by
 8 inserting after section 303A the following new sec-
 9 tion:

10 **“SEC. 303B. PROMOTING ABILITY OF VOTERS TO VOTE BY**
 11 **MAIL.**

12 “(a) IN GENERAL.—If an individual in a State is eli-
 13 gible to cast a vote in an election for Federal office, the
 14 State may not impose any additional conditions or require-
 15 ments on the eligibility of the individual to cast the vote
 16 in such election by mail, except to the extent that the
 17 State imposes a deadline for returning the ballot to the
 18 appropriate State or local election official.

19 “(b) PROVISION OF BALLOT MATERIALS.—Not later
 20 than 2 weeks before the date of any election for Federal
 21 office, each State shall mail ballots to individuals who are
 22 registered to vote in such election.

23 “(c) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
 24 ABILITIES.—All ballots provided under this section shall
 25 be accessible to individuals with disabilities in a manner

1 that provides the same opportunity for access and partici-
 2 pation (including for privacy and independence) as for
 3 other voters.

4 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
 5 tion shall be construed to affect the authority of States
 6 to conduct elections for Federal office through the use of
 7 polling places at which individuals cast ballots.

8 “(e) EFFECTIVE DATE.—A State shall be required
 9 to comply with the requirements of subsection (a) with re-
 10 spect to elections for Federal office held in years beginning
 11 with 2020.”.

12 (2) CONFORMING AMENDMENT RELATING TO
 13 ENFORCEMENT.—Section 401 of such Act (52
 14 U.S.C. 21111), as amended by section 4102(b), is
 15 amended by striking “and 303A” and inserting
 16 “303A, and 303B”.

17 (3) CLERICAL AMENDMENT.—The table of con-
 18 tents for such Act, as amended by section 4102(c),
 19 is amended by inserting after the item relating to
 20 section 303A the following new item:

“Sec. 303B. Promoting ability of voters to vote by mail.”.

21 (b) FREE POSTAGE FOR VOTING BY MAIL.—

22 (1) IN GENERAL.—Chapter 34 of title 39,
 23 United States Code, is amended by adding at the
 24 end the following:

1 **“§ 3407. Ballots provided for voting in Federal elec-**
 2 **tions**

3 “Ballots mailed pursuant to section 303B(b) of the
 4 Help America Vote Act of 2002 (individually or in bulk)
 5 shall be carried expeditiously and free of postage.”.

6 (2) TECHNICAL AND CONFORMING AMEND-
 7 MENTS.—

8 (A) TABLE OF SECTIONS.—The table of
 9 sections for chapter 34 of title 39, United
 10 States Code, is amended by adding at the end
 11 the following:

“3407. Ballots provided for voting in Federal elections.”.

12 (B) AUTHORIZATION OF APPROPRIA-
 13 TIONS.—Section 2401(c) of title 39, United
 14 States Code, is amended by striking “3403
 15 through 3406” and inserting “3403 through
 16 3407”.

17 **TITLE V—SEVERABILITY**

18 **SEC. 5001. SEVERABILITY.**

19 If any provision of this Act or amendment made by
 20 this Act, or the application of a provision or amendment
 21 to any person or circumstance, is held to be unconstitu-
 22 tional, the remainder of this and amendments made by
 23 this Act, and the application of the provisions and amend-

- 1 ment to any person or circumstance, shall not be affected
- 2 by the holding.

