

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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**A BILL**

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

## 2

## Subtitle A—Conflicts of Interest

- Sec. 101. Definitions.
- Sec. 102. Lobbyist ban.
- Sec. 103. Executive branch conflicts of interest law expansions.
- Sec. 104. Legislative branch conflicts of interest law expansions.
- Sec. 105. Conflicts of interest rules for all senior government officials and non-conflicted Federal employee investment accounts.
- Sec. 106. Post-Employment restrictions.
- Sec. 107. Golden parachutes ban.
- Sec. 108. General public integrity rules.
- Sec. 109. Legal expense funds.
- Sec. 110. Penalties.

## Subtitle B—Presidential Conflicts of Interest

- Sec. 111. Short title.
- Sec. 112. Divestiture of personal financial interests of the President and Vice President that pose a potential conflict of interest.
- Sec. 113. Recusal of appointees.
- Sec. 114. Contracts by the President or Vice President.
- Sec. 115. Presidential transition ethics programs.
- Sec. 116. Criminality of the President or other senior government officials.
- Sec. 117. Presidential obstruction of justice.
- Sec. 118. Sense of Congress regarding violations.
- Sec. 119. Rule of construction.
- Sec. 120. Severability.

## Subtitle C—Strengthening Criminal Anti-corruption Laws

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

## Subtitle D—Requiring Financial Disclosures Before Taking Office

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

## Subtitle E—Strengthening Inauguration Fund Rules

- Sec. 141. Strengthening Inauguration Fund rules.

## Subtitle F—Political Intelligence Transparency

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

## TITLE II—LOBBYING REFORM

- Sec. 201. Enforcement by the Office of Public Integrity.
- Sec. 202. Definitions.
- Sec. 203. Registration of lobbyists.
- Sec. 204. Reports by lobbyists.
- Sec. 205. Prohibition on foreign lobbying.
- Sec. 206. Prohibition on contingent fee lobbying.
- Sec. 207. Prohibition on provision of gifts or travel by registered lobbyists.
- Sec. 208. Application of General Schedule to Congress.
- Sec. 209. Reestablishment of Office of Technology Assessment.

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- Sec. 210. Progressive tax on lobbying expenditures.
- Sec. 211. Disclosure of registration status.

## TITLE III—RULEMAKING REFORM

- Sec. 301. Disclosure of conflicts of interest.
- Sec. 302. Increasing disclosures relating to studies and research.
- Sec. 303. Disclosure of inter-governmental rule changes.
- Sec. 304. Justification of withdrawn rules.
- Sec. 305. Negotiated rule making.
- Sec. 306. Streamlining OIRA review.
- Sec. 307. Limiting temporary court injunctions and postponing of final rules pending judicial review.
- Sec. 308. Penalizing individuals that submit false information to agencies.
- Sec. 309. Establishment of the Office of the Public Advocate.
- Sec. 310. Actions by private persons.
- Sec. 311. Scope of review.
- Sec. 312. Expanding rule making notifications.
- Sec. 313. Public petitions.
- Sec. 314. Amendment to Congressional Review Act.
- Sec. 315. Cost-benefit analysis.
- Sec. 316. Sense of Congress.

## TITLE IV—JUDICIAL ETHICS

- Sec. 401. Clarification of gift ban.
- Sec. 402. Restrict privately funded educational events and speeches.
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- Sec. 406. Improve reporting on judicial diversity.
- Sec. 407. Pleading standards.
- Sec. 408. Electronic court records reform.
- Sec. 409. Forced arbitration injustice repeal.
- Sec. 410. Restrictions on protective orders and sealing of cases and settlements.
- Sec. 411. Secret settlements ban.
- Sec. 412. Oversight process for disqualification of justice, judge, or magistrate judge.
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- Sec. 414. Action by judicial council in response to misconduct by judges.
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- Sec. 512. Designated agency ethics officials.

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- Sec. 531. General supervision and removal of Inspectors General.

## Subtitle C—Office of Congressional Ethics

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- Sec. 551. Definitions.
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- Sec. 553. Establishment of the Board of the Office of Congressional Ethics.
- Sec. 554. Duties and Powers of the Office and the Board.
- Sec. 555. Review process of submissions.
- Sec. 556. Personnel matters.
- Sec. 557. Authorization of appropriations.
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TITLE VI—TRANSPARENCY AND GOVERNMENT RECORDS

Subtitle A—Transparency for Federal Personnel and Candidates for Federal Office

- Sec. 601. Categories relating to the amount or value of certain income.
- Sec. 602. Disclosure of personal income tax returns by Presidents, Vice Presidents, Members of Congress, and certain candidates.
- Sec. 603. Transparency relating to candidates for Federal office and Members of Congress.

Subtitle B—Think Tank, Nonprofit, and Advocate Transparency

- Sec. 611. Amendments to the Lobbying Disclosure Act of 1995.
- Sec. 612. Amendments to the Internal Revenue Code of 1986.

Subtitle C—Strengthening FOIA Enforcement

- Sec. 621. Strengthening FOIA enforcement.
- Sec. 622. Exemptions from disclosure.
- Sec. 623. Public interest balancing test.
- Sec. 624. Affirmative disclosure of agency records on website.
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- Sec. 641. Increased transparency of committee work.
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TITLE VII—CAMPAIGN FINANCE REFORMS

Subtitle A—Requirements Relating to Preventing Conflicts of Interest

PART I—REQUIREMENTS RELATING TO REGISTERED LOBBYISTS AND GOVERNMENT CONTRACTORS

- Sec. 701. Requirements relating to registered lobbyists.
- Sec. 702. Disclosure of political spending by government contractors.

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- Sec. 703. Repeal of restriction of use of funds by internal revenue service to bring transparency to political activity of certain nonprofit organizations.
- Sec. 704. Repeal of revenue procedure that eliminated requirement to report information regarding contributors to certain tax-exempt organizations.

## PART II—REQUIREMENTS RELATING TO CORPORATIONS

- Sec. 711. Banning corporations from fundraising.
- Sec. 712. Banning contributions to members of Congress from corporations under the jurisdiction of their committees.
- Sec. 713. Corporate PAC ban.
- Sec. 714. Disclosure of campaign-related disbursements.

## PART III—REQUIREMENTS RELATING TO FOREIGN NATIONALS

- Sec. 721. Banning foreign-owned and partially foreign-owned corporations from spending on United States elections.

## PART IV—ADDITIONAL REQUIREMENTS

## SUBPART A—CAMPAIGN FINANCE

- Sec. 731. Clarification on treatment of information used to influence an election for Federal office as a contribution; clarification regarding purpose of influencing an election for Federal office.
- Sec. 732. Prohibition on Super PAC–Candidate coordination.
- Sec. 733. Disclosure of major donors, bundlers, and finance events in presidential campaigns.
- Sec. 734. Lowering contribution limits; repeal of special contribution limits for contributions to national parties for certain purposes.
- Sec. 735. Restrictions on testing the waters.
- Sec. 736. Personal use ban for leadership PACS.
- Sec. 737. Prohibition on joint fundraising committees.

SUBPART B—PROHIBITION ON THE APPOINTMENT OF BIG DONOR  
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- Sec. 738. Prohibition on the appointment of big donor ambassadors and chiefs of mission.

## Subtitle B—Strengthening Oversight of Online Political Advertising

- Sec. 741. Expansion of definition of public communication.
- Sec. 742. Expansion of definition of electioneering communication.
- Sec. 743. Application of disclaimer statements to online communications.
- Sec. 744. Political record requirements for online platforms.
- Sec. 745. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.

## Subtitle C—Public Financing

## PART I—SMALL DOLLAR FINANCING OF SENATE ELECTION CAMPAIGNS

- Sec. 751. Eligibility requirements and benefits of fair elections financing of senate election campaigns.

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- Sec. 752. Exception to limitation on coordinated expenditures by political party committees with participating candidates.
- Sec. 753. Assessments against fines and penalties.

## PART II—PRESIDENTIAL ELECTIONS

## SUBPART A—PRIMARY ELECTIONS

- Sec. 761. Increase in and modifications to matching payments.
- Sec. 762. Eligibility requirements for matching payments.
- Sec. 763. Repeal of expenditure limitations.
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- Sec. 765. Examination and audits of matchable contributions.
- Sec. 766. Modification to limitation on contributions for Presidential primary candidates.
- Sec. 767. Use of Freedom From Influence Fund as source of payments.

## SUBPART B—GENERAL ELECTIONS

- Sec. 771. Modification of eligibility requirements for public financing.
- Sec. 772. Repeal of expenditure limitations and use of qualified campaign contributions.
- Sec. 773. Matching payments and other modifications to payment amounts.
- Sec. 774. Increase in limit on coordinated party expenditures.
- Sec. 775. Establishment of uniform date for release of payments.
- Sec. 776. Amounts in Presidential Election Campaign Fund.
- Sec. 777. Use of general election payments for general election legal and accounting compliance.
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## SUBPART C—PRESIDENTIAL NOMINATING CONVENTIONS

- Sec. 779. Payments for Presidential nominating conventions.

## SUBPART D—EFFECTIVE DATE

- Sec. 779A. Effective date.

## Subtitle D—Enhancing FEC Enforcement

- Sec. 781. Membership of Federal Election Commission.
- Sec. 782. Assignment of powers to Chair of Federal Election Commission.
- Sec. 783. Revision to enforcement process.
- Sec. 784. Permitting appearance at hearings on requests for advisory opinions by persons opposing the requests.
- Sec. 785. Permanent extension of administrative penalty authority.
- Sec. 786. Requiring forms to permit use of accent marks.
- Sec. 787. Restrictions on ex parte communications.
- Sec. 788. Clarifying authority of FEC attorneys to represent FEC in Supreme Court.
- Sec. 789. Effective date; transition.

## Subtitle E—Miscellaneous

- Sec. 791. Comptroller general report and briefing on campaign donations by nominees before the Senate.
- Sec. 792. Effective date.
- Sec. 793. Severability.

1 **SEC. 3. APPLICABILITY.**

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

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

10 **Subtitle A—Conflicts of Interest**

11 **SEC. 101. DEFINITIONS.**

12 In this subtitle:

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

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

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

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

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

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

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

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

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

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

13 (B) includes—

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

17 (ii) the Office of the Vice President.

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

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



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

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

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

12                   (A) a chief executive officer;

13                   (B) a chief financial officer;

14                   (C) a chief operating officer;

15                   (D) a chief compliance officer;

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

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

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

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

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

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

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

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

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

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

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

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

14       (a) LOBBYISTS.—

15           (1) EXECUTIVE BRANCH.—

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

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

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

13 (C) WAIVER RULES AND ELIGIBILITY.—

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

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

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

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

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

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

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

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

14

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

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

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

13 (2) LEGISLATIVE BRANCH.—

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

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

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

9                   (C) WAIVER RULES AND ELIGIBILITY.—

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

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

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

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

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

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

20 (b) OTHER HIRING RESTRICTIONS.—

21 (1) CONTRACTORS.—

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



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

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

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

13 (A) the date of the settlement; and

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

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

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

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

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

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

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

5           “(2) PROHIBITION.—

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

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

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

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

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

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

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

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

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

4                   “(f) RECUSAL REQUIREMENTS.—

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

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

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

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

3                   “(A) the President;

4                   “(B) the Vice President;

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

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

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

21           “(3) WAIVER.—

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

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

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

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

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

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

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

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

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

2 **LAW EXPANSIONS.**

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

4           (3) TRUSTS.—

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

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

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

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

22           (4) BUSINESSES AND COMPANIES.—

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

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

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

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

11         (b) NONCONFLICTED ASSETS.—

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

15           (A) a widely held investment fund—

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

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

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

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

25           (D) a federally managed asset, including—

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

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

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

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

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

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

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

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

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

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

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

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

17 (A) in subsection (f)—

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

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

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

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

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

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

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

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

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

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

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

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

13 (B) in subsection (g)(1)—

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

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

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

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

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

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

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

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

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

8 (1) in subsection (a)—

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

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

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



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

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

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

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

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

6 “(2) OTHER OFFICIALS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

1 officer terminated employment with the United  
2 States.

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

10 “(C) EARNED INCOME DISCLOSURES.—

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

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

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

5 “(iii) AUTOMATIC DISCLOSURE.—

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

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

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

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

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

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

24            “(II) CRIMINAL PENALTIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (2) in paragraph (1)—

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

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

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

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

24 (1) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (d) **INDEBTEDNESS RULE.**—

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

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

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

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

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

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

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

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

19 (a) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

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

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

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

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

25 (D) the Vice President; and

1 (E) the President;

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

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

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

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

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

21 (2) from a registered lobbyist;

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

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



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

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

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

14          (d) WRITTEN NOTICE.—

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

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

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

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

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

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

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

15 (e) REPORTING.—

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

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

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

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

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

13 **SEC. 110. PENALTIES.**

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

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

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

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

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

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

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

25 (a) DEFINITIONS.—

1 (1) IN GENERAL.—In this section—

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

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

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

15 (I) if—

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

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

1                                   tion to such financial interest;

2                                   and

3                                   (II) if determined without regard

4                                   to any exception under subsection (b)

5                                   of such section 208; or

6                                   (ii) may constitute a present, emolu-

7                                   ment, office, or title, of any kind whatever,

8                                   from any king, prince, or foreign state (in-

9                                   cluding from an entity owned or controlled

10                                  by a foreign government), within the

11                                  meaning of article I, section 9 of the Con-

12                                  stitution of the United States;

13                                  (C) the term “qualified blind trust” has

14                                  the meaning given that term in section

15                                  102(f)(3) of the Ethics in Government Act of

16                                  1978 (5 U.S.C. App.), unless otherwise speci-

17                                  fied in this subtitle; and

18                                  (D) the term “tax return”—

19                                   (i) means any Federal income tax re-

20                                   turn and any amendment or supplement

21                                   thereto, including supporting schedules, at-

22                                   tachments, or lists which are supplemental

23                                   to, or part of, the return for the taxable

24                                   year; and

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

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

11 (b) INITIAL FINANCIAL DISCLOSURE.—

12 (1) SUBMISSION OF DISCLOSURE.—

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

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

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

3 (2) CONTENTS.—

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

8 (A) sell the financial interest; and

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

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

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

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

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

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

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

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

15           (e) ENFORCEMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13           (2) in section 4—

14           (A) in subsection (a)—

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

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

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

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

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

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

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

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

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

13 (B) in subsection (g)—

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

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

18 “(3) ETHICS PLAN.—

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



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

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

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

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

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

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

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

1 clients that are not disclosed to  
2 the public;

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

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

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

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

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

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

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

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

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

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

5 “(ii) October 1.”; and

6 (3) in section 6(b)—

7 (A) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **SEC. 120. SEVERABILITY.**

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

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

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

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

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

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

25 “(3) the term ‘official act’—

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

11          “(B) includes—

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

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

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

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

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



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

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

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

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

19                 “(B) directly or indirectly knowingly gives,  
20                 offers, or promises any thing or things of value  
21                 with an aggregate value of not less than \$1000  
22                 to any public official, former public official, or  
23                 person selected to be a public official for or be-  
24                 cause of the official’s or person’s official posi-  
25                 tion;

1           “(C) being a public official, former public  
2 official, or person selected to be a public offi-  
3 cial, directly or indirectly, knowingly demands,  
4 seeks, receives, accepts, or agrees to receive or  
5 accept any thing or things of value with an ag-  
6 gregate value of not less than \$1000 for or be-  
7 cause of the official’s or person’s official posi-  
8 tion; or

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(i) the public official;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14       “(a) PROHIBITED DONATIONS.—

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

16                       “(A) for an Inaugural Committee—

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

19                                       “(I) is not an individual;

20                                       “(II) is a registered lobbyist; or

21                                       “(III) is a Federal contractor; or

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

24                       “(B) for a person—

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

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

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

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

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

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

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

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

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

15 “(b) LIMITATION ON DONATIONS.—

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

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



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

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

5               “(1) DONATIONS OVER \$1,000.—

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

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

14                               “(i) the amount of the donation;

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

16                               and

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

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

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

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

3 “(i) the amount of the donation;

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

5 and

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

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

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

13 “(ii) Repayment of all loans.

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

16 “(iv) Any other disbursements.

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

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

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

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

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

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

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

15                   “(i) any gift, subscription, loan, ad-  
16                   vance, or deposit of money or anything of  
17                   value made by any person to the com-  
18                   mittee; or

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

23                   “(B) The term ‘donation’ does not include  
24                   the value of services provided without com-

1           pensation by any individual who volunteers on  
2           behalf of the committee.

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

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

8           “(4) The term ‘registered lobbyist’ means a lob-  
9           byist, as defined in section 3 of the Lobbying Dislo-  
10          sure Act of 1995 (2 U.S.C. 1602), that is registered  
11          or required to register under section 4(a) of that Act  
12          (2 U.S.C. 1603(a))”.

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

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

18                 (2) by redesignating subsection (i) as subsection  
19          (h).

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

1 **“SEC. 510. DISCLOSURE OF AND PROHIBITION ON CERTAIN**  
2 **DONATIONS.**

3 “A committee shall not be considered to be the Inau-  
4 gural Committee for purposes of this chapter unless the  
5 committee agrees to, and meets, the requirements of sec-  
6 tion 325 of the Federal Election Campaign Act of 1971.”.

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

12 **Subtitle F—Political Intelligence**  
13 **Transparency**

14 **SEC. 151. DISCLOSURE OF POLITICAL INTELLIGENCE AC-**  
15 **TIVITIES UNDER LOBBYING DISCLOSURE**  
16 **ACT.**

17 (a) **DEFINITIONS.**—Section 3 of the Lobbying Dislo-  
18 sure Act of 1995 (2 U.S.C. 1602) is amended—

19 (1) in paragraph (2)—

20 (A) by inserting after “lobbying activities”  
21 each place that term appears the following: “or  
22 political intelligence activities”; and

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

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

1           (3) by redesignating paragraph (15) as para-  
2 graph (22);

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

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

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

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

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

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

22           “(19) POLITICAL INTELLIGENCE CONSULT-  
23 ANT.—The term ‘political intelligence consultant’  
24 means any individual who is employed or retained by  
25 a client for financial or other compensation for serv-

1       ices that include one or more political intelligence  
2       contacts, including an individual who provides bro-  
3       kerage and research services under section 28(e) of  
4       the Securities Exchange Act of 1934 (15 U.S.C.  
5       78bb(e)).

6               “(20) POLITICAL INTELLIGENCE CONTACT.—

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

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

13                      “(ii) the information derived from  
14      which is for use in—

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

19                      “(II) informing investment deci-  
20      sions in any such market; and

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

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

1                   “(II) the formulation, modifica-  
2                   tion, or adoption of a Federal rule,  
3                   regulation, Executive order, or any  
4                   other program, policy, or position of  
5                   the United States Government;

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

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

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

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

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



1           “(iii) made on behalf of a government  
2 of a foreign country or a foreign political  
3 party and disclosed under the Foreign  
4 Agents Registration Act of 1938, as  
5 amended (22 U.S.C. 611 et seq.);

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

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

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

22           “(vii) information provided in writing  
23 in response to an oral or written request  
24 by a covered executive branch official or a

1 covered legislative branch official for spe-  
2 cific information;

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

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

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

19 “(xi) made to an official in an agency  
20 with regard to—

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

24 “(II) a filing or proceeding that  
25 the Government is specifically re-

1                   quired by statute or regulation to  
2                   maintain or conduct on a confidential  
3                   basis, if that agency is charged with  
4                   responsibility for such proceeding, in-  
5                   quiry, investigation, or filing;

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

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

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

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

1 Members of Congress or employees who  
2 work under such Members' direct super-  
3 vision), with respect to the formulation,  
4 modification, or adoption of private legisla-  
5 tion for the relief of that individual;

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

13 “(xvii) made by—

14 “(I) a church, its integrated aux-  
15 iliary, or a convention or association  
16 of churches that is exempt from filing  
17 a Federal income tax return under  
18 paragraph (2)(A)(i) of section  
19 6033(a) of the Internal Revenue Code  
20 of 1986; or

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

25 “(xviii)(I) between—

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

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

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

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

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

3 “(23) SECURITY.—The term ‘security’ has the  
4 meaning given such term in section 3(a)(10) of the  
5 Securities Exchange Act of 1934 (15 U.S.C.  
6 78c(a)(10)).

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

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

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

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

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

21 (2) in subsection (a)—

22 (A) by amending paragraph (1) to read as  
23 follows:

24 “(1) GENERAL RULE.—A lobbyist or a political  
25 intelligence consultant (or, as provided under para-

1 graph (2), the organization employing such lobbyist  
2 or consultant), shall register with the Director of the  
3 Office of Public Integrity—

4 “(A) no later than 30 days after—

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

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

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

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

21 (C) in paragraph (3)(A)—

22 (i) in clause (i)—

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

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

4 (ii) in clause (ii)—

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

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

13 (3) in subsection (b)—

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

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

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



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

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

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

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

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

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

23 (3) in subsection (b)—

24 (A) in paragraph (2)—

- 1 (i) in the matter preceding subpara-  
2 graph (A), by inserting after “lobbying ac-  
3 tivities” the following: “or political intel-  
4 ligence activities”;
- 5 (ii) in subparagraph (A)—
- 6 (I) by inserting after “lobbyist”  
7 the following: “or political intelligence  
8 consultant”; and
- 9 (II) by inserting after “lobbying  
10 activities” the following: “or political  
11 intelligence activities”;
- 12 (iii) in subparagraph (B), by inserting  
13 after “lobbyists” the following: “or political  
14 intelligence consultants”; and
- 15 (iv) in subparagraph (C), by inserting  
16 after “lobbyists” the following: “or political  
17 intelligence consultants”;
- 18 (B) in paragraph (3)—
- 19 (i) by inserting after “lobbying firm”  
20 the following: “or political intelligence  
21 firm”; and
- 22 (ii) by inserting after “lobbying activi-  
23 ties” each place that term appears the fol-  
24 lowing: “or political intelligence activities”;

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

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

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

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

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

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

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

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

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

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

6 (1) in subsection (a)—

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

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

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

15 (2) in subsection (b)—

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

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

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

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

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

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

6 (2) in subsection (b)—

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

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

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

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

16 (1) in subsection (a)—

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

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

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

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

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

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

10 **TITLE II—LOBBYING REFORM**

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

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

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

20           (2) in section 5 (2 U.S.C. 1604)—

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

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

6 (C) in subsection (e)—

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

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

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

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

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

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

3 **SEC. 202. DEFINITIONS.**

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

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

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

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

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

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

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

23 “(A) means—

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



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

3 “(ii) a general partnership; or

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

6 “(B) does not include—

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

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

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

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

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

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

21 and

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

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



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

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

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

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

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

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

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

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

1 (2) in subsection (b)—

2 (A) by striking paragraph (4);

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

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

6 (i) in subparagraph (A)—

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

10 (II) by striking “and” at the end;

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

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

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

18 (iv) in subparagraph (C), as so redesi-  
19 gnated—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24          “(2) a statement of—

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16           “(a) DEFINITION.—In this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(i) a judicial proceeding;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21           (1) in the section heading, by striking “**TO**  
22 **MEMBERS OF CONGRESS AND TO CONGRES-**  
23 **SIONAL EMPLOYEES**”;

24           (2) by striking subsection (a) and inserting the  
25 following:

1       “(a) PROHIBITION.—Except as provided in sub-  
2 section (c), a person described in subsection (b) may not  
3 make a gift or provide travel to a covered legislative  
4 branch official or a covered executive branch official.”; and

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

6       “(c) EXCEPTIONS.—A person described in subsection  
7 (b) may make a gift or provide travel to a covered legisla-  
8 tive branch official or a covered executive branch official  
9 if—

10               “(1) the gift or travel complies with any appli-  
11 cable rule of the Senate, House of Representatives,  
12 or executive branch applicable to the recipient of the  
13 gift or travel; and

14               “(2) the gift or travel—

15                       “(A) is based on the personal or family re-  
16 lationship of the person with the covered legis-  
17 lative branch official or a covered executive  
18 branch official and is given with the knowledge  
19 and acquiescence of the covered legislative  
20 branch official or a covered executive branch of-  
21 ficial, unless the covered legislative branch offi-  
22 cial or a covered executive branch official has  
23 reason to believe that the gift or travel was  
24 given because of the official position of the cov-



1           ered legislative branch official or a covered ex-  
2           ecutive branch official;

3                   “(B) is a discount or similar benefit;

4                   “(C) results from the business or employ-  
5           ment activities of the spouse of the covered leg-  
6           islative branch official or a covered executive  
7           branch official;

8                   “(D) is a gift or travel customarily pro-  
9           vided by a prospective employer in connection  
10          with bona fide employment discussions;

11                   “(E) in the case of a covered executive  
12          branch official, is of a kind authorized by a  
13          supplemental agency regulation that is—

14                           “(i) issued by the agency that employs  
15                           the covered executive branch official; and

16                           “(ii) approved by the Director of the  
17                           Office of Public Integrity; or

18                   “(F) may be accepted by the covered legis-  
19          lative branch official or covered executive  
20          branch official under specific Federal statutory  
21          authority.”.

22   **SEC. 208. APPLICATION OF GENERAL SCHEDULE TO CON-**  
23                   **GRESS.**

24           (a) IN GENERAL.—Section 5331 of title 5, United  
25   States Code, is amended—

1           (1) in subsection (a), by striking “this sub-  
2           chapter, ‘agency’, ‘employee’, ‘position,’” and insert-  
3           ing the following: “this subchapter—

4           “(1) ‘agency’—

5           “(A) has the meaning given that term in  
6           section 5102 of this title; and

7           “(B) includes—

8           “(i) the Government Accountability  
9           Office; and

10           “(ii) any agency, office, or other enti-  
11           ty for which the pay of the employees of  
12           the agency, office, or other entity is dis-  
13           bursed by the Secretary of the Senate or  
14           the Chief Administrative Officer of the  
15           House of Representatives;

16           “(2) ‘employee’—

17           “(A) means an individual employed in or  
18           under an agency; and

19           “(B) does not include a Member of Con-  
20           gress; and

21           “(3) ‘position,’”; and

22           (2) in subsection (b), by inserting “and employ-  
23           ees in positions in an agency described in subsection  
24           (a)(1)(B)” after “chapter 51 applies”.

25           (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1           (1) Section 5 of the Federal Pay Comparability  
2 Act of 1970 (2 U.S.C. 4531) is repealed.

3           (2) Section 311 of the Legislative Branch Ap-  
4 propriations Act, 1988 (2 U.S.C. 4532) is repealed.

5           (3) Sections 471 and 475 of the Legislative Re-  
6 organization Act of 1970 (2 U.S.C. 4533, 4534) are  
7 repealed.

8           (4) Section 4 of the Federal Pay Comparability  
9 Act of 1970 (2 U.S.C. 4571) is repealed.

10          (5) Section 107 of the Legislative Branch Ap-  
11 propriation Act, 1977 (2 U.S.C. 4572) is repealed.

12          (6) Section 315 of the Legislative Branch Ap-  
13 propriations Act, 1991 (2 U.S.C. 4573) is repealed.

14          (7) Section 105 of the Legislative Branch Ap-  
15 propriation Act, 1968 (2 U.S.C. 4575) is amended—

16                   (A) by striking subsection (a);

17                   (B) by striking subsection (c);

18                   (C) by striking subsection (e); and

19                   (D) by striking subsection (f).

20          (8) Section 114 of the Legislative Branch Ap-  
21 propriation Act, 1978 (2 U.S.C. 4576) is amended  
22 by striking “maximum rate specified” and all that  
23 follows and inserting “rate payable for a position at  
24 level 15, step 10 of the General Schedule.”.

1           (9) Section 102(e)(2)(B) of the Legislative  
2           Branch Appropriations Act, 2002 (2 U.S.C.  
3           4579(e)(2)(B)) is amended by striking “exceeding”  
4           and all that follows and inserting “exceeding  $\frac{1}{12}$ th  
5           of the maximum annual rate of pay that is payable  
6           for positions on the General Schedule under section  
7           5304(g)(1) of title 5, United States Code.”.

8   **SEC. 209. REESTABLISHMENT OF OFFICE OF TECHNOLOGY**  
9                                   **ASSESSMENT.**

10          (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section  
11   12(a) of the Technology Assessment Act of 1972 (2  
12   U.S.C. 481(a)) is amended by striking “there is hereby”  
13   and all that follows through the period at the end and  
14   inserting “for each fiscal year there is authorized to be  
15   appropriated to the Office such sums as may be nec-  
16   essary.”.

17          (b) **INITIAL APPOINTMENTS.**—Not later than 60 days  
18   after the date on which appropriations are made available  
19   to reestablish the Office of Technology Assessment, the  
20   President pro tempore of the Senate and the Speaker of  
21   the House of Representatives shall appoint the members  
22   of the Technology Assessment Board in accordance with  
23   section 4(a) of the Technology Assessment Act of 1972  
24   (2 U.S.C. 473(a)).

25          (c) **INITIAL RECOMMENDATIONS.**—

1           (1) IN GENERAL.—Not later than 270 days  
2 after the date on which all members of the Tech-  
3 nology Assessment Board are appointed under sub-  
4 section (b), and after reviewing recommendations re-  
5 lating to the reestablishment of the Office of Tech-  
6 nology Assessment and meeting with relevant stake-  
7 holders, the Technology Assessment Board shall sub-  
8 mit to Congress recommendations concerning how  
9 Congress should enhance technology assessment sup-  
10 port for the legislative branch, including whether  
11 Congress should enact new or revised authorities  
12 that address resources, function, structure, or other  
13 matters the Technology Assessment Board deter-  
14 mines appropriate.

15           (2) REVIEW.—Not later than 90 days after the  
16 date on which Congress receives the recommenda-  
17 tions under paragraph (1), each committee of the  
18 Senate or the House of Representatives with juris-  
19 diction of any issue relating to technology assess-  
20 ment support for the legislative branch shall hold a  
21 hearing with respect to the recommendations.

22 (d) ADJUSTMENTS TO OTHER LAWS.—

23           (1) ANNUAL REPORTS.—Section 3003(a)(1) of  
24 the Federal Reports Elimination and Sunset Act of  
25 1995 (31 U.S.C. 1113 note) shall not apply to any

1 report submitted under section 11 of the Technology  
2 Assessment Act of 1972 (Public Law 92–48, 86  
3 Stat. 802).

4 (2) INFORMATION FOR THE CONGRESSIONAL  
5 BUDGET OFFICE.—Section 201(e) of the Congres-  
6 sional Budget Act of 1974 (2 U.S.C. 601(e)) is  
7 amended—

8 (A) by inserting “the Office of Technology  
9 Assessment,” after “Government Accountability  
10 Office,”; and

11 (B) by inserting “the Technology Assess-  
12 ment Board,” after “Comptroller General,”.

13 (3) INCLUSION AS AN INSTRUMENTALITY OF  
14 CONGRESS.—Section 510(4) of the Americans with  
15 Disabilities Act of 1990 (42 U.S.C. 12209(4)) is  
16 amended by striking “following;” and inserting “fol-  
17 lowing: the Office of Technology Assessment,”.

18 (e) TECHNICAL AMENDMENTS.—Section 7(e)(1) of  
19 the Technology Assessment Act of 1972 (2 U.S.C.  
20 476(e)(1)) is amended by striking “section 5702 and in  
21 5704 of title 5” and inserting “sections 5702 and 5704  
22 of title 5, United States Code”.

23 **SEC. 210. PROGRESSIVE TAX ON LOBBYING EXPENDITURES.**

24 (a) TAX PROVISIONS RELATING TO LOBBYING EX-  
25 PENDITURES.—

1 (1) EXCISE TAX ON EXPENDITURES FOR LOB-  
2 BYING ACTIVITIES.—

3 (A) IN GENERAL.—Chapter 33 of the In-  
4 ternal Revenue Code of 1986 is amended by in-  
5 serting after subchapter C the following new  
6 subchapter:

7 **“Subchapter D—Lobbying Activities**

“Sec. 4286. Imposition of tax.

8 **“SEC. 4286. IMPOSITION OF TAX.**

9 “(a) IN GENERAL.—There is hereby imposed on  
10 quarterly lobbying expenditures in excess of \$125,000 a  
11 tax determined in accordance with the following table:

<b>“If quarterly lobbying expenditures are:</b>	<b>The tax is:</b>
Over \$125,000 but not over \$250,000.	35% of the quarterly lobbying expenditures in excess of \$125,000.
Over \$250,000 but not over \$1,250,000.	\$43,750, plus 60% of the excess over \$250,000.
Over \$1,250,000 .....	\$643,750, plus 75% of the excess over \$1,250,000.

12 “(b) EXCEPTION.—

13 “(1) IN GENERAL.—Except as provided in para-  
14 graph (2), the tax imposed by this section shall not  
15 apply to any organization described in section 501(c)  
16 and exempt from tax under section 501(a).

17 “(2) APPLICATION TO CERTAIN BUSINESS OR-  
18 GANIZATIONS.—Paragraph (1) shall not apply to any  
19 organization which—

1           “(A) is described in section 501(c)(6) and  
2           exempt from tax under section 501(a), and

3           “(B) has as a member of such organization  
4           an organization that is not described in section  
5           501(c) and exempt from tax under section  
6           501(a).

7           “(c) PAYMENT OF TAX.—The tax imposed by this  
8           section shall be paid by the person paying for the quarterly  
9           lobbying expenditures.

10          “(d) DEFINITIONS.—For purposes of this section, the  
11          term ‘quarterly lobbying expenditures’ means, with respect  
12          to any calendar quarter, the expenditures paid or incurred  
13          for lobbying activities (as defined under section 3 of the  
14          Lobbying Disclosure Act of 1995) during such calendar  
15          quarter.

16          “(e) SPECIAL RULE.—For purposes of this section,  
17          all persons treated as a single employer under subsection  
18          (a) or (b) of section 52 shall be treated as a single per-  
19          son.”.

20                   (B) CONFORMING AMENDMENT.—The  
21                   table of subchapters for chapter 33 of such  
22                   Code is amended by inserting after the item re-  
23                   lated to subchapter C the following new item:

                  “SUBCHAPTER D—LOBBYING ACTIVITIES”.

24                   (C) EFFECTIVE DATE.—The amendments  
25                   made by this paragraph shall apply to amounts



1           paid or incurred in calendar quarters beginning  
2           more than 60 days after the date of the enact-  
3           ment of this Act.

4           (2) MODIFICATION OF DEFINITION OF INFLU-  
5           ENCING LEGISLATION FOR PURPOSES OF RESTRIC-  
6           TIONS ON CERTAIN CHARITABLE ORGANIZATIONS.—

7           (A) IN GENERAL.—Section 4911(e)(2) of  
8           the Internal Revenue Code of 1986 is amend-  
9           ed—

10           (i) by striking “includes action with  
11           respect to Acts, bills” and inserting “in-  
12           cludes—

13           “(i) the formulation, modification, or  
14           adoption of Acts, bills”; and

15           (ii) by adding at the end the following  
16           new subparagraphs:

17           “(ii) the formulation, modification, or  
18           adoption of a Federal rule, regulation, Ex-  
19           ecutive order, or any other program, policy,  
20           or position of the United States Govern-  
21           ment,

22           “(iii) the administration or execution  
23           of a Federal program or policy (including  
24           the negotiation, award, or administration

1 of a Federal contract, grant, loan, permit,  
2 or license), and

3 “(iv) the nomination or confirmation  
4 of a person for a position subject to con-  
5 firmation by the Senate.”.

6 (B) CONFORMING AMENDMENTS.—Section  
7 4911(e) of such Code is amended by striking  
8 paragraph (3) and redesignating paragraph (4)  
9 as paragraph (3).

10 (C) EFFECTIVE DATE.—The amendments  
11 made by this paragraph shall take effect 180  
12 days after the date of the enactment of this  
13 Act.

14 (b) LOBBYING DEFENSE TRUST FUND.—

15 (1) ESTABLISHMENT OF FUND.—

16 (A) IN GENERAL.—Subchapter A of chap-  
17 ter 98 of the Internal Revenue Code of 1986 is  
18 amended by adding at the end the following  
19 new section:

20 **“SEC. 9512. LOBBYING DEFENSE TRUST FUND.**

21 “(a) IN GENERAL.—There is established in the  
22 Treasury of the United States a trust fund to be known  
23 as the ‘Lobbying Defense Trust Fund’, consisting of any  
24 amount appropriated or credited to the Trust Fund as  
25 provided in this section or section 9602(b).

1           “(b) TRANSFERS TO TRUST FUND.—There is hereby  
2 appropriated to the Lobbying Defense Trust Fund  
3 amounts equivalent to—

4           “(1) the taxes received in the Treasury under  
5 section 4286, and

6           “(2) the civil penalties collected under the Anti-  
7 Corruption and Public Integrity Act and the amend-  
8 ments made by that Act.

9           “(c) AVAILABILITY.—Amounts transferred to the  
10 Lobbying Defense Trust Fund shall—

11           “(1) remain available until expended; and

12           “(2) be used, without further appropriation, by  
13 the Director of the Office of Public Integrity in ac-  
14 cordance with subsection (d).

15           “(d) USE OF FUNDS.—

16           “(1) TRANSFERS TO AGENCIES.—

17           “(A) IN GENERAL.—For each calendar  
18 quarter beginning more than 60 days after the  
19 date of the enactment of this section, not later  
20 than 30 days after the end of the quarter, the  
21 Director of the Office of Public Integrity (in  
22 this subsection referred to as the ‘Director’)  
23 shall identify specific rules or other agency ac-  
24 tions that were the subject of significant lob-

1           bying activity directed toward an executive  
2           agency during the quarter.

3           “(B) TRANSFER.—Not later than the end  
4           of each calendar quarter beginning more than  
5           60 days after the date of the enactment of this  
6           section, the Director shall transfer from the  
7           Lobbying Defense Trust Fund to each executive  
8           agency that was the subject of significant lob-  
9           bying activity during the previous quarter an  
10          amount equal to the amount obtained by multi-  
11          plying—

12                   “(i) the amount of taxes received in  
13                   the Treasury under section 4286 that are  
14                   attributable to lobbying expenditures dur-  
15                   ing the previous quarter; by

16                           “(ii) the percentage of such taxes that  
17                           were based on lobbying expenditures dur-  
18                           ing the previous quarter related to rule-  
19                           making within the jurisdiction of the exec-  
20                           utive agency.

21           “(C) USE OF TRANSFERRED FUNDS.—An  
22           executive agency may use amounts transferred  
23           under subparagraph (B) for salaries and ex-  
24           penses relating to researching, reviewing, or fi-  
25           nalizing rules or other agency actions in accord-

1           ance with section 553 or 554 of title 5, United  
2           States Code.

3           “(D) AVAILABILITY.—Amounts transferred  
4           under subparagraph (B) shall remain available  
5           until expended.

6           “(2) OFFICE OF THE PUBLIC ADVOCATE.—

7           “(A) BUDGET SUBMISSION.—For each fis-  
8           cal year beginning more than 60 days after the  
9           date of enactment of this section, the National  
10          Public Advocate shall submit to the Director a  
11          request—

12                 “(i) indicating the amount the Na-  
13                 tional Public Advocate is requesting be  
14                 transferred to the Office of the Public Ad-  
15                 vocate; and

16                 “(ii) describing the activities of the  
17                 Office of the Public Advocate that would  
18                 be carried out using the amounts.

19           “(B) TRANSFER.—After consideration of  
20          the request submitted under subparagraph (A)  
21          with respect to a fiscal year, the Director shall  
22          transfer to the Office of the Public Advocate  
23          from the Lobbying Defense Trust Fund the  
24          amount determined appropriate by the Director.

1           “(C) USE OF FUNDS.—Amounts trans-  
2           ferred under subparagraph (B) may be used for  
3           any authorized activity of the Office of the Pub-  
4           lic Advocate, including salaries and expenses.

5           “(D) AVAILABILITY.—Amounts transferred  
6           under subparagraph (B) shall remain available  
7           until expended.

8           “(3) CONGRESSIONAL SUPPORT AGENCIES.—

9           “(A) TRANSFER.—Not later than the end  
10          of each calendar quarter beginning more than  
11          60 days after the date of the enactment of this  
12          section, the Director shall transfer from the  
13          Lobbying Defense Trust Fund to the Congres-  
14          sional Research Service, the Congressional  
15          Budget Office, the Government Accountability  
16          Office, and the Office of Technology Assess-  
17          ment an amount equal to 25 percent of the dif-  
18          ference between—

19                 “(i) the amount of taxes received in  
20                 the Treasury under section 4286 that are  
21                 attributable to lobbying expenditures dur-  
22                 ing the previous quarter; and

23                 “(ii) the amount of such taxes that  
24                 were based on lobbying expenditures dur-  
25                 ing the previous quarter related to rule-

1 making within the jurisdiction of an execu-  
2 tive agency.

3 “(B) USE OF FUNDS.—Amounts trans-  
4 ferred under subparagraph (A) may be used for  
5 any authorized activity of the agency receiving  
6 the amounts, including salaries and expenses.

7 “(C) AVAILABILITY.—Amounts transferred  
8 under subparagraph (A) shall remain available  
9 until expended.

10 “(4) REGULATIONS.—Not later than 180 days  
11 after the date of enactment of this Act, the Director  
12 shall promulgate regulations defining the term ‘sig-  
13 nificant lobbying activity’ for purposes of this sub-  
14 section.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-  
16 tions for subchapter A of chapter 98 of such Code  
17 is amended by adding at the end the following new  
18 item:

“Sec. 9512. Lobbying Defense Trust Fund.”.

19 (3) EFFECTIVE DATE.—The amendments made  
20 by this subsection shall take effect on the date of en-  
21 actment of this Act.

22 **SEC. 211. DISCLOSURE OF REGISTRATION STATUS.**

23 Section 14 of the Lobbying Disclosure Act of 1995  
24 (2 U.S.C. 1609) is amended—

1           (1) by striking subsections (a) and (b) and in-  
2           serting the following:

3           “(a) LOBBYING CONTACTS.—Any person or entity  
4           that makes a lobbying contact with a covered legislative  
5           branch official or a covered executive branch official shall,  
6           at the time of the lobbying contact, state whether the per-  
7           son or entity is registered under this Act and identify the  
8           client on whose behalf the lobbying contact is made.”; and

9           (2) by redesignating subsection (c) as sub-  
10          section (b).

11                           **TITLE III—RULEMAKING**  
12   **REFORM**

13   **SEC. 301. DISCLOSURE OF CONFLICTS OF INTEREST.**

14          (a) IN GENERAL.—Section 553 of title 5, United  
15          States Code, is amended—

16               (1) in subsection (c), in the first sentence, by  
17               inserting “, subject to subsections (f) and (h),” after  
18               “the agency shall”; and

19               (2) by adding at the end the following:

20               “(f) With respect to any submission by an interested  
21               person under subsection (c) or any other submission by  
22               an interested person relating to a proposed rule that incor-  
23               porates or includes a scientific or technical study, or any  
24               other result of scientific research not published in a pub-



1 lically available peer-reviewed publication, the interested  
2 person, in making that submission, shall disclose—

3 “(1) the source of the funding for that study or  
4 research, as applicable;

5 “(2) any entity that sponsored the study or re-  
6 search;

7 “(3) the extent to which the findings of the  
8 study or research were reviewed by a party that may  
9 be affected by the rule making to which the submis-  
10 sion relates;

11 “(4) the identity of any party identified under  
12 paragraph (3); and

13 “(5) the nature of any financial relationship, in-  
14 cluding a consulting agreement, the support of any  
15 expert witness, and the funding of research, between  
16 any person that conducted the study or research and  
17 any interested person with respect to the rule mak-  
18 ing to which the submission relates.”.

19 (b) APPLICATION.—Section 553(f) of title 5, United  
20 States Code, as added by subsection (a), shall apply with  
21 respect to submissions made by interested persons on and  
22 after the date of enactment of this Act.

1 **SEC. 302. INCREASING DISCLOSURES RELATING TO STUD-**  
2 **IES AND RESEARCH.**

3 (a) IN GENERAL.—Section 553 of title 5, United  
4 States Code, as amended by section 301 of this Act, is  
5 amended by adding at the end the following:

6 “(g) With respect to a study or research that is sub-  
7 mitted by an interested person to an agency under sub-  
8 section (c), the agency shall ensure that the study or re-  
9 search is available to the public, unless disclosure is pro-  
10 hibited under section 552 of this title.

11 “(h)(1) If a study or research submitted by an inter-  
12 ested person to an agency under subsection (c) presents  
13 a conflict described in paragraph (2), the agency shall not  
14 consider the study or research in a rule making under this  
15 section and shall exclude the study or research from con-  
16 sideration, unless the interested person has certified,  
17 under standards developed by the National Academy of  
18 Sciences with respect to that certification, that the study  
19 or research has undergone independent peer review.

20 “(2) A conflict described in this paragraph means a  
21 study or research for which—

22 “(A) not less than 20 percent of the funding for  
23 the study or research is from an entity that is regu-  
24 lated by the agency; or

25 “(B) an entity that is regulated by the agency  
26 exercises editorial control over the study or research.

1           “(i) With respect to a rule making under this section,  
2 an agency shall include in the notice of proposed rule mak-  
3 ing required under subsection (b) and in the final rule  
4 published under subsection (d) a description of how the  
5 agency considered scientific evidence, including any study  
6 or research.”.

7           (b) APPLICATION.—Subsections (g), (h), and (i) of  
8 section 553 of title 5, United States Code, as added by  
9 subsection (a), shall apply with respect to submissions  
10 made by interested persons on and after the date of enact-  
11 ment of this Act.

12 **SEC. 303. DISCLOSURE OF INTER-GOVERNMENTAL RULE**  
13 **CHANGES.**

14           (a) DEFINITIONS.—In this section—

15               (1) the term “Administrator” means the Ad-  
16 ministrator of the Office;

17               (2) the terms “agency”, “regulatory action”,  
18 and “significant regulatory action” have the mean-  
19 ings given those terms in section 3 of the Executive  
20 Order;

21               (3) the term “Executive Order” means Execu-  
22 tive Order 12866 (5 U.S.C. 601 note; relating to  
23 regulatory planning and review); and

24               (4) the term “Office” means the Office of In-  
25 formation and Regulatory Affairs.

1 (b) REQUIREMENT.—With respect to any regulatory  
2 action that an agency provides to the Office under section  
3 6(a)(3) of the Executive Order, and that the Adminis-  
4 trator determines is a significant regulatory action under  
5 that section, the agency shall—

6 (1) not later than the date on which the agency  
7 publishes the general notice of proposed rule making  
8 required under section 553(b) of title 5, United  
9 States Code, with respect to the action, place in the  
10 rule making docket—

11 (A) the substance of any changes between  
12 the text of the draft regulatory action that the  
13 agency provided to the Office under section  
14 6(a)(3)(B)(i) of the Executive Order and the  
15 text published in that general notice with re-  
16 spect to the action; and

17 (B) a statement regarding whether any  
18 change described in subparagraph (A) was  
19 made at the request of—

20 (i) the Office;

21 (ii) another agency; or

22 (iii) a Member of Congress; and

23 (2) not later than the date on which the agency  
24 publishes the regulatory action in the Federal Reg-  
25 ister, place in the rule making docket—

1 (A) the substance of any changes between  
2 the text of the regulatory action that the agency  
3 provided to the Office under section  
4 6(a)(3)(B)(i) of the Executive Order and the  
5 text of the regulatory action that the agency  
6 published in the Federal Register; and

7 (B) a statement regarding whether any  
8 change described in subparagraph (A) was  
9 made at the request of—

- 10 (i) the Office;  
11 (ii) another agency; or  
12 (iii) a Member of Congress.

13 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
14 tion shall be construed—

15 (1) as an endorsement by Congress of—

16 (A) the institution of centralized regulatory  
17 review; or

18 (B) the procedural steps or requirements  
19 of an Executive order affecting administrative  
20 procedure; or

21 (2) as a requirement that the President—

22 (A) conduct centralized regulatory review;

23 or

1 (B) adopt, administer, or implement an  
2 Executive order affecting administrative proce-  
3 dure.

4 **SEC. 304. JUSTIFICATION OF WITHDRAWN RULES.**

5 (a) DEFINITIONS.—In this section—

6 (1) the term “Administrator” means the Ad-  
7 ministrator of the Office;

8 (2) the terms “agency” and “regulatory action”  
9 have the meanings given those terms in section 3 of  
10 the Executive Order;

11 (3) the term “Executive Order” means Execu-  
12 tive Order 12866 (5 U.S.C. 601 note; relating to  
13 regulatory planning and review); and

14 (4) the term “Office” means the Office of In-  
15 formation and Regulatory Affairs.

16 (b) REQUIREMENT.—

17 (1) IN GENERAL.—If an agency withdraws a  
18 regulatory action after providing the action to the  
19 Office under section 6(a)(3) of the Executive Order  
20 (or, if the agency does not provide the regulatory ac-  
21 tion to the Office under that section, after pub-  
22 lishing the general notice of proposed rule making  
23 with respect to the action under section 553(b) of  
24 title 5, United States Code), the agency shall publish  
25 in the Federal Register and on the website of the

1 agency a statement regarding the decision by the  
2 agency to withdraw the action.

3 (2) CONTENTS.—A statement required under  
4 paragraph (1) with respect to a decision by an agen-  
5 cy to withdraw a regulatory action shall include, at  
6 a minimum—

7 (A) a detailed explanation of the reasons  
8 why the agency withdrew the action; and

9 (B) an explanation regarding whether the  
10 decision by the agency to withdraw the action  
11 was based, in whole or in part, on a request by,  
12 or input from—

13 (i) the Office;

14 (ii) another agency;

15 (iii) a Member of Congress;

16 (iv) a State, local, or Tribal govern-  
17 ment; or

18 (v) an organization, a corporation, a  
19 member of the public, or another inter-  
20 ested party.

21 **SEC. 305. NEGOTIATED RULE MAKING.**

22 (a) IN GENERAL.—Subchapter III of chapter 5 of  
23 title 5, United States Code, is amended—

24 (1) in section 561, in the first sentence, by in-  
25 serting “between agencies and Federal, State, local,

1 or Tribal governments. This subchapter shall apply  
2 only to information negotiations between Federal,  
3 State, local, or Tribal governments” after “informal  
4 rulemaking process”;

5 (2) in section 563—

6 (A) in subsection (a)—

7 (i) in paragraph (2), by inserting  
8 “Federal, State, local, or Tribal govern-  
9 ment” after “identifiable”; and

10 (ii) in paragraph (3), by striking  
11 “persons who” and inserting “representa-  
12 tives of Federal, State, local, and Tribal  
13 governments that”;

14 (B) in subsection (b)—

15 (i) in paragraph (1)—

16 (I) in subparagraph (A)—

17 (aa) by striking “persons  
18 who” and inserting “Federal,  
19 State, local, or Tribal govern-  
20 ments that”; and

21 (bb) by striking “, including  
22 residents of rural areas”; and

23 (II) in subparagraph (B)—

24 (aa) by striking “with such  
25 persons” and inserting “with rep-



1                   representatives of those govern-  
2                   ments”; and

3                   (bb) by striking “to such  
4                   persons” and inserting “to those  
5                   governments”; and

6                   (ii) in paragraph (2), in the second  
7                   sentence—

8                   (I) by striking “persons who”  
9                   and inserting “representatives of Fed-  
10                  eral, State, local, or Tribal govern-  
11                  ments that”; and

12                  (II) by striking “, including resi-  
13                  dents of rural areas”;

14                  (3) in section 564—

15                  (A) in the section heading, by striking “;  
16                  **applications for membership on com-  
17                  mittees**”;

18                  (B) in subsection (a)—

19                  (i) in paragraph (4), by striking “the  
20                  persons” and inserting “the representa-  
21                  tives of Federal, State, local, and Tribal  
22                  governments”;

23                  (ii) in paragraph (6), by adding “and”  
24                  at the end;

- 1 (iii) in paragraph (7), by striking “;  
2 and” and inserting a period; and  
3 (iv) by striking paragraph (8);  
4 (C) by striking subsection (b);  
5 (D) by redesignating subsection (c) as sub-  
6 section (b); and  
7 (E) in subsection (b), as so redesignated—  
8 (i) in the subsection heading, by strik-  
9 ing “AND APPLICATIONS”; and  
10 (ii) by striking “and applications”;  
11 (4) in section 565(a)—  
12 (A) in paragraph (1), in the first sentence,  
13 by striking “and applications”; and  
14 (B) in paragraph (2)—  
15 (i) by striking “and applications”; and  
16 (ii) by striking “publications,” and all  
17 that follows through the period at the end  
18 and inserting “publications.”; and  
19 (5) in section 569(a), in the first sentence—  
20 (A) by striking “and encourage agency use  
21 of”; and  
22 (B) by inserting “between Federal, State,  
23 local, and Tribal governments” after “nego-  
24 tiated rulemaking”.
- 25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1           (1) BALANCED BUDGET ACT OF 1997.—Section  
2           4554(b)(1) of the Balanced Budget Act of 1997 (42  
3           U.S.C. 1395u note) is amended by striking “, using  
4           a negotiated rulemaking process under subchapter  
5           III of chapter 5 of title 5, United States Code”.

6           (2) ELEMENTARY AND SECONDARY EDUCATION  
7           ACT OF 1965.—The Elementary and Secondary Edu-  
8           cation Act of 1965 (20 U.S.C. 6301 et seq.) is  
9           amended—

10           (A) in section 1601 (20 U.S.C. 6571)—

11                   (i) in subsection (a), by striking “sub-  
12                   sections (b) through (d)” and insert “sub-  
13                   section (b)”;

14                   (ii) by striking subsections (b) and  
15                   (c); and

16                   (iii) by redesignating subsections (d)  
17                   and (e) as subsections (b) and (c), respec-  
18                   tively;

19           (B) by repealing section 1602 (20 U.S.C.  
20           6572); and

21           (C) in section 8204(c)(1) (20 U.S.C.  
22           7824(c)(1)), by striking “using a negotiated  
23           rulemaking process to develop regulations for  
24           implementation no later than the 2017-2018  
25           academic year, shall define” and inserting

1 “shall, for implementation no later than the  
2 2017-2018 academic year, define”.

3 (3) HEALTH INSURANCE PORTABILITY AND AC-  
4 COUNTABILITY ACT OF 1996.—Section 216(b) of the  
5 Health Insurance Portability and Accountability Act  
6 of 1996 (42 U.S.C. 1320a–7b note) is amended—

7 (A) in the subsection heading, by striking  
8 “NEGOTIATED”;

9 (B) by striking “(1) ESTABLISHMENT.—”  
10 and all that follows through “chapter 5 of title  
11 5, United States Code, standards” and insert-  
12 ing the following:

13 “(1) IN GENERAL.—The Secretary of Health  
14 and Human Services (in this subsection referred to  
15 as the ‘Secretary’) shall establish standards”;

16 (C) by striking paragraphs (2) through  
17 (9);

18 (D) by redesignating subparagraph (B) of  
19 paragraph (1) as paragraph (2) and adjusting  
20 the margins accordingly; and

21 (E) in paragraph (2), as so redesignated,  
22 by striking “subparagraph (A)” and inserting  
23 “paragraph (1)”.

1           (4) HIGHER EDUCATION ACT OF 1965.—The  
2 Higher Education Act of 1965 (20 U.S.C. 1001 et  
3 seq.) is amended—

4           (A) in section 207 (20 U.S.C. 1022f)—

5                 (i) by striking subsection (e); and

6                 (ii) by redesignating subsection (d) as  
7 subsection (e);

8           (B) in section 422(g)(1) (20 U.S.C.  
9 1072(g)(1))—

10                 (i) in subparagraph (B), by adding  
11 “and” at the end;

12                 (ii) in subparagraph (C), by striking  
13 “; and” and inserting a period; and

14                 (iii) by striking subparagraph (D);

15           (C) in section 487A(b)(3)(B) (20 U.S.C.  
16 1094a(b)(3)(B)), by striking “in the negotiated  
17 rulemaking process”;

18           (D) in section 491(l)(4)(A) (20 U.S.C.  
19 1098(l)(4)(A)), by striking “, not later than two  
20 years after the completion of the negotiated  
21 rulemaking process required under section 492  
22 resulting from the amendments to this Act  
23 made by the Higher Education Opportunity  
24 Act,”; and

25           (E) in section 492 (20 U.S.C. 1098a)—

1 (i) in the section heading, by striking

2 “**NEGOTIATED**”; and

3 (ii) by amending subsection (b) to

4 read as follows:

5 “(b) ISSUANCE OF REGULATIONS.—After obtaining

6 the advice and recommendations described in subsection

7 (a)(1), the Secretary shall issue final regulations within

8 the 360-day period described in section 437(e) of the Gen-

9 eral Education Provisions Act (20 U.S.C. 1232(e)).”.

10 (5) HOUSING ACT OF 1949.—Section 515(r)(3)

11 of the Housing Act of 1949 (42 U.S.C. 1485(r)(3))

12 is amended by striking “in accordance with” and all

13 that follows through the period at the end and in-

14 sserting “under the rule making authority contained

15 in section 557 of title 5, United States Code.”.

16 (6) MAGNUSON-STEVENSON FISHERY CONSERVA-

17 TION AND MANAGEMENT ACT.—Section 305(g) of

18 the Magnuson-Stevens Fishery Conservation and

19 Management Act (16 U.S.C. 1855(g)) is amended—

20 (A) by striking paragraphs (2) and (3);

21 (B) in paragraph (1)—

22 (i) by striking “(A)”; and

23 (ii) by redesignating subparagraph

24 (B) as paragraph (2) and adjusting the

25 margins accordingly; and

1 (C) in paragraph (2), as so redesignated,  
2 by striking the second sentence.

3 (7) MANDATORY PRICE REPORTING ACT OF  
4 2010.—Section 2(b) of the Mandatory Price Report-  
5 ing Act of 2010 (Public Law 111–239; 124 Stat.  
6 2501) is amended—

7 (A) by striking “WHOLESALE PORK CUTS”  
8 and all that follows through “Chapter 3” and  
9 inserting “WHOLESALE PORK CUTS.—Chapter  
10 3”; and

11 (B) by striking paragraphs (2), (3), and  
12 (4) (7 U.S.C. 1635k note).

13 (8) PATIENT PROTECTION AND AFFORDABLE  
14 CARE ACT.—Section 5602 of the Patient Protection  
15 and Affordable Care Act (42 U.S.C. 254b note) is  
16 amended—

17 (A) in the section heading, by striking  
18 “**NEGOTIATED**”;

19 (B) by striking subsections (b) through  
20 (h);

21 (C) in subsection (a)—

22 (i) by redesignating paragraph (2) as  
23 subsection (b) and adjusting the margins  
24 accordingly;

1 (ii) by striking “ESTABLISHMENT”  
2 and all that follows through “The Sec-  
3 retary of Health and Human Services (in  
4 this section referred to as the ‘Secretary’)  
5 shall establish, through a negotiated rule-  
6 making process under subchapter 3 of  
7 chapter 5 of title 5, United States Code,”  
8 and inserting “ESTABLISHMENT.—The  
9 Secretary of Health and Human Services  
10 (in this section referred to as the ‘Sec-  
11 retary’) shall establish”;

12 (iii) by redesignating subparagraphs  
13 (A) and (B) as paragraphs (1) and (2), re-  
14 spectively, and adjusting the margins ac-  
15 cordingly; and

16 (iv) in paragraph (1), as so redesign-  
17 ated, by adding “and” at the end; and

18 (D) in subsection (b), as so redesignated,  
19 by striking “paragraph (1)” and inserting “sub-  
20 section (a)”.

21 (9) PRICE-ANDERSON AMENDMENTS ACT OF  
22 1988.—Section 19 of the Price-Anderson Amend-  
23 ments Act of 1988 (42 U.S.C. 2210 note) is amend-  
24 ed—

25 (A) by striking subsection (b); and



1 (B) in subsection (a)—

2 (i) by striking “RULEMAKING” and all  
3 that follows through “The Nuclear” and  
4 inserting “RULEMAKING PROCEEDING.—  
5 The Nuclear”; and

6 (ii) by redesignating paragraph (2) as  
7 subsection (b) and adjusting the margins  
8 accordingly.

9 (10) SOCIAL SECURITY ACT.—Title XVIII of  
10 the Social Security Act (42 U.S.C. 1395 et seq.) is  
11 amended—

12 (A) in section 1834(l)(1) (42 U.S.C.  
13 1395m(l)(1)), by striking “through a negotiated  
14 rulemaking process described in title 5, United  
15 States Code, and”; and

16 (B) in section 1856(a) (42 U.S.C. 1395w–  
17 26(a))—

18 (i) by striking paragraphs (2) through  
19 (9);

20 (ii) in paragraph (1)—

21 (I) by striking “ESTABLISH-  
22 MENT” and all that follows through  
23 “The Secretary” and inserting “ES-  
24 TABLISHMENT.—The Secretary”;

1 (II) by striking “and using a ne-  
2 gotiated rulemaking process under  
3 subchapter III of chapter 5 of title 5,  
4 United States Code”; and

5 (III) by redesignating subpara-  
6 graphs (B) and (C) as paragraphs (2)  
7 and (3), respectively, and adjusting  
8 the margins accordingly; and

9 (iii) in paragraph (2), as so redesi-  
10 nated—

11 (I) by striking “subparagraph  
12 (A)” and inserting “paragraph (1)”;  
13 and

14 (II) by redesignating clauses (i),  
15 (ii), and (iii) as subparagraphs (A),  
16 (B), and (C), respectively, and adjust-  
17 ing the margins accordingly.

18 (11) TITLE 5.—The table of sections for sub-  
19 chapter III of chapter 5 of title 5, United States  
20 Code, is amended by striking the item relating to  
21 section 564 and inserting the following:

“564. Publication of notice.”.

22 (12) TITLE 49.—Section 31136(g)(1) of title  
23 49, United States Code, is amended—

1 (A) by striking “shall—” and all that fol-  
2 lows through “issue” and inserting “shall  
3 issue”;

4 (B) by striking “; or” and inserting a pe-  
5 riod; and

6 (C) by striking subparagraph (B).

7 (13) TOXIC SUBSTANCES CONTROL ACT.—Sec-  
8 tion 8(a) of the Toxic Substances Control Act (15  
9 U.S.C. 2607(a)) is amended—

10 (A) by striking paragraph (6); and

11 (B) by redesignating paragraph (7) as  
12 paragraph (6).

13 (14) UNITED STATES HOUSING ACT OF 1937.—  
14 Section 9 of the United States Housing Act of 1937  
15 (42 U.S.C. 1437g) is amended by repealing sub-  
16 section (f).

17 **SEC. 306. STREAMLINING OIRA REVIEW.**

18 (a) DEFINITIONS.—In this section—

19 (1) the term “Administrator” means the Ad-  
20 ministrator of the Office;

21 (2) the terms “agency”, “regulatory action”,  
22 and “significant regulatory action” have the mean-  
23 ings given those terms in section 3 of the Executive  
24 Order;

1           (3) the term “Executive Order” means Execu-  
2           tive Order 12866 (5 U.S.C. 601 note; relating to  
3           regulatory planning and review); and

4           (4) the term “Office” means the Office of In-  
5           formation and Regulatory Affairs.

6           (b) PROHIBITIONS.—

7           (1) NON-EXECUTIVE BRANCH OFFICIALS.—

8           With respect to a regulatory action of an agency, the  
9           Office may not engage in communications or meet-  
10          ings with an individual that is not employed by the  
11          executive branch of the Federal Government if the  
12          regulatory action is or may be subject to review by  
13          the Office under section 6(b) of the Executive Order.

14          (2) INFORMAL REVIEW.—With respect to a reg-  
15          ulatory action of an agency that may be subject to  
16          review by the Office under section 6(b) of the Execu-  
17          tive Order, the Office may not engage in commu-  
18          nications or meetings with the agency before the  
19          date on which the agency submits the regulatory ac-  
20          tion to the Office under section 6(a)(3) of the Exec-  
21          utive Order.

22          (c) TIME PERIOD FOR OIRA REVIEW.—

23          (1) IN GENERAL.—Except as provided in para-  
24          graph (2), the Office shall complete a review of a  
25          significant regulatory action under section 6(b) of

1 the Executive Order not less than 45 days after the  
2 date on which the Office receives the significant reg-  
3 ulatory action under section 6(a)(3) of the Executive  
4 Order.

5 (2) EXTENSION.—The Office may extend the  
6 45-day period described in paragraph (1) by a single  
7 30-day period if the Office provides the agency with,  
8 and makes publicly available, a written justification  
9 for the extension.

10 (3) PUBLICATION OF REGULATORY ACTION.—If  
11 the Office waives review of a significant regulatory  
12 action of an agency under section 6(b)(2) of the Ex-  
13 ecutive Order without a request for further consider-  
14 ation or does not notify the agency in writing of the  
15 results of the review under section 6(b) of the Exec-  
16 utive Order within the time frame described in para-  
17 graph (1) or (2), the agency may publish the signifi-  
18 cant regulatory action in the Federal Register.

19 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
20 tion shall be construed—

21 (1) as an endorsement by Congress of—

22 (A) the institution of centralized regulatory  
23 review; or

1 (B) the procedural steps or requirements  
2 of an Executive order affecting administrative  
3 procedure; or

4 (2) as a requirement that the President—

5 (A) conduct centralized regulatory review;

6 or

7 (B) adopt, administer, or implement an  
8 Executive order affecting administrative proce-  
9 dure.

10 **SEC. 307. LIMITING TEMPORARY COURT INJUNCTIONS AND**

11 **POSTPONING OF FINAL RULES PENDING JU-**

12 **DICIAL REVIEW.**

13 Section 705 of title 5, United States Code, is amend-  
14 ed—

15 (1) by striking the first sentence; and

16 (2) by adding at the end the following: “Not-  
17 withstanding the preceding sentence, with respect to  
18 agency action relating to notice and comment rule  
19 making under section 553 of this title, on such con-  
20 ditions as may be required and to the extent nec-  
21 essary to prevent irreparable injury, only the review-  
22 ing court to which a case may be taken on appeal  
23 from or on application for certiorari or other writ to  
24 a reviewing court or to the United States District  
25 Court for the District of Columbia may issue all nec-

1        essary and appropriate process to postpone the effective date of the agency action or to preserve status or rights pending conclusion of the review proceedings.”.

5   **SEC. 308. PENALIZING INDIVIDUALS THAT SUBMIT FALSE**  
6                           **INFORMATION TO AGENCIES.**

7        Section 553 of title 5, United States Code, as amended by section 302 of this Act, is amended by adding at the end the following:

10       “(j)(1) In this subsection, the term ‘covered person’ means—

12               “(A) any person who is or is required to be registered as a corporate lobbyist, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

16               “(B) any for-profit corporation;

17               “(C) any entity described in section 501(c)(6) of the Internal Revenue Code of 1986 of which 1 or more members are for-profit corporations; and

20               “(D) any person working on behalf of a for-profit corporation, including any person compensated by or otherwise financially supported by a corporation, for the purpose of submitting a statement or entry with respect to a rule making under this section.

1           “(2) Any covered person that uses any false writing  
2 or document knowing the same to contain any materially  
3 false, fictitious, or fraudulent statement or entry with re-  
4 spect to a rule making under this section shall be fined  
5 not more than \$250,000, imprisoned not more than 5  
6 years, or both.”.

7   **SEC. 309. ESTABLISHMENT OF THE OFFICE OF THE PUBLIC**  
8                                   **ADVOCATE.**

9           Section 401 of the Ethics in Government Act of 1978  
10 (5 U.S.C. App.) is amended by adding at the end the fol-  
11 lowing:

12           “(d)(1)(A) There is established in the Office of Public  
13 Integrity an office to be known as the ‘Office of the Public  
14 Advocate’.

15           “(B) The Office of the Public Advocate shall be under  
16 the supervision of an official to be known as the ‘National  
17 Public Advocate’, who shall—

18                   “(i) be appointed by the President, by and with  
19 the advice and consent of the Senate;

20                   “(ii) report to the Director of the Office of Pub-  
21 lic Integrity;

22                   “(iii) not be an employee of the Federal Gov-  
23 ernment;

24                   “(iv) be entitled to compensation at the same  
25 rate as the highest rate of basic pay established for



1 the Senior Executive Service under section 5382 of  
2 title 5, United States Code;

3 “(v) have a background in customer service,  
4 consumer protection, and administrative law;

5 “(vi) have experience representing the public in  
6 cases involving rules (as defined in section 551 of  
7 title 5, United States Code);

8 “(vii) not have worked as an officer or employee  
9 in any Federal agency during the 2-year period pre-  
10 ceding appointment under this subparagraph; and

11 “(viii) agree not to accept an offer of employ-  
12 ment with a Federal agency for not less than 5  
13 years after ceasing to serve as the National Public  
14 Advocate.

15 “(2) The duties of the Office of the Public Advocate  
16 shall include—

17 “(A) assisting individuals in resolving conflicts  
18 with agencies;

19 “(B) assisting agencies in soliciting public par-  
20 ticipation in the rule making process;

21 “(C) assisting individuals in participating in the  
22 rule making process; and

23 “(D) identifying areas in which the public has  
24 problems in dealing with agencies and proposing  
25 changes to mitigate those problems.

1 “(3) Not later than 180 days after the date on which  
2 the National Public Advocate is appointed under this sub-  
3 section or 180 days after the date of enactment of this  
4 subsection, whichever is later, the National Public Advo-  
5 cate shall propose regulations to carry out this sub-  
6 section.”.

7 **SEC. 310. ACTIONS BY PRIVATE PERSONS.**

8 (a) DEFINITIONS.—In this section, the terms “agen-  
9 cy” and “rule” have the meanings given those terms in  
10 section 551 of title 5, United States Code.

11 (b) ACTIONS.—

12 (1) IN GENERAL.—A person may bring a civil  
13 action for the person and for the United States Gov-  
14 ernment, in the name of the Government, against  
15 any person, including the United States Government  
16 and any other governmental instrumentality or agen-  
17 cy to the extent permitted by the Eleventh Amend-  
18 ment to the Constitution of the United States, for—

19 (A) a violation of a final rule issued by an  
20 agency; or

21 (B) the failure of the head of an agency to  
22 comply with any requirement under this Act.

23 (2) NOTICE.—A copy of the complaint and  
24 written disclosure of substantially all material evi-  
25 dence and information the person possesses shall be

1 served on the Government pursuant to rule 4(d)(4)  
2 of the Federal Rules of Civil Procedure. The Gov-  
3 ernment may elect to intervene and proceed with the  
4 action within 60 days after it receives both the com-  
5 plaint and the material evidence and information.

6 (3) PARTY CONDUCTING THE ACTION.—Before  
7 the expiration of the 60-day period under paragraph  
8 (2), the Government shall—

9 (A) proceed with the action, in which case  
10 the action shall be conducted by the Govern-  
11 ment; or

12 (B) notify the court that it declines to pro-  
13 ceed with the action, in which case the person  
14 bringing the action shall have the right to con-  
15 duct the action.

16 (4) AWARD TO PLAINTIFF.—

17 (A) GOVERNMENT PROCEEDS WITH AC-  
18 TION.—If the Government proceeds with an ac-  
19 tion brought by a person under this subsection,  
20 the person shall receive at least 15 percent but  
21 not more than 25 percent of the proceeds of the  
22 action or settlement of the claim, depending  
23 upon the extent to which the person substan-  
24 tially contributed to the prosecution of the ac-  
25 tion. Any payment to a person under this sub-

1 paragraph shall be made from the proceeds.  
2 The person shall also receive an amount for  
3 reasonable expenses that the court finds to have  
4 been necessarily incurred, plus reasonable attor-  
5 ney's fees and costs. The expenses, fees, and  
6 costs shall be awarded against the defendant.

7 (B) GOVERNMENT DOES NOT PROCEED  
8 WITH ACTION.—If the Government does not  
9 proceed with an action under this subsection,  
10 the person bringing the action or settling the  
11 claim shall receive an amount which the court  
12 decides is reasonable for collecting the civil pen-  
13 alty and damages. The amount shall be not less  
14 than 25 percent and not more than 30 percent  
15 of the proceeds of the action or settlement and  
16 shall be paid out of the proceeds. The person  
17 shall also receive an amount for reasonable ex-  
18 penses that the court finds to have been nec-  
19 essarily incurred, plus reasonable attorney's  
20 fees and costs. The expenses, fees, and costs  
21 shall be awarded against the defendant.

22 **SEC. 311. SCOPE OF REVIEW.**

23 Section 706 of title 5, United States Code, is amend-  
24 ed—

1           (1) in the first sentence of the matter preceding  
2 paragraph (1), by striking “To the extent nec-  
3 essary” and inserting “(a) IN GENERAL.—To the  
4 extent necessary”;

5           (2) in subsection (a), as so designated, by in-  
6 serting after the first sentence the following: “If a  
7 statute that an agency administers is silent or am-  
8 biguous, and an agency has followed the procedures  
9 in section 553 or 554 of this title, as applicable, a  
10 reviewing court shall defer to the agency’s reason-  
11 able or permissible interpretation of that statute.”;

12           (3) by striking “In making the foregoing deter-  
13 minations” and inserting the following:

14           “(b) REVIEW OF RECORD.—In making the deter-  
15 minations under subsection (a)”;

16           (4) in subsection (b), as so designated, by in-  
17 serting “except any part of the record that the agen-  
18 cy excluded from consideration pursuant to section  
19 553(h)(1) of this title,” after “party,”; and

20           (5) by adding at the end the following:

21           “(c) UNREASONABLE DELAY.—For purposes of sub-  
22 section (a)(1), unreasonable delay shall include—

23           “(1) when an agency has not issued a notice of  
24 proposed rule making within 1 year of the date of  
25 enactment of the legislation mandating the rule

1 making, where no deadline for the rule making was  
2 specified in the enacted law;

3 “(2) when an agency has not issued a final  
4 version of a proposed rule within 1 year of date on  
5 which the proposed rule was published in the Fed-  
6 eral Register; and

7 “(3) when an agency has not implemented a  
8 final rule within 1 year of the implementation date  
9 published in the Federal Register or, if no imple-  
10 mentation date was provided, within 1 year of the  
11 date on which the final rule was published in the  
12 Federal Register.”.

13 **SEC. 312. EXPANDING RULE MAKING NOTIFICATIONS.**

14 Section 553 of title 5, United States Code, as amend-  
15 ed by section 308 of this Act, is amended by adding at  
16 the end the following:

17 “(k)(1) Not later than 2 business days after the date  
18 on which an agency publishes a notice of proposed rule  
19 making or a final rule under this section, the agency shall  
20 notify interested parties of the publication.

21 “(2) The Director of the Government Printing Office  
22 shall establish a process under which an agency shall no-  
23 tify interested parties under paragraph (1) through e-mail  
24 or postal mail.”.

1 **SEC. 313. PUBLIC PETITIONS.**

2 Section 553(e) of title 5, United States Code, is  
3 amended—

4 (1) by inserting “(1)” before “Each agency”;  
5 and

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

7 “(2) If, during a 60-day period, an agency receives  
8 more than 100,000 signatures on a single petition under  
9 paragraph (1), the agency shall, not later than 30 days  
10 after the date on which the agency receives the petition,  
11 provide a written response that includes—

12 “(A) an explanation of whether the agency has  
13 engaged or is engaging in the requested issuance,  
14 amendment, or repeal of a rule; and

15 “(B) if the agency has not engaged in the re-  
16 quested issuance, amendment, or repeal of a rule, a  
17 written explanation for not engaging in the re-  
18 quested issuance, amendment, or repeal.”.

19 **SEC. 314. AMENDMENT TO CONGRESSIONAL REVIEW ACT.**

20 Section 801(b) of title 5, United States Code, is  
21 amended—

22 (1) in paragraph (1), by striking “(1)”; and

23 (2) by striking paragraph (2).

24 **SEC. 315. COST-BENEFIT ANALYSIS.**

25 (a) DEFINITIONS.—In this section, the terms “agen-  
26 cy” and “regulation” have the meanings given those terms

1 in section 3 of Executive Order 12866 (5 U.S.C. 601 note;  
2 relating to regulatory planning and review).

3 (b) REQUIREMENT.—If an agency is performing a  
4 cost-benefit analysis in the course of issuing a regulation,  
5 the agency shall—

6 (1) take into account the benefits of the regula-  
7 tion to the public, including the nonquantifiable ben-  
8 efits of the regulation; and

9 (2) adopt a regulation that prioritizes benefits  
10 to the public, including nonquantifiable benefits.

11 **SEC. 316. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) the Federal Employees Pay Comparability  
14 Act of 1990 (as enacted by section 529 of Public  
15 Law 101–509), which was designed to ensure that  
16 the disparity in pay between Federal employees on  
17 the General Schedule and non-Federal employees is  
18 not greater than 5 percent, has not been imple-  
19 mented as envisioned, resulting in significant pay  
20 disparities between Federal Government and non-  
21 Federal employees, including private-sector employ-  
22 ees;

23 (2) Federal employees have experienced pay  
24 challenges in recent years owing to pay freezes, re-  
25 duced pay increases, and unpaid furlough days,



1 which have adversely impacted the ability of the  
2 Federal Government to recruit and retain skilled  
3 employees; and

4 (3) the President and Congress should allow the  
5 statutory pay laws to be implemented as intended,  
6 providing an annual across-the-board pay adjust-  
7 ment and a locality pay adjustment that varies by  
8 specific pay locality area.

## 9 **TITLE IV—JUDICIAL ETHICS**

### 10 **SEC. 401. CLARIFICATION OF GIFT BAN.**

11 (a) IN GENERAL.—Section 7353 of title 5, United  
12 States Code, is amended—

13 (1) in subsection (a), in the matter preceding  
14 paragraph (1), by striking “anything of value” and  
15 inserting “a gift”; and

16 (2) in subsection (d)—

17 (A) in paragraph (1), by striking “and” at  
18 the end;

19 (B) in paragraph (2), by striking the pe-  
20 riod at the end and inserting “; and”; and

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

22 “(3) the term ‘gift’ means anything of value, in-  
23 cluding transportation, travel, lodgings and meals,  
24 whether provided in-kind, by purchase of a ticket,

1 payment in advance, or reimbursement after the ex-  
2 pense has been incurred.”.

3 (b) REGULATIONS.—The Judicial Conference of the  
4 United States shall promulgate regulations to carry out  
5 the amendment made by subsection (a) with respect to  
6 the judicial branch.

7 **SEC. 402. RESTRICT PRIVATELY FUNDED EDUCATIONAL**  
8 **EVENTS AND SPEECHES.**

9 (a) JUDICIAL EDUCATION FUND.—

10 (1) ESTABLISHMENT.—Chapter 42 of title 28,  
11 United States Code, is amended by adding at the  
12 end the following:

13 **“§ 630. Judicial Education Fund**

14 “(a) DEFINITIONS.—In this section—

15 “(1) the term ‘Board’ means the Board of the  
16 Federal Judicial Center established in section 621;

17 “(2) the term ‘Fund’ means the Judicial Edu-  
18 cation Fund established under subsection (b);

19 “(3) the term ‘institution of higher education’  
20 has the meaning given that term under section  
21 101(a) of the Higher Education Act of 1965 (20  
22 U.S.C. 1001(a));

23 “(4) the term ‘national bar association’ means  
24 a national organization that is open to general mem-  
25 bership to all members of the bar;

1 “(5) the term ‘private judicial seminar’—

2 “(A) means a seminar, symposia, panel  
3 discussion, course, or a similar event that pro-  
4 vides continuing legal education to judges; and

5 “(B) does not include—

6 “(i) seminars that last 1 day or less  
7 and are conducted by, and on the campus  
8 of, an institute of higher education;

9 “(ii) seminars that last 1 day or less  
10 and are conducted by a national bar asso-  
11 ciation or State or local bar association for  
12 the benefit of the bar association member-  
13 ship; or

14 “(iii) seminars of any length con-  
15 ducted by, and on the campus of an insti-  
16 tute of higher education or by a national  
17 bar association or State or local bar asso-  
18 ciation, where a judge is a presenter and  
19 at which judges constitute less than 25  
20 percent of the participants; and

21 “(6) the term ‘State or local bar association’  
22 means a State or local organization that is open to  
23 general membership to all members of the bar in the  
24 specified geographic region.

1           “(b) FUND.—There is established within the United  
2 States Treasury a fund to be known as the ‘Judicial Edu-  
3 cation Fund’.

4           “(c) USE OF AMOUNTS.—Amounts in the Fund may  
5 be made available for the payment of necessary expenses,  
6 including reasonable expenditures for transportation, food,  
7 lodging, private judicial seminar fees and materials, in-  
8 curred by a judge or justice in attending a private judicial  
9 seminar approved by the Board. Necessary expenses shall  
10 not include expenditures for recreational activities or en-  
11 tertainment other than that provided to all attendees as  
12 an integral part of the private judicial seminar. Any pay-  
13 ment from the Fund shall be approved by the Board.

14           “(d) REQUIRED INFORMATION.—The Board may ap-  
15 prove a private judicial seminar after submission of infor-  
16 mation by the sponsor of that private judicial seminar that  
17 includes—

18                   “(1) the content of the private judicial seminar  
19           (including a list of presenters, topics, and course  
20           materials); and

21                   “(2) the litigation activities of the sponsor (in-  
22           cluding any amicus briefs submitted by the sponsor)  
23           and the presenters at the private judicial seminar  
24           (including the litigation activities of the employer of

1 each presenter) on the topic related to those ad-  
2 dressed at the private judicial seminar.

3 “(e) PUBLIC AVAILABILITY.—If the Board approves  
4 a private judicial seminar, the Board shall make the infor-  
5 mation submitted under subsection (d) relating to the pri-  
6 vate judicial seminar available to judges and the public  
7 by posting the information online.

8 “(f) GUIDELINES.—The Judicial Conference shall  
9 promulgate guidelines to ensure that the Board only ap-  
10 proves private judicial seminars that are conducted in a  
11 manner so as to maintain the public’s confidence in an  
12 unbiased and fair-minded judiciary.

13 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated for deposit in the Fund  
15 \$3,000,000 for each of fiscal years 2019, 2020, and 2021,  
16 to remain available until expended.”.

17 (2) TECHNICAL AND CONFORMING AMEND-  
18 MENT.—The table of sections for chapter 42 of title  
19 28, United States Code, is amended by adding at  
20 the end the following:

“630. Judicial Education Fund”.

21 (b) PRIVATE JUDICIAL SEMINAR GIFTS PROHIB-  
22 ITED.—

23 (1) DEFINITIONS.—In this subsection—

1 (A) the term “gift” has the meaning given  
2 that term under section 7353 of title 5, United  
3 States Code, as amended by section 401;

4 (B) the term “institution of higher edu-  
5 cation” has the meaning given that term under  
6 section 101(a) of the Higher Education Act of  
7 1965 (20 U.S.C. 1001(a)); and

8 (C) the terms “national bar association”,  
9 “private judicial seminar”, and “State or local  
10 bar association” have the meanings given those  
11 terms under section 630 of title 28, United  
12 States Code, as added by subsection (a).

13 (2) REGULATIONS.—Not later than 180 days  
14 after the date of enactment of this Act, the Judicial  
15 Conference of the United States shall promulgate  
16 regulations to apply section 7353(a) of title 5,  
17 United States Code, to prohibit the solicitation or  
18 acceptance of a gift in connection with a private ju-  
19 dicial seminar.

20 (3) EXCEPTION.—The prohibition under the  
21 regulations promulgated under paragraph (2) shall  
22 not apply if—

23 (A) the judge participates in a private judi-  
24 cial seminar as a speaker, panel participant, or  
25 otherwise presents information;

1 (B) Federal judges are not the primary au-  
2 dience at the private judicial seminar; and

3 (C) the gift accepted is—

4 (i) reimbursement from the private ju-  
5 dicial seminar sponsor of reasonable trans-  
6 portation, food, or lodging expenses on any  
7 day on which the judge speaks, partici-  
8 pates, or presents information, as applica-  
9 ble;

10 (ii) attendance at the private judicial  
11 seminar on any day on which the judge  
12 speaks, participates, or presents informa-  
13 tion, as applicable; or

14 (iii) anything excluded from the defi-  
15 nition of a gift under regulations of the  
16 Judicial Conference of the United States  
17 under sections 7351 and 7353 of title 5,  
18 United States Code, as in effect on the  
19 date of enactment of this Act.

20 **SEC. 403. CODE OF CONDUCT.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-  
22 gress that in order for justices and judges, both of the  
23 supreme and inferior courts, to hold their offices during  
24 “good behaviour” under section 1 of article III of the Con-  
25 stitution of the United States, the judges and justices

1 shall, among other requirements, adhere to the Code of  
2 Conduct for United States Judges adopted by the Judicial  
3 Conference of the United States described in this section.

4 (b) APPLICABILITY.—The Code of Conduct for  
5 United States Judges adopted by the Judicial Conference  
6 of the United States shall apply to the justices of the Su-  
7 preme Court of the United States to the same extent as  
8 such Code applies to circuit and district judges.

9 (c) ENFORCEMENT.—The Judicial Conference shall  
10 establish procedures, modeled after the procedures set  
11 forth in chapter 16 of title 28, United States Code, under  
12 which—

13 (1) complaints alleging that a justice of the Su-  
14 preme Court of the United States has violated the  
15 Code of Conduct referred to in subsection (a) may  
16 be filed with or identified by the Conference;

17 (2) such material, nonfrivolous complaints and  
18 any accompanying material are immediately referred  
19 to the Supreme Court Review Committee established  
20 in section 415; and

21 (3) further action, where appropriate, is taken  
22 by the Conference, with respect to such complaints.

23 (d) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

24 (1) SUBMISSION TO CONGRESS.—Not later than  
25 180 days after the date of enactment of this Act, the



1       Judicial Conference shall submit to Congress the  
2       procedures established under subsection (b).

3               (2) EFFECTIVE DATE.—The procedures estab-  
4       lished under subsection (b) shall take effect 1 year  
5       after the date of enactment of this Act.

6       **SEC. 404. IMPROVING DISCLOSURE.**

7       (a) FINANCIAL REPORTS.—Section 103(h) of the  
8       Ethics in Government Act of 1978 (5 U.S.C. App.) is  
9       amended by adding at the end the following:

10       “(3) Not later than 90 days after a report is filed  
11       under this title by an individual described in section  
12       109(10), the Judicial Conference shall make publicly avail-  
13       able online, at no cost, each report required under this  
14       title that is filed with the Judicial Conference in a format  
15       that is searchable, sortable, machine readable,  
16       downloadable, and accessible in multiple languages and to  
17       individuals with disabilities.”.

18       (b) RECUSAL DECISIONS.—Section 455 of title 28,  
19       United States Code, is amended by adding at the end the  
20       following:

21       “(g) RECUSAL LISTS.—

22               “(1) Each justice, judge, and magistrate judge  
23       of the United States shall maintain and submit to  
24       the Judicial Conference a list of each association or

1 interest that would require the justice, judge, or  
2 magistrate to be recused under subsection (b)(4).

3 “(2) The Judicial Conference shall maintain  
4 and make publicly available online, at no cost, each  
5 list required under this subsection that is filed with  
6 the Judicial Conference in a format that is search-  
7 able, sortable, machine readable, downloadable, and  
8 accessible format, and accessible in multiple lan-  
9 guages and to individuals with disabilities.

10 “(3) The Judicial Conference may issue public  
11 or private guidance to justices, judges, and mag-  
12 istrate judges of the United States regarding the  
13 contents of the lists under this subsection to ensure  
14 such lists comply with the disqualification require-  
15 ments of (b)(4).”.

16 (c) SPEECHES.—

17 (1) IN GENERAL.—Each justice, judge, and  
18 magistrate judge of the United States shall maintain  
19 and submit to the Judicial Conference of the United  
20 States a copy of each speech or other significant oral  
21 communication made by the justice, judge or mag-  
22 istrate.

23 (2) AVAILABILITY.—The Judicial Conference of  
24 the United States shall maintain and make each  
25 speech or other significant oral communication sub-

1       mitted under paragraph (1) available to the public  
2       in printed form, upon request, and online, at no  
3       cost, in a format that is searchable, sortable, ma-  
4       chine readable, downloadable, and accessible in mul-  
5       tiple languages and to individuals with disabilities.

6           (3) REGULATIONS.—Not later than 180 days  
7       after the date of enactment of this Act, the Judicial  
8       Conference of the United States shall promulgate  
9       regulations regarding the types of oral communica-  
10      tions that are required to be maintained, submitted,  
11      and made publicly available under this subsection.

12      (d) LIVESTREAMING JUDICIAL PROCEEDINGS.—

13           (1) DEFINITION.—In this section, the term  
14      “appellate court of the United States” means any  
15      United States circuit court of appeals and the Su-  
16      preme Court of the United States.

17           (2) STREAMING OF COURT PROCEEDINGS.—In  
18      accordance with procedures established by the Judi-  
19      cial Conference of the United States, the audio of  
20      each open session conducted by an appellate court of  
21      the United States shall be made available online con-  
22      temporaneously with the session, unless the appel-  
23      late court of the United States, by a majority vote,  
24      determines that making audio of the session avail-

1       able online would violate the constitutional rights or  
2       threaten the safety of any party to the proceeding.

3       (e) PUBLICIZING CASE ASSIGNMENT INFORMA-  
4 TION.—

5           (1) IN GENERAL.—Not later than 180 days  
6       after the date of enactment of this Act, the Judicial  
7       Conference of the United States shall promulgate  
8       regulations requiring each court of the United States  
9       to make case assignment data available to the public  
10      online, at no cost, in a searchable, sortable, machine  
11      readable, downloadable, and accessible in multiple  
12      languages and to individuals with disabilities.

13          (2) CONTENTS.—The case assignment data  
14      made available under paragraph (1) shall include, at  
15      a minimum, and to the extent available, the case  
16      title, docket number, case origin, filing date, and  
17      name of each authoring judge, concurring judge, and  
18      dissenting judge for each opinion issued in the case.

19      (f) MAKING WEBSITES USER-FRIENDLY.—Not later  
20      than 180 days after the date of enactment of this Act,  
21      the Judicial Conference of the United States shall promul-  
22      gate regulations requiring an evaluation of, and improve-  
23      ments to, the website of each district court of the United  
24      States to ensure the website is easy to understand, includ-

1 ing that it is clear how to file a complaint relating to a  
2 judge or an employee of the district court.

3 (g) ACCESSIBILITY.—The Judicial Conference shall  
4 make efforts to ensure that the any disclosures required  
5 under this section are made available to the public in plain  
6 language, in a variety of languages, and accessible to indi-  
7 viduals with disabilities.

8 **SEC. 405. APPOINTMENT OF ADMINISTRATIVE LAW**  
9 **JUDGES.**

10 (a) IN GENERAL.—Section 3105 of title 5, United  
11 States Code is amended by inserting after the first sen-  
12 tence the following: “Administrative law judge positions  
13 shall be positions in the competitive service.”.

14 (b) CONVERSION OF POSITIONS.—With respect to  
15 any individual serving on the date of enactment of this  
16 Act in an excepted service position as an administrative  
17 law judge appointed under section 3105 of title 5, United  
18 States Code, as in effect on the day before the date of  
19 enactment of this Act, the head of the agency employing  
20 the administrative law judge shall convert the appointment  
21 to a permanent appointment in the competitive service in  
22 the agency.

23 (c) APPLICABILITY.—This section and the amend-  
24 ments made by this section shall apply on and after the  
25 date of enactment of this Act.

1 **SEC. 406. IMPROVE REPORTING ON JUDICIAL DIVERSITY.**

2 Section 331 of title 28, United States Code, is  
3 amended in the eighth undesignated paragraph by adding  
4 at the end the following: “The report submitted by the  
5 Chief Justice under this paragraph shall include a report  
6 on the diversity of the Federal judiciary, including diver-  
7 sity of justices and judges of the United States based on  
8 gender, race, ethnicity, religion, disability status, sexual  
9 orientation, gender identity, national origin, and profes-  
10 sional experience (including any law firms where the  
11 judges previously practiced law) before being appointed a  
12 justice or judge of the United States.”.

13 **SEC. 407. PLEADING STANDARDS.**

14 (a) IN GENERAL.—Rule 12 of the Federal Rules of  
15 Civil Procedure is amended by adding at the end the fol-  
16 lowing:

17 “(j) PLEADING STANDARDS. A court shall not dismiss  
18 a complaint under Rule 12(b)(6), (c) or (e):

19 “(1) unless it appears beyond doubt that the  
20 plaintiff can prove no set of facts in support of the  
21 claim which would entitle the plaintiff to relief; or

22 “(2) on the basis of a determination by the  
23 court that the factual contents of the complaint do  
24 not show the plaintiff’s claim to be plausible or are  
25 insufficient to warrant a reasonable inference that  
26 the defendant is liable for the misconduct alleged.”.

1 (b) APPLICABILITY.—Rule 12(j) of the Federal Rules  
2 of Civil Procedure, as added by subsection (a) shall apply  
3 with respect to the dismissal of complaints except as other-  
4 wise expressly provided by an Act of Congress enacted  
5 after the date of the enactment of this Act or by amend-  
6 ments made after such date of enactment to the Federal  
7 Rules of Civil Procedure pursuant to the procedures pre-  
8 scribed by the Judicial Conference of the United States  
9 under chapter 131 of title 28, United States Code.

10 **SEC. 408. ELECTRONIC COURT RECORDS REFORM.**

11 (a) DEFINITIONS.—In this section:

12 (1) ADMINISTRATOR.—The term “Adminis-  
13 trator” means the Administrator of General Serv-  
14 ices.

15 (2) DIRECTOR.—The term “Director” means  
16 the Director of the Administrative Office of the  
17 United States Courts.

18 (3) MACHINE-READABLE.—The term “machine-  
19 readable” means a format in which information or  
20 data can be easily processed by a computer without  
21 human intervention while ensuring no semantic  
22 meaning is lost.

23 (b) CONSOLIDATION OF THE CASE MANAGEMENT/  
24 ELECTRONIC CASE FILES SYSTEM.—

1           (1) IN GENERAL.—Not later than 2 years after  
2           the date of the enactment of this Act, the Director,  
3           in coordination with the Administrator, shall—

4                   (A) consolidate the Case Management/  
5                   Electronic Case Files system; and

6                   (B) develop 1 system for all filings with  
7                   courts of the United States, which shall be ad-  
8                   ministered by the Administrative Office of the  
9                   United States Courts.

10          (2) USE OF TECHNOLOGY.—In developing the  
11          system under paragraph (1), the Director shall use  
12          modern technology—

13                   (A) to improve security, data accessibility,  
14                   affordability, and performance; and

15                   (B) to minimize the burden on pro se liti-  
16                   gants.

17          (3) AVAILABILITY TO STATES.—

18                   (A) IN GENERAL.—A State may choose to  
19                   participate in the system developed under this  
20                   subsection.

21                   (B) FEE.—The Director shall charge a fee  
22                   to a State that chooses to participate in the sys-  
23                   tem developed under this subsection at a level  
24                   sufficient to recover the cost of providing the



1 services associated with the administration and  
2 maintenance of the system to the State.

3 (c) PUBLIC ACCESS TO COURT ELECTRONIC  
4 RECORDS SYSTEM REQUIREMENTS.—

5 (1) IN GENERAL.—Not later than 2 years after  
6 the date of the enactment of this Act, the Director,  
7 in coordination with the Administrator, shall update  
8 the Public Access to Court Electronic Records sys-  
9 tem, which shall be subject to the following require-  
10 ments:

11 (A) A document filed with a court shall be  
12 made publicly accessible upon filing, except as  
13 ordered by a court or by rule of the Judicial  
14 Conference of the United States.

15 (B) All documents on the system shall be  
16 available to the public and to parties before the  
17 court free of charge.

18 (C) Any information that is prohibited  
19 from public disclosure by law or court order  
20 shall be redacted.

21 (D) All documents shall be text-searchable  
22 and machine-readable.

23 (E) To the extent practicable, external  
24 websites shall be able to link to documents on  
25 the system.

1 (F) The system shall include any available  
2 digital audio and visual files of court record-  
3 ings.

4 (G) The system shall provide search func-  
5 tions for public use.

6 (2) MINIMIZING THE BURDEN ON PRO SE LITI-  
7 GANTS.—In developing the system to comply with  
8 the requirements under paragraph (1), the Director  
9 shall, to the extent practicable, not impose a dis-  
10 proportionate impact on pro se litigants.

11 (3) USE OF TECHNOLOGY.—In developing the  
12 system under paragraph (1), the Director shall use  
13 modern technology—

14 (A) to improve security, data accessibility  
15 (including accessibility to individuals with dis-  
16 abilities), affordability, and performance; and

17 (B) to minimize the burden on pro se liti-  
18 gants.

19 (4) AUTHORITY TO EXEMPT CERTAIN DOCU-  
20 MENTS.—The Director may identify categories of—

21 (A) documents that are not made publicly  
22 accessible under paragraph (1)(A); and

23 (B) court proceedings, the recordings of  
24 which are not made available under paragraph  
25 (1)(F).

1           (5) FILING FEES.—The Judiciary Appropria-  
2           tions Act, 1992 (title III of Public Law 102–140;  
3           105 Stat. 807) is amended by striking section 303  
4           (28 U.S.C. 1913 note) and inserting the following:

5           “SEC. 303. (a)(1) To cover the costs of maintaining  
6           the Public Access to Court Electronic Records system in  
7           accordance with section 408(c) of the Anti-Corruption and  
8           Public Integrity Act, the Judicial Conference—

9           “(A) shall collect an annual fee from the De-  
10          partment of Justice equal to the Public Access to  
11          Court Electronic Records access fees paid by the De-  
12          partment of Justice in 2018, as adjusted for infla-  
13          tion; and

14          “(B) may, only to the extent necessary, pre-  
15          scribe reasonable filing fees, pursuant to sections  
16          1913, 1914, 1926, 1930, and 1932 of title 28,  
17          United States Code, for collection by the courts  
18          under those sections.

19          “(2) The filing fees shall be commensurate with the  
20          burden imposed on the court by the party. The filing fees  
21          shall impose a lesser fee on filers who are filing on behalf  
22          of individuals. Pro se litigants and litigants who certify  
23          their financial hardship shall not be subject to the filing  
24          fees. The Director of the Administrative Office of the  
25          United States Courts, under the direction of the Judicial

1 Conference of the United States, shall prescribe a schedule  
2 of reasonable filing fees to cover the costs described in  
3 this subsection that the Director shall maintain and make  
4 available to the public.

5 “(b) The Judicial Conference and the Director shall  
6 transmit each schedule of fees prescribed under subsection  
7 (a) to Congress at least 30 days before the schedule be-  
8 comes effective. All fees collected under subsection (a)  
9 shall be deposited as offsetting collections to the Judiciary  
10 Information Technology Fund pursuant to section  
11 612(c)(1)(A) of title 28, United States Code, to reimburse  
12 expenses incurred in providing services in accordance with  
13 section 408(c) of the Anti-Corruption and Public Integrity  
14 Act.”.

15 (6) RULE OF CONSTRUCTION.—Nothing in this  
16 section, or the amendments made by this section,  
17 shall be construed to—

18 (A) affect the filing fees or other filing  
19 procedures for prisoners; or

20 (B) abrogate, limit, or modify the require-  
21 ments described in section 1915 of title 28,  
22 United States Code.

23 **SEC. 409. FORCED ARBITRATION INJUSTICE REPEAL.**

24 (a) PURPOSES.—The purposes of this section are  
25 to—

1 (1) prohibit predispute arbitration agreements  
 2 that force arbitration of future employment, con-  
 3 sumer, antitrust, or civil rights disputes; and

4 (2) prohibit agreements and practices that  
 5 interfere with the right of individuals, workers, and  
 6 small businesses to participate in a joint, class, or  
 7 collective action related to an employment, con-  
 8 sumer, antitrust, or civil rights dispute.

9 (b) ARBITRATION OF EMPLOYMENT, CONSUMER,  
 10 ANTITRUST, AND CIVIL RIGHTS DISPUTES.—

11 (1) IN GENERAL.—Title 9 of the United States  
 12 Code is amended by adding at the end the following:

13 **“CHAPTER 4—ARBITRATION OF EMPLOY-**  
 14 **MENT, CONSUMER, ANTITRUST, AND**  
 15 **CIVIL RIGHTS DISPUTES**

“Sec.

“401. Definitions.

“402. No validity or enforceability.

16 **“§ 401. Definitions**

17 “In this chapter—

18 “(1) the term ‘antitrust dispute’ means a dis-  
 19 pute—

20 “(A) arising from an alleged violation of  
 21 the antitrust laws (as defined in subsection (a)  
 22 of the first section of the Clayton Act) or State  
 23 antitrust laws; and

1           “(B) in which the plaintiffs seek certifi-  
2 cation as a class under rule 23 of the Federal  
3 Rules of Civil Procedure or a comparable rule  
4 or provision of State law;

5           “(2) the term ‘civil rights dispute’ means a dis-  
6 pute—

7           “(A) arising from an alleged violation of—

8           “(i) the Constitution of the United  
9 States or the constitution of a State;

10           “(ii) any Federal, State, or local law  
11 that prohibits discrimination on the basis  
12 of race, sex, age, gender identity, sexual  
13 orientation, disability, religion, national or-  
14 igin, or any legally protected status in edu-  
15 cation, employment, credit, housing, public  
16 accommodations and facilities, voting, vet-  
17 erans or servicemembers, health care, or a  
18 program funded or conducted by the Fed-  
19 eral Government or State government, in-  
20 cluding any law referred to or described in  
21 section 62(e) of the Internal Revenue Code  
22 of 1986, including parts of such law not  
23 explicitly referenced in such section but  
24 that relate to protecting individuals on any  
25 such basis; and

1           “(B) in which at least one party alleging a  
2 violation described in subparagraph (A) is one  
3 or more individuals (or their authorized rep-  
4 resentative), including one or more individuals  
5 seeking certification as a class under rule 23 of  
6 the Federal Rules of Civil Procedure or a com-  
7 parable rule or provision of State law;

8           “(3) the term ‘consumer dispute’ means a dis-  
9 pute between—

10           “(A) one or more individuals who seek or  
11 acquire real or personal property, services (in-  
12 cluding services related to digital technology),  
13 securities or other investments, money, or credit  
14 for personal, family, or household purposes in-  
15 cluding an individual or individuals who seek  
16 certification as a class under rule 23 of the  
17 Federal Rules of Civil Procedure or a com-  
18 parable rule or provision of State law; and

19           “(B)(i) the seller or provider of such prop-  
20 erty, services, securities or other investments,  
21 money, or credit; or

22           “(ii) a third party involved in the selling,  
23 providing of, payment for, receipt or use of in-  
24 formation about, or other relationship to any

1           such property, services, securities or other in-  
2           vestments, money, or credit;

3           “(4) the term ‘employment dispute’ means a  
4           dispute between one or more individuals (or their  
5           authorized representative) and a person arising out  
6           of or related to the work relationship or prospective  
7           work relationship between them, including a dispute  
8           regarding the terms of or payment for, advertising  
9           of, recruiting for, referring of, arranging for, or dis-  
10          cipline or discharge in connection with, such work,  
11          regardless of whether the individual is or would be  
12          classified as an employee or an independent con-  
13          tractor with respect to such work, and including a  
14          dispute arising under any law referred to or de-  
15          scribed in section 62(e) of the Internal Revenue  
16          Code of 1986, including parts of such law not explic-  
17          itly referenced in such section but that relate to pro-  
18          tecting individuals on any such basis, and including  
19          a dispute in which an individual or individuals seek  
20          certification as a class under rule 23 of the Federal  
21          Rules of Civil Procedure or as a collective action  
22          under section 16(b) of the Fair Labor Standards  
23          Act, or a comparable rule or provision of State law;

24          “(5) the term ‘predispute arbitration agree-  
25          ment’ means an agreement to arbitrate a dispute



1 that has not yet arisen at the time of the making  
2 of the agreement; and

3 “(6) the term ‘predispute joint-action waiver’  
4 means an agreement, whether or not part of a  
5 predispute arbitration agreement, that would pro-  
6 hibit, or waive the right of, one of the parties to the  
7 agreement to participate in a joint, class, or collec-  
8 tive action in a judicial, arbitral, administrative, or  
9 other forum, concerning a dispute that has not yet  
10 arisen at the time of the making of the agreement.

11 **“§ 402. No validity or enforceability**

12 “(a) IN GENERAL.—Notwithstanding any other pro-  
13 vision of this title, no predispute arbitration agreement or  
14 predispute joint-action waiver shall be valid or enforceable  
15 with respect to an employment dispute, consumer dispute,  
16 antitrust dispute, or civil rights dispute.

17 “(b) APPLICABILITY.—

18 “(1) IN GENERAL.—An issue as to whether this  
19 chapter applies with respect to a dispute shall be de-  
20 termined under Federal law. The applicability of this  
21 chapter to an agreement to arbitrate and the validity  
22 and enforceability of an agreement to which this  
23 chapter applies shall be determined by a court, rath-  
24 er than an arbitrator, irrespective of whether the  
25 party resisting arbitration challenges the arbitration

1 agreement specifically or in conjunction with other  
2 terms of the contract containing such agreement,  
3 and irrespective of whether the agreement purports  
4 to delegate such determinations to an arbitrator.

5 “(2) COLLECTIVE BARGAINING AGREEMENTS.—  
6 Nothing in this chapter shall apply to any arbitra-  
7 tion provision in a contract between an employer and  
8 a labor organization or between labor organizations,  
9 except that no such arbitration provision shall have  
10 the effect of waiving the right of a worker to seek  
11 judicial enforcement of a right arising under a provi-  
12 sion of the Constitution of the United States, a  
13 State constitution, or a Federal or State statute, or  
14 public policy arising therefrom.”

15 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) IN GENERAL.—Title 9 of the United States  
17 Code is amended—

18 (A) in section 1 by striking “of seamen,”  
19 and all that follows through “interstate com-  
20 merce” and inserting in its place “of individ-  
21 uals, regardless of whether such individuals are  
22 designated as employees or independent con-  
23 tractors for other purposes”;

1 (B) in section 2 by inserting “or as other-  
2 wise provided in chapter 4” before the period at  
3 the end;

4 (C) in section 208—

5 (i) in the section heading by striking  
6 **“CHAPTER 1; RESIDUAL APPLICA-**  
7 **TION”** and inserting **“APPLICATION”**;  
8 and

9 (ii) by adding at the end the fol-  
10 lowing: “This chapter applies to the extent  
11 that this chapter is not in conflict with  
12 chapter 4.”; and

13 (D) in section 307—

14 (i) in the section heading by striking  
15 **“CHAPTER 1; RESIDUAL APPLICA-**  
16 **TION”** and inserting **“APPLICATION”**;  
17 and

18 (ii) by adding at the end the fol-  
19 lowing: “This chapter applies to the extent  
20 that this chapter is not in conflict with  
21 chapter 4.”.

22 (2) TABLE OF SECTIONS.—

23 (A) CHAPTER 2.—The table of sections of  
24 chapter 2 of title 9, United States Code, is

1 amended by striking the item relating to section  
2 208 and inserting the following:

“208. Application.”.

3 (B) CHAPTER 3.—The table of sections of  
4 chapter 3 of title 9, United States Code, is  
5 amended by striking the item relating to section  
6 307 and inserting the following:

“307. Application.”.

7 (3) TABLE OF CHAPTERS.—The table of chap-  
8 ters of title 9, United States Code, is amended by  
9 adding at the end the following:

“4. Arbitration of Employment, Consumer, Antitrust, and Civil Rights  
Disputes ..... 401”.

10 (d) EFFECTIVE DATE.—This Act, and the amend-  
11 ments made by this Act, shall take effect on the date of  
12 enactment of this Act and shall apply with respect to any  
13 dispute or claim that arises or accrues on or after such  
14 date.

15 (e) RULE OF CONSTRUCTION.—Nothing in this Act,  
16 or the amendments made by this Act, shall be construed  
17 to prohibit the use of arbitration on a voluntary basis after  
18 the dispute arises.

1 **SEC. 410. RESTRICTIONS ON PROTECTIVE ORDERS AND**  
2 **SEALING OF CASES AND SETTLEMENTS.**

3 (a) IN GENERAL.—Chapter 111 of title 28, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 1660. Restrictions on protective orders and sealing**  
7 **of cases and settlements**

8 “(a) RESTRICTIONS ON ORDERS RELATING TO THE  
9 DISCLOSURE OF INFORMATION.—

10 “(1) IN GENERAL.—In any civil action in which  
11 the pleadings state facts that are relevant to the  
12 protection of public health or safety, a court shall  
13 not enter, by stipulation or otherwise, an order oth-  
14 erwise authorized under rule 26(c) of the Federal  
15 Rules of Civil Procedure restricting the disclosure of  
16 information obtained through discovery, an order  
17 otherwise authorized approving a settlement agree-  
18 ment that would restrict the disclosure of informa-  
19 tion obtained through discovery, or an order other-  
20 wise authorized restricting access to court records  
21 unless in connection with the order the court finds—

22 “(A) that the order would not restrict the  
23 disclosure of information which is relevant to  
24 the protection of public health or safety; or

25 “(B) that—

1           “(i) the public interest in the disclo-  
2           sure of past, present, or potential public  
3           health or safety hazards is outweighed by  
4           a specific and substantial interest in main-  
5           taining the confidentiality of the informa-  
6           tion or records in question; and

7           “(ii) the requested order is no broader  
8           than necessary to protect the confiden-  
9           tiality interest asserted.

10           “(2) LIMIT ON EFFECT.—No order entered in  
11           accordance with paragraph (1), other than an order  
12           approving a settlement agreement, may continue in  
13           effect after the entry of final judgment unless at the  
14           time of, or after, the entry of the order the court  
15           makes a separate finding of fact that the require-  
16           ments of paragraph (1) continue to be met.

17           “(3) RULE OF CONSTRUCTION.—Nothing in  
18           paragraph (1) shall be construed to require the dis-  
19           closure of the identity of individuals who disclose  
20           evidence of a violation of any law, rule, or regulation  
21           or other fraud, waste, abuse, or misconduct or other  
22           persons protected from disclosure under Federal law.

23           “(b) RESTRICTIONS ON ENFORCEMENT RELATING  
24           TO FEDERAL AND STATE AGENCIES.—In any civil action  
25           in which the pleadings state facts that are relevant to the

1 protection of public health or safety, a court shall not en-  
2 force any provision of an agreement between or among  
3 parties to the civil action, or enforce an order entered in  
4 accordance with subsection (a)(1), to the extent that the  
5 provision or order prohibits or otherwise restricts a party  
6 from disclosing any information relevant to the civil action  
7 to any Federal or State agency with authority to enforce  
8 laws regulating an activity relating to the information.

9 “(c) LIMITS ON SCOPE.—

10 “(1) IN GENERAL.—Subject to paragraph (2), a  
11 court shall not enforce any provision of a settlement  
12 agreement between or among parties to any civil ac-  
13 tion in which the pleadings state facts that are rel-  
14 evant to the protection of public health or safety  
15 that prohibits one or more parties from—

16 “(A) disclosing the fact that the settlement  
17 was reached or the terms of the settlement (ex-  
18 cluding any money paid) that involve matters  
19 relevant to the protection of public health or  
20 safety; or

21 “(B) discussing matters relevant to the  
22 protection of public health or safety involved in  
23 the civil action.

24 “(2) EXCEPTION.—Paragraph (1) applies un-  
25 less the court finds that—

1           “(A) the public interest in the disclosure of  
2           past, present, or potential public health or safe-  
3           ty hazards is outweighed by a specific and sub-  
4           stantial interest in maintaining the confiden-  
5           tiality of the information in question; and

6           “(B) the requested order is no broader  
7           than necessary to protect the confidentiality in-  
8           terest asserted.

9           “(d) REBUTTABLE PRESUMPTION RELATING TO  
10          PERSONALLY IDENTIFIABLE INFORMATION.—For pur-  
11          poses of implementing subsections (a)(1)(B)(i) and  
12          (c)(2)(A), when weighing the interest in maintaining con-  
13          fidentiality under this section, there shall be a rebuttable  
14          presumption that the interest in protecting personally  
15          identifiable information of an individual outweighs the  
16          public interest in disclosure.

17          “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
18          tion shall be construed to permit, require, or authorize the  
19          disclosure of classified information (as defined under sec-  
20          tion 1 of the Classified Information Procedures Act (18  
21          U.S.C. App.)).”.

22          (b) TECHNICAL AND CONFORMING AMENDMENT.—  
23          The table of sections for chapter 111 of title 28, United  
24          States Code, is amended by adding after the item relating  
25          to section 1659 the following:

“1660. Restrictions on protective orders and sealing of cases and settlements.”.



1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall—

3 (1) take effect 30 days after the date of enact-  
4 ment of this Act; and

5 (2) apply only to orders entered in civil actions  
6 or agreements entered into on or after such date.

7 **SEC. 411. SECRET SETTLEMENTS BAN.**

8 (a) DEFINITIONS.—In this section—

9 (1) the terms “antitrust dispute”, “civil rights  
10 dispute”, “consumer dispute”, and “employment dis-  
11 pute” have the meanings given those terms in sec-  
12 tion 401 of title 9, United States Code, as added by  
13 section 409 of this Act;

14 (2) the term “covered agreement”—

15 (A) means a contract or settlement agree-  
16 ment between a covered person and any other  
17 person relating to an antitrust dispute, civil  
18 rights dispute, consumer dispute, discrimination  
19 dispute, or employment dispute; and

20 (B) does not include a collective bargaining  
21 agreement between a covered person and the  
22 collective bargaining representative of the em-  
23 ployees of the covered person;

24 (3) the term “covered person” means—

25 (A) an individual that is an employer; or

1 (B) a corporation, limited liability com-  
2 pany, or other entity that is created by the fil-  
3 ing of a public document with a secretary of  
4 state of a State or similar office, without regard  
5 to whether the entity is a for-profit or nonprofit  
6 entity or is an employer; and

7 (4) the term “secret settlement provision”  
8 means a provision in a covered agreement that has  
9 the purpose or effect of concealing the details of a  
10 claim relating to the antitrust dispute, civil rights  
11 dispute, consumer dispute, or employment dispute to  
12 which the covered agreement relates.

13 (b) BAN ON SECRET SETTLEMENTS.—A secret set-  
14 tlement provision—

15 (1) shall be deemed against public policy; and

16 (2) shall have no force or effect.

17 (c) NOTICE.—A covered agreement shall include a  
18 bold, prominently placed notice stating that any secret set-  
19 tlement provision in the covered agreement has no force  
20 or effect and is unenforceable against any person.

21 (d) COSTS.—In any civil action, if a covered person  
22 seeks to enforce a secret settlement provision, the court  
23 may award costs, including reasonable attorney’s fees, to  
24 the person against whom the covered person seeks to en-  
25 force the secret settlement provision.

1           (e) PROHIBITION ON RETALIATION.—A covered per-  
2 son shall not take or threaten to take any personnel action  
3 against a current or former employee of the covered per-  
4 son based on whole or in part on a failure or refusal by  
5 the employee to sign or enter into a covered agreement  
6 that contains a secret settlement provision.

7   **SEC. 412. OVERSIGHT PROCESS FOR DISQUALIFICATION OF**  
8                           **JUSTICE, JUDGE, OR MAGISTRATE JUDGE.**

9           Section 455 of title 28, United States Code, as  
10 amended by section 404 of this Act, is amended by adding  
11 at the end the following:

12           “(h)(1) Any litigant appearing before a justice, judge,  
13 or magistrate judge of the United States may file a peti-  
14 tion that the justice, judge, or magistrate judge of the  
15 United States, as applicable, shall be disqualified based  
16 on the criteria described in subsection (b).

17           “(2)(A) Any judge or magistrate judge of the United  
18 States subject to a petition under paragraph (1) may pro-  
19 vide a public, written response to the petition that provides  
20 a written explanation relating to any disqualification deci-  
21 sion.

22           “(B) Any justice of the Supreme Court of the United  
23 States subject to a petition under paragraph (1) shall pro-  
24 vide a public, written response to the petition that provides

1 a written explanation relating to any disqualification deci-  
2 sion.

3 “(3) If a litigant makes a petition under paragraph  
4 (1) relating to a justice of the Supreme Court of the  
5 United States, the Judicial Conference of the United  
6 States shall issue a nonbinding, public advisory opinion  
7 with its recommendation, which shall be shared with the  
8 Supreme Court Review Committee established in section  
9 415 of the Anti-Corruption and Public Integrity Act.

10 “(4) If the Judicial Conference of the United States  
11 recommends that a justice of the Supreme Court of the  
12 United States be disqualified under this section, the jus-  
13 tice shall publicly explain a final disqualification decision  
14 in writing, which shall be shared with the Supreme Court  
15 Review Committee established in section 415 of the Anti-  
16 Corruption and Public Integrity Act.

17 “(5)(A) For any judge or magistrate judge of the  
18 United States, the Judicial Conference of the United  
19 States shall—

20 “(B) establish a written process to determine  
21 whether a judge meets 1 or more of the criteria in  
22 subsection (b); and

23 “(C) use any administrative procedures which  
24 may be necessary to aid in the execution of the writ-  
25 ten process described in subparagraph (B), which

1       may include any procedures or software that may be  
2       necessary to determine whether a judge meets 1 or  
3       more of the criteria in subsection (b).

4               “(D) The process described in subparagraph  
5       (B) shall be made publicly available and, at a min-  
6       imum—

7                       “(i) include how an individual may make a  
8       petition under paragraph (1) for a judge to be  
9       disqualified;

10                      “(ii) ensure that a judge or group of  
11       judges other than the judge who is the subject  
12       of the inquiry determines whether the judge  
13       shall be disqualified;

14                      “(iii) allow the judge or group of judges  
15       making the disqualification determination to re-  
16       ceive the expert advice of ethics personnel and  
17       officials, including individuals with expertise in  
18       ethics at the Judicial Conference or at the Of-  
19       fice of Public Integrity;

20                      “(iv) require that the judge be disqualified  
21       should another judge or group of judges deter-  
22       mine that the judge must be disqualified in ac-  
23       cordance with this subsection; and

1           “(v) require that all recusal decisions be  
2           made publicly available and be accompanied by  
3           a written explanation for the recusal decision.”.

4 **SEC. 413. COMPLAINTS AGAINST RETIRED JUDGES AND JU-**  
5 **DICIAL DISCIPLINE.**

6           (a) COMPLAINTS.—Section 351(d) of title 28, United  
7 States Code, is amended—

8           (1) by striking paragraph (1) and inserting the  
9 following:

10           “(1) the term ‘judge’—

11           “(A) means a circuit judge, district judge,  
12 bankruptcy judge, or magistrate judge; and

13           “(B) includes a retired judge described in  
14 subparagraph (A);”; and

15           (2) in paragraph (2), by striking the period at  
16 the end and inserting “; and”; and

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

18           “(4) the term ‘retired judge’ means any judge  
19 of the United States who has retired from regular  
20 active service under section 371(b) or 372(a).”.

21           (b) REVIEW OF COMPLAINT BY CHIEF JUDGE.—Sec-  
22 tion 352 of title 28, United States Code, is amended by  
23 adding at the end the following:

24           “(e) DEFINITION.—In this section, the term ‘inter-  
25 vening events’ does not include the retirement of the judge

1 whose conduct is complained of or the nomination or con-  
2 firmation of the judge to the Supreme Court of the United  
3 States.”.

4 **SEC. 414. ACTION BY JUDICIAL COUNCIL IN RESPONSE TO**  
5 **MISCONDUCT BY JUDGES.**

6 Section 354 of title 28, United States Code, is  
7 amended—

8 (1) in subsection (a)(2), by adding at the end  
9 the following:

10 “(D) RETIRED JUDGES.—If the conduct of  
11 a retired judge is the subject of the complaint,  
12 action by the judicial council under paragraph  
13 (1)(C) may include—

14 “(i) censuring or reprimanding the  
15 judge by means of public announcement;  
16 and

17 “(ii) reducing or rescinding the non-  
18 vested pension benefits of the retired  
19 judge.

20 “(E) REMEDIAL ACTIONS FOR CERTAIN  
21 CONDUCT.—

22 “(i) DEFINITION.—In this subpara-  
23 graph, the term ‘covered judge’ does not  
24 include a retired judge.

1                   “(ii) CONDUCT.—If the conduct of a  
2                   covered judge is the subject of the com-  
3                   plaint, action by the judicial council under  
4                   paragraph (1)(C) may include mandating  
5                   that the covered judge participate in pro-  
6                   fessional counseling, treatment, education,  
7                   or mentoring to address the misconduct at  
8                   issue.”; and

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

10                  “(c) REPORT.—

11                   “(1) SUBMISSION TO JUDICIAL CONFERENCE  
12                   OF THE UNITED STATES.—Each chief judge of the  
13                   circuit shall submit to the Judicial Conference of the  
14                   United States an annual report on, with respect to  
15                   the previous year—

16                   “(A) the number of complaints filed under  
17                   section 351 against judges in the circuit; and

18                   “(B) the outcome of the complaints de-  
19                   scribed in subparagraph (A).

20                   “(2) SUBMISSION TO CONGRESS.—The Judicial  
21                   Conference of the United States shall submit to the  
22                   Committee on the Judiciary of the Senate and the  
23                   Committee on the Judiciary of the House of Rep-  
24                   resentatives each report submitted under paragraph  
25                   (1).



1           “(3) PUBLIC AVAILABILITY.—No later than 30  
 2           days after submitting to Congress each report under  
 3           paragraph (1), the Judicial Conference of the United  
 4           States shall make the report available to the pub-  
 5           lic.”.

6 **SEC. 415. SUPREME COURT COMPLAINTS REVIEW COM-**  
 7           **MITTEE.**

8           (a) DEFINITIONS.—In this section:

9           (1) REVIEW COMMITTEE.—The term “Review  
 10          Committee” means the Supreme Court Complaints  
 11          Review Committee.

12          (2) CLOSE FAMILY MEMBER.—The term “close  
 13          family member” includes—

14                 (A) a parent of the reporting individual;

15                 (B) a spouse of the reporting individual;

16                 and

17                 (C) an adult child of the reporting indi-  
 18          vidual.

19          (b) ESTABLISHMENT.—For the purpose of assisting  
 20          the House of Representatives in carrying out its respon-  
 21          sibilities under section 2 of article I and section 4 of article  
 22          II of the Constitution of the United States, there is estab-  
 23          lished in the legislative branch to be known as the Su-  
 24          preme Court Complaints Review Committee under the

1 general supervision of the Committee on the Judiciary of  
2 the House of Representatives.

3 (c) MEMBERS.—

4 (1) IN GENERAL.—The Review Committee shall  
5 consist of 5 members, of whom—

6 (A) 2 shall be appointed by the Speaker of  
7 the House of Representatives;

8 (B) 2 shall be appointed by the Minority  
9 Leader of the House of Representatives; and

10 (C) 1 shall be appointed by agreement of  
11 the Speaker of the House of Representatives  
12 and the Minority Leader of the House of Rep-  
13 resentatives.

14 (2) QUALIFICATIONS OF REVIEW COMMITTEE  
15 MEMBERS.—

16 (A) EXPERTISE.—Each member of the Re-  
17 view Committee shall be an individual of excep-  
18 tional public standing who is specifically quali-  
19 fied to serve on the Review Committee by virtue  
20 of the individual's education, training, or expe-  
21 rience in 1 or more of the the following fields:

22 (i) Constitutional law.

23 (ii) Impeachment.

24 (iii) Judicial ethics.

25 (iv) Professional ethics.

1 (v) Legal history.

2 (vi) Judicial service.

3 (B) SELECTION BASIS.—Selection and ap-  
4 pointment of each member of the Review Com-  
5 mittee shall be without regard to political affili-  
6 ation and solely on the basis of fitness to per-  
7 form the duties of a member of the Review  
8 Committee.

9 (C) CITIZENSHIP.—Each member of the  
10 Review Committee shall be a United States cit-  
11 izen.

12 (D) DISQUALIFICATIONS.—No individual  
13 shall be eligible for appointment to, or service  
14 on, the Review Committee who—

15 (i) has ever been registered, or re-  
16 quired to be registered, as a lobbyist under  
17 the Lobbying Disclosure Act of 1995 (2  
18 U.S.C. 1601 et seq.);

19 (ii) engages in, or is otherwise em-  
20 ployed in, lobbying of the Congress;

21 (iii) is registered or is required to be  
22 registered as an agent of a foreign prin-  
23 cipal under the Foreign Agents Registra-  
24 tion Act of 1938 (22 U.S.C. 611 et seq.);

1 (iv) is a currently serving judge, jus-  
2 tice, or employee of the Federal courts;

3 (v) is an officer or employee of the  
4 Federal Government;

5 (vi) is a close family member of any  
6 judge or justice of the Federal courts;

7 (vii) during the 4 years preceding the  
8 date of appointment, engaged in any sig-  
9 nificant political activity (including being a  
10 candidate for public office, fundraising for  
11 a candidate for public office or a political  
12 party, or serving as an officer or employee  
13 of a political campaign or party);

14 (viii) during the 2 years preceding the  
15 date of appointment, served as a fiduciary  
16 or personal attorney for an judge, justice,  
17 or employee of the Federal courts, includ-  
18 ing any judge or justice; or

19 (ix) any currently serving Senator or  
20 Representative in, or Delegate or Resident  
21 Commissioner to, the Congress.

22 (3) TERM AND REMOVAL.—

23 (A) LENGTH OF TERM.—The term of a  
24 member of the Review Committee shall be for  
25 2 Congresses.

1           (B) TERM LIMITS.—A member of the Re-  
2 view Committee may not serve during 4 con-  
3 secutive Congresses.

4           (C) REMOVAL.—A member of the Review  
5 Committee may be removed upon unanimous  
6 agreement among the Speaker and the Minority  
7 Leader of the House of Representatives or by  
8 an affirmative vote of  $\frac{2}{3}$  of the members of the  
9 Committee on the Judiciary of the House of  
10 Representatives.

11           (D) VACANCIES.—Any vacancy on the Re-  
12 view Committee shall be filled for the unexpired  
13 portion of the term in the same manner, and by  
14 the same appointing authority, as the original  
15 appointment under paragraph (2).

16 (d) CHAIRPERSON AND VICE-CHAIRPERSON.—

17           (1) IN GENERAL.—The members of the Review  
18 Committee shall elect a chairperson and a vice-chair-  
19 person of the Review Committee by a majority vote.  
20 The chairperson and the vice-chairperson shall serve  
21 a 1-year term, and may be reelected for additional  
22 1-year terms.

23           (2) DUTIES.—The chairperson of the Review  
24 Committee shall preside at the meetings of the Re-

1 view Committee, and the vice-chairperson shall pre-  
2 side in the absence or disability of the chairperson.

3 (e) MEETINGS.—

4 (1) QUORUM.—A majority of the members of  
5 the Review Committee shall constitute a quorum.

6 (2) MEETINGS.—The Review Committee shall  
7 meet at the call of the chairperson, the chair of the  
8 Committee on the Judiciary of the House of  
9 Representatives, or the call of a majority of its mem-  
10 bers, pursuant to the rules of the Review Committee.

11 (3) VOTING.—Except as otherwise specifically  
12 provided, a majority vote of the Review Committee  
13 under this subtitle shall require an affirmative vote  
14 of 3 or more members.

15 (f) COMPENSATION.—A member of the Review Com-  
16 mittee shall not be considered to be an officer or employee  
17 of the House or Senate, but shall be compensated at a  
18 rate equal to the daily equivalent of the minimum annual  
19 rate of basic pay prescribed for GS-15 of the General  
20 Schedule under section 5107 of title 5, United States  
21 Code, for each day (including travel time) during which  
22 such member is engaged in the performance of the duties  
23 of the Review Committee.

24 (g) DUTIES OF REVIEW COMMITTEE.—

1           (1) IN GENERAL.—The Review Committee shall  
2 review each complaint made against a the Chief Jus-  
3 tice of the United States or a Justice of the Su-  
4 preme Court of the United States through the re-  
5 view process described in subsection (m).

6           (2) HEARINGS.—The Review Committee may  
7 hold such hearings as are necessary and may sit and  
8 act only in executive session at such times and  
9 places, solicit such testimony, and receive such rel-  
10 evant evidence, as may be necessary to carry out its  
11 duties.

12 (h) FINANCIAL DISCLOSURE REPORTS.—

13           (1) IN GENERAL.—Each member of the Review  
14 Committee shall file an annual financial disclosure  
15 report with the Clerk of the House of Representa-  
16 tives on or before May 15 of each calendar year im-  
17 mediately following any year in which the member  
18 served on the Review Committee. Each such report  
19 shall be on a form prepared by the Clerk that is sub-  
20 stantially similar to the form required for individuals  
21 at the executive branch who must complete a con-  
22 fidential financial disclosure report under section  
23 102 of the Ethics in Government Act of 1978 (5  
24 U.S.C. App.).

1           (2) DISTRIBUTION OF REPORT.—The Clerk of  
2           the House of Representatives shall—

3                   (A) not later than 7 days after the date  
4                   each financial disclosure report under para-  
5                   graph (1) is filed, send a copy of each such re-  
6                   port to Committee on the Judiciary of the  
7                   House of Representatives; and

8                   (B) annually print all such financial disclo-  
9                   sure reports as a document of Congress, and  
10                  make the document available to the public.

11          (i) DUTIES AND POWERS OF THE REVIEW COM-  
12          MITTEE.—

13           (1) IN GENERAL.—The Review Committee is  
14           authorized—

15                   (A) to establish a process for receiving and  
16                   reviewing complaints from any person regarding  
17                   allegations of misconduct by a Justice of the  
18                   Supreme Court of the United States;

19                   (B) to conduct a review of material com-  
20                   plaints regarding alleged misconduct by a Jus-  
21                   tice of the Supreme Court of the United States;  
22                   and

23                   (C) in any case where the Review Com-  
24                   mittee determines, on the basis of the review  
25                   described in subsection (m), that a Justice may



1           have engaged in conduct which might violate  
2           the Code of Conduct for United States Judges  
3           adopted by the Judicial Conference of the  
4           United States or constitute 1 or more grounds  
5           for impeachment under article II of the Con-  
6           stitution of the United States, or which, in the  
7           interest of justice, is not amenable to resolution  
8           by the Review Committee, the Review Com-  
9           mittee shall promptly certify such determina-  
10          tion, together with any complaint and a record  
11          of any associated proceedings to the Committee  
12          on the Judiciary of the House of Representa-  
13          tives.

14           (2) REFERRALS TO LAW ENFORCEMENT OFFI-  
15          CIALS.—

16           (A) IN GENERAL.—Upon a majority vote  
17          of the Review Committee, the Review Com-  
18          mittee may refer potential legal violations com-  
19          mitted by a justice to the Department of Jus-  
20          tice or other relevant Federal or State law en-  
21          forcement officials, which referral shall include  
22          all appropriate evidence gathered during any re-  
23          view or preliminary investigation conducted  
24          under this subtitle.

1           (B) NOTIFICATION.—The Review Com-  
2           mittee shall notify the Committee on the Judici-  
3           ary of the Senate and the Committee on the  
4           Judiciary of the House of Representatives of all  
5           referrals under this subsection.

6           (3) LIMITATIONS ON REVIEW.—No review may  
7           be undertaken by the Review Committee of any com-  
8           plaint—

9           (A) that is directly related to the merits of  
10          a decision or procedural ruling;

11          (B) that is frivolous, lacking sufficient evi-  
12          dence to raise an inference that misconduct has  
13          occurred, or containing allegations that are in-  
14          capable of being established through investiga-  
15          tion;

16          (C) concerning any alleged violation of law,  
17          rule, regulation or standard of conduct not in  
18          effect at the time of the alleged violation; or

19          (D) concerning any alleged violation that  
20          occurred before the date of enactment of this  
21          Act.

22          (j) PROHIBITION ON PUBLIC DISCLOSURE.—

23           (1) IN GENERAL.—

24           (A) PROHIBITION ON PUBLIC DISCLO-  
25           SURE.—No information obtained by a member

1 or employee of the Review Committee regarding  
2 complaints shall be publicly disclosed to any  
3 person or entity outside the Review Committee,  
4 unless approved by a majority vote of the Re-  
5 view Committee. Any communication to any  
6 person or entity outside the Review Committee  
7 may occur only as authorized by the Review  
8 Committee.

9 (B) PROCEDURES AND INVESTIGATION.—  
10 The Review Committee shall establish, in con-  
11 sultation with relevant agencies, procedures  
12 necessary to prevent the unauthorized disclo-  
13 sure of any information received by the Review  
14 Committee. Any breaches of confidentiality  
15 shall be investigated by the Review Committee  
16 and appropriate action shall be taken, which  
17 may include a recommendation to Congress for  
18 removal pursuant to subsection (c)(3)(C).

19 (2) PROVISION WITH RESPECT TO HOUSE AND  
20 SENATE JUDICIARY COMMITTEES.—Paragraph (1)  
21 shall not preclude—

22 (A) any member or employee of the Review  
23 Committee from presenting a report or findings  
24 of the Committee, or testifying before the Com-  
25 mittee on the Judiciary of the House of Rep-

1           representatives, if requested by the Committee on  
2           the Judiciary of the House of Representatives  
3           pursuant to its rules;

4                   (B) any necessary communication with the  
5           Department of Justice or any other law en-  
6           forcement agency; or

7                   (C) any necessary communication with the  
8           Speaker or Minority Leader of the House of  
9           Representatives or the Majority Leader or Mi-  
10          nority Leader of the Senate.

11          (3) OPPORTUNITY TO PRESENT.—Before the  
12          Review Committee votes on a recommendation or  
13          statement to be transmitted to the Committee on the  
14          Judiciary of the House of Representatives relating  
15          to a complaint involving a justice, the Review Com-  
16          mittee shall provide the justice whose conduct is the  
17          subject of the complaint the opportunity to present,  
18          orally or in writing (at the discretion of the justice),  
19          a statement to the Review Committee.

20          (k) PRESENTATION OF REPORTS TO THE HOUSE JU-  
21          DICARY COMMITTEE.—Whenever the Review Committee  
22          transmits any report to the Committee on the Judiciary  
23          of the House of Representatives relating to a complaint  
24          involving a justice, the Review Committee shall designate  
25          a member or employee of the Review Committee to present

1 the report to the House Judiciary Committee if requested  
2 by the Committee on the Judiciary of the House of Rep-  
3 resentatives.

4 (l) MAINTAINING OF FINANCIAL DISCLOSURE RE-  
5 PORTS.—The Review Committee shall receive, and main-  
6 tain, a copy of each report filed under section 101 of the  
7 Ethics in Government Act of 1978 (5 U.S.C. App.) by a  
8 Justice of the Supreme Court of the United States.

9 (m) COMPLAINTS.—

10 (1) SOURCE OF COMPLAINTS.—Any person, in-  
11 cluding a judge, justice, or employee of the courts of  
12 the United States may file with the Review Com-  
13 mittee a complaint alleging a violation by a justice  
14 of any law (including any regulation), rule, or other  
15 standard of conduct, including the Code of Conduct  
16 for United States Judges adopted by the Judicial  
17 Conference of the United States, applicable to the  
18 conduct of such justice in the performance of the du-  
19 ties, or the discharge of the responsibilities, of the  
20 justice.

21 (2) FALSE CLAIMS AND STATEMENTS AC-  
22 KNOWLEDGMENT.—Any complaint submission under  
23 paragraph (1) shall include a signed statement ac-  
24 knowledging that the person submitting the allega-  
25 tion or information understands that section 1001 of

1 title 18, United States Code (popularly known as the  
2 “False Statements Act”) applies to the information.

3 (3) REVIEW PROCESS OF ALLEGED VIOLATIONS  
4 BY A JUSTICE.—

5 (A) REVIEW AUTHORIZATION.—

6 (i) IN GENERAL.—After receiving a  
7 complaint under paragraph (1), the Review  
8 Committee may, by majority vote, author-  
9 ize a review under subparagraph (B) of  
10 any alleged violation by a justice of any  
11 law (including any regulation), rule, or  
12 other standard of conduct, including the  
13 Code of Conduct for United States Judges  
14 adopted by the Judicial Conference of the  
15 United States, applicable to the conduct of  
16 such justice in the performance of the du-  
17 ties, or the discharge of the responsibil-  
18 ities, of the justice.

19 (ii) REQUIREMENTS.—The authoriza-  
20 tion under clause (i) shall—

21 (I) be in writing; and

22 (II) include a brief description of  
23 the specific matter and an explanation  
24 of why allegations in complaint meet  
25 the criteria in subsection (i)(3).

1 (B) REVIEW PROCESS.—

2 (i) INITIATION AND NOTIFICATION OF  
3 REVIEW.—After the date on which the Re-  
4 view Committee makes an authorization  
5 under subparagraph (A), the Review Com-  
6 mittee shall—

7 (I) initiate a review of the alleged  
8 violation; and

9 (II) provide a written notification  
10 of the commencement of the review,  
11 including a statement of the nature of  
12 the review, to—

13 (aa) the Committee on the  
14 Judiciary of the Senate and the  
15 Committee on the Judiciary of  
16 the House of Representatives;  
17 and

18 (bb) the justice who is the  
19 subject of the review.

20 (ii) OPPORTUNITY TO TERMINATE RE-  
21 VIEW.—At any time, the Review Com-  
22 mittee may, by a majority vote, terminate  
23 a review on any ground, including that the  
24 matter under review is de minimis in na-

1                   ture. If the Review Committee votes to ter-  
2                   minate the review, the Committee shall—

3                               (I) notify, in writing, the com-  
4                               plainant, the justice who was the sub-  
5                               ject of the review, the Committee on  
6                               the Judiciary of the Senate, and the  
7                               Committee on the Judiciary of the  
8                               House of Representatives of its deci-  
9                               sion to terminate the review of the  
10                              matter; and

11                             (II) send a report, including any  
12                             findings of the Review Committee, to  
13                             the Committee on the Judiciary of the  
14                             Senate and the Committee on the Ju-  
15                             diciary of the House of Representa-  
16                             tives.

17                           (C) SCOPE OF REVIEW.—During a review,  
18                           the Review Committee shall evaluate the com-  
19                           plaint and determine, based on a majority vote,  
20                           whether the misconduct alleged in the com-  
21                           plaint, if true, may constitute “Treason, Brib-  
22                           ery, and other high Crimes and Misdemeanors”  
23                           under section 4 of article II of the Constitution  
24                           of the United States.



1 (D) COMPLETION OF REVIEW.—Upon the  
2 completion of any review, the Review Com-  
3 mittee shall—

4 (i) transmit to the Committee on the  
5 Judiciary of the House of Representatives  
6 a written report that includes—

7 (I) a statement of the nature of  
8 the review and the justice who is the  
9 subject of the review;

10 (II) the Review Committee's de-  
11 termination under paragraph (3);

12 (III) a description of the number  
13 of members voting in the affirmative  
14 and in the negative for the Review  
15 Committee's determination under  
16 paragraph (3)(C);

17 (IV) any relevant findings of the  
18 Review Committee, including—

19 (aa) any findings of fact;

20 (bb) a description of any rel-  
21 evant information that the Re-  
22 view Committee was unable to  
23 obtain or witnesses whom the Re-  
24 view Committee was unable to

1 interview, and the reasons there-  
2 for; and

3 (cc) a citation of any rel-  
4 evant law, regulation, or stand-  
5 ard of conduct relating to the al-  
6 leged misconduct;

7 (V) any supporting documenta-  
8 tion; and

9 (VI) a written determination of  
10 whether the misconduct alleged in the  
11 complaint, if true, may constitute  
12 “Treason, Bribery, and other high  
13 Crimes and Misdemeanors” under sec-  
14 tion 4 of article II of the Constitution  
15 of the United States; and

16 (ii) transmit to the complainant and  
17 the justice who is the subject of the review  
18 the written report of the Review Com-  
19 mittee described in clause (i).

20 (n) HOUSE JUDICIARY COMMITTEE CONSIDERATION  
21 OF REVIEW COMMITTEE REPORT.—If the Review Com-  
22 mittee determines, after a review, that misconduct alleged  
23 in a complaint, if true, may constitute “Treason, Bribery,  
24 and other high Crimes and Misdemeanors” under section  
25 4 of article II of the Constitution of the United States,

1 not later than 30 legislative days of continuous session in  
2 the House of Representatives after the Committee on the  
3 Judiciary of the House of Representatives receives a re-  
4 port under subsection (m), the Committee on the Judici-  
5 ary of the House of Representatives shall vote on whether  
6 to proceed with an investigation or an impeachment in-  
7 quiry.

8 (o) REQUEST FROM HOUSE JUDICIARY COM-  
9 MITTEE.—

10 (1) IN GENERAL.—Notwithstanding any other  
11 provision of this section, upon receipt of a written  
12 request from the Committee on the Judiciary of the  
13 House of Representatives that the Review Com-  
14 mittee cease its review of any matter and refer such  
15 matter to the Committee on the Judiciary of the  
16 House of Representatives because of the ongoing in-  
17 vestigation of the matter by the Committee on the  
18 Judiciary of the House of Representatives, the Re-  
19 view Committee shall refer such matter to the Com-  
20 mittee on the Judiciary of the House of Representa-  
21 tives, cease its review of that matter and so notify  
22 any justice who is the subject of the review.

23 (2) RESUMPTION OF REVIEW.—If the Com-  
24 mittee on the Judiciary of the House of Representa-  
25 tives notifies the Review Committee in writing that

1 the Review Committee may continue its review of  
2 the complaint, the Review Committee may begin or  
3 continue, as the case may be, a review of the matter.

4 (3) RULE OF CONSTRUCTION.—Nothing in this  
5 subsection shall be construed to prevent the Review  
6 Committee from sending any information regarding  
7 the matter to law enforcement agencies.

8 (p) PROCEDURES.—

9 (1) REVIEW POWERS.—Members or employees  
10 of the Review Committee may, during a review—

11 (A) administer to or take from any person  
12 an oath, affirmation, or affidavit;

13 (B) obtain information or assistance from  
14 any Federal, State, or local governmental agen-  
15 cy, or other entity, or unit thereof, including all  
16 information kept in the course of business by  
17 the Judicial Conference of the United States,  
18 the judicial councils of circuits, the Administra-  
19 tive Office of the United States Courts, and the  
20 United States Sentencing Commission;

21 (C) take the deposition of witnesses; and

22 (D) submit to the chair of the Committee  
23 on the Judiciary of the House of Representa-  
24 tives a request for the Committee on the Judici-  
25 ary of the House of Representatives to require

1 by subpoena the attendance of and testimony  
2 by witnesses and the production any book,  
3 check, canceled check, correspondence, commu-  
4 nication, document, email, paper, physical evi-  
5 dence, record, recording, tape, or other material  
6 (including electronic records) relating to any  
7 matter or question the Review Committee is au-  
8 thorized to review from any individual or entity,  
9 which—

10 (i) shall be handled in accordance  
11 with the rules of the Committee on the Ju-  
12 diciary of the House of Representatives;  
13 and

14 (ii) may allow for the transmission of  
15 information or testimony between the Re-  
16 view Committee and the Committee on the  
17 Judiciary of the House of Representatives,  
18 in accordance with rules of the Committee  
19 on the Judiciary of the House of Rep-  
20 resentatives.

21 (2) PROHIBITION OF EX PARTE COMMUNICA-  
22 TIONS.—There shall be no ex parte communications  
23 between any member or employee of the Review  
24 Committee and any justice who is the subject of any  
25 review by the Review Committee or between any

1 member of the Review Committee and any interested  
2 party.

3 (3) OTHER REVIEW COMMITTEE RULES AND  
4 PROCEDURES.—The Review Committee is authorized  
5 to establish any additional rules or procedures pur-  
6 suant to its duties and powers in paragraph (1) nec-  
7 essary to carry out the functions of the Review Com-  
8 mittee in accordance with this section.

9 (q) PERSONNEL MATTERS.—

10 (1) APPOINTMENT AND COMPENSATION OF EM-  
11 PLOYEES.—The Review Committee may appoint and  
12 fix the compensation of such professional, non-  
13 partisan staff (including staff with relevant experi-  
14 ence in investigations and law enforcement) of the  
15 Review Committee as it considers necessary to per-  
16 form its duties, who—

17 (A) shall perform all official duties in a  
18 nonpartisan manner; and

19 (B) may not engage in any partisan polit-  
20 ical activity directly affecting any congressional  
21 or presidential election, or any nomination of a  
22 Federal judge or justice.

23 (2) QUALIFICATIONS.—Each employee of the  
24 Review Committee shall be professional and demon-

1 strably qualified for the position for which the em-  
2 ployee is hired.

3 (3) TERMINATION OF EMPLOYEES.—The em-  
4 ployment of an employee of the Review Committee  
5 may be terminated at any time by the Review Com-  
6 mittee.

7 (4) CODE OF CONDUCT.—The Review Com-  
8 mittee shall establish a code of conduct to govern  
9 the behavior of the members or employees of the Re-  
10 view Committee, which shall include the avoidance of  
11 conflicts of interest.

12 (F) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 such sums as may be necessary.

15 **SEC. 416. EXPEDITED IMPEACHMENT OF FEDERAL JUDGES.**

16 Section 355(b) of title 28, United States Code, is  
17 amended by adding at the end the following:

18 “(3) EXPEDITED IMPEACHMENT.—

19 “(A) IN GENERAL.—After the Judicial  
20 Conference transmits the determination and the  
21 record of proceedings under paragraph (1) or  
22 (2) to the House of Representatives, the deter-  
23 mination and record shall be immediately re-  
24 ferred to the Committee on the Judiciary of the  
25 House of Representatives.

1           “(B) VOTE.—Not later than 30 legislative  
2           days of continuous session in the House of Rep-  
3           resentatives after the Committee on the Judici-  
4           ary of the House of Representatives receives the  
5           determination and the record of proceedings  
6           under subparagraph (A), the Committee on the  
7           Judiciary of the House of Representatives shall  
8           vote on whether to proceed with an investiga-  
9           tion or an impeachment inquiry.”.

10 **SEC. 417. JUDICIAL WORKPLACE CLIMATE SURVEYS.**

11           (a) IN GENERAL.—Chapter 21 of title 28, United  
12 States Code, is amended by adding at the end the fol-  
13 lowing:

14 **“§ 464. Judicial workplace climate surveys**

15           “(a) IN GENERAL.—The Judicial Conference of the  
16 United States shall administer climate survey to each em-  
17 ployee of a court of the United States about the work envi-  
18 ronment of the court, which shall—

19           “(1) be administered not later than 18 months  
20           after the date of enactment of this section and every  
21           2 years thereafter;

22           “(2) be voluntary;

23           “(3) survey respondents on the general work  
24           environment, including attitudes in the workplace re-  
25           garding diversity and inclusion and harassment or



1 discrimination on the basis of race, ethnicity, dis-  
2 ability, sex, sexual orientation, and gender identity;  
3 and

4 “(4) be anonymous and confidential, with notice  
5 of the anonymity and confidentiality made to the re-  
6 spondent throughout the survey.

7 “(b) TRANSMISSION OF INFORMATION.—Information  
8 obtained in a survey administered under subsection (a)  
9 shall be—

10 “(1) made publicly available; and

11 “(2) transmitted to the Committee on the Judi-  
12 ciary of the Senate and the Committee on the Judi-  
13 ciary, the Chief Justice of the United States, and  
14 the Judicial Conference of the United States.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
16 The table of sections for chapter 21 of title 28, United  
17 States Code, is amended by adding at the end the fol-  
18 lowing:

“464. Judicial workplace climate surveys.”.

19 **SEC. 418. PILOT PROGRAM TO PROVIDE ACCESS TO COUN-**  
20 **SEL IN FEDERAL COURT.**

21 (a) DEFINITIONS.—In this section:

22 (1) DIRECTOR.—The term “Director” means  
23 the Director of the Administrative Office of the  
24 United States Courts.

1           (2) ELIGIBLE ENTITY.—The term “eligible enti-  
2           ty” means any of the following:

3                   (A) A State or local public defenders of-  
4                   fice.

5                   (B) A clinical law program at a nonprofit  
6                   law school.

7                   (C) An organization described in section  
8                   501(c)(3) of the Internal Revenue Code of 1986  
9                   which is exempt from taxation under section  
10                  501(a) of such Code, which organization has ex-  
11                  pertise in providing legal assistance to persons  
12                  unable to afford counsel.

13                  (D) A State bar association.

14           (b) AUTHORIZATION.—The Director is authorized to  
15           carry out a pilot program to facilitate the appointment of  
16           counsel under section 1915(e)(1) of title 28, United States  
17           Code. In carrying out the pilot program, the Director is  
18           authorized to make grants to eligible entities, and make  
19           funds available to Federal public defender and community  
20           defender organizations and to courts of the United States.

21           (c) APPLICATION.—An eligible entity seeking a grant  
22           under this section shall submit to the Director an applica-  
23           tion at such time, in such manner, and containing such  
24           information as the Director may reasonably require.

25           (d) PRIORITY.—

1           (1) EXPERTISE.—In considering an application  
2           submitted by an eligible entity under subsection (c),  
3           the Director shall give priority to an application  
4           from an eligible entity with demonstrated cultural  
5           competency initiatives that has expertise in rep-  
6           resenting low-income persons in civil actions, which  
7           may include—

8                   (A) persons earning 200 percent or below  
9                   of area median income, up to \$100,000;

10                   (B) persons qualifying for means-tested  
11                   public benefits;

12                   (C) persons who reside in subsidized hous-  
13                   ing; and

14                   (D) persons serving a term of imprison-  
15                   ment.

16           (2) GEOGRAPHIC DIVERSITY.—The Director  
17           shall give priority to areas of varying geographic size  
18           with the greatest showing of unmet need for counsel,  
19           and shall, to the extent practicable, equitably dis-  
20           tribute funds on a geographic basis including non-  
21           urban and rural areas of various geographic size.

22           (3) NO PREFERENCE FOR FEDERAL ENTI-  
23           TIES.—The Director may not prioritize distributing  
24           funds to Federal entities over making grants to eligi-  
25           ble entities.

1 (e) USE OF FUNDS.—

2 (1) GRANT RECIPIENTS.—An eligible entity re-  
3 ceiving a grant under this section shall use such  
4 funds as follows:

5 (A) In the case of an entity described in  
6 subsection (a)(2)(A), to provide financial com-  
7 pensation to staff or contracted attorneys who  
8 provide counsel pursuant to requests under sec-  
9 tion 1915(e)(1) of title 28, United States Code.

10 (B) In the case of an entity described in  
11 subsection (a)(2)(B), to fund a clinical law pro-  
12 gram that provides counsel pursuant to re-  
13 quests under section 1915(e)(1) of title 28,  
14 United States Code.

15 (C) In the case of an entity described in  
16 subparagraph (C) or (D) of subsection (a)(2),  
17 to provide financial compensation to attorneys  
18 who provide counsel pursuant to requests under  
19 section 1915(e)(1) of title 28, United States  
20 Code.

21 (2) FEDERAL DEFENDERS AND COURTS.—

22 (A) FEDERAL DEFENDERS.—A Federal  
23 public defender organization and community de-  
24 fender organization shall use funds under this  
25 section to provide financial compensation to

1 staff or contracted attorneys who provide coun-  
2 sel pursuant to requests under section  
3 1915(e)(1) of title 28, United States Code.

4 (B) COURTS OF THE UNITED STATES.—A  
5 court of the United States shall use funds  
6 under this section to provide financial com-  
7 pensation to attorneys who provide counsel pur-  
8 suant to requests under section 1915(e)(1) of  
9 title 28, United States Code.

10 (f) FULL REPRESENTATION.—To the extent prac-  
11 ticable, and in accordance with applicable ethics rules, an  
12 eligible entity receiving a grant under this section shall  
13 ensure the provision of full representation of each person  
14 with respect to whom the entity provides, or facilitates the  
15 provision, of counsel pursuant to a request under section  
16 1915(e)(1) of title 28, United States Code.

17 (g) REPORT.—Not later than 2 years after the date  
18 of the enactment of this Act, and every 2 years thereafter,  
19 the Director shall submit to Congress and make publicly  
20 available a report on the pilot program under this section,  
21 which report shall include the following:

22 (1) With respect to persons for whom counsel  
23 was provided pursuant to a request under section  
24 1915(e)(1) of title 28, United States Code, the types  
25 of cases, length of time spent on cases by attorneys

1 and outcomes of the matters for which such counsel  
2 was provided.

3 (2) Benefits related to increased access to coun-  
4 sel and any remaining barriers to access to counsel  
5 pursuant to requests under such section 1915(e)(1).

6 (3) Any changes in the frequency of requests  
7 made by courts under such section 1915(e)(1).

8 (4) Other changes to the functioning of the  
9 Federal courts related to the pilot program, includ-  
10 ing increases in efficiency of adjudication of cases  
11 and changes in the number of cases resolved in favor  
12 of the party for whom counsel was provided pursu-  
13 ant to a request under such section 1915(e)(1).

14 (5) Suggested changes to the pilot program to  
15 ensure greater access to justice for low-income liti-  
16 gants.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated such sums as may be nec-  
19 essary for each of fiscal years 2021 through 2030, of  
20 which the Director may reserve not more than 5 percent  
21 for administrative costs.

1           **TITLE V—ENFORCEMENT**  
2           **Subtitle A—Office of Public**  
3           **Integrity**

4   **SEC. 511. ESTABLISHMENT OF OFFICE OF PUBLIC INTEG-**  
5           **RITY.**

6           (a) IN GENERAL.—The Ethics in Government Act of  
7 1978 (5 U.S.C. App.) is amended—

8           (1) in title I, by striking “Government Ethics”  
9           each place it appears and inserting “Public Integ-  
10          rity”;

11          (2) in the heading for title IV, by striking  
12          “**GOVERNMENT ETHICS**” and inserting  
13          “**PUBLIC INTEGRITY**”;

14          (3) in section 401—

15                (A) by striking “Government Ethics” each  
16                place it appears and inserting “Public Integ-  
17                rity”;

18                (B) in subsection (a)—

19                    (i) by inserting “(1)” before “There is  
20                    established”; and

21                    (ii) by adding at the end the fol-  
22                    lowing:

23           “(2) The purposes of the Office of Public Integrity  
24          are—

1           “(A) to consolidate and strengthen Federal eth-  
2           ics enforcement and anti-corruption public integrity  
3           efforts;

4           “(B) to conduct anti-corruption, ethics, and  
5           public integrity oversight of officers and employees  
6           of the Federal Government through investigations,  
7           corrective action, and other actions and penalties;

8           “(C) to promote public integrity and prevent  
9           corruption within the Federal Government through  
10          education, advisory, guidance, and rulemaking;

11          “(D) to facilitate accountability through affirm-  
12          ative public disclosures, lobbying registration, and  
13          the promotion of transparency across the Federal  
14          Government; and

15          “(E) to protect the public’s interest in democ-  
16          racy and Federal policymaking.”; and

17                   (C) by adding after subsection (d), as  
18                   added by section 309 of this Act, the following:

19          “(e)(1) There is established within the Office of Pub-  
20          lic Integrity a division to be known as the ‘Government  
21          Ethics Division’.

22          “(2) The Government Ethics Division shall carry out  
23          all functions of the Office of Government Ethics under this  
24          Act as of the day before the date of enactment of this  
25          subsection, including—



1           “(A) providing advice to designated agency eth-  
2           ics officials, including legal advisories, education  
3           advisories, and program management advisories on  
4           substantive ethics issues;

5           “(B) providing training and education opportu-  
6           nities to designated agency ethics officials on an on-  
7           going basis; and

8           “(C) providing confidential advice, which, sub-  
9           ject to paragraph (3), shall not lead to enforcement  
10          action, for any agency employee seeking confidential  
11          ethics advice.

12          “(3)(A) The Government Ethics Division may refer  
13          a matter for enforcement based on information obtained  
14          in providing advice to an employee under paragraph  
15          (2)(C) if the employee—

16               “(i) knowingly makes a material misrepresenta-  
17               tion, including making a significant omission in pro-  
18               viding information, to the Government Ethics Divi-  
19               sion;

20               “(ii) has already taken the action in violation of  
21               the laws or regulations relating to conflicts of inter-  
22               est or other ethics issues;

23               “(iii) reveals significant criminal activity, par-  
24               ticularly criminal activity outside the jurisdiction of  
25               the Office of Public Integrity;

1           “(iv) engaged in a prohibited personnel practice  
2 described in paragraph (8) or subparagraph (A)(i),  
3 (B), (C), or (D) of paragraph (9) of section 2302(b)  
4 of title 5, United States Code; or

5           “(v) engaged in other actions, as established by  
6 the Director by regulation.

7           “(B) An employee who seeks advice under paragraph  
8 (2)(C) may be subject to administrative remedies, such as  
9 reprimand, divestiture, forced recusal, or other corrective  
10 actions to remedy the violation.

11          “(C) Notwithstanding any other provision in this  
12 paragraph, the Director may promulgate regulations (in-  
13 cluding regulations under subparagraph (A)(v)) to ensure  
14 that—

15           “(i) an employee who engages in conduct in  
16 good faith reliance upon an advisory opinion issued  
17 to the employee by the Government Ethics Division  
18 or a designated agency ethics official generally shall  
19 not be subject to civil, criminal, or disciplinary ac-  
20 tion by the Office of Public Integrity;

21           “(ii) an advisory opinion issued to an employee  
22 by the Government Ethics Division or a designated  
23 agency ethics official shall not prevent the employee  
24 from being subject to other civil or disciplinary ac-  
25 tion if the conduct of the employee violates another

1 law, rule, regulation, or lawful management policy or  
2 directive; and

3 “(iii) if an employee has actual knowledge or  
4 reason to believe that an advisory opinion issued to  
5 the employee by the Government Ethics Division or  
6 a designated agency ethics official is based on fraud-  
7 ulent, misleading, or otherwise incorrect information,  
8 the reliance of the employee on the opinion not be  
9 deemed to be in good faith.”;

10 (4) in section 403, by striking “Government  
11 Ethics” each place it appears and inserting “Public  
12 Integrity”; and

13 (5) in section 503(2), by striking “Government  
14 Ethics” and inserting “Public Integrity”.

15 (b) OFFICERS.—

16 (1) DIRECTOR.—Section 401(b) of the Ethics  
17 in Government Act of 1978 (5 U.S.C. App.) is  
18 amended—

19 (A) by inserting “(1)” before “There shall  
20 be”;

21 (B) by inserting “without regard to polit-  
22 ical affiliation and solely on the basis of integ-  
23 rity and demonstrated ability to fulfill the re-  
24 sponsibilities of the role of Director” after “who  
25 shall be appointed”;

1 (C) by striking “Effective with respect”  
2 and inserting the following:

3 “(3) Effective with respect”;

4 (D) by inserting after paragraph (1), as so  
5 designated, the following:

6 “(2) Each individual appointed by the President to  
7 the position of Director—

8 “(A) shall not have any conflict of interest with  
9 respect to any aspect of performing the duties and  
10 responsibilities of the Director;

11 “(B) shall have a demonstrated record in public  
12 integrity and ethics enforcement;

13 “(C) shall not have ever been registered, or re-  
14 quired to be registered, as a lobbyist under the Lob-  
15 bying Disclosure Act of 1995 (2 U.S.C. 1601 et  
16 seq.);

17 “(D) during the 4-year period ending on the  
18 date on which the President nominates the indi-  
19 vidual to the position of Director, shall not have en-  
20 gaged in any significant political activity (including  
21 being a candidate for public office, fundraising for a  
22 candidate for public office or a political party, or  
23 serving as an officer or employee of a political cam-  
24 paign or party);

1           “(E) shall not have ever been an agent of a for-  
2           foreign principal registered under the Foreign Agents  
3           Registration Act of 1938 (22 U.S.C. 611 et seq.);  
4           and

5           “(F) during the 4-year period ending on the  
6           date on which the President nominates the indi-  
7           vidual to the position of Director, shall not served as  
8           a fiduciary or personal attorney for an officer or em-  
9           ployee of the Federal Government, including anyone  
10          elected to public office.”; and

11                       (E) by adding at the end the following:

12          “(4) The Director may only be removed from office  
13          by the President for inefficiency, neglect of duty, or mal-  
14          feasance in office.

15          “(5) Not later than 30 days before the date on which  
16          the President removes the Director from office or trans-  
17          fers the Director to another position or location for ineffi-  
18          ciency, neglect of duty, or malfeasance in office, the Presi-  
19          dent shall submit to the Senate and the House of Rep-  
20          resentatives written notice of the reasons for the removal  
21          or transfer.

22          “(6) During the period of any absence or unavail-  
23          ability of the Director, including a vacancy in the office  
24          of the Director, all powers and duties of the Director shall  
25          be vested in the Deputy Director.

1           “(7) The Director may continue to serve beyond the  
2 expiration of the term of the Director until a successor  
3 is appointed, by and with the advice and consent of the  
4 Senate.”.

5           (2) ASSISTANT DIRECTORS.—Section 401(e)(1)  
6 of the Ethics in Government Act of 1978 (5 U.S.C.  
7 App.) is amended by inserting “and Assistant Direc-  
8 tors (which may include an Assistant Director for  
9 Investigations, an Assistant Director for Govern-  
10 ment Transparency, and an Assistant Director for  
11 the Government Ethics Division)” after “including  
12 attorneys”.

13           (3) DEPUTY DIRECTOR.—Section 401 of the  
14 Ethics in Government Act of 1978 (5 U.S.C. App.)  
15 is amended by adding after subsection (e), as added  
16 by subsection (a) of this section, the following:

17           “(f)(1) There shall be in the Office of Public Integrity  
18 a Deputy Director, who shall—

19           “(A) be appointed by the President in accord-  
20 ance with paragraph (2), by and with the advice and  
21 consent of the Senate; and

22           “(B) serve as acting Director in the event of  
23 the absence or unavailability of the Director, includ-  
24 ing a vacancy in the office of the Director.

1       “(2) Each individual appointed by the President to  
2 the position of Deputy Director—

3               “(A) shall not have any conflict of interest with  
4 respect to any aspect of performing the duties and  
5 responsibilities of the Deputy Director;

6               “(B) shall have a demonstrated record in public  
7 integrity and ethics enforcement;

8               “(C) shall not have ever been registered, or re-  
9 quired to be registered, as a lobbyist under the Lob-  
10 bying Disclosure Act of 1995 (2 U.S.C. 1601 et  
11 seq.);

12               “(D) during the 4-year period ending on the  
13 date on which the President nominates the indi-  
14 vidual to the position of Deputy Director, shall not  
15 have engaged in any significant political activity (in-  
16 cluding being a candidate for public office, fund-  
17 raising for a candidate for public office or a political  
18 party, or serving as an officer or employee of a polit-  
19 ical campaign or party);

20               “(E) shall not have ever been an agent of a for-  
21 eign principal registered under the Foreign Agents  
22 Registration Act of 1938 (22 U.S.C. 611 et seq.);  
23 and

24               “(F) during the 4-year period ending on the  
25 date on which the President nominates the indi-

1       vidual to the position of Deputy Director, shall not  
2       served as a fiduciary or personal attorney for an of-  
3       ficer or employee of the Federal Government, includ-  
4       ing anyone elected to public office.”.

5       (c) AUTHORITY AND FUNCTIONS.—Section 402 of  
6 the Ethics in Government Act of 1978 (5 U.S.C. App)  
7 is amended—

8               (1) in subsection (a)—

9                       (A) by striking “shall provide” and insert-  
10                      ing the following: “shall—

11                      “(1) provide”;

12                      (B) by striking the period at the end and  
13                      inserting “; and”; and

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

15                      “(2) investigate potential violations by officers and  
16 employees in all branches of the Federal Government or  
17 by any other person of the laws or regulations relating  
18 to conflicts of interest or other ethics issues, to the extent  
19 allowable by law and the Constitution.”;

20               (2) in subsection (b)—

21                       (A) in paragraph (1)—

22                               (i) by striking “the President or”;

23                               (ii) by striking “ethics” and inserting  
24                               “other ethics issues”; and



1 (iii) by striking “title II of this Act”  
2 and inserting “title I”;

3 (B) in paragraph (2)—

4 (i) by striking “the President or”; and

5 (ii) by inserting “and other ethics  
6 issues” before the semicolon;

7 (C) in paragraph (3), by striking “title II  
8 of this Act” and inserting “title I”;

9 (D) in paragraph (4)—

10 (i) by striking “conflict of interest  
11 laws or regulations” and inserting “laws or  
12 regulations relating to conflicts of interest  
13 or other ethics issues”; and

14 (ii) by striking “ethical problems” and  
15 inserting “other ethics issue”;

16 (E) in paragraph (6)—

17 (i) by striking “the President or”; and

18 (ii) by striking “ethical problems” and  
19 inserting “other ethics issues”;

20 (F) in paragraph (7), by striking “conflict  
21 of interest problems” and inserting “conflicts of  
22 interest or other ethics issues”;

23 (G) by striking paragraph (9) and insert-  
24 ing the following:

1           “(9)(A) investigating potential violations by of-  
2           ficers and employees in the Federal Government (in-  
3           cluding officers and employees in positions in the  
4           Executive Office of the President (including the  
5           White House Office)) of the laws or regulations re-  
6           lating to conflicts of interest or other ethics issues;

7           “(B) ordering (or with respect to the President,  
8           recommending) corrective action on the part of  
9           agencies, officers, and employees, as determined ap-  
10          propriate by the Director;

11          “(C) as the Director determines appropriate,  
12          referring an alleged violation of the laws or regula-  
13          tions relating to conflicts of interest or other ethics  
14          issues to the Attorney General or the head of the ap-  
15          propriate agency for civil or criminal enforcement;  
16          and

17          “(D) order appropriate disciplinary action with  
18          respect to an officer or employee in the executive  
19          branch, in accordance with subsection (f)(2);”;

20                  (H) by striking paragraph (11) and insert-  
21                  ing the following:

22          “(11)(A) evaluating the effectiveness of the  
23          laws and regulations relating to conflicts of interest  
24          and other ethics issues and recommending to Con-  
25          gress appropriate amendments to prevent corruption

1 and to improve Government ethics, accountability,  
2 public integrity, and transparency; and

3 “(B) preparing an annual report to Congress,  
4 which shall include—

5 “(i) any recommended amendments de-  
6 scribed in subparagraph (A);

7 “(ii) a description of any significant ac-  
8 tions taken by the Director in carrying out the  
9 duties of the Director, including specific steps  
10 taken to ensure that Federal officers and em-  
11 ployees are complying with the laws and regula-  
12 tions relating to conflicts of interest or other  
13 ethics issues;

14 “(iii) information concerning significant  
15 violations of the laws or regulations relating to  
16 conflicts of interest or other ethics issues; and

17 “(iv) corrective action concerning violations  
18 described in clause (iii) and progress made in  
19 implementing such corrective action;”;

20 (I) in paragraph (12), by striking “conflict  
21 of interest and ethical problems” and inserting  
22 “conflicts of interest and other ethics issues”;

23 (J) by striking paragraph (13) and insert-  
24 ing the following:

1           “(13) referring any potential violation of the  
2 laws and regulations relating to conflicts of interest  
3 and other ethics issues determined appropriate by  
4 the Director for criminal enforcement to the Attor-  
5 ney General, accompanied by any evidence in the  
6 possession of the Director and recommendations, if  
7 any, of the Director regarding the appropriate  
8 charges or penalties;”;

9           (K) in paragraph (14), by striking “and”  
10 at the end;

11           (L) in paragraph (15), by striking “title II  
12 of this Act.” and inserting “title I;”; and

13           (M) by adding at the end the following:

14           “(16)(A) assuming responsibilities for disclo-  
15 sures of Executive Branch financial holdings, lob-  
16 bing, and influencing activities;

17           “(B) conducting periodic and routine audits of  
18 disclosures described in subparagraph (A) to ensure  
19 the accuracy of the documents; and

20           “(C) conducting targeted audits of disclosures  
21 described in subparagraph (A) when the Director  
22 has reason to believe such disclosures contain inac-  
23 curacies or misinformation;

24           “(17) receiving, and within a reasonable time-  
25 frame responding to, complaints from members of

1 the public of alleged violations of the laws or regula-  
2 tions relating to conflicts of interest or other ethics  
3 issues;

4 “(18) reporting publicly anonymized informa-  
5 tion regarding the resolution of complaints received  
6 under paragraph (17);

7 “(19) making available online on a central  
8 website that allows records to be available in a  
9 searchable, sortable, and downloadable format all  
10 ethics records that are required to be made publicly  
11 available under any provision of law, or that the Di-  
12 rector determines may and should be made publicly  
13 available, including ethics records described sub-  
14 section (j)(1);

15 “(20) after providing notice and an opportunity  
16 for a hearing, imposing appropriate civil monetary  
17 penalties against individuals and entities who violate  
18 the laws or regulations relating to conflicts of inter-  
19 est or other ethics issues;

20 “(21) making appropriate enforcement referrals  
21 to the Securities and Exchange Commission, the Of-  
22 fice of the Special Counsel, and other relevant Fed-  
23 eral or State law enforcement agencies in instances  
24 of violations of Federal or State law, where appro-  
25 priate;

1           “(22) except as otherwise required by law or re-  
2           served to the President, making and overseeing any  
3           waiver of the laws or regulations relating to conflicts  
4           of interest or other ethics issues;

5           “(23) testifying before each House of Congress  
6           at least annually;

7           “(24) approving any significant determination  
8           by a designated agency ethics official, including any  
9           ethics agreement, financial disclosure, recusal agree-  
10          ment, or divestment determination, for any indi-  
11          vidual serving in a position—

12                   “(A) on any level of the Executive Sched-  
13                   ule under subchapter II of chapter 53 of title  
14                   5, United States Code;

15                   “(B) in the executive branch pursuant to  
16                   an appointment by the President, by and with  
17                   the advice and consent of the Senate; or

18                   “(C) in the Executive Office of the Presi-  
19                   dent;

20           “(25) overseeing the day to day activities of  
21           each Inspector General in the executive branch, ex-  
22           cept to the extent provided otherwise by law; and

23           “(26) administering the provisions of this title  
24           as they pertain to the heads of agencies.”;

25           (3) in subsection (e)—

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

3 (B) in paragraph (2), by striking the pe-  
4 riod at the end and inserting “; and”; and

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

6 “(3) each executive agency shall furnish to the  
7 Director all information and records in the posses-  
8 sion of the executive agency that the Director deter-  
9 mines to be necessary for the performance of the du-  
10 ties of the Director.”;

11 (4) in subsection (f)—

12 (A) in paragraph (1)(A)—

13 (i) in clause (i), by inserting “(or,  
14 with respect to the President, rec-  
15 ommend)” after “order” the first place it  
16 appears; and

17 (ii) in clause (ii), by inserting “(or,  
18 with respect to the President, rec-  
19 ommend)” after “order”;

20 (B) in paragraph (2)—

21 (i) in subparagraph (A)—

22 (I) in clause (ii)(II), by inserting  
23 “and Congress” after the “the Presi-  
24 dent”; and

25 (II) in clause (iv)—

1                   (aa) in subclause (I), by  
2 striking “may recommend” and  
3 all that follows through “brought  
4 against the officer or employee”  
5 and inserting “may recommend  
6 that the agency head take a spe-  
7 cific disciplinary action (including  
8 reprimand, suspension, demotion,  
9 or dismissal) or that the agency  
10 head take such disciplinary ac-  
11 tion as the agency head deter-  
12 mines appropriate with respect to  
13 the officer or employee”; and

14                   (bb) by striking subclause  
15 (II) and inserting the following:

16                   “(II) if the Director recommends  
17 a specific disciplinary action under  
18 subclause (I) and the head of the  
19 agency (not including the President)  
20 has not taken appropriate disciplinary  
21 action within 90 days after the Direc-  
22 tor recommends such action, may,  
23 after notifying the President and Con-  
24 gress in writing, order appropriate  
25 disciplinary action with respect to the



1 officer or employee, in accordance  
2 with subparagraph (B), including rep-  
3 rimand, suspension, demotion, or dis-  
4 missal of the officer or employee.”;

5 (ii) in subparagraph (B)—

6 (I) by striking clause (iii) and in-  
7 serting the following:

8 “(iii) Subject to clause (iv) of this subparagraph, be-  
9 fore the Director orders any action under subparagraph  
10 (A)(iii) or orders any disciplinary action under subpara-  
11 graph (A)(iv), the Director shall afford the officer or em-  
12 ployee involved an opportunity for a hearing, if requested  
13 by such officer or employee, which shall be conducted on  
14 the record.”;

15 (II) by redesignating clause (iv)  
16 as clause (vi);

17 (III) by inserting after clause  
18 (iii) the following:

19 “(iv) The Director shall make publicly available any  
20 recommendation of a specific disciplinary action made by  
21 the Director under subparagraph (A)(iv)(I).

22 “(v) The authority of the Director under subpara-  
23 graph (A)(iv)(II) to order disciplinary action may not be  
24 delegated.”; and

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1 (IV) in clause (vi), as so redesignated—  
2

3 (aa) by striking “title 2”  
4 and inserting “title I”; and

5 (bb) by striking “section  
6 206” and inserting “section  
7 104”; and

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

10 “(C)(i)(I) A political appointee (as defined in section  
11 714(h) of title 38, United States Code) with respect to  
12 whom the Director orders a disciplinary action under sub-  
13 paragraph (A)(iv) may appeal the order to the President.

14 “(II) A determination by the President in an appeal  
15 under subclause (I) shall be—

16 “(aa) made in writing;

17 “(bb) submitted to Congress; and

18 “(cc) made publicly available by the President.

19 “(III) A determination by the President in an appeal  
20 under subclause (I) shall not be subject to judicial review.

21 “(ii) An officer or employee who is not a political ap-  
22 pointee with respect to whom the Director orders a dis-  
23 ciplinary action under subparagraph (A)(iv) may—

1           “(I) appeal a final order or decision of the Di-  
2           rector to the Merit Systems Protection Board under  
3           section 7701 of title 5, United States Code; and

4           “(II) seek judicial review of a final order or de-  
5           cision of the Merit Systems Protection Board in the  
6           Court of Appeals for the Federal Circuit in accord-  
7           ance with section 7703 of title 5, United States  
8           Code.”;

9           (C) in paragraph (3), in the matter pre-  
10           ceding subparagraph (A), by striking “para-  
11           graph (2)(A)(iii)” and inserting “clause (iii) or  
12           (iv) of paragraph (2)(A)”;

13           (D) by striking paragraph (5); and

14           (E) by redesignating paragraph (6) as  
15           paragraph (5); and

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

17           “(g) As part of an investigation of potential violations  
18           of the laws or regulations relating to conflicts of interest  
19           or other ethics issues, the Director may require by sub-  
20           poena the attendance of and testimony by witnesses and  
21           the production any book, check, canceled check, cor-  
22           respondence, communication, document, email, papers,  
23           physical evidence, record, recording, tape, or other mate-  
24           rial (including electronic records) relating to any matter

1 or question the Director is authorized to investigate from  
2 any individual or entity.

3 “(h)(1) If the Attorney General declines to prosecute  
4 a criminal matter referred by the Director, the Attorney  
5 General shall submit to the Director and make publicly  
6 available written notice regarding the declination.

7 “(2) The Attorney General may redact information  
8 from the publicly available written notice under paragraph  
9 (1) if the Attorney General determines that disclosure of  
10 the information would constitute a clearly unwarranted in-  
11 vasion of personal privacy.

12 “(i)(1) In addition to the authority otherwise pro-  
13 vided by this Act, the Director, any Assistant Director for  
14 Investigations under the Director who is appointed by the  
15 Director, and any special agent supervised by the Director  
16 or Assistant Director may be authorized by the Attorney  
17 General to seek warrants for search of a premises or sei-  
18 zure of evidence issued under the authority of the United  
19 States upon probable cause to believe that a violation has  
20 been committed.

21 “(2) The Attorney General shall promulgate, and re-  
22 vise as appropriate, guidelines which shall govern the exer-  
23 cise of the law enforcement powers established under para-  
24 graph (1).

1           “(3)(A) The power authorized for the Office of Public  
2 Integrity under paragraph (1) may be rescinded or sus-  
3 pended upon—

4           “(i) a determination by the Attorney General  
5 that the exercise of authorized power by the Office  
6 of Public Integrity has not complied with the guide-  
7 lines promulgated by the Attorney General under  
8 paragraph (2); or

9           “(ii) a determination by the Attorney General  
10 that available assistance from other law enforcement  
11 agencies is sufficient to meet the need for such pow-  
12 ers.

13           “(B) The powers authorized to be exercised by any  
14 individual under paragraph (1) may be rescinded or sus-  
15 pended with respect to that individual upon a determina-  
16 tion by the Attorney General that such individual has not  
17 complied with guidelines promulgated by the Attorney  
18 General under paragraph (2).

19           “(4) No provision of this subsection shall limit the  
20 exercise of law enforcement powers established under any  
21 other statutory authority, including United States Mar-  
22 shals Service special deputation.

23           “(j)(1) In carrying out subsection (b)(19), except for  
24 classified records and any specific record described in this  
25 paragraph the Director determines should not be made

1 publicly available, the website described in subsection  
2 (b)(19) shall include—

3           “(A) public financial disclosure reports of nomi-  
4 nees and appointees to positions on any level of the  
5 Executive Schedule under subchapter II of chapter  
6 53 of title 5, United States Code;

7           “(B) other public financial disclosure reports  
8 reviewed by the Office of Public Integrity;

9           “(C) ethics agreements of individuals nomi-  
10 nated or appointed to a position by the President;

11           “(D) certifications of compliance with ethics  
12 agreements by individuals appointed to a position by  
13 the President;

14           “(E) ethics agreements of individuals appointed  
15 pursuant to subparagraph (A), (B), or (C) of section  
16 105(a)(2) or subparagraph (A), (B), or (C) of sec-  
17 tion 106(a)(1) of title 3, United States Code;

18           “(F) certifications of compliance with ethics  
19 agreements by individuals appointed pursuant to  
20 subparagraph (A), (B), or (C) of section 105(a)(2)  
21 or subparagraph (A), (B), or (C) of section  
22 106(a)(1) of title 3, United States Code;

23           “(G) all ethics waivers, including waivers for  
24 senior government officials as defined in section 101

1 of the Anti-Corruption and Public Integrity Act,  
2 issued pursuant to—

3 “(i) section 207 or 208 of title 18, United  
4 States Code;

5 “(ii) section 2635.502(d) of title 5, Code of  
6 Federal Regulations, or any successor thereto;

7 “(iii) section 2635.503(c) of title 5, Code  
8 of Federal Regulations, or any successor there-  
9 to;

10 “(iv) any Executive Order; and

11 “(v) any other authority to waive other  
12 ethics requirements or extend any ethics-related  
13 deadlines;

14 “(H) certificates of divestiture;

15 “(I) records of approval by agencies of the ac-  
16 ceptance of gifts by individuals appointed to a posi-  
17 tion by the President from outside sources for which  
18 employees must obtain agency approval;

19 “(J) records relating to the initial ethics brief-  
20 ings of individuals appointed to a position by the  
21 President required by section 2638.305 of title 5,  
22 Code of Federal Regulations, or any successor there-  
23 to;

24 “(K) records of ethics training completed by in-  
25 dividuals appointed to a position by the President;

1           “(L) reports of the review by the Office of Pub-  
2           lic Integrity of agency ethics programs;

3           “(M) report filed by executive agencies with the  
4           General Services Administration regarding the use  
5           of Government aircraft by senior officials, which  
6           shall be posted at least every 90 days and shall con-  
7           tain a complete explanation of the decision to use a  
8           Government aircraft, the cost of the use of a Gov-  
9           ernment aircraft, and the selection of the type of  
10          aircraft used;

11          “(N) any reports submitted to Congress by the  
12          Office of Public Integrity; and

13          “(O) any other ethics records that the Director  
14          makes available to the public.

15          “(2) The Director shall ensure that—

16                 “(A) all ethics agreements approved by the Di-  
17                 rector specify conflicts of interest for each indi-  
18                 vidual, including all matters from which the indi-  
19                 vidual shall be recused; and

20                 “(B) the information relating to ethics agree-  
21                 ments made available under subsection (b)(19) is  
22                 updated to reflect any additional matters from which  
23                 the individual shall be recused.”.



1 (d) REPORTS TO CONGRESS.—Section 408 of the  
2 Ethics in Government Act of 1978 (5 U.S.C. App.) is  
3 amended—

4 (1) by inserting “(a)” before “The Director  
5 shall,”; and

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

7 “(b) Notwithstanding any other provision of law or  
8 any rule, regulation, or policy directive, upon request by  
9 a committee or subcommittee of Congress, the Director,  
10 or any employee of the Office of Public Integrity des-  
11 ignated by the Director, may transmit to the committee  
12 or subcommittee, by report, testimony, or otherwise, infor-  
13 mation and views on functions, responsibilities, or other  
14 matters relating to the Office of Public Integrity, without  
15 review, clearance, or approval by any other administrative  
16 authority.

17 “(c)(1) For each fiscal year, the Director may trans-  
18 mit a budget estimate and request to Congress.

19 “(2) The President shall include in each budget sub-  
20 mitted under section 1105 of title 31, United States  
21 Code—

22 “(A) a separate statement of the budget esti-  
23 mate and request prepared with the Director;

24 “(B) the amount requested by the President for  
25 the Office of Public Integrity; and

1           “(C) any comments of the Director with respect  
2           to the proposal by the President if the Director con-  
3           cludes that the budget submitted by the President  
4           would substantially inhibit the Director from per-  
5           forming the duties of the office.”.

6           (e) DEFINITIONS.—Title IV of the Ethics in Govern-  
7           ment Act of 1978 (5 U.S.C. App.) is amended by adding  
8           at the end the following:

9           “SEC. 409. DEFINITIONS.—For purposes of this  
10          title—

11           “(1) the term ‘agency’ includes the Executive  
12          Office of the President;

13           “(2) the term ‘head of an agency’ includes the  
14          President or a designee of the President, for pur-  
15          poses of applying this title to the White House and  
16          the Executive Office of the President; and

17           “(3) the term ‘laws or regulations relating to  
18          conflicts of interest or other ethics issues’ includes  
19          this Act, sections 203 through 209 of title 18,  
20          United States Code, the Stop Trading on Congres-  
21          sional Knowledge Act of 2012 (Public Law 112–105;  
22          5 U.S.C. App., note to section 101 of Public Law  
23          95–521), any Executive order substantially con-  
24          cerning Government ethics, any written ethics agree-  
25          ment or pledge signed by a Presidential appointee,

1 and any other relevant ethics statutes or regula-  
2 tions.”.

3 (f) PROVISION OF FINANCIAL DISCLOSURES TO THE  
4 OFFICE OF PUBLIC INTEGRITY.—Section 103(j) of the  
5 Ethics in Government Act of 1978 (5 U.S.C. App.) is  
6 amended—

7 (1) in paragraph (1), by inserting “and the Di-  
8 rector of the Office of Public Integrity” after “Offi-  
9 cial Conduct of the House of Representatives”; and

10 (2) in paragraph (2), by inserting “and the Di-  
11 rector of the Office of Public Integrity” after “Eth-  
12 ics of the Senate”.

13 (g) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) Section 5314 of title 5, United States Code,  
15 is amended by striking the item relating to the Di-  
16 rector of the Office of Government Ethics and in-  
17 serting the following:

18 “Director of the Office of Public Integrity.”.

19 (2) Section 7302(a) of title 5, United States  
20 Code, is amended by striking “Government Ethics”  
21 and inserting “Public Integrity”.

22 (3) Section 7353(d)(1)(D) of title 5, United  
23 States Code, is amended by striking “Government  
24 Ethics” and inserting “Public Integrity”.

1           (4) Section 11(b)(1)(E) of the Inspector Gen-  
2           eral Act of 1978 (5 U.S.C. App.) is amended by  
3           striking “Government Ethics” and inserting “Public  
4           Integrity”.

5           (5) Section 12(f) of the Federal Deposit Insur-  
6           ance Act (12 U.S.C. 1822(f)) is amended by striking  
7           “Government Ethics” each place it appears and in-  
8           serting “Public Integrity”.

9           (6) Section 152(g) of the Financial Stability  
10          Act of 2010 (12 U.S.C. 5342(g)) is amended by  
11          striking “Government Ethics” and inserting “Public  
12          Integrity”.

13          (7) Section 9(o)(12) of the Small Business Act  
14          (15 U.S.C. 638(o)(12)) is amended by striking  
15          “Government Ethics” and inserting “Public Integ-  
16          rity”.

17          (8) Section 207 of title 18, United States Code,  
18          is amended by striking “Government Ethics” each  
19          place it appears and inserting “Public Integrity”.

20          (9) Section 208 of title 18, United States Code,  
21          is amended by striking “Government Ethics” each  
22          place it appears and inserting “Public Integrity”.

23          (10) Section 1043(b) of the Internal Revenue  
24          Code of 1986 is amended by striking “Government

1       Ethics” each place it appears and inserting “Public  
2       Integrity”.

3           (11) Section 594(j)(5) of title 28, United States  
4       Code, is amended by striking “Government Ethics”  
5       and inserting “Public Integrity”.

6           (12) Section 1353 of title 31, United States  
7       Code, is amended by striking “Government Ethics”  
8       each place it appears and inserting “Public Integ-  
9       rity”.

10          (13) Section 2303(c) of title 41, United States  
11       Code, is amended by striking “Government Ethics”  
12       and inserting “Public Integrity”.

13          (14) Section 3(d)(3) of the Department of the  
14       Interior Volunteer Recruitment Act of 2005 (43  
15       U.S.C. 1475b(d)(3)) is amended by striking “Gov-  
16       ernment Ethics” and inserting “Public Integrity”.

17          (15) Section 40122(d) of title 49, United States  
18       Code, is amended by striking “Government Ethics”  
19       and inserting “Public Integrity”.

20          (16) Section 102A of the National Security Act  
21       of 1947 (50 U.S.C. 3024) is amended by striking  
22       “Government Ethics” each place it appears and in-  
23       serting “Public Integrity”.

24          (17) Section 12(g) of the Central Intelligence  
25       Agency Act of 1949 (50 U.S.C. 3512(g)) is amended

1 in the matter preceding paragraph (1) by striking  
2 “Government Ethics” and inserting “Public Integ-  
3 rity”.

4 **SEC. 512. DESIGNATED AGENCY ETHICS OFFICIALS.**

5 (a) IN GENERAL.—Section 109(3) of the Ethics in  
6 Government Act of 1978 (5 U.S.C. App.) is amended to  
7 read as follows:

8 “(3) ‘designated agency ethics official’ means  
9 an officer or employee of an agency—

10 “(A) who is appointed and supervised by  
11 the head of the agency, after consultation with  
12 the Director of the Office of Public Integrity  
13 and the Inspector General of the agency;

14 “(B) who may only be removed by the  
15 head of the agency, after consultation with the  
16 Director of the Office of Public Integrity and  
17 the Inspector General of the agency;

18 “(C) has a permanent duty station in the  
19 same physical building as the head of the agen-  
20 cy employing the officer or employee, unless the  
21 head of the agency is the President;

22 “(D) is designated to administer the provi-  
23 sions of this title within the agency, except as  
24 they pertain to the head of the agency;

1           “(E) may not have other significant duties  
2 or responsibilities that might distract from the  
3 duty of the officer or employee to administer  
4 the provisions of this title within the agency;

5           “(F) who shall not, at any time or in any  
6 manner, be prevented, inhibited, or prohibited  
7 by the head of the agency from administering  
8 the provisions of this title within the agency.”.

9           (b) REVIEW BY DIRECTOR.—Section 111 of the Eth-  
10 ics in Government Act of 1978 (5 U.S.C. App.) is amend-  
11 ed—

12           (1) by inserting “(a)” before “The provisions”;

13           (2) by inserting “(subject to subsection (b))”  
14 after “designated agency ethics official”; and

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

16           “(b)(1) A designated agency ethics official shall sub-  
17 mit to the Director of the Office of Public Integrity—

18           “(A) each significant determination (in-  
19 cluding any ethics agreement, financial disclo-  
20 sure, recusal agreement, or divestment deter-  
21 mination) by the designated agency ethics offi-  
22 cial relating to the application or implementa-  
23 tion of the laws or regulations relating to con-  
24 flicts of interest or other ethics issues (includ-

1           ing this title) for any individual serving in a po-  
2           sition—

3                   “(i) on any level of the Executive  
4                   Schedule under subchapter II of chapter  
5                   53 of title 5, United States Code;

6                   “(ii) in the executive branch pursuant  
7                   to an appointment by the President, by  
8                   and with the advice and consent of the  
9                   Senate; or

10                   “(iii) in the Executive Office of the  
11                   President;

12                   “(B) any determination by the designated  
13                   agency ethics official relating to the application  
14                   or implementation of the laws or regulations re-  
15                   lating to conflicts of interest or other ethics  
16                   issues (including this title) that the Director re-  
17                   quests from the designated agency ethics offi-  
18                   cial.

19                   “(2) The Director of the Office of Public Integ-  
20                   rity—

21                   “(A) may review any determination re-  
22                   ceived under paragraph (1);

23                   “(B) shall notify and advise the designated  
24                   agency ethics official if the Director determines  
25                   that the determination received under para-



1 graph (1) does not comport with the laws or  
2 regulations relating to conflicts of interest or  
3 other ethics issues;

4 “(C) not later than 30 days after the noti-  
5 fication and advice under subparagraph (B),  
6 may reverse or modify the determination if the  
7 Director determines that the determination does  
8 not comport with the laws or regulations relat-  
9 ing to conflicts of interest or other ethics issues;  
10 and

11 “(D) shall periodically audit a sample of  
12 determinations received under paragraph (1).”.

13 (c) AUTHORITY TO RECOMMEND DISCIPLINE.—Sec-  
14 tion 111 of the Ethics in Government Act of 1978 (5  
15 U.S.C. App.), as amended by subsection (b), is amended  
16 by adding at the end the following:

17 “(c)(1) If a designated agency ethics official has cred-  
18 ible evidence or reason to believe that an officer or em-  
19 ployee of the agency is violating, or has violated, any rule,  
20 regulation, or Executive order relating to conflicts of inter-  
21 est or standards of conduct, the designated agency ethics  
22 official may—

23 “(A) refer potential violations to the Inspector  
24 General or the Director of the Office of Public In-  
25 tegrity; and

1           “(B) recommend that the head of the agency  
2           take a specific disciplinary action (including dis-  
3           missal).

4           “(2) A designated agency ethics official shall make  
5           publicly available any recommendation of a specific dis-  
6           ciplinary action made by the designated agency ethics offi-  
7           cial under paragraph (1).”.

8           (d) CURRENT DAEOS.—An individual serving as a  
9           designated agency ethics official on the day before the date  
10          of enactment of this Act may continue to serve as the des-  
11          ignated agency ethics official for the agency employing the  
12          individual if—

13                 (1) determined appropriate by the head of the  
14                 agency employing the designated agency ethics offi-  
15                 cial; and

16                 (2) after the date of enactment of this Act, the  
17                 individual—

18                         (A) reports directly to the head of the  
19                         agency employing the designated agency ethics  
20                         official; and

21                         (B) may only be removed by the head of  
22                         the agency, after consultation with the Director  
23                         of the Office of Public Integrity and the Inspec-  
24                         tor General of the agency.



1 under this subsection. If an Inspector Gen-  
2 eral is removed from office, is transferred  
3 to another position or location within an  
4 establishment, or is placed on paid or un-  
5 paid leave, the President shall commu-  
6 nicate in writing the reasons for any such  
7 removal, leave placement, or transfer to  
8 both Houses of Congress and to the Direc-  
9 tor of the Office of Public Integrity not  
10 later than 30 days before the removal,  
11 leave placement, or transfer.”; and

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

14 “(2)(A) In the event of a vacancy in the position of  
15 Inspector General of an establishment of more than 210  
16 days, the Director of the Office of Public Integrity may  
17 direct an officer or employee of the establishment to per-  
18 form the functions and duties of the position of Inspector  
19 General temporarily in an acting capacity for a period of  
20 not more than 365 days.

21 “(B) If an Inspector General of an establishment is  
22 not appointed during the 365-day period described in sub-  
23 paragraph (A), the Director of the Office of Public Integ-  
24 rity may direct the same or another officer or employee  
25 of the establishment to perform the functions and duties

1 of the position of Inspector General temporarily in an act-  
2 ing capacity for a period of not more than 365 days.

3 “(C) If an Inspector General of an establishment is  
4 not appointed during the 365-day period described in sub-  
5 paragraph (B), the Director of the Office of Public Integ-  
6 rity may direct the same or another officer or employee  
7 of the establishment to perform the functions and duties  
8 of the position of Inspector General temporarily in an act-  
9 ing capacity for a period of not more than 365 days.”;

10 (2) in section 8A(a), by inserting “and the Di-  
11 rector of the Office of Public Integrity” before the  
12 period at the end;

13 (3) in section 8B, by amending subsection (a)  
14 to read as follows:

15 “(a) The Director of the Office of Public Integrity—

16 “(1) may delegate the authority specified in the  
17 second sentence of section 3(a) to the Chairman or  
18 another member of the Nuclear Regulatory Commis-  
19 sion; and

20 “(2) may not delegate the authority specified in  
21 the second sentence of section 3(a) to any other offi-  
22 cer or employee of the Nuclear Regulatory Commis-  
23 sion.”;

24 (4) in section 8C, by amending subsection (a)  
25 to read as follows:

1           “(a) DELEGATION.—The Director of the Office of  
2 Public Integrity—

3           “(1) may delegate the authority specified in the  
4 second sentence of section 3(a) to the Chairperson  
5 or Vice Chairperson of the Federal Deposit Insur-  
6 ance Corporation; and

7           “(2) may not delegate the authority specified in  
8 the second sentence of section 3(a) to any other offi-  
9 cer or employee of the Federal Deposit Insurance  
10 Corporation.”;

11           (5) in section 8G—

12           (A) in subsection (a)—

13           (i) in paragraph (5), by striking  
14 “and” at the end;

15           (ii) in paragraph (6), by striking the  
16 period at the end and inserting “; and”;  
17 and

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

20           “(7) the term ‘Director’ means the Director of  
21 the Office of Public Integrity.”;

22           (B) in subsection (c), in the first sentence,  
23 by inserting “, after consulting with the Direc-  
24 tor,” after “head of the designated Federal en-  
25 tity”;

1 (C) in subsection (d)(1), by striking the  
2 first sentence and inserting the following:  
3 “Each Inspector General shall report to and be  
4 under the general supervision of the Director,  
5 and shall not report to, or be subject to super-  
6 vision by, any other officer or employee of the  
7 designated Federal entity.”; and

8 (D) in subsection (e)—

9 (i) in paragraph (1), by inserting  
10 “and after consulting with the Director”  
11 before the period at the end; and

12 (ii) in paragraph (2), by inserting “An  
13 Inspector General may be removed from  
14 office by the head of the designated Fed-  
15 eral entity for inefficiency, neglect of duty,  
16 or malfeasance in office after the head of  
17 the designated entity consults with the Di-  
18 rector, or by the President for inefficiency,  
19 neglect of duty, or malfeasance in office.”  
20 before “If an Inspector”; and

21 (6) in section 8M(b)(1)—

22 (A) in subparagraph (A), by striking  
23 “and” at the end;

1 (B) in subparagraph (B)(iii)(II), by strik-  
2 ing the period at the end and inserting a semi-  
3 colon; and

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

5 “(C) ensure that, if any portion of a report  
6 described in subparagraph (A) contains infor-  
7 mation that is classified, sensitive, or otherwise  
8 prohibited from disclosure by law, a redacted  
9 version of the report be posted on the website  
10 of the Office of Inspector General that does not  
11 contain the classified, sensitive, or prohibited  
12 information;

13 “(D) ensure that, if an entire report de-  
14 scribed in subparagraph (A) is classified, sen-  
15 sitive, or otherwise prohibited from disclosure  
16 by law, the Inspector General posts the title of  
17 the report, the date of publication of the report,  
18 a general description of the subject matter of  
19 the report, and a justification for the report not  
20 to be posted on the website of the Office of In-  
21 spector General; and

22 “(E) include on the website of the Office  
23 of Inspector General a listing of each report de-  
24 scribed in subparagraph (D) that is not posted  
25 on the website.”.



1 (b) INSPECTOR GENERAL OF THE CENTRAL INTEL-  
2 LIGENCE AGENCY.—Section 17(b) of the Central Intel-  
3 ligence Agency Act of 1949 (50 U.S.C. 3517(b)) is amend-  
4 ed—

5 (1) in paragraph (2), by inserting “of the Office  
6 of Public Integrity, who may delegate that authority  
7 to the Director of the Agency” before the period at  
8 the end; and

9 (2) in paragraph (6)—

10 (A) in the first sentence, by inserting “for  
11 inefficiency, neglect of duty, or malfeasance in  
12 office” before the period at the end; and

13 (B) by inserting after the first sentence  
14 the following: “The Director of the Office of  
15 Public Integrity may make a formal rec-  
16 ommendation to the President for the removal  
17 of the Inspector General under this para-  
18 graph.”.

19 (c) INSPECTOR GENERAL OF THE INTELLIGENCE  
20 COMMUNITY.—Section 103H(c) of the National Security  
21 Act of 1947 (50 U.S.C. 3033(c)) is amended—

22 (1) in paragraph (3), by striking “National In-  
23 telligence” and inserting “the Office of Public Integ-  
24 rity, who may delegate that authority to the Director  
25 of National Intelligence”; and

1 (2) in paragraph (4)—

2 (A) in the first sentence, by inserting “for  
3 inefficiency, neglect of duty, or malfeasance in  
4 office” before the period at the end; and

5 (B) by inserting after the first sentence  
6 the following: “The Director of the Office of  
7 Public Integrity may make a formal rec-  
8 ommendation to the President for the removal  
9 of the Inspector General under this para-  
10 graph.”.

11 (d) INSPECTOR GENERAL OF SIGAR.—Section  
12 1229(e)(1) of the National Defense Authorization Act for  
13 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 379)  
14 is amended by striking “the Secretary of State and the  
15 Secretary of Defense” and inserting “the Director of the  
16 Office of Public Integrity, who may delegate that authority  
17 to the Secretary of State and the Secretary of Defense”.

18 (e) INSPECTOR GENERAL OF SIGTARP.—Section  
19 121(b) of the Emergency Economic Stabilization Act of  
20 2008 (12 U.S.C. 5231(b)) is amended by adding at the  
21 end the following:

22 “(7) The Special Inspector General shall report to  
23 and be under the general supervision of the Director of  
24 the Office of Public Integrity, who may delegate that au-  
25 thority to the Secretary.”.

1 (f) CONFORMING AMENDMENTS TO FEDERAL VA-  
2 CENCIES REFORM ACT.—Subchapter III of chapter 33 of  
3 title 5, United States Code, is amended—

4 (1) in section 3345—

5 (A) in subsection (a), in the matter pre-  
6 ceding paragraph (1), by striking “If” and in-  
7 serting “Subject to subsection (d), if” and

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

9 “(d) After the date that is 210 days after the date  
10 on which a vacancy in the office of the Inspector General  
11 of an agency described in subsection (a) begins, the Presi-  
12 dent may not exercise the authority under this section with  
13 respect to that vacancy in the office of the Inspector Gen-  
14 eral.”;

15 (2) in section 3346—

16 (A) in subsection (a), in the matter pre-  
17 ceding paragraph (1), by inserting “and subject  
18 to subsection (d),” after “sickness,”; and

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

20 “(d) A person serving as acting officer in the office  
21 of the Inspector General of an agency under section 3345  
22 may not serve in the office after the date that is 210 days  
23 after the date on which the vacancy in the office begins,  
24 without regard to whether a nomination to the office has  
25 been submitted to, is pending in, has been rejected by,

1 has been withdrawn by the President from, or has been  
2 returned to the President by the Senate.”;

3 (3) in section 3349(b), in the matter preceding  
4 paragraph (1), by inserting “, or, in the case of an  
5 Inspector General, that an officer is serving after  
6 the end of the 210 day period under section  
7 3346(d),” after “3349a,”; and

8 (4) in section 3349a(b), in the matter preceding  
9 paragraph (1), by striking “With” and inserting  
10 “Except in the case of an Inspector General, with”.

## 11 **Subtitle C—Office of Congressional** 12 **Ethics**

### 13 **SEC. 551. DEFINITIONS.**

14 In this subtitle—

15 (1) the term “applicable ethics committee”  
16 means the Select Committee on Ethics of the Senate  
17 (for Senators and employees of the Senate) or the  
18 Committee on Ethics of the House of Representa-  
19 tives (for Members of the House of Representatives  
20 and employees of the House of Representatives);

21 (2) the term “Board” means the Congressional  
22 Ethics Board established under section 553(a);

23 (3) the term “employee of Congress” means an  
24 employee of the House of Representatives or an em-  
25 ployee of the Senate;

1           (4) the term “employee of the House of Rep-  
2           representatives” has the meaning given the term in sec-  
3           tion 101 of the Congressional Accountability Act of  
4           1995 (2 U.S.C. 1301) and includes an elected or ap-  
5           pointed officer of the House of Representatives;

6           (5) the term “employee of the Senate” has the  
7           meaning given the term in section 101 of the Con-  
8           gressional Accountability Act of 1995 (2 U.S.C.  
9           1301) and includes an elected or appointed officer of  
10          the Senate; and

11          (6) the term “Member” means any Senator or  
12          Representative in, or Delegate or Resident Commis-  
13          sioner to, the Congress.

14 **SEC. 552. THE OFFICE OF CONGRESSIONAL ETHICS.**

15          For the purpose of assisting the House of Represent-  
16          atives and the Senate in carrying out the responsibilities  
17          under article I, section 5, clause 2 of the Constitution of  
18          the United States (commonly referred to as the “Dis-  
19          cipline Clause”), there is established an independent office  
20          in the legislative branch to be known as the “Office of  
21          Congressional Ethics” (referred to in this subtitle as the  
22          “Office”), which shall be governed by the Congressional  
23          Ethics Board established under section 553(a).

1 **SEC. 553. ESTABLISHMENT OF THE BOARD OF THE OFFICE**  
2 **OF CONGRESSIONAL ETHICS.**

3 (a) BOARD.—

4 (1) ESTABLISHMENT OF BOARD.—The Office  
5 shall be governed by a Congressional Ethics Board  
6 consisting of 9 members, of whom—

7 (A) 2 shall be appointed by the President  
8 pro tempore of the Senate;

9 (B) 2 shall be appointed by the Minority  
10 Leader of the Senate;

11 (C) 2 shall be appointed by the Speaker of  
12 the House of Representatives;

13 (D) 2 shall be appointed by the Minority  
14 Leader of the House of Representatives; and

15 (E) 1 shall be appointed by agreement of  
16 the President pro tempore of the Senate, the  
17 Minority Leader of the Senate, the Speaker of  
18 the House of Representatives, and the Minority  
19 Leader of the House of Representatives, or by  
20 agreement of not less than 3 of those individ-  
21 uals.

22 (2) QUALIFICATIONS OF BOARD MEMBERS.—

23 (A) EXPERTISE.—Each member of the  
24 Board shall be an individual of exceptional pub-  
25 lic standing who is specifically qualified to serve  
26 on the Board by virtue of the individual's edu-

1 cation, training, or experience in 1 or more of  
2 the legislative, judicial, regulatory, professional  
3 ethics, legal, or academic fields.

4 (B) SELECTION BASIS.—Selection and ap-  
5 pointment of each member of the Board shall  
6 be without regard to political affiliation and  
7 solely on the basis of fitness to perform the du-  
8 ties of a member of the Board.

9 (C) CITIZENSHIP.—Each member of the  
10 Board shall be a United States citizen.

11 (D) DISQUALIFICATIONS.—No individual  
12 shall be eligible for appointment to, or service  
13 on, the Board who—

14 (i) has ever been registered, or re-  
15 quired to be registered, as a lobbyist under  
16 the Lobbying Disclosure Act of 1995 (2  
17 U.S.C. 1601 et seq.);

18 (ii) engages in, or is otherwise em-  
19 ployed in, lobbying of the Congress;

20 (iii) is registered or is required to be  
21 registered as an agent of a foreign prin-  
22 cipal under the Foreign Agents Registra-  
23 tion Act of 1938 (22 U.S.C. 611 et seq.);

24 (iv) is, or has been in the 4 years pre-  
25 ceding the date of appointment, a Member,

1 employee of the Senate, or employee of the  
2 House of Representatives;

3 (v) is an officer or employee of the  
4 Federal Government;

5 (vi) during the 4 years preceding the  
6 date of appointment, engaged in any sig-  
7 nificant political activity (including being a  
8 candidate for public office, fundraising for  
9 a candidate for public office or a political  
10 party, or serving as an officer or employee  
11 of a political campaign or party); or

12 (vii) during the 4 years preceding the  
13 date of appointment, served as a fiduciary  
14 or personal attorney for an officer or em-  
15 ployee of the Federal Government, includ-  
16 ing any Member.

17 (3) TERM AND REMOVAL.—

18 (A) LENGTH OF TERM.—The term of a  
19 member of the Board shall be for 2 Congresses.

20 (B) TERM LIMITS.—A member of the  
21 Board may not serve during 4 consecutive Con-  
22 gresses.

23 (C) REMOVAL.—A member of the Board  
24 may be removed only for cause and upon unani-  
25 mous agreement among the President pro tem-



1           pore and the Minority Leader of the Senate and  
2           the Speaker and the Minority Leader of the  
3           House of Representatives.

4           (D) VACANCIES.—Any vacancy on the  
5           Board shall be filled for the unexpired portion  
6           of the term in the same manner, and by the  
7           same appointing authority, as the original ap-  
8           pointment under paragraph (1).

9           (b) CHAIRPERSON AND VICE-CHAIRPERSON.—

10          (1) IN GENERAL.—The members of the Board  
11          shall elect a chairperson and a vice-chairperson of  
12          the Board by a majority vote. The chairperson and  
13          the vice-chairperson shall serve a 1-year term, and  
14          may be reelected for additional 1-year terms.

15          (2) DUTIES.—The chairperson of the Board  
16          shall preside at the meetings of the Board, and the  
17          vice-chairperson shall preside in the absence or dis-  
18          ability of the chairperson.

19          (c) MEETINGS.—

20          (1) QUORUM.—A majority of the members of  
21          the Board shall constitute a quorum, except that a  
22          lesser number of members may hold hearings.

23          (2) MEETINGS.—The Board shall meet at the  
24          call of the chairperson or the call of a majority of  
25          its members, pursuant to the rules of the Board.

1           (3) VOTING.—Except as otherwise specifically  
2           provided, a majority vote of the Board under this  
3           subtitle shall require an affirmative vote of 5 or  
4           more members.

5           (d) COMPENSATION.—A member of the Board shall  
6           not be considered to be an officer or employee of the  
7           House or Senate, but shall be compensated at a rate equal  
8           to the daily equivalent of the minimum annual rate of  
9           basic pay prescribed for GS–15 of the General Schedule  
10          under section 5107 of title 5, United States Code, for each  
11          day (including travel time) during which such member is  
12          engaged in the performance of the duties of the Board.

13          (e) DUTIES OF BOARD.—

14                 (1) IN GENERAL.—The Board shall—

15                         (A) be the governing body of the Office,  
16                         and oversee the Office in the implementation of  
17                         all duties required under this subtitle; and

18                         (B) review allegations of violations made  
19                         against a Member or employee of Congress  
20                         through the review process described in section  
21                         555(b).

22                 (2) HEARINGS.—The Board may hold such  
23                 hearings as are necessary and may sit and act only  
24                 in executive session at such times and places, solicit

1 such testimony, and receive such relevant evidence,  
2 as may be necessary to carry out its duties.

3 (f) FINANCIAL DISCLOSURE REPORTS.—

4 (1) IN GENERAL.—Each member of the Board  
5 shall file an annual financial disclosure report with  
6 the Secretary of the Senate and the Clerk of the  
7 House of Representatives on or before May 15 of  
8 each calendar year immediately following any year in  
9 which the member served on the Board. Each such  
10 report shall be on a form prepared jointly by the  
11 Clerk and the Secretary that is substantially similar  
12 to the form required for individuals at the executive  
13 branch who must complete a confidential financial  
14 disclosure report under section 102 of the Ethics in  
15 Government Act of 1978 (5 U.S.C. App.).

16 (2) DISTRIBUTION OF REPORT.—The Secretary  
17 of the Senate and the Clerk of the House of Rep-  
18 resentatives, working jointly, shall—

19 (A) not later than 7 days after the date  
20 each financial disclosure report under para-  
21 graph (1) is filed, send a copy of each such re-  
22 port to the applicable ethics committees; and

23 (B) annually print all such financial disclo-  
24 sure reports as a document of Congress, and  
25 make the document available to the public.

1 **SEC. 554. DUTIES AND POWERS OF THE OFFICE AND THE**  
2 **BOARD.**

3 (a) IN GENERAL.—The Office is authorized—

4 (1) in accordance with section 555—

5 (A) to investigate any alleged violation, by  
6 a Member or employee of Congress, of any eth-  
7 ics law (including regulations), rule, or other  
8 standard of conduct applicable to the conduct of  
9 such Member or employee under applicable  
10 House or Senate rules in the performance of  
11 the duties, or the discharge of the responsibil-  
12 ities, of the Member or employee; and

13 (B) in any case where the Board deter-  
14 mines, after the investigation described in sub-  
15 paragraph (A), that there is a reasonable basis  
16 to believe an alleged violation of any ethics law,  
17 rule, or other standard of conduct described in  
18 such subparagraph, to present the alleged ethics  
19 violation and any material evidence to the appli-  
20 cable ethics committee;

21 (2) to refer to appropriate Federal or State au-  
22 thorities, including the Office of Public Integrity and  
23 the Department of Justice as appropriate, any evi-  
24 dence of a violation by a Member or employee of  
25 Congress of any law (including laws applicable to the  
26 performance of the duties, or the discharge of the

1 responsibilities, of the Member or employee), which  
2 may have been disclosed in an investigation by the  
3 Office, in accordance with subsection (b);

4 (3) to provide advice and informal guidance to  
5 Members and employees of Congress regarding any  
6 ethics law (including regulations), rule, or other  
7 standard of conduct applicable to such individuals in  
8 their official capacities, and develop and carry out  
9 periodic educational briefings for Members and em-  
10 ployees of Congress on those laws, rules, and other  
11 standards;

12 (4)(A) to give consideration to the request of  
13 any Member or employee of Congress for a formal  
14 advisory opinion or other formal ruling, subject to  
15 the approval of the applicable ethics committee, with  
16 respect to the general propriety of any current or  
17 proposed conduct of such Member or employee;

18 (B) to provide a formal advisory opinion or  
19 other formal ruling, in accordance with subpara-  
20 graph (A), in situations that the Board determines  
21 appropriate; and

22 (C) subject to the requirement for approval by  
23 the applicable ethics committee in accordance with  
24 subsection (c), and with appropriate deletions to as-  
25 sure the privacy of the individual concerned, to pub-

1       lish such opinion for the guidance of other Members  
2       and employees of Congress;

3           (5) if the Office determines, during the course  
4       of any investigation under this subtitle, that a lob-  
5       byist or lobbying firm may be in noncompliance with  
6       the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601  
7       et seq.),—

8           (A) to notify the United States Attorney  
9       for the District of Columbia and the Director of  
10      the Office of Public Integrity of the potential  
11      violation; and

12          (B) to notify the lobbyist or lobbying firm  
13      of such determination, in writing;

14          (6) to provide informal guidance to lobbyists or  
15      lobbying firms engaged in lobbying activity or lob-  
16      bying contacts under the Lobbying Disclosure Act of  
17      1995 (2 U.S.C. 1601 et seq.) to covered legislative  
18      branch officials (as defined in section 3 of such Act  
19      (2 U.S.C. 1602)) of their responsibilities under such  
20      Act;

21          (7) to aid in the enforcement of ethics require-  
22      ments for Members or employees of Congress under  
23      this subtitle or any other provision of law; and

24          (8) to administer the process for Members and  
25      employees of Congress to seek and receive any waiv-

1       ers from any ethics law (including regulations), rule,  
2       or other standard that applies to Members and em-  
3       ployees of Congress, subject to approval of the appli-  
4       cable ethics committee.

5       (b) REFERRALS TO LAW ENFORCEMENT OFFI-  
6       CIALS.—

7           (1) IN GENERAL.—Upon a majority vote of the  
8       Board, the Office may refer potential legal violations  
9       committed by a Member or employee of Congress to  
10      the Department of Justice or other relevant Federal  
11      or State law enforcement officials, which referral  
12      shall include all appropriate evidence gathered dur-  
13      ing any review conducted under this subtitle.

14          (2) NO APPROVAL REQUIRED.—A referral  
15      under paragraph (1) does not require the approval  
16      of either of the applicable ethics committees.

17          (3) NOTIFICATION.—The Board shall notify the  
18      Select Committee on Ethics of the Senate or the  
19      Committee on Ethics of the House of Representa-  
20      tives, and the Director of the Office of Public Integ-  
21      rity of all referrals under this subsection.

22      (c) ADVISORY OPINIONS.—

23          (1) IN GENERAL.—Upon a majority vote of the  
24      Board, the Office may draft and publish rec-  
25      ommended formal advisory opinions and interpreta-

1        tions of rules and other standards of conduct appli-  
2        cable to Members and employees of Congress, which  
3        shall be submitted to each applicable ethics com-  
4        mittee for approval.

5            (2) REQUIREMENTS FOR ETHICS COMMITTEE  
6        REVIEW.—Each applicable ethics committee may re-  
7        vise, overturn, dismiss, or issue any recommended  
8        formal advisory opinions or interpretations under  
9        paragraph (1) that is applicable to the Members and  
10       employees of that House of Congress. A rec-  
11       ommended formal advisory opinion or interpretation  
12       under paragraph (1) is only binding if issued by one  
13       of the applicable ethics committees.

14           (3) REQUIREMENTS.—Any applicable ethics  
15        committee decision described in paragraph (2) shall  
16        be recorded and made publicly available, and shall  
17        be accompanied by a written explanation for that ac-  
18        tion. Dissenting members of the applicable ethics  
19        committee are allowed to issue their own report de-  
20        tailing reasons for disagreeing with the decision.

21           (d) LIMITATIONS ON REVIEW.—No review shall be  
22        undertaken by the Board of any alleged violation of law,  
23        rule, regulation or standard of conduct not in effect at  
24        the time of the alleged violation, nor shall any review be



1 undertaken by the Board of any alleged violation that oc-  
2 curred before the date of enactment of this Act.

3 (e) PROHIBITION ON PUBLIC DISCLOSURE.—

4 (1) IN GENERAL.—

5 (A) REQUIRED AFFIRMATION BY MEMBERS  
6 AND STAFF.—When an individual becomes a  
7 member of the Board or employee of the Office,  
8 that individual shall execute the following oath  
9 or affirmation in writing: “I do solemnly swear  
10 (or affirm) that I will not disclose to any person  
11 or entity outside of the Office any information  
12 received in the course of my service with the  
13 Office, except as authorized by the Board by  
14 majority vote as necessary to conduct official  
15 business or pursuant to its rules.”. Copies of  
16 the executed oath shall be provided to the Clerk  
17 of the House of Representatives and the Sec-  
18 retary of the Senate as part of the records of  
19 the House and Senate.

20 (B) PROHIBITION ON PUBLIC DISCLO-  
21 SURE.—No testimony received, or any other in-  
22 formation obtained, by a member of the Board  
23 or employee of the Office shall be publicly dis-  
24 closed to any person or entity outside the Of-  
25 fice, unless approved by a majority vote of the

1 Board. Any communication to any person or en-  
2 tity outside the Office may occur only as au-  
3 thorized by the Board.

4 (C) PROCEDURES AND INVESTIGATION.—  
5 The Office shall establish procedures necessary  
6 to prevent the unauthorized disclosure of any  
7 information received by the Office. Any  
8 breaches of confidentiality shall be investigated  
9 by the Board and appropriate action shall be  
10 taken.

11 (2) PROVISION WITH RESPECT TO OFFICE OF  
12 PUBLIC INTEGRITY OR ETHICS COMMITTEES.—Para-  
13 graph (1) shall not preclude—

14 (A) any member of the Board or any em-  
15 ployee of the Office from presenting a report or  
16 findings of the Board, or testifying before the  
17 Select Committee on Ethics of the Senate or  
18 the Committee on Ethics of the House of Rep-  
19 resentatives, if requested by either committee  
20 pursuant to the rules of the committee;

21 (B) any necessary communication with the  
22 Office of Public Integrity;

23 (C) any necessary communication with the  
24 Department of Justice or any other law en-  
25 forcement agency;

1 (D) any necessary communication with any  
2 members, or employees, of the applicable ethics  
3 committee; or

4 (E) any necessary communication with the  
5 President pro tempore of the Senate, Majority  
6 Leader of the Senate, Minority Leader of the  
7 Senate, Speaker of the House of Representa-  
8 tives, or Minority Leader of the House of Rep-  
9 resentatives.

10 (3) OPPORTUNITY TO PRESENT.—Before the  
11 Board votes on a recommendation or statement to  
12 be transmitted to the appropriate congressional com-  
13 mittee relating to official conduct of any Member or  
14 employee of Congress, the Board shall provide that  
15 individual the opportunity to present, orally or in  
16 writing (at the discretion of the Board), a statement  
17 to the Board.

18 (f) PRESENTATION OF REPORTS TO SELECT COM-  
19 MITTEE ON ETHICS OF THE SENATE OR THE COMMITTEE  
20 ON ETHICS OF THE HOUSE OF REPRESENTATIVES.—  
21 Whenever the Board transmits any report to the applica-  
22 ble ethics committee relating to the official conduct of any  
23 Member or employee of Congress, it shall designate a  
24 member of the Board or employee to present the report  
25 to such committee if requested by such committee.

1 (g) MAINTAINING OF FINANCIAL DISCLOSURE RE-  
2 PORTS.—The Office shall receive, and maintain, a copy  
3 of each report filed under section 101 of the Ethics in  
4 Government Act of 1978 (5 U.S.C. App.) by a Member  
5 or employee of Congress.

6 (h) MEMORANDUM OF UNDERSTANDING WITH THE  
7 OFFICE OF PUBLIC INTEGRITY.—The Office shall enter  
8 into a memorandum of understanding with the Director  
9 of the Office of Public Integrity in order—

10 (1) to share any information necessary for the  
11 execution of each office’s respective duties and re-  
12 sponsibilities, including the copies of reports de-  
13 scribed in subsection (g);

14 (2) to ensure consistent interpretation and en-  
15 forcement of the Nation’s ethics laws for executive  
16 and legislative branch employees and officials; and

17 (3) to reduce and mitigate jurisdictional confu-  
18 sion.

19 (i) INVESTIGATIVE AUTHORITY.—In the course of an  
20 investigation described in subsection (a)(1)(A), the Board  
21 may require by subpoena the attendance of and testimony  
22 by witnesses and the production of any book, check, can-  
23 celed check, correspondence, communication, document,  
24 email, papers, physical evidence, record, recording, tape,  
25 or other material (including electronic records) relating to

1 any matter or question the Office is authorized to inves-  
2 tigate from any individual or entity.

3 **SEC. 555. REVIEW PROCESS OF SUBMISSIONS.**

4 (a) SOURCE OF SUBMISSIONS.—

5 (1) CITIZEN SUBMISSIONS.—

6 (A) CITIZEN SUBMISSIONS.—Any citizen of  
7 the United States, including a Member or em-  
8 ployee of Congress, may submit to the Office an  
9 allegation of a violation or any material infor-  
10 mation regarding an alleged violation, by a  
11 Member or employee of Congress of any law  
12 (including any regulation), rule, or other stand-  
13 ard of conduct applicable to the conduct of such  
14 Member or employee in the performance of the  
15 duties, or the discharge of the responsibilities,  
16 of the Member or employee, subject to subpara-  
17 graph (B) and paragraph (4).

18 (B) BAN ON FILING SUBMISSIONS PRIOR  
19 TO ELECTION.—The Board may not accept cit-  
20 izen submissions regarding the conduct of a  
21 Member filed in the—

22 (i) 30 days prior to a primary election  
23 for which the Member in question is a can-  
24 didate; and

1 (ii) 60 days prior to a general election  
2 for which the Member in question is a can-  
3 didate.

4 (2) BOARD MEMBER OR OFFICE OF CONGRES-  
5 SIONAL ETHICS SUBMISSIONS.—A member of the  
6 Board or an employee of the Office may submit an  
7 allegation of a violation by a Member or employee of  
8 Congress of any law (including any regulation), rule,  
9 or other standard of conduct applicable to the con-  
10 duct of such Member or employee in the perform-  
11 ance of the duties, or the discharge of the respon-  
12 sibilities, of the Member or employee.

13 (3) FALSE CLAIMS ACKNOWLEDGMENT AND  
14 STATEMENT.—Any submission under paragraph (1)  
15 shall include a signed statement acknowledging that  
16 the individual submitting the allegation or material  
17 information understands that section 1001 of title  
18 18, United States Code (popularly known as the  
19 “False Statements Act”), applies to the allegation or  
20 information the individual is submitting.

21 (4) PAST FRIVOLOUS CHARGES.—The Board  
22 shall not accept any submission under paragraph  
23 (1)(A) from an individual who has previously vio-  
24 lated section 1001 of title 18, United States Code,  
25 with respect to this subtitle.

1           (5) NOTIFICATION.—Upon receipt of a submis-  
2           sion filed under paragraph (1) or (2) that meets the  
3           requirements of this subsection and that the Office  
4           determines contains a material allegation of a viola-  
5           tion, or material information, described in paragraph  
6           (1)(A), the Office shall refer the submission to the  
7           Board for consideration under the review process de-  
8           scribed in subsection (b).

9           (b) REVIEW PROCESS OF ALLEGED VIOLATIONS BY  
10          MEMBERS OR EMPLOYEES OF CONGRESS.—

11           (1) REQUEST.—After receiving a submission  
12           under subsection (a)(5), 2 or more members of the  
13           Board may submit a joint written statement to all  
14           members of the Board authorizing the Office to un-  
15           dertake a preliminary review of any alleged violation  
16           by a Member or employee of Congress of any law  
17           (including any regulation), rule, or other standard of  
18           conduct applicable to the conduct of such Member or  
19           employee in the performance of the duties, or the  
20           discharge of the responsibilities, of the Member or  
21           employee, along with a brief description of the spe-  
22           cific matter.

23           (2) PRELIMINARY REVIEW.—

24           (A) IN GENERAL.—Not later than 7 busi-  
25           ness days after receipt of an authorization

1 statement from 2 or more members of the  
2 Board under paragraph (1), the Board shall—

3 (i) instruct the Office to initiate a  
4 preliminary review of the alleged violation;  
5 and

6 (ii) provide a written notification of  
7 the commencement of the preliminary re-  
8 view, including a statement of the nature  
9 of the review, to—

10 (I) the applicable ethics com-  
11 mittee;

12 (II) any individual who is the  
13 subject of the preliminary review; and

14 (III) the Director of the Office of  
15 Public Integrity.

16 (B) OPPORTUNITY TO TERMINATE PRE-  
17 LIMINARY REVIEW.—At any time, the Board  
18 may, by a majority vote, terminate a prelimi-  
19 nary review on any ground, including that the  
20 matter under review is de minimis in nature. If  
21 the Board votes to terminate the preliminary  
22 review—

23 (i) the review process under this sec-  
24 tion is completed and no further actions  
25 shall be taken; and



1 (ii) the Board—

2 (I) shall notify, in writing, the in-  
3 dividual who was the subject of the  
4 preliminary review, the Director of the  
5 Office of Public Integrity, and the ap-  
6 plicable ethics committee, of its deci-  
7 sion to terminate the review of the  
8 matter; and

9 (II) may, in any case where the  
10 Board votes to terminate the prelimi-  
11 nary review, send a report, including  
12 any findings of the Board, to the ap-  
13 plicable ethics committee and to the  
14 Director of the Office of Public Integ-  
15 rity.

16 (3) SECOND-PHASE REVIEW PROCESS.—

17 (A) VOTE FOR SECOND-PHASE REVIEW.—

18 (i) IN GENERAL.—After the prelimi-  
19 nary review conducted under paragraph  
20 (2) is completed, the Board shall vote on  
21 whether to authorize a second-phase review  
22 of the matter under consideration. If there  
23 is an affirmative vote of 4 or more mem-  
24 bers of the Board to authorize the second-  
25 phase review, the Board shall authorize the

1 second-phase review process in accordance  
2 with subparagraph (B).

3 (ii) TERMINATION OF MATTER.—If a  
4 vote to authorize a second-phase review  
5 under clause (i) does not succeed, the re-  
6 view process under this section shall be  
7 completed and no further actions shall be  
8 taken.

9 (iii) NOTIFICATION TO PARTIES.—The  
10 Board—

11 (I) shall notify, in writing, the in-  
12 dividual who was the subject of the  
13 preliminary review, the Director of the  
14 Office of Public Integrity, and the ap-  
15 plicable ethics committee, of its deci-  
16 sion to authorize a second-phase re-  
17 view of the matter or to terminate the  
18 review process; and

19 (II) may, in any case where the  
20 Board decides to terminate the review  
21 process of the violation under clause  
22 (ii), send a report, including any find-  
23 ings of the Board, to the applicable  
24 ethics committee and to the Director  
25 of the Office of Public Integrity.

1 (B) SECOND-PHASE REVIEW.—In any case  
2 where a second-phase review is required, the  
3 Board shall authorize the Office to commence,  
4 and complete, a second-phase review.

5 (C) COMPLETION OF SECOND-PHASE RE-  
6 VIEW.—Upon the completion of any second-  
7 phase review, the Board shall—

8 (i) evaluate the review and determine,  
9 based on a majority vote, whether—

10 (I) the applicable ethics com-  
11 mittee should dismiss the matter that  
12 was the subject of such review, which  
13 may be made on any ground, includ-  
14 ing that the matter under review is de-  
15 minimis in nature;

16 (II) the matter requires further  
17 review by the applicable ethics com-  
18 mittee; or

19 (III) the applicable ethics com-  
20 mittee should take action relating to  
21 the matter, including any rec-  
22 ommendation for the disciplinary ac-  
23 tion or sanctions that the committee  
24 should take;

1 (ii) transmit to the applicable ethics  
2 committee a written report that includes—

3 (I) a statement of the nature of  
4 the review and the Member or em-  
5 ployee of Congress who is the subject  
6 of the review, including any alleged  
7 violations uncovered in either the pre-  
8 liminary or second-phase review;

9 (II) any recommendations of the  
10 Board based on votes conducted under  
11 clause (i), or a statement that the  
12 matter is unresolved because of a tie  
13 vote of the Board or a failure to meet  
14 the majority vote threshold established  
15 under section 553(c)(3);

16 (III) a description of the number  
17 of members voting in the affirmative  
18 and in the negative for any action de-  
19 scribed in clause (i);

20 (IV) any findings of the Board,  
21 including—

22 (aa) any findings of fact;

23 (bb) a description of any rel-  
24 evant information that the Board  
25 was unable to obtain or witnesses



1 the ability of the applicable ethics com-  
2 mittee or a law enforcement agency to act  
3 on an alleged ethics violation.

4 (D) AUTHORITY FOR REPRIMAND.—Upon  
5 the completion of any second-phase review, the  
6 Board—

7 (i) may, upon a majority vote, rep-  
8 rimand, in writing, the alleged violator for  
9 potential violations of the law;

10 (ii) in any case where a reprimand  
11 under clause (i) is issued, shall provide a  
12 copy of the reprimand to—

13 (I) the presiding officer of the  
14 House of Congress in which the al-  
15 leged violator serves (if such indi-  
16 vidual is a Member of Congress); or

17 (II) the alleged violator's em-  
18 ployer, if the individual is an employee  
19 of Congress; and

20 (iii) may make the reprimand avail-  
21 able to the public.

22 (c) REQUESTS FROM APPLICABLE ETHICS COMMIT-  
23 TEES.—

24 (1) IN GENERAL.—Notwithstanding any other  
25 provision of this subtitle, upon receipt of a written

1 request from an applicable ethics committee that the  
2 Board cease its review of any matter and refer such  
3 matter to the committee because the committee has  
4 voted to open an investigation of such matter by the  
5 committee or by an investigatory subcommittee of  
6 the committee, the Board shall refer such matter to  
7 the committee, cease its preliminary or second-phase  
8 review, as applicable, of that matter and so notify  
9 any individual who is the subject of the review. In  
10 any such case, the Board shall send a written report  
11 to the committee containing a statement that, upon  
12 the request of that committee, the matter is referred  
13 to it for its consideration. Nothing in this paragraph  
14 shall be construed to prevent the Board from send-  
15 ing any information regarding the matter to the Di-  
16 rector of the Office of Public Integrity or to other  
17 law enforcement agencies.

18 (2) RESUMPTION OF REVIEW.—If the applicable  
19 ethics committee notifies the Board in writing that  
20 it is unable to resolve any matter described in para-  
21 graph (1), the Board may begin or continue, as the  
22 case may be, a second-phase review of the matter in  
23 accordance with subsection (b)(3).

24 (d) PROCEDURES.—

1           (1) REVIEW POWERS.—Members of the Board  
2           or employees of the Office may, during either an ini-  
3           tial review or second-phase review—

4                   (A) administer oaths;

5                   (B) require, by subpoena or otherwise, the  
6           attendance and testimony of such witnesses and  
7           the production of such books, records, cor-  
8           respondence, accounts, memoranda, papers,  
9           documents, tapes, and materials as the Board  
10          or the Office considers advisable;

11                  (C) take the deposition of witnesses; and

12                  (D) conduct general audits of filings under  
13          the Lobbying Disclosure Act of 1995 (2 U.S.C.  
14          1601 et seq.).

15          (2) WITNESSES.—

16                  (A) WITNESSES.—Any witness interviewed  
17          as part of a review under this section shall sign  
18          a statement acknowledging that the witness un-  
19          derstands that section 1001 of title 18, United  
20          States Code (popularly known as the “False  
21          Statements Act”) applies to the testimony of  
22          the witness and to any documents the witness  
23          provides.

24                  (B) PAYMENT.—Witnesses appearing be-  
25          fore the Office may be paid in the same manner



1 as prescribed by clause 5 of rule XI of the  
2 Rules of the House of Representatives, as in ef-  
3 fect on the day before the date of enactment of  
4 this Act.

5 (3) PROHIBITION OF EX PARTE COMMUNICA-  
6 TIONS.—There shall be no ex parte communications  
7 between any member of the Board or employee of  
8 the Office and any individual who is the subject of  
9 any review by the Board or between any member of  
10 the Board and any interested party, and no Member  
11 or employee of the Congress may communicate with  
12 any member of the Board or employee of the Office  
13 regarding any matter under review by the Board ex-  
14 cept as authorized by the Board.

15 (4) CONTEMPT OF CONGRESS.—If a person dis-  
16 obeys or refuses to comply with a subpoena, or if a  
17 witness refuses to testify to a matter, the Board  
18 may recommend to the applicable ethics committee  
19 that such person be held in contempt of Congress.

20 **SEC. 556. PERSONNEL MATTERS.**

21 (a) COMPENSATION OF EMPLOYEES.—

22 (1) APPOINTMENT.—Upon a majority vote of  
23 the Board, the Board may appoint and fix the com-  
24 pensation of such professional, nonpartisan staff (in-  
25 cluding staff with relevant experience in investiga-

1        tions and law enforcement) of the Office as the  
2        Board considers necessary to perform its duties.

3            (2) QUALIFICATIONS.—Each employee of the  
4        Office shall be professional and demonstrably quali-  
5        fied for the position for which the employee is hired.

6            (3) STAFFING REQUIREMENTS.—

7            (A) IN GENERAL.—The employees of the  
8        Office shall be assembled and retained as a pro-  
9        fessional, nonpartisan staff, and the Office as a  
10       whole, and each individual employee, shall per-  
11       form all official duties in a nonpartisan manner.

12           (B) NO PARTISAN POLITICAL ACTIVITY.—  
13       No employee of the Office shall engage in any  
14       partisan political activity directly affecting any  
15       congressional or presidential election.

16           (C) LIMITATION OR PUBLIC SPEAKING OR  
17       PUBLICATION.—No employee of the Office may  
18       accept public speaking engagements or write for  
19       publication on any subject that is in any way  
20       related to the employee's employment or duties  
21       with the Office without specific prior approval  
22       from the chairperson and vice-chairperson of  
23       the Board.

1           (b) TERMINATION OF EMPLOYEES.—The employ-  
2 ment of an employee of the Office may be terminated dur-  
3 ing a Congress solely by a majority vote of the Board.

4           (c) REIMBURSEMENTS.—Members of the Board, and  
5 employees of the Office, may be reimbursed for travel, sub-  
6 sistence, and other necessary expenses incurred by mem-  
7 bers or employees in the performance of their duties in  
8 the same manner as is permissible for such expenses of  
9 other employees of the House or Senate.

10          (d) AGREEMENTS FOR MEMBERS AND EMPLOYEES;  
11 RETENTION OF DOCUMENTS BY THE CLERK.—

12           (1) IN GENERAL.—Before any individual who is  
13 appointed to serve on the Board or before any indi-  
14 vidual is hired to be an employee of the Office may  
15 do so, the individual shall execute a signed document  
16 containing the following statement: “I agree not to  
17 be a candidate for the office of Senator or Rep-  
18 resentative in, or Delegate or Resident Commis-  
19 sioner to, the Congress for purposes of the Federal  
20 Election Campaign Act of 1971 until at least 4  
21 years after I am no longer a member of the Congres-  
22 sional Ethics Board or employee of the Office of  
23 Congressional Ethics.”.

24           (2) RETENTION OF DOCUMENTS.—Copies of the  
25 signed and executed document shall be retained by

1 the Clerk of the House of Representatives and the  
2 Secretary of the Senate as part of the records of the  
3 House and the Senate. The Clerk and the Secretary,  
4 working jointly, shall make the signatures a matter  
5 of public record, causing the names of each indi-  
6 vidual who has signed the document to be published  
7 in a portion of the Congressional Record designed  
8 for that purpose, and make cumulative lists of such  
9 names available on the websites of the Clerk and the  
10 Secretary.

11 (e) CODE OF CONDUCT.—The Board—

12 (1) shall establish a code of conduct to govern  
13 the behavior of the members of the Board and the  
14 employee of the Office, which shall include the avoid-  
15 ance of conflicts of interest; and

16 (2) may issue other rules as the Board deter-  
17 mines necessary to carry out the functions of the  
18 Board and the Office.

19 **SEC. 557. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to carry out  
21 this subtitle such sums as may be necessary.

22 **SEC. 558. CONFORMING AMENDMENTS AND RULES OF CON-**  
23 **STRUCTION.**

24 (a) CONFORMING AMENDMENTS TO THE ETHICS IN  
25 GOVERNMENT ACT OF 1978.—Section 109(18) of the

1 Ethics in Government Act of 1978 (5 U.S.C. App.) is  
2 amended—

3 (1) by redesignating subparagraphs (A) through  
4 (D), as amended, as subparagraphs (B) through  
5 (E), respectively;

6 (2) by inserting before subparagraph (B), as re-  
7 designated by paragraph (1) of this subsection, the  
8 following:

9 “(A) the Office of Congressional Ethics es-  
10 tablished under section 552 of the Anti-Corrup-  
11 tion and Public Integrity Act, for Senators,  
12 Members of the House of Representatives, offi-  
13 cers and employees of the Senate, and officers  
14 and employees of the House of Representatives  
15 required to file financial disclosure reports with  
16 the Secretary of the Senate pursuant to section  
17 103(h) of this title;”;

18 (3) in subparagraph (B) (as so redesignated),  
19 by striking “Senators, officers and employees of the  
20 Senate, and other officers or employees of the legis-  
21 lative branch” and inserting “officers or employees  
22 of the legislative branch not described in subpara-  
23 graph (A)”;

24 (4) in subparagraph (C) (as so redesignated),  
25 by striking “Members, officers and employees of the

1 House of Representatives and other officers or em-  
2 ployees of the legislative branch” and inserting “offi-  
3 cers or employees of the legislative branch not de-  
4 scribed in subparagraph (A)”.

5 (b) TERMINATION OF THE OFFICE OF CONGRES-  
6 SIONAL ETHICS OF THE HOUSE OF REPRESENTATIVES.—  
7 Beginning on the date on which all members of the Board  
8 are appointed, the Office of Congressional Ethics of the  
9 House of Representatives shall be eliminated and section  
10 1 of H. Res. 895 (110th Congress, March 11, 2008) shall  
11 cease to have any force or effect.

12 (c) RULEMAKING AUTHORITY.—The provisions of  
13 this subtitle are enacted—

14 (1) as an exercise of the rulemaking power of  
15 the Senate and of the House of Representatives, and  
16 as such they shall be considered as part of the rules  
17 of the Senate and the House, respectively, and shall  
18 supersede other rules only to the extent that they  
19 are inconsistent therewith; and

20 (2) with full recognition of the constitutional  
21 right of the Senate and the House of Representa-  
22 tives to change such rules at any time, in the same  
23 manner, and to the same extent as in the case of  
24 any other rule of the Senate or House of Represent-  
25 atives.

1           **Subtitle D—Applicability**

2   **SEC. 571. APPLICABILITY.**

3           This title and the amendments made by this title  
4 shall apply on and after the date of enactment of this Act.

5           **TITLE VI—TRANSPARENCY AND**  
6           **GOVERNMENT RECORDS**

7           **Subtitle A—Transparency for Fed-**  
8           **eral Personnel and Candidates**  
9           **for Federal Office**

10   **SEC. 601. CATEGORIES RELATING TO THE AMOUNT OR**  
11           **VALUE OF CERTAIN INCOME.**

12           Section 102 of the Ethics in Government Act of 1978  
13 (5 U.S.C. App.) is amended—

14           (1) in subsection (a)—

15           (A) in paragraph (1)(B)—

16           (i) in the matter preceding clause (i),  
17 by striking “which of the following cat-  
18 egories the amount or value of such item  
19 of income is within” and inserting “the  
20 amount or value of such item of income in  
21 accordance with the following”;

22           (ii) by redesignating clauses (i)  
23 through (iv) as subclauses (I) through  
24 (IV), respectively, and adjusting the mar-  
25 gin accordingly;

1 (iii) by inserting before subclause (I),  
2 as so redesignated, the following:

3 “(i) For items of income with an  
4 amount or value of not more than  
5 \$25,000, which of the following categories  
6 the amount or value of such item of in-  
7 come is within:”;

8 (iv) in clause (i)(III), as so des-  
9 ignated, by adding “or” at the end;

10 (v) in clause (i)(IV), as so designated,  
11 by striking “\$15,000,” and inserting  
12 “\$25,000.”; and

13 (vi) by striking clauses (v) through  
14 (ix) and inserting the following:

15 “(ii) For items of income with an  
16 amount or value of greater than \$25,000,  
17 the amount or value of the item of income,  
18 rounded as follows:

19 “(I) For items of income with an  
20 amount or value of greater than  
21 \$25,000 but not more than \$100,000,  
22 the amount or value rounded to the  
23 nearest \$10,000.

24 “(II) For items of income with  
25 an amount or value of greater than



1                   \$100,000 but not more than  
2                   \$1,000,000, the amount or value  
3                   rounded to the nearest \$100,000.

4                   “(III) For items of income with  
5                   an amount or value of greater than  
6                   \$1,000,000, the amount or value  
7                   rounded to the nearest \$1,000,000.”;

8                   (B) in paragraph (3), by striking “cat-  
9                   egory of value” and inserting “value, in accord-  
10                  ance with subsection (d)(2),”; and

11                  (C) in paragraph (4), in the matter pre-  
12                  ceding subparagraph (A), by striking “category  
13                  of value” and inserting “value, in accordance  
14                  with subsection (d)(2),”; and

15                  (2) in subsection (d)—

16                  (A) in paragraph (1), in the matter pre-  
17                  ceding subparagraph (A), by striking “(3), (4),  
18                  (5), and (8)” and inserting “(5) and (8)”;

19                  (B) by redesignating paragraph (2) as  
20                  paragraph (3); and

21                  (C) by inserting after paragraph (1) the  
22                  following:

23                  “(2) The amount or value of the items covered in  
24                  paragraphs (3) and (4) of subsection (a) shall be reported  
25                  as follows:

1           “(A) For items with an amount or value of not  
2           more than \$25,000, which of the following categories  
3           the amount or value of such item is within:

4                   “(i) Not more than \$15,000.

5                   “(ii) Greater than \$15,000 but not more  
6           than \$25,000.

7           “(B) For items with an amount or value of  
8           greater than \$25,000, the amount or value of the  
9           item, rounded as follows:

10                   “(i) For items with an amount or value of  
11           greater than \$25,000 but not more than  
12           \$100,000, the amount or value rounded to the  
13           nearest \$10,000.

14                   “(ii) For items with an amount or value of  
15           greater than \$100,000 but not more than  
16           \$1,000,000, the amount or value rounded to the  
17           nearest \$100,000.

18                   “(iii) For items with an amount or value  
19           of greater than \$1,000,000, the amount or  
20           value rounded to the nearest \$1,000,000.”.

1 **SEC. 602. DISCLOSURE OF PERSONAL INCOME TAX RE-**  
2 **TURNS BY PRESIDENTS, VICE PRESIDENTS,**  
3 **MEMBERS OF CONGRESS, AND CERTAIN CAN-**  
4 **DIDATES.**

5 (a) IN GENERAL.—Title I of the Ethics in Govern-  
6 ment Act of 1978 (5 U.S.C. App.) is amended—

7 (1) by inserting after section 102 the following:

8 **“SEC. 102A. DISCLOSURE OF PERSONAL INCOME TAX RE-**  
9 **TURNS BY PRESIDENTS, VICE PRESIDENTS,**  
10 **MEMBERS OF CONGRESS, AND CERTAIN CAN-**  
11 **DIDATES.**

12 “(a) DEFINITIONS.—In this section—

13 “(1) the term ‘covered candidate’ means an in-  
14 dividual—

15 “(A) required to file a report under section  
16 101(c); and

17 “(B) who is nominated by a major party  
18 as a candidate for the office of President, Vice  
19 President, or Member of Congress;

20 “(2) the term ‘covered individual’ means—

21 “(A) a President, Vice President, or Mem-  
22 ber of Congress required to file a report under  
23 subsection (a) or (d) of section 101; and

24 “(B) an individual who occupies the office  
25 of the President, Vice President, or a Member

1 of Congress required to file a report under sec-  
2 tion 101(e);

3 “(3) the term ‘income tax return’ means, with  
4 respect to any covered candidate or covered indi-  
5 vidual, any return (within the meaning of section  
6 6103(b) of the Internal Revenue Code of 1986) re-  
7 lated to Federal income taxes, but does not in-  
8 clude—

9 “(A) information returns issued to persons  
10 other than such covered candidate or covered  
11 individual; and

12 “(B) declarations of estimated tax; and

13 “(4) the term ‘major party’ has the meaning  
14 given the term in section 9002 of the Internal Rev-  
15 enue Code of 1986.

16 “(b) DISCLOSURE.—

17 “(1) COVERED INDIVIDUALS.—

18 “(A) IN GENERAL.—In addition to the in-  
19 formation described in subsections (a) and (b)  
20 of section 102, a covered individual shall in-  
21 clude in each report required to be filed under  
22 this title a copy of the income tax returns of the  
23 covered individual for—

24 “(i) with respect to the President or  
25 Vice President, the 8 most recent taxable

1                   years and every year the individual was in  
2                   Federal elected office for which a return  
3                   have been filed with the Internal Revenue  
4                   Service as of the date on which the report  
5                   is filed; and

6                   “(ii) with respect to a Member of  
7                   Congress, the 2 most recent taxable years  
8                   and every year the individual was in Fed-  
9                   eral elected office for which a return has  
10                  been filed with the Internal Revenue Serv-  
11                  ice as of the date on which the report is  
12                  filed.

13                  “(B) FAILURE TO DISCLOSE.—If an in-  
14                  come tax return is not disclosed under subpara-  
15                  graph (A), the Director of the Office of Public  
16                  Integrity shall submit to the Secretary of the  
17                  Treasury a request that the Secretary of the  
18                  Treasury provide the Director of the Office of  
19                  Public Integrity with a copy of the income tax  
20                  return.

21                  “(C) PUBLICLY AVAILABLE.—Each income  
22                  tax return submitted under this paragraph shall  
23                  be filed with the Director of the Office of Public  
24                  Integrity and made publicly available in the

1 same manner as the information described in  
2 subsections (a) and (b) of section 102.

3 “(D) REDACTION OF CERTAIN INFORMA-  
4 TION.—Before making any income tax return  
5 submitted under this paragraph available to the  
6 public, the Director of the Office of Public In-  
7 tegrity shall redact such information as the Di-  
8 rector of the Office of Public Integrity, in con-  
9 sultation with the Secretary of the Treasury de-  
10 termines appropriate.

11 “(2) CANDIDATES.—

12 “(A) IN GENERAL.—Not later than 15  
13 days after the date on which a covered can-  
14 didate is nominated, the covered candidate shall  
15 amend the report filed by the covered candidate  
16 under section 101(c) with the Federal Election  
17 Commission to include a copy of the income tax  
18 returns of the covered candidate for—

19 “(i) with respect to a candidate for  
20 nomination or election to the office of  
21 President or Vice President, the 8 most re-  
22 cent taxable years and every year the indi-  
23 vidual was in Federal elected office for  
24 which a return has been filed with the In-  
25 ternal Revenue Service; and

1                   “(ii) with respect to a candidate for  
2                   nomination or election to the office of  
3                   Member of Congress, the 2 most recent  
4                   taxable years and every year the individual  
5                   was in Federal elected office for which a  
6                   return has been filed with the Internal  
7                   Revenue Service.

8                   “(B) FAILURE TO DISCLOSE.—If an in-  
9                   come tax return is not disclosed under subpara-  
10                  graph (A) the Federal Election Commission  
11                  shall submit to the Secretary of the Treasury a  
12                  request that the Secretary of the Treasury pro-  
13                  vide the Federal Election Commission with the  
14                  income tax return.

15                  “(C) PUBLICLY AVAILABLE.—Each income  
16                  tax return submitted under this paragraph shall  
17                  be filed with the Federal Election Commission  
18                  and made publicly available in the same manner  
19                  as the information described in section 102(b).

20                  “(D) REDACTION OF CERTAIN INFORMA-  
21                  TION.—Before making any income tax return  
22                  submitted under this paragraph available to the  
23                  public, the Federal Election Commission shall  
24                  redact such information as the Federal Election  
25                  Commission, in consultation with the Secretary

1 of the Treasury and the Director of the Office  
2 of Public Integrity, determines appropriate.

3 “(3) SPECIAL RULE FOR SITTING PRESI-  
4 DENTS.—Not later than 30 days after the date of  
5 enactment of this section, the President shall submit  
6 to the Director of the Office of Public Integrity a  
7 copy of the income tax returns described in para-  
8 graph (1)(A)(i).”; and

9 (2) in section 104—

10 (A) in subsection (a)—

11 (i) in paragraph (1), in the first sen-  
12 tence, by inserting “, 102B, or 102C, or  
13 any individual who knowingly and willfully  
14 falsifies or who knowingly and willfully  
15 fails to file an income tax return that such  
16 individual is required to disclose pursuant  
17 to section 102A, 102B, or 102C” before  
18 the period; and

19 (ii) in paragraph (2)(A)—

20 (I) in clause (i), by inserting  
21 “102B, or 102C, or falsify any income  
22 tax return that such person is re-  
23 quired to disclose under section 102A,  
24 102B, or 102C” before the semicolon;  
25 and



1 (II) in clause (ii), by inserting  
2 “102B, or 102C, or fail to file any in-  
3 come tax return that such person is  
4 required to disclosed under section  
5 102A, 102B, or 102C” before the pe-  
6 riod;

7 (B) in subsection (b), in the first sentence  
8 by inserting “or willfully failed to file or has  
9 willfully falsified an income tax return required  
10 to be disclosed under section 102A, 102B, or  
11 102C” before the period;

12 (C) in subsection (c), by inserting “or fail-  
13 ing to file or falsifying an income tax return re-  
14 quired to be disclosed under section 102A,  
15 102B, or 102C” before the period; and

16 (D) in subsection (d)(1)—

17 (i) in the matter preceding subpara-  
18 graph (A), by inserting “or files an income  
19 tax return required to be disclosed under  
20 section 102A, 102B, or 102C” after  
21 “title”; and

22 (ii) in subparagraph (A), by inserting  
23 “or such income tax return, as applicable,”  
24 after “report”.

25 (b) AUTHORITY TO DISCLOSE INFORMATION.—

1           (1) IN GENERAL.—Section 6103(l) of the Inter-  
2           nal Revenue Code of 1986 is amended by adding at  
3           the end the following new paragraph:

4           “(23) DISCLOSURE OF RETURN INFORMATION  
5           OF PRESIDENTS, VICE PRESIDENTS, MEMBERS OF  
6           CONGRESS, AND CERTAIN CANDIDATES.—

7           “(A) DISCLOSURE OF RETURNS OF PRESI-  
8           DENTS, VICE PRESIDENTS, AND MEMBERS OF  
9           CONGRESS.—

10           “(i) IN GENERAL.—The Secretary  
11           shall, upon written request from the Direc-  
12           tor of the Office of Public Integrity pursu-  
13           ant to section 102A(b)(1)(B) of the Ethics  
14           in Government Act of 1978, provide to of-  
15           ficers and employees of the Office of Public  
16           Integrity a copy of any income tax return  
17           of any President, Vice President, or Mem-  
18           ber of Congress that is required to be filed  
19           under section 102A(b)(1) of such Act.

20           “(ii) DISCLOSURE TO PUBLIC.—The  
21           Director of the Office of Public Integrity  
22           may disclose to the public any income tax  
23           return of any President, Vice President,  
24           and Member of Congress that is required  
25           to be filed with the Director of the Office

1 of Public Integrity pursuant to section  
2 102A(b)(1) of the Ethics in Government  
3 Act of 1978.

4 “(B) DISCLOSURE OF RETURNS OF CER-  
5 TAIN CANDIDATES FOR PRESIDENT, VICE  
6 PRESIDENT, AND MEMBERS OF CONGRESS.—

7 “(i) IN GENERAL.—The Secretary  
8 shall, upon written request from the Chair-  
9 man of the Federal Election Commission  
10 pursuant to section 102A(b)(2)(B) of the  
11 Ethics in Government Act of 1978, provide  
12 to officers and employees of the Federal  
13 Election Commission copies of the applica-  
14 ble returns of any covered candidate (as  
15 defined in section 102A(a) of such Act).

16 “(ii) DISCLOSURE TO PUBLIC.—The  
17 Federal Election Commission may disclose  
18 to the public any applicable return of any  
19 covered candidate (as defined in section  
20 102A(a) of such Act) that is required to be  
21 filed with the Commission pursuant to sec-  
22 tion 102A(b)(2) of the Ethics in Govern-  
23 ment Act.

1                   “(iii) APPLICABLE RETURNS.—For  
2 purposes of this paragraph, the term ‘ap-  
3 plicable returns’ means—

4                   “(I) with respect to any covered  
5 candidate for the office of President  
6 or Vice President, income tax returns  
7 for the 8 most recent taxable years  
8 and every year the individual was in  
9 Federal elected office for which a re-  
10 turn has been filed as of the date of  
11 the nomination; and

12                   “(II) with respect to any covered  
13 candidate for the office of Member of  
14 Congress, income tax returns for the  
15 2 most recent taxable years and every  
16 year the individual was in Federal  
17 elected office for which a return has  
18 been filed as of the date of the nomi-  
19 nation.”.

20                   (2) CONFORMING AMENDMENTS.—Section  
21 6103(p)(4) of such Code, in the matter preceding  
22 subparagraph (A) and in subparagraph (F)(ii), is  
23 amended by striking “or (22)” and inserting “(22),  
24 or (23)” each place it appears.

1 **SEC. 603. TRANSPARENCY RELATING TO CANDIDATES FOR**  
2 **FEDERAL OFFICE AND MEMBERS OF CON-**  
3 **GRESS.**

4 (a) IN GENERAL.—Title I of the Ethics in Govern-  
5 ment Act of 1978 (5 U.S.C. App.) is amended by inserting  
6 after section 102A, as added by section 602 of this Act,  
7 the following:

8 **“SEC. 102B. DISCLOSURE RELATING TO COVERED ENTITIES**  
9 **ASSOCIATED WITH MEMBERS OF CONGRESS**  
10 **AND COVERED CANDIDATES.**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘close family member’, with re-  
13 spect to a reporting individual, includes—

14 “(A) a parent of the reporting individual;

15 “(B) a spouse of the reporting individual;

16 and

17 “(C) an adult child of the reporting indi-  
18 vidual;

19 “(2) the term ‘covered candidate’ has the mean-  
20 ing given the term in section 102A(a);

21 “(3) the term ‘covered entity’ means a corpora-  
22 tion, company, firm, partnership, or other business  
23 enterprise;

24 “(4) the term ‘gross receipts’ has the meaning  
25 given the term in section 993(f) of the Internal Rev-  
26 enue Code of 1986;

1           “(5) the term ‘income tax return’ has the  
2 meaning given the term in section 102A(a);

3           “(6) the term ‘Member of Congress’ means—

4                 “(A) a Member of Congress required to file  
5 a report under subsection (a) or (d) of section  
6 101; and

7                 “(B) an individual who occupies the office  
8 of Member of Congress and is required to file  
9 a report under section 101(e); and

10          “(7) the term ‘reporting individual’ means—

11                 “(A) a covered candidate; or

12                 “(B) a Member of Congress.

13          “(b) DISCLOSURE.—

14                 “(1) MEMBERS OF CONGRESS.—

15                 “(A) IN GENERAL.—On and after the date  
16 that is 180 days after the date on which the Di-  
17 rector of the Office of Public Integrity, in con-  
18 sultation with the Federal Election Commission,  
19 promulgates regulations under paragraph (3),  
20 in addition to the information described in sub-  
21 sections (a) and (b) of section 102, a Member  
22 of Congress shall include in each report re-  
23 quired to be filed under this title, with respect  
24 to the 2 most recent taxable years and every  
25 year the Member of Congress was in Federal

1           elected office for which an income tax return  
2           has been filed with the Internal Revenue Serv-  
3           ice as of the date on which the report is filed—

4                   “(i) a statement of the name of any  
5           covered entity—

6                           “(I) in which the Member of  
7           Congress has a significant direct or  
8           indirect ownership interest; and

9                           “(II) that has gross receipts that  
10          meet or exceed the threshold value es-  
11          tablished by regulations promulgated  
12          pursuant to paragraph (3);

13                   “(ii) a copy of any income tax return  
14          filed by a covered entity described in clause  
15          (i) for any taxable year ending with or  
16          within such years; and

17                   “(iii) in the case of a covered entity  
18          described in clause (i) that is a privately  
19          owned or closely held covered entity, a  
20          statement of—

21                           “(I) each—

22                                   “(aa) asset of the covered  
23                           entity; and

24                                   “(bb) liability of the covered  
25                           entity;

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1 “(II) all—

2 “(aa) income from sources  
3 within the United States, as de-  
4 scribed in section 861 of the In-  
5 ternal Revenue Code of 1986;  
6 and

7 “(bb) income from sources  
8 without the United States, as de-  
9 scribed in section 862 of the In-  
10 ternal Revenue Code of 1986;

11 “(III) the name of each co-owner  
12 or co-member of the covered entity;  
13 and

14 “(IV) for any co-owner or co-  
15 member described in subclause (III)  
16 that is not a natural person, the name  
17 of each natural person that controls,  
18 directly or indirectly, the co-owner or  
19 co-member.

20 “(B) CLOSE FAMILY MEMBERS.—In addi-  
21 tion to the information described in subpara-  
22 graph (A), the Director of the Office of Public  
23 Integrity may, on a case-by-case basis and in  
24 accordance with the regulations promulgated  
25 under paragraph (3), require that a Member of



1 Congress include in each report required to be  
2 filed under this title by the Member of Congress  
3 the information described in subparagraph (A)  
4 with respect to any covered entity—

5 “(i) in which a close family member of  
6 the Member of Congress has a significant  
7 direct or indirect ownership interest; and

8 “(ii) that has gross receipts that meet  
9 or exceed the threshold value established  
10 by regulations promulgated pursuant to  
11 paragraph (3).

12 “(C) FAILURE TO DISCLOSE.—If an in-  
13 come tax return is not disclosed under subpara-  
14 graph (A)(ii), the Director of the Office of Pub-  
15 lic Integrity shall submit to the Secretary of the  
16 Treasury a request that the Secretary of the  
17 Treasury provide the Director of the Office of  
18 Public Integrity with a copy of the income tax  
19 return.

20 “(D) PUBLICLY AVAILABLE.—All informa-  
21 tion, including any income tax return, described  
22 in this subsection required to be included in a  
23 report under this title shall be filed with the Di-  
24 rector of the Office of Public Integrity and  
25 made publicly available in the same manner as

1 the information described in subsections (a) and  
2 (b) of section 102.

3 “(E) REDACTION OF CERTAIN INFORMA-  
4 TION.—

5 “(i) IN GENERAL.—Before making  
6 any information, including any income tax  
7 return, described in this paragraph re-  
8 quired to be included in a report under  
9 this title available to the public, the Direc-  
10 tor of the Office of Public Integrity shall  
11 redact—

12 “(I) if the information contained  
13 in the report contains a trade secret  
14 the disclosure of which is likely to  
15 cause substantial harm to the com-  
16 petitive position of the covered entity  
17 to which the information contained in  
18 the report pertains, the information  
19 relating to the trade secret; and

20 “(II) such information as the Di-  
21 rector of the Office of Public Integ-  
22 rity, in consultation with the Sec-  
23 retary of the Treasury, determines ap-  
24 propriate.

1                   “(ii) REQUEST FOR REDACTION.—A  
2                   Member of Congress submitting a report  
3                   under this title that contains information,  
4                   including any income tax return, described  
5                   in this paragraph that contains a trade se-  
6                   cret described in clause (i)(I) may request  
7                   that the Director of the Office of Public  
8                   Integrity redact the information relating to  
9                   the trade secret.

10                  “(2) CANDIDATES.—

11                   “(A) IN GENERAL.—On and after the date  
12                   that is 180 days after the date on which the Di-  
13                   rector of the Office of Public Integrity, in con-  
14                   sultation with the Federal Election Commission,  
15                   promulgates regulations under paragraph (3),  
16                   not later than 15 days after the date on which  
17                   a covered candidate is nominated, the covered  
18                   candidate shall amend the report filed by the  
19                   covered candidate under section 101(c) with the  
20                   Federal Election Commission to include, with  
21                   respect to the years described in subparagraph  
22                   (B)—

23                   “(i) a statement of the name of any  
24                   covered entity—



1                   ternal Revenue Code of 1986;  
2                   and

3                   “(bb) income from sources  
4                   without the United States, as de-  
5                   scribed in section 862 of the In-  
6                   ternal Revenue Code of 1986;

7                   “(III) the name of each co-owner  
8                   or co-member of the covered entity;  
9                   and

10                  “(IV) for any co-owner or co-  
11                  member described in subclause (III)  
12                  that is not a natural person, the name  
13                  of each natural person that controls,  
14                  directly or indirectly, the co-owner or  
15                  co-member.

16                  “(B) APPLICABLE YEARS.—The years de-  
17                  scribed in this subparagraph are as follows:

18                  “(i) In the case of a report filed under  
19                  section 101(c) by a covered candidate for  
20                  the office of President or Vice President,  
21                  the 8 years preceding the date on which  
22                  the report is filed.

23                  “(ii) In the case of a report filed  
24                  under section 101(c) by a covered can-  
25                  didate for the office of Member of Con-

1                   gress, the 2 years preceding the date on  
2                   which the report is filed.

3                   “(C) CLOSE FAMILY MEMBERS.—In addi-  
4                   tion to the information described in subpara-  
5                   graph (A), the Federal Election Commission  
6                   may, on a case-by-case basis and in accordance  
7                   with the regulations promulgated under para-  
8                   graph (3), require that a covered candidate in-  
9                   clude in each report required to be filed under  
10                  section 101(e) by the covered candidate the in-  
11                  formation described in subparagraph (A) with  
12                  respect to any covered entity—

13                   “(i) in which a close family member of  
14                   the covered candidate has a significant di-  
15                   rect or indirect ownership interest; and

16                   “(ii) that has gross receipts that meet  
17                   or exceed the threshold value established  
18                   by regulations promulgated pursuant to  
19                   paragraph (3).

20                  “(D) FAILURE TO DISCLOSE.—If an in-  
21                  come tax return is not disclosed under subpara-  
22                  graph (A)(ii), the Chairman of the Federal  
23                  Election Commission shall submit to the Sec-  
24                  retary of the Treasury a request that the Sec-  
25                  retary of the Treasury provide the Federal

1 Election Commission with a copy of the income  
2 tax return.

3 “(E) PUBLICLY AVAILABLE.—All informa-  
4 tion, including any income tax return, described  
5 in this subsection required to be included in a  
6 report under section 101(c) shall be filed with  
7 the Federal Election Commission and made  
8 publicly available in the same manner as the in-  
9 formation described in subsections (a) and (b)  
10 of section 102.

11 “(F) REDACTION OF CERTAIN INFORMA-  
12 TION.—

13 “(i) IN GENERAL.—Before making  
14 any information, including any income tax  
15 return, described in this paragraph re-  
16 quired to be included in a report under  
17 section 101(c) available to the public, the  
18 Federal Election Commission shall re-  
19 duct—

20 “(I) if the information contained  
21 in the report contains a trade secret  
22 the disclosure of which is likely to  
23 cause substantial harm to the com-  
24 petitive position of the covered entity  
25 to which the information contained in

1 the report pertains, the information  
2 relating to the trade secret; and

3 “(II) such information as the  
4 Federal Election Commission, in con-  
5 sultation with the Secretary of the  
6 Treasury, determines appropriate.

7 “(ii) REQUEST FOR REDACTION.—A  
8 covered candidate submitting a report  
9 under section 101(c) that contains infor-  
10 mation, including any income tax return,  
11 described in this paragraph that contains a  
12 trade secret described in clause (i)(I) may  
13 request that the Federal Election Commis-  
14 sion redact the information relating to the  
15 trade secret.

16 “(3) REGULATIONS.—Not later than 120 days  
17 after the date of enactment of this section, the Di-  
18 rector of the Office of Public Integrity shall, in con-  
19 sultation with the Federal Elections Commission,  
20 promulgate regulations to—

21 “(A) establish each threshold value for  
22 purposes of—

23 “(i) subparagraphs (A)(i)(II) and  
24 (B)(ii) of paragraph (1); and



1                   “(ii) subparagraphs (A)(i)(II) and  
2                   (C)(ii) of paragraph (2);

3                   “(B) define the term ‘significant direct or  
4                   indirect interest’;

5                   “(C) ensure that information described in  
6                   this subsection that is required to be contained  
7                   in a report filed under this title does not—

8                   “(i) disclose any trade secret that is  
9                   likely to cause substantial harm to the  
10                  competitive position of the covered entity  
11                  to which it pertains; or

12                  “(ii) violate the privacy of any indi-  
13                  vidual who is not the reporting individual  
14                  who files the report; and

15                  “(D) prescribe appropriate circumstances  
16                  in which to require a Member of Congress or  
17                  covered candidate to provide information under  
18                  paragraph (1)(B) or (2)(C).

19 **“SEC. 102C. DISCLOSURE RELATING TO COVERED ORGANI-**  
20 **ZATIONS ASSOCIATED WITH COVERED CAN-**  
21 **DIDATES.**

22                  “(a) DEFINITIONS.—In this section—

23                  “(1) the term ‘covered candidate’ has the mean-  
24                  ing given the term in section 102A(a);

1           “(2) the term ‘covered organization’ means an  
2 organization required to—

3           “(A) file an income tax return under sec-  
4 tion 6033 of the Internal Revenue Code of  
5 1986; and

6           “(B) include information under subsection  
7 (e) thereof;

8           “(3) the term ‘income tax return’ has the  
9 meaning given the term in section 102A(a); and

10          “(4) the term ‘key employee’ means—

11           “(A) an individual who is 1 of the 5 indi-  
12 viduals receiving the highest amount of com-  
13 pensation paid by a covered organization; or

14           “(B) an individual receiving compensation  
15 paid by a covered organization in an amount  
16 that exceeds \$100,000.

17          “(b) DISCLOSURE.—

18           “(1) IN GENERAL.—Not later than 15 days  
19 after the date on which a covered candidate is nomi-  
20 nated, the covered candidate shall amend the report  
21 filed by the covered candidate under section 101(c)  
22 with the Federal Election Commission to include—

23           “(A) a statement identifying each covered  
24 organization of which the covered candidate has  
25 been an officer, director, trustee, board mem-

1           ber, or key employee during the 2 years pre-  
2           ceding the date on which the report is filed; and

3           “(B) for each covered organization identi-  
4           fied under subparagraph (A), a copy of each in-  
5           come tax return required to be filed by the cov-  
6           ered organization under section 6033 of the In-  
7           ternal Revenue Code of 1986 for each taxable  
8           year ending with or within any taxable years  
9           described in subparagraph (A) in which the cov-  
10          ered candidate was an officer, director, trustee,  
11          board member, or key employee of the covered  
12          organization.

13          “(2) FAILURE TO DISCLOSE.—If an income tax  
14          return is not disclosed under paragraph (1)(B), the  
15          Federal Election Commission shall submit to the  
16          Secretary of the Treasury a request that the Sec-  
17          retary of the Treasury provide the Federal Election  
18          Commission with the income tax return.

19          “(3) PUBLICLY AVAILABLE.—

20                 “(A) IN GENERAL.—All information, in-  
21                 cluding any income tax return, described in this  
22                 subsection required to be included in a report  
23                 under section 101(c) shall be filed with the  
24                 Federal Election Commission and made publicly

1 available in the same manner as the informa-  
2 tion described in section 102(b).

3 “(B) INCOME TAX RETURNS.—The Direc-  
4 tor of the Office of Public Integrity shall make  
5 a copy of each income tax return described in  
6 paragraph (1)(B) included in a report filed  
7 under section 101(e) publicly available on the  
8 website described in section 402(b)(19) until—

9 “(i) the date on which the reporting  
10 individual ceases to be a covered candidate;  
11 or

12 “(ii) if the reporting individual is  
13 elected to the office for which the reporting  
14 individual was a covered candidate, the  
15 date on which the reporting individual  
16 ceases to serve in the office for which the  
17 reporting individual was a covered can-  
18 didate.

19 “(4) REDACTION.—Before making any informa-  
20 tion, including any income tax return, described in  
21 this subsection required to be included in a report  
22 under section 101(e) available to the public, the  
23 Federal Election Commission shall redact such infor-  
24 mation as the Federal Election Commission, in con-  
25 sultation with the Secretary of the Treasury and the

1 Director of the Office of Public Integrity, determines  
2 appropriate.”.

3 (b) AUTHORITY TO DISCLOSE INFORMATION.—Para-  
4 graph (23) of section 6103(l) of the Internal Revenue  
5 Code of 1986, as added by section 602, is amended by  
6 adding at the end the following new subparagraphs:

7 “(C) DISCLOSURE OF RETURNS OF COV-  
8 ERED ENTITIES ASSOCIATED WITH MEMBERS  
9 OF CONGRESS AND COVERED CANDIDATES.—

10 “(i) IN GENERAL.—

11 “(I) COVERED ENTITIES ASSOCI-  
12 ATED WITH MEMBERS OF CON-  
13 GRESS.—The Secretary shall, upon  
14 written request from the Director of  
15 the Office of Public Integrity pursu-  
16 ant to section 102B(b)(1)(C) of the  
17 Ethics in Government Act of 1978  
18 provide to officers and employees of  
19 the Office of Public Integrity a copy  
20 of any income tax return of a covered  
21 entity (as defined in section 102B(a)  
22 of such Act) that relates to a year de-  
23 scribed in section 102B(b)(1)(A) of  
24 such Act and is required to be filed  
25 under section 102B(b) of such Act.

1                   “(II) COVERED ENTITIES ASSOCI-  
2                   ATED WITH COVERED CANDIDATES.—

3                   The Secretary shall, upon written re-  
4                   quest from the Chairman of the Fed-  
5                   eral Election Commission pursuant to  
6                   section 102B(b)(2)(D) of the Ethics  
7                   in Government Act of 1978 provide to  
8                   officers and employees of the Federal  
9                   Election Commission a copy of any in-  
10                  come tax return of a covered entity  
11                  (as defined in section 102B(a) of such  
12                  Act) that relates to a year described  
13                  in section 102B(b)(2)(B) of such Act  
14                  and is required to be filed under sec-  
15                  tion 102B(b) of such Act.

16                  “(ii) DISCLOSURE TO PUBLIC.—The  
17                  Director of the Office of Public Integrity  
18                  and the Chairman of the Federal Election  
19                  Commission may disclose to the public the  
20                  income tax return of any covered entity (as  
21                  so defined) that is required to be filed pur-  
22                  suant to section 102B(b) of the Ethics in  
23                  Government Act of 1978.

1                   “(D) DISCLOSURE OF RETURNS OF COV-  
2                   ERED ORGANIZATIONS ASSOCIATED WITH COV-  
3                   ERED CANDIDATES.—

4                   “(i) IN GENERAL.—The Secretary  
5                   shall, upon written request from the Chair-  
6                   man of the Federal Election Commission  
7                   pursuant to section 102C(b)(2) of the Eth-  
8                   ics in Government Act of 1978, provide to  
9                   officers and employees of the Federal Elec-  
10                  tion Commission copies of any income tax  
11                  return required to be filed under section  
12                  6033 by an organization described in  
13                  clause (iii) for any year taxable year end-  
14                  ing with or within the period described in  
15                  section 102C(b)(1)(B) of such Act.

16                  “(ii) DISCLOSURE TO PUBLIC.—The  
17                  Federal Election Commission may disclose  
18                  to the public income tax returns of any or-  
19                  ganization described in clause (iii) that is  
20                  required to be filed with the Commission  
21                  pursuant to section 102C(b) of the Ethics  
22                  in Government Act of 1978.

23                  “(iii) ORGANIZATION DESCRIBED.—  
24                  An organization is described in this clause  
25                  if such organization is a covered organiza-

1                   tion (as defined in section 102C(a) of the  
2                   Ethics in Government Act of 1978) of  
3                   which a person who has been nominated as  
4                   a covered candidate (as defined in section  
5                   102A(a) of such Act) has been an officer,  
6                   director, trustee, board member, or key  
7                   employee (as defined in section 102C(a) of  
8                   such Act) during the period described in  
9                   section 102C(b)(1)(A) of such Act.”.

10           (c) PROVISION OF FINANCIAL DISCLOSURES TO THE  
11 FEDERAL ELECTION COMMISSION.—Section 103(j) of the  
12 Ethics in Government Act of 1978 (5 U.S.C. App.) is  
13 amended—

14           (1) in paragraph (1), by adding at the end the  
15 following: “In the case of a report filed under this  
16 title with the Clerk of the House of Representatives  
17 by a covered candidate, as defined in section  
18 102A(a), a copy of the report shall also be sent by  
19 the Clerk to the Federal Election Commission within  
20 the 7-day period beginning on the day the report is  
21 filed.”; and

22           (2) in paragraph (2), by adding at the end the  
23 following: “In the case of a report filed under this  
24 title with the Secretary of the Senate by a covered  
25 candidate, as defined in section 102A(a), a copy of



1 the report shall also be sent by the Secretary to the  
2 Federal Election Commission within the 7-day pe-  
3 riod beginning on the day the report is filed.”.

4 **Subtitle B—Think Tank, Nonprofit,**  
5 **and Advocate Transparency**

6 **SEC. 611. AMENDMENTS TO THE LOBBYING DISCLOSURE**

7 **ACT OF 1995.**

8 (a) ENFORCEMENT REPORT.—Section 6(b) of the  
9 Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(b)) is  
10 amended—

11 (1) by striking paragraph (1) and inserting the  
12 following:

13 “(1) REPORTS.—

14 “(A) IN GENERAL.—Subject to subpara-  
15 graph (B), after the end of each semiannual pe-  
16 riod beginning on January 1 and July 1, the  
17 Attorney General, in consultation with the Di-  
18 rector of the Office of Public Integrity, shall  
19 submit to each congressional committee referred  
20 to in paragraph (2) a report that includes, for  
21 that semiannual period a statement of—

22 “(i) the aggregate number of enforce-  
23 ment actions taken by the Department of  
24 Justice under this Act; and

1                   “(ii) by case, any sentence or fine im-  
2                   posed in each such enforcement action.

3                   “(B) INFORMATION NOT ALREADY A MAT-  
4                   TER OF PUBLIC RECORD.—A report submitted  
5                   under subparagraph (A) may not include the  
6                   name of any individual, or any personally iden-  
7                   tifiable information, that is not already a mat-  
8                   ter of public record, as of the date on which the  
9                   report is submitted.”; and

10                  (2) in paragraph (2)—

11                   (A) by striking “paragraph (1)” and in-  
12                   serting “paragraph (1)(A)”; and

13                   (B) by inserting “and the Committee on  
14                   Oversight and Government Reform” after  
15                   “Committee on the Judiciary”.

16                  (b) REPORTS BY THINK TANK, NONPROFIT, AND AD-  
17                  VOCACY GROUPS.—The Lobbying Disclosure Act of 1995  
18                  (2 U.S.C. 1601 et seq.) is amended—

19                   (1) by redesignating sections 6 through 28 (2  
20                   U.S.C. 1605 et seq.), as amended by title II of this  
21                   Act, as sections 7 through 29, respectively; and

22                   (2) by inserting after section 5 (2 U.S.C. 1604)  
23                   the following:

1 **“SEC. 6. REPORTS BY THINK TANK, NONPROFIT, AND ADVO-**  
2 **CACY GROUPS.**

3 “(a) DEFINITION.—In this section—

4 “(1) the term ‘covered organization’ means any  
5 organization—

6 “(A) that is described in paragraph (3),  
7 (4), or (6) of section 501(c) of the Internal  
8 Revenue Code of 1986 and exempt from tax  
9 under section 501(a) of such Code; and

10 “(B) that—

11 “(i) engages in lobbying activities; or

12 “(ii) is a client; and

13 “(2) the term ‘covered product’ means any com-  
14 munication that is—

15 “(A) made to a covered legislative branch  
16 official or covered executive branch official in  
17 the course of any lobbying contact by, or on be-  
18 half of, a covered organization;

19 “(B) testimony—

20 “(i) given by, or on behalf of, a cov-  
21 ered organization before a committee, sub-  
22 committee, or task force of Congress; or

23 “(ii) submitted by, or on behalf of, a  
24 covered organization for inclusion in the  
25 public record of a hearing conducted by

1           such committee, subcommittee, or task  
2           force; or

3           “(C) made by, or on behalf of, a covered  
4           organization in response to a notice in the Fed-  
5           eral Register, Commerce Business Daily, or  
6           other similar publication soliciting communica-  
7           tions from the public and directed to the agency  
8           official specifically designated in the notice to  
9           receive such communications.

10          “(b) REPORTS.—Not later than 1 year after the date  
11 of enactment of this section, and not later than January  
12 30th of each year thereafter, or on the first business day  
13 after January 30th if January 30th is not a business day,  
14 each covered organization shall submit to the Director of  
15 the Office of Public Integrity a report for the preceding  
16 calendar year that includes, with respect to each covered  
17 product made or given by, or on behalf of, the covered  
18 organization during that year—

19           “(1) the name of each donor who donated any  
20           amount that was—

21           “(A) used to pay the cost of making or giv-  
22           ing the covered product; and

23           “(B) donated with the intention of sup-  
24           porting any lobbying activity by the covered or-  
25           ganization; and





1 electronically, the records described in  
2 paragraph (2), to make available to  
3 the public on the website of the agen-  
4 cy the records described in subsection  
5 (p), and to award other appropriate  
6 equitable relief”; and

7 (ii) in subparagraph (F)(i), in the  
8 first sentence—

9 (I) by inserting “, orders an  
10 agency to make available for public in-  
11 spection, including by posting elec-  
12 tronically, the records described in  
13 paragraph (2), or orders an agency to  
14 make available to the public on the  
15 website of the agency the records de-  
16 scribed in subsection (p),” after “im-  
17 properly withheld from the complain-  
18 ant”; and

19 (II) by inserting “or unavail-  
20 ability of records” after “the with-  
21 holding” each place that term ap-  
22 pears; and

23 (B) in paragraph (6), by adding at the end  
24 the following:

1           “(G)(i) Notwithstanding any determination  
2           made under subparagraph (A)(i), or any appeal to  
3           such a determination under subparagraph (A)(ii),  
4           the Office of Government Information Services es-  
5           tablished under subsection (h) shall require an agen-  
6           cy to comply with a request for records made under  
7           paragraph (1), (2), or (3), or any other requirement  
8           of this subsection, if the Office determines that the  
9           agency has not reasonably and impartially complied  
10          with the requirements of this subsection.

11          “(ii) If the Office makes a determination under  
12          clause (i) that an agency has not reasonably or im-  
13          partially complied with a request for records made  
14          under paragraph (1), (2), or (3), or any other re-  
15          quirement of this subsection, and requires the agen-  
16          cy to comply with that request or requirement, the  
17          Office shall make available to the public on the  
18          website of the Office that determination and any re-  
19          sponse and regular update by the agency of compli-  
20          ance by the agency.

21          “(iii) Nothing in clause (i) or (ii) shall be con-  
22          strued to prevent or restrict the ability of an indi-  
23          vidual to bring a suit to compel the disclosure of  
24          records under this section.”;



1           (2) in subsection (d), by inserting “any Member  
2 of” before “Congress”;

3           (3) in subsection (h)(3)—

4                 (A) by inserting “(A)” before “The Of-  
5 fice”; and

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

7           “(B) The Director of the Office of Public Integ-  
8 rity, or a designee of the Director, may submit a  
9 non-binding recommendation to the Office of Gov-  
10 ernment Information Services regarding the disclo-  
11 sure of information under this section during a me-  
12 diation service provided under subparagraph (A).”;  
13 and

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

15           “(n) Each agency shall maintain and make available  
16 through a single website, which may be the website de-  
17 scribed in subsection (m) and shall be managed by the  
18 Office of Public Integrity, an agency record database  
19 that—

20                 “(1) contains a log of the status of each open  
21 request for records from the agency under this sec-  
22 tion; and

23                 “(2) makes each request for records under this  
24 section with which the agency complies available in  
25 a format that is searchable, sortable, machine read-

1       able, and downloadable not later than 60 days after  
2       the date on which the request is first received by the  
3       agency.”.

4   **SEC. 622. EXEMPTIONS FROM DISCLOSURE.**

5       (a) IN GENERAL.—Section 552(b) of title 5, United  
6 States Code, is amended—

7           (1) in paragraph (3)(B), by inserting “with an  
8       explanation for the exemption” after “specifically  
9       cites to this paragraph”;

10          (2) in paragraph (4), by inserting before the  
11       semicolon at the end the following: “, only if disclo-  
12       sure of the commercial or financial information is  
13       likely to cause substantial harm to the competitive  
14       position of the person from whom the information  
15       was obtained”;

16          (3) in paragraph (5)—

17           (A) by striking “provided that the delibera-  
18       tive process privilege shall not apply to records  
19       created 25 years or more before the date on  
20       which the records were requested” and insert-  
21       ing “and excluding—

22           “(A) any opinion that is a controlling interpre-  
23       tation of law;

24           “(B) any final report or memorandum created  
25       by an entity other than the agency, including other

1 Governmental entities, at the request of the agency  
2 and used to make a final policy decision;

3 “(C) any guidance document used by the agen-  
4 cy to respond to the public; and

5 “(D) any record created not less than 25 years  
6 before the date on which the records were re-  
7 quested”;

8 (4) in paragraph (6), by striking “similar files”  
9 and inserting “personal information, such as per-  
10 sonal contact information or personal financial infor-  
11 mation,”;

12 (5) in paragraph (7)—

13 (A) in subparagraph (E)—

14 (i) by inserting a comma before “if  
15 such”; and

16 (ii) by inserting “and the record or in-  
17 formation was created less than 25 years  
18 before the date on which the records were  
19 requested” after “circumvention of the  
20 law”; and

21 (B) by adding “or” at the end;

22 (6) by striking paragraph (8);

23 (7) by redesignating paragraph (9) as para-  
24 graph (8); and

1 (8) in the flush text following paragraph (8), as  
2 so redesignated—

3 (A) by inserting before “Any reasonably  
4 segregable portion” the following: “An agency  
5 may not withhold information under this sub-  
6 section unless the agency reasonably foresees  
7 that disclosure would cause specific identifiable  
8 harm to an interest protected by an exemption,  
9 or if disclosure is prohibited by law.”; and

10 (B) by inserting before “If technically fea-  
11 sible,” the following: “For each record withheld  
12 in whole or in part under paragraph (3), the  
13 agency shall identify the statute that exempts  
14 the record from disclosure.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) ENERGY POLICY AND CONSERVATION  
17 ACT.—Section 254(a)(2)(A) of the Energy Policy  
18 and Conservation Act (42 U.S.C. 6274(a)(2)(A)) is  
19 amended by striking “(b)(9)” and inserting  
20 “(b)(8)”.

21 (2) FEDERAL CREDIT UNION ACT.—Section  
22 216(j)(3)(A) of the Federal Credit Union Act (12  
23 U.S.C. 1790d(j)(3)(A)) is amended—

24 (A) by striking “; or” and all that follows  
25 and inserting a period; and

1 (B) by striking “excising” and all that fol-  
2 lows through “any portion” and inserting “ex-  
3 cising any portion”.

4 (3) SECURITIES EXCHANGE ACT OF 1934.—Sec-  
5 tion 24 of the Securities Exchange Act of 1934 (15  
6 U.S.C. 78x) is amended—

7 (A) in subsection (d), by striking “(g)”  
8 and inserting “(f)”;

9 (B) by striking subsection (e); and

10 (C) by redesignating subsections (f) and  
11 (g) as subsections (e) and (f), respectively.

12 **SEC. 623. PUBLIC INTEREST BALANCING TEST.**

13 Section 552 of title 5, United States Code (commonly  
14 known as the “Freedom of Information Act”), as amended  
15 by this subtitle, is amended—

16 (1) in subsection (b), in the matter preceding  
17 paragraph (1), by striking “This section” and in-  
18 serting “Subject to subsection (o), this section”; and

19 (2) by adding at the end the following:

20 “(o)(1) Notwithstanding the applicability of an ex-  
21 emption from disclosure under subsection (b), an agency  
22 shall make available a record or any segregable portion  
23 of a record if the public interest in disclosure clearly out-  
24 weighs the interest protected by the exemption.

1       “(2) In evaluating the public interest in disclosing a  
2 record or a portion of a record under paragraph (1), an  
3 agency and courts shall consider—

4           “(A) the extent to which access to the record  
5 will further public understanding of the operations  
6 or decision making of an agency or Government offi-  
7 cial;

8           “(B) the extent to which the age of the record  
9 diminishes the rationale for withholding the record;

10          “(C) any reasonable suspicion of governmental  
11 wrongdoing;

12          “(D) the importance of the record to the public  
13 in order for the public to make informed decisions  
14 with respect to the electoral and democratic process;  
15 and

16          “(E) any other factors that the agency or court  
17 determines necessary.”.

18 **SEC. 624. AFFIRMATIVE DISCLOSURE OF AGENCY RECORDS**

19 **ON WEBSITE.**

20       Section 552 of title 5, United States Code (commonly  
21 known as the “Freedom of Information Act”), as amended  
22 by this subtitle, is amended by adding at the end the fol-  
23 lowing:

24       “(p)(1) Each agency shall make available to the pub-  
25 lic on the website of the agency—

1           “(A) information relating to each advisory com-  
2           mittee (as defined in section 3 of the Federal Advi-  
3           sory Committee Act (5 U.S.C. App.)) of the agency,  
4           including—

5                   “(i) the charter of the advisory committee  
6                   and a description of the activities of the advi-  
7                   sory committee;

8                   “(ii) the name and basic biography of each  
9                   member of the advisory committee, and any  
10                  conflict of interest, ethics waiver, or recusal in-  
11                  formation relating to each member;

12                  “(iii) the meeting agendas, minutes, tran-  
13                  scripts, and any recordings of the advisory com-  
14                  mittee;

15                  “(iv) any upcoming events of the advisory  
16                  committee;

17                  “(v) timelines of any ongoing advisory  
18                  committee work; and

19                  “(vi) a full list of nominated members of  
20                  the advisory committee and the final selected  
21                  membership of the advisory committee;

22           “(B) information relating to Federal contracts  
23           of the agency, including—

24                   “(i) a copy of each contract, task, and de-  
25                   livery order;

1           “(ii) information on past performance of  
2           contractors, if available; and

3           “(iii) except for information that is exempt  
4           from disclosure under subsection (b)(4), all cor-  
5           respondence and documents related to the pro-  
6           vision of services to the Federal Government by  
7           contractors earning—

8                   “(I) \$10,000,000 during a 1-year pe-  
9                   riod under a Federal contract or license; or

10                   “(II) more than 20 percent of total  
11                   revenue of the contractor from Federal  
12                   sources;

13           “(C) ethics documents maintained by the Office  
14           of Public Integrity, including—

15                   “(i) final submissions of ethics paperwork  
16                   for an individual in a position on any level of  
17                   the Executive Schedule under subchapter II of  
18                   chapter 53 of this title;

19                   “(ii) waivers; and

20                   “(iii) any document granting a recusal on  
21                   a specific issue for an individual in a position  
22                   on any level of the Executive Schedule under  
23                   subchapter II of chapter 53 of this title;

24           “(D) basic employee organizational charts and  
25           office contact information, including—



1           “(i) charts that minimally include the  
2 names, job titles, and salaries of all noncareer  
3 appointees and career appointees, as defined in  
4 section 3132 of this title; and

5           “(ii) front office contact information for  
6 every office within the agency;

7           “(E) each communication sent to Congress or  
8 to a committee of Congress, including—

9           “(i) congressional testimony;

10           “(ii) each unclassified report submitted to  
11 Congress, as required by statute; and

12           “(iii) each response to questions for con-  
13 gressional hearing records, provided that the re-  
14 sponse does not include individual casework or  
15 constituent information; and

16           “(F) human resources data of the agency, in  
17 the aggregate, including—

18           “(i) the number of involuntary transfers,  
19 hires, and voluntary and involuntary departures  
20 each quarter; and

21           “(ii) information on the racial, ethnic, and  
22 gender diversity with respect to hires, depart-  
23 tures, and involuntary transfers.

24           “(2) If an agency is unable to maintain a website de-  
25 scribed in paragraph (1) due to resource constraints, the

1 agency shall submit the information required to be made  
2 available under paragraph (1) to the Director of the Office  
3 of Public Integrity, who shall make the information avail-  
4 able on a website managed by the Office of Public Integ-  
5 rity, such as the website described in subsection (m).”.

6 **SEC. 625. APPLICABILITY.**

7 This subtitle and the amendments made by this sub-  
8 title shall apply on and after the date of enactment of this  
9 Act.

10 **Subtitle D—Federal Contractor**  
11 **Transparency**

12 **SEC. 631. EXPANDING APPLICABILITY OF THE FREEDOM OF**  
13 **INFORMATION ACT TO FEDERAL CONTRAC-**  
14 **TORS.**

15 (a) DEFINITION OF AGENCY.—In this section, the  
16 term “agency” has the meaning given the term in section  
17 552(f) of title 5, United States Code.

18 (b) APPLICABILITY OF FOIA.—A record relating to  
19 a Federal contractor, including a record relating to a non-  
20 Federal prison, correctional, or detention facility, pro-  
21 duced during fulfillment of the Federal contract with an  
22 agency with funds provided under the contract shall be—

23 (1) considered a record for purposes of section  
24 552(f)(2) of title 5, United States Code, whether in

1 the possession of the Federal contractor or an agen-  
2 cy; and

3 (2) subject to section 552 of title 5, United  
4 States Code (commonly known as the “Freedom of  
5 Information Act”), to the same extent as if the  
6 record was maintained by an agency.

7 (c) WITHHOLDING OF INFORMATION.—An agency  
8 may not withhold information that would otherwise be re-  
9 quired to be disclosed under subsection (b) unless—

10 (1) the agency, based on the independent as-  
11 sessment of the agency, reasonably foresees that dis-  
12 closure of the information would cause specific iden-  
13 tifiable harm to an interest protected by an exemp-  
14 tion from disclosure under section 552(b) of title 5,  
15 United States Code; or

16 (2) disclosure of the information is prohibited  
17 by law.

18 (d) REGULATIONS.—

19 (1) IN GENERAL.—An agency may promulgate  
20 regulations or guidance to ensure compliance with  
21 this section by the agency and Federal contractors.

22 (2) COMPLIANCE BY FEDERAL CONTRAC-  
23 TORS.—

24 (A) IN GENERAL.—Compliance with this  
25 section by an applicable entity shall be included

1 as a material term in any contract, agreement,  
2 or renewal of a contract or agreement between  
3 the agency and the Federal contractor.

4 (B) MODIFICATION OF CONTRACT OR  
5 AGREEMENT.—Not later than 1 year after the  
6 date of enactment of this Act, an agency shall  
7 secure a modification to include compliance  
8 with this section by a Federal contractor as a  
9 material term in any contract or agreement de-  
10 scribed under subparagraph (A) that will not  
11 otherwise be renegotiated, renewed, or modified  
12 before the date that is 1 year after the date of  
13 enactment of this Act.

14 (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
15 tion shall be construed to limit or reduce the scope of  
16 State or local open records laws.

17 **SEC. 632. PUBLIC DISCLOSURE BY LARGE CONTRACTORS.**

18 (a) DEFINITION.—In this section, the term “covered  
19 contractor” means an entity that earns more than—

20 (1) \$10,000,000 during a 1-year period under  
21 a Federal contract or license; or

22 (2) 20 percent of the total revenue of the entity  
23 from Federal sources.

24 (b) REQUIREMENT.—Each covered contractor shall,  
25 on an annual basis, submit to the Director of the Office

1 of Public Integrity and the Administrator of the Office  
2 of Federal Procurement Policy—

3 (1) any audited financial statements of the cov-  
4 ered contractor;

5 (2) a listing of the salaries of employees of the  
6 covered contractor providing services on Federal  
7 contracts that are compensated over \$100,000 per  
8 year;

9 (3) a detailed list of all Federal political spend-  
10 ing by the covered contractor; and

11 (4) the identity of each beneficial owner of the  
12 covered contractor, including—

13 (A) name;

14 (B) current residential or business street  
15 address; and

16 (C) whether the beneficial owner is a for-  
17 eign person.

18 (c) PENALTY.—The Director of the Office of Man-  
19 agement and Budget may—

20 (1) in consultation with the Administrator of  
21 the Office of Federal Procurement Policy and the  
22 Director of the Office of Public Integrity, tempo-  
23 rarily or indefinitely disqualify a covered contractor  
24 from receiving a Federal contract if the Director of  
25 the Office of Management and Budget determines

1 that the covered contractor failed to comply with the  
2 requirement under subsection (b); and

3 (2) reinstate the ability of a covered contractor  
4 described in paragraph (1) to receive a Federal con-  
5 tract.

## 6 **Subtitle E—Congressional** 7 **Transparency**

### 8 **SEC. 641. INCREASED TRANSPARENCY OF COMMITTEE** 9 **WORK.**

10 (a) DEFINITIONS.—In this section—

11 (1) the term “Committee” means—

12 (A) a committee of the House of Rep-  
13 resentatives;

14 (B) a committee of the Senate; and

15 (C) a subcommittee of a committee de-  
16 scribed in paragraph (1) or (2);

17 (2) the term “covered hearing” means a public  
18 hearing held by a Committee; and

19 (3) the term “covered markup” means a public  
20 markup held by a Committee.

21 (b) SCHEDULE.—At the same time as the schedule  
22 is made available to members of a Committee, but not  
23 later than 7 days before the date of a covered hearing or  
24 covered markup (unless the Chairman and Ranking Mi-  
25 nority Member of the Committee agree to waive the 7-

1 day requirement), each Committee shall make available on  
2 the website of the Committee the schedule of covered hear-  
3 ings and covered markups of the Committee.

4 (c) INFORMATION REQUIRED FOR MARKUPS.—At the  
5 same time as the materials are made available to members  
6 of a Committee, but not later than 24 hours before the  
7 time of a covered markup (unless the Chairman and Rank-  
8 ing Minority Member of the Committee agree to waive the  
9 24-hour requirement), the Committee shall make available  
10 on the website of the Committee any bill or resolution to  
11 be considered at the covered markup and any amendments  
12 to such a bill or resolution filed with the Committee.

13 (d) ADDITIONAL REQUIRED INFORMATION.—Not  
14 later than 24 hours after holding a covered hearing or a  
15 covered markup, a Committee shall make available on the  
16 website of the Committee—

17 (1) a description of the topic of the covered  
18 hearing or covered markup;

19 (2) any legislation related to the covered hear-  
20 ing or covered markup;

21 (3) the written testimony of any witness;

22 (4) any documents or materials entered into the  
23 record;

1           (5) any written opening statements of the  
2           Chairman or Ranking Minority Member of the Com-  
3           mittee; and

4           (6) audio and video recordings of the covered  
5           hearing or covered markup.

6           (e) TRANSCRIPTS.—Not later than 45 days after  
7           holding a covered hearing or covered markup, a Com-  
8           mittee shall make available on the website of the Com-  
9           mittee transcripts of the covered hearing or covered mark-  
10          up.

11          (f) REPORTED MEASURES.—Not later than 24 hours  
12          after a covered markup during which a Committee orders  
13          a bill or resolution to be reported, the Committee shall  
14          post on the website of the Committee—

15                (1) each amendment to the bill or resolution  
16                that was agreed to, except for technical and con-  
17                forming changes authorized by the Committee; and

18                (2) a record of each vote taken on the bill or  
19                resolution or an amendment thereto.

20          (g) COMPARATIVE PRINT.—

21                (1) IN GENERAL.—Not later than 45 days after  
22                a Committee reports a bill or joint resolution pro-  
23                posing to repeal or amend a statute or part thereof,  
24                the Committee shall include in its report or in an ac-



1        accompanying document and make available on the  
2        website of the Committee—

3                (A) the entire text of each section of a  
4                statute that is proposed to be repealed or  
5                amended; and

6                (B) a comparative print of each amend-  
7                ment to a section of a statute that the bill or  
8                joint resolution proposes to make, showing by  
9                appropriate typographical devices the omissions  
10              and insertions proposed.

11              (2) COMMITTEE AMENDMENTS.—If a Com-  
12              mittee reports a bill or joint resolution proposing to  
13              repeal or amend a statute or part thereof with a rec-  
14              ommendation that the bill or joint resolution be  
15              amended, the comparative print required by para-  
16              graph (1) shall reflect the changes in existing law  
17              proposed to be made by the bill or joint resolution  
18              as proposed to be amended.

19              (3) AVAILABILITY.—Each Committee shall  
20              make reasonable efforts to make a comparative print  
21              required by paragraph (1) available to the members  
22              of the Committee and to the public as early as prac-  
23              ticable, and before a covered markup, if practical.

24              (h) QUESTIONS FOR THE RECORD.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), for each covered hearing or covered mark-  
3           up, a Committee shall make available on the website  
4           of the Committee any response to questions for the  
5           record of the covered hearing or covered markup  
6           that the Committee receives from a testifying wit-  
7           ness.

8           (2) PROTECTION OF CERTAIN INFORMATION.—  
9           Upon agreement by the Chairman and Ranking Mi-  
10          nority Member of a Committee, a response described  
11          in paragraph (1) may be withheld from the website  
12          of the Committee if it includes individual casework  
13          or constituent information or information that the  
14          Chairman and Ranking Minority Member determine  
15          is confidential information.

16 **SEC. 642. INCREASED TRANSPARENCY OF RECORDED**  
17 **VOTES.**

18          (a) DEFINITION.—In this section, the term “Member  
19          of Congress” means a member of the House of Represent-  
20          atives and a member of the Senate.

21          (b) ADDITIONAL DUTIES OF THE CLERK OF THE  
22          HOUSE OF REPRESENTATIVES AND THE SECRETARY OF  
23          THE SENATE.—The Clerk of the House of Representatives  
24          and the Secretary of the Senate shall make available on  
25          the website of the Office of the Clerk or of the Secretary,

1 respectively, a record of the recorded votes of each Mem-  
2 ber of Congress who is a member of their House of Con-  
3 gress, organized by the name of the Member of Congress,  
4 in a structured data format, which shall include the roll,  
5 date, issue, question, result, and title or description of the  
6 vote.

7 (c) WEB LINK.—Each Member of Congress shall pro-  
8 vide a link on the website of the Member of Congress to  
9 the record of recorded votes of the Member of Congress  
10 made available by the Clerk of the House of Representa-  
11 tives or the Secretary of the Senate, as applicable.

12 (d) EFFECTIVE DATE.—This section shall apply to  
13 recorded votes by Members of Congress occurring after  
14 the date of enactment of this Act.

15 **SEC. 643. INCREASED TRANSPARENCY OF APPROPRIA-**  
16 **TIONS BILLS.**

17 (a) INCLUSION.—The Clerk of the House of Rep-  
18 resentatives and the Secretary of the Senate shall ensure  
19 that each report accompanying any appropriations bill re-  
20 ported by the Committees on Appropriations of the House  
21 of Representatives or the Committee on Appropriations of  
22 the Senate, respectively, includes a formatted spreadsheet  
23 showing the amounts made available by the bill, in a tab-  
24 ular, digital format that shows separate entries for each  
25 fiscal year covered by the bill.

1 (b) EFFECTIVE DATE.—Subsection (a) shall apply  
2 with respect to any appropriations bill making funds avail-  
3 able for fiscal year 2019 or any fiscal year thereafter.

4 **TITLE VII—CAMPAIGN FINANCE**  
5 **REFORMS**

6 **Subtitle A—Requirements Relating**  
7 **to Preventing Conflicts of Interest**

8 **PART I—REQUIREMENTS RELATING TO REG-**  
9 **ISTERED LOBBYISTS AND GOVERNMENT**  
10 **CONTRACTORS**

11 **SEC. 701. REQUIREMENTS RELATING TO REGISTERED LOB-**  
12 **BYISTS.**

13 (a) IN GENERAL.—Title III of the Federal Election  
14 Campaign Act of 1971 (52 U.S.C. 30101 et seq.), as  
15 amended by section 141, is amended by adding at the end  
16 the following new section:

17 **“SEC. 326. REQUIREMENTS RELATING TO REGISTERED**  
18 **LOBBYISTS.**

19 “(a) PROHIBITION OF CONTRIBUTIONS OR FUND-  
20 RAISING BY REGISTERED LOBBYISTS.—It shall be unlaw-  
21 ful for any registered lobbyist to—

22 “(1) make a contribution to any candidate for  
23 Federal office or member of Congress; or

24 “(2) fundraise for any candidate for Federal of-  
25 fice, member of Congress, authorized committee of a

1 candidate, leadership PAC, or political party com-  
2 mittee.

3 “(b) PROHIBITION OF SOLICITING FUNDS FROM  
4 LOBBYISTS.—It shall be unlawful for any candidate for  
5 Federal office, member of Congress, an agent of such can-  
6 didate or member of Congress, or an entity directly or in-  
7 directly established, financed, maintained, or controlled by  
8 or acting on behalf of 1 or more such candidates or mem-  
9 bers of Congress to directly solicit funds from any reg-  
10 istered lobbyist in connection with any election for Federal  
11 office.

12 “(c) DEFINITIONS.—For purposes of this section:

13 “(1) REGISTERED LOBBYIST.—The term ‘reg-  
14 istered lobbyist’ means a lobbyist, as defined in sec-  
15 tion 3 of the Lobbying Disclosure Act of 1995 (2  
16 U.S.C. 1602), that is registered or is required to  
17 register under section 4(a) of that Act (2 U.S.C.  
18 1603(a)).

19 “(2) OTHER TERMS.—The terms ‘fundraise’  
20 and ‘solicit’ have the meaning given those terms in  
21 section 301.

22 “(d) CLARIFICATION.—Nothing in this section shall  
23 be construed to prohibit—

24 “(1) any person from engaging in volunteer ac-  
25 tivity on behalf of a candidate or from making com-

1       munications which provide information about the  
2       candidate but which do not include the solicitation  
3       of contributions or other fundraising activity in sup-  
4       port of the candidate;

5               “(2) any registered lobbyist from making an  
6       independent expenditure or fundraising for an inde-  
7       pendent expenditure; or

8               “(3) any candidate for Federal office, member  
9       of Congress, an agent of such candidate or member  
10      of Congress, or an entity directly or indirectly estab-  
11      lished, financed, maintained, or controlled by or act-  
12      ing on behalf of 1 or more such candidates or mem-  
13      bers of Congress from including registered lobbyists  
14      in any mass communication, including a mass com-  
15      munication that solicits a contribution.”.

16      (b) DEFINITIONS.—Section 301 of the Federal Elec-  
17      tion Campaign Act of 1971 (52 U.S.C. 30101) is amended  
18      by adding at the end the following new paragraphs:

19               “(27) FUNDRAISE.—The term ‘fundraise’  
20      means—

21               “(A) hosting or underwriting an event  
22      where funds are raised with the intention to  
23      contribute such funds to any candidate for Fed-  
24      eral office, member of Congress, authorized

1           committee of a candidate, leadership PAC, or  
2           political party committee;

3           “(B) transmitting or delivering a contribu-  
4           tion to any candidate for Federal office, mem-  
5           ber of Congress, authorized committee of a can-  
6           didate, leadership PAC, or political party com-  
7           mittee from another person;

8           “(C) making or sending a communication  
9           soliciting contributions for any candidate for  
10          Federal office, member of Congress, authorized  
11          committee of a candidate, leadership PAC, or  
12          political party committee; or

13          “(D) otherwise directly or indirectly solie-  
14          citing, transmitting, or facilitating a contribution  
15          to any candidate for Federal office, member of  
16          Congress, authorized committee of a candidate,  
17          leadership PAC, or political party committee.

18          “(28) SOLICIT.—The term ‘solicit’ means to di-  
19          rectly or indirectly ask, request, or recommend, ex-  
20          plicitly or implicitly, that another person make a  
21          contribution, donation, transfer of funds, or other-  
22          wise provide anything of value.”.

1 **SEC. 702. DISCLOSURE OF POLITICAL SPENDING BY GOV-**  
2 **ERNMENT CONTRACTORS.**

3 Section 735 of division D of the Consolidated Appro-  
4 priations Act, 2019 is repealed.

5 **SEC. 703. REPEAL OF RESTRICTION OF USE OF FUNDS BY**  
6 **INTERNAL REVENUE SERVICE TO BRING**  
7 **TRANSPARENCY TO POLITICAL ACTIVITY OF**  
8 **CERTAIN NONPROFIT ORGANIZATIONS.**

9 Section 124 of the Financial Services and General  
10 Government Appropriations Act, 2019 (division D of Pub-  
11 lic Law 116–6) is hereby repealed.

12 **SEC. 704. REPEAL OF REVENUE PROCEDURE THAT ELIMI-**  
13 **NATED REQUIREMENT TO REPORT INFORMA-**  
14 **TION REGARDING CONTRIBUTORS TO CER-**  
15 **TAIN TAX-EXEMPT ORGANIZATIONS.**

16 Revenue Procedure 2018–38 shall have no force and  
17 effect.

18 **PART II—REQUIREMENTS RELATING TO**  
19 **CORPORATIONS**

20 **SEC. 711. BANNING CORPORATIONS FROM FUNDRAISING.**

21 Section 316(a) of the Federal Election Campaign Act  
22 of 1971 (52 U.S.C. 30118(a)) is amended by inserting the  
23 following before the period at the end: “, or for any cor-  
24 poration to fundraise (as defined in section 301) for any  
25 candidate for Federal office or member of Congress”.



1 **SEC. 712. BANNING CONTRIBUTIONS TO MEMBERS OF CON-**  
2 **GRESS FROM CORPORATIONS UNDER THE**  
3 **JURISDICTION OF THEIR COMMITTEES.**

4 (a) PROHIBITION.—

5 (1) IN GENERAL.—Title III of the Federal  
6 Election Campaign Act of 1971 (52 U.S.C. 30101 et  
7 seq.), as amended by sections 141 and 701, is  
8 amended by adding at the end the following new sec-  
9 tion:

10 **“SEC. 327. PROHIBITING CAMPAIGN CONTRIBUTIONS TO**  
11 **MEMBERS OF CONGRESS BY PERSONS WITH**  
12 **FINANCIAL INTERESTS IN CATEGORIES OF**  
13 **BUSINESS UNDER JURISDICTION OF COMMIT-**  
14 **TEES ON WHICH MEMBERS SERVE.**

15 “(a) PROHIBITING CONTRIBUTIONS AND SOLICITA-  
16 TION OF CONTRIBUTIONS.—

17 “(1) CONTRIBUTIONS.—No person shall make a  
18 contribution to a member of Congress, an authorized  
19 committee of a member of Congress, or a leadership  
20 PAC of a member of Congress unless, at the time  
21 the person makes the contribution, the person cer-  
22 tifies under penalty of perjury that the person is not  
23 affiliated with a corporation (other than a nonprofit  
24 corporation) or a membership organization described  
25 in section 501(c)(6) of the Internal Revenue Code of  
26 1986 and exempt from tax under section 501(a) of

1 such Code any member of which is a corporation  
2 which has a financial interest in a category of busi-  
3 ness which is under the jurisdiction of a committee  
4 of Congress on which the member serves.

5 “(2) SOLICITATION OF CONTRIBUTIONS.—A  
6 member of Congress may not solicit from a person  
7 any contribution, including a contribution to an au-  
8 thorized committee of the member, a leadership PAC  
9 of the member, a political committee of a political  
10 party, or any other political committee, if the mem-  
11 ber knows or reasonably should know that the per-  
12 son has a financial interest in a category of business  
13 which is under the jurisdiction of a committee of  
14 Congress on which the member serves.

15 “(3) SOLICITATION OF DONATIONS TO CERTAIN  
16 FOUNDATIONS AND OTHER NONPROFIT ORGANIZA-  
17 TIONS.—

18 “(A) SOLICITATIONS PROHIBITED.—A  
19 member of Congress may not solicit from a per-  
20 son any donation to a foundation or other non-  
21 profit organization whose governing board in-  
22 cludes the member or an immediate family  
23 member of the member if the member knows or  
24 reasonably should know that the person has a  
25 financial interest in a category of business

1           which is under the jurisdiction of a committee  
2           of Congress on which the Member serves.

3           “(B) DEFINITIONS.—For purposes of this  
4           paragraph—

5                   “(i) the term ‘immediate family mem-  
6                   ber’ means, with respect to a member of  
7                   Congress, a parent, child, sibling, spouse,  
8                   or parent-in-law; and

9                   “(ii) the term ‘nonprofit organization’  
10                  means an organization which is described  
11                  in section 501(c) of the Internal Revenue  
12                  Code of 1986 and exempt from taxation  
13                  under section 501(a) of such Code.

14           “(4) DETERMINATION OF CATEGORIES OF BUSI-  
15           NESSES UNDER COMMITTEE JURISDICTION.—For  
16           purposes of this subsection, the determination as to  
17           whether a category of business is under the jurisdic-  
18           tion of a committee of Congress shall be based on  
19           the most recent report filed with the Commission by  
20           the Committee on Ethics of the House of Represent-  
21           atives or the Select Committee on Ethics of the Sen-  
22           ate under section 712(b) of the Anti-Corruption and  
23           Public Integrity Act.

24           “(b) DESCRIPTION OF PERSONS AFFILIATED WITH  
25           A CORPORATION OR TRADE ASSOCIATION.—For purposes

1 of subsection (a), a person is affiliated with a corporation  
2 (other than a nonprofit corporation) or membership orga-  
3 nization if the person is any of the following:

4           “(1) A separate segregated fund established by  
5 the membership organization under section 316.

6           “(2) An individual who is a treasurer, agent, or  
7 other officer of a separate segregated fund estab-  
8 lished by a membership organization under section  
9 316.

10           “(3) An individual who is general partner, man-  
11 aging member, or executive officer, or other indi-  
12 vidual with a similar status or function of the cor-  
13 poration or membership organization for purposes of  
14 section 316, or who would be treated as a general  
15 partner, managing member, or executive officer, or  
16 other individual with a similar status of the corpora-  
17 tion or membership organization for purposes of sec-  
18 tion 316 if the corporation or membership organiza-  
19 tion established a separate segregated fund or solici-  
20 ited contributions under such section.

21           “(4) An individual who owns or controls 5 per-  
22 cent or more of the voting shares of the corporation,  
23 except that this paragraph does not apply with re-  
24 spect to a corporation whose annual revenues were  
25 less than \$5,000,000 during any of the 3 most re-

1 cent fiscal years ending before the date on which the  
2 individual makes the contribution.

3 “(c) EXCEPTIONS.—Subsection (a) does not apply  
4 with respect to any of the following:

5 “(1) A contribution to a candidate for election  
6 to the office of Representative in, or Delegate or  
7 Resident Commissioner to, the Congress, an author-  
8 ized committee of such a candidate, or a leadership  
9 PAC of such a candidate which is made by an indi-  
10 vidual who is a resident of the congressional district  
11 such candidate represents.

12 “(2) A contribution to a candidate for election  
13 to the office of Senator, an authorized committee of  
14 such a candidate, or a leadership PAC of such a  
15 candidate which is made by an individual who is a  
16 resident of the State such candidate represents.

17 “(3) A contribution made to a political com-  
18 mittee by an individual whose identification the po-  
19 litical committee is not required to disclose under  
20 section 304(b)(3)(A) because the aggregate amount  
21 or value of the contributions made by the individual  
22 to the committee during the election cycle involved  
23 is not in excess of \$200.

1           “(4) A contribution made to a political com-  
2           mittee by a separate segregated fund established by  
3           a labor organization under section 316.

4           “(d) OTHER DEFINITIONS.—In this section—

5           “(1) the term ‘leadership PAC’ means, with re-  
6           spect to a candidate or a Member of Congress, a po-  
7           litical committee that is directly or indirectly estab-  
8           lished, financed, maintained or controlled by the  
9           candidate or the member but which is not an au-  
10          thorized committee of the candidate or the member  
11          and which is not affiliated with an authorized com-  
12          mittee of the candidate or the member, except that  
13          such term does not include a political committee of  
14          a political party; and

15          “(2) the term ‘member of Congress’ means a  
16          Senator or Representative in, or Delegate or Resi-  
17          dent Commissioner to, the Congress.”.

18          (2) EFFECTIVE DATE.—The amendments made  
19          by this subsection shall apply with respect to con-  
20          tributions and donations made or solicited after the  
21          expiration of the 120-day period which begins on the  
22          date the Committee on Ethics of the House of Rep-  
23          resentatives and the Select Committee on Ethics of  
24          the Senate file the first reports required under sub-  
25          section (b).

1 (b) REPORTS BY CONGRESSIONAL ETHICS COMMIT-  
2 TEES ON CATEGORIES OF BUSINESSES UNDER JURISDIC-  
3 TION OF COMMITTEES.—

4 (1) REPORTS; SUBMISSION TO FEDERAL ELEC-  
5 TION COMMISSION.—During each Congress, the  
6 Committee on Ethics of the House of Representa-  
7 tives and the Select Committee on Ethics of the Sen-  
8 ate shall prepare and submit to the Federal Election  
9 Commission a report listing for each standing com-  
10 mittee of the House or Senate (as the case may be)  
11 the categories of businesses which are under the ju-  
12 risdiction of such committee, in such form and in ac-  
13 cordance with such criteria as the Committee on  
14 Ethics of the House of Representatives and the Se-  
15 lect Committee on Ethics of the Senate may each es-  
16 tablish.

17 (2) OFFICE OF CONGRESSIONAL ETHICS REC-  
18 OMMENDATIONS.—The Office of Congressional Eth-  
19 ics shall annually make recommendations to the  
20 Committee on Ethics of the House of Representa-  
21 tives and the Select Committee on Ethics of the Sen-  
22 ate regarding updates to each report under para-  
23 graph (1).

24 (3) REPORT CONTENTS.—The Committee on  
25 Ethics of the House of Representatives and the Se-

1 lect Committee on Ethics of the Senate shall prepare  
2 each report under paragraph (1) in consultation  
3 with —

4 (A) the Parliamentarian of the Senate or  
5 the Parliamentarian of the House, respectively,  
6 to consider the assignment of legislation to each  
7 committee as an indicator in preparation of the  
8 report; and

9 (B) the Clerk of the Senate or Clerk of the  
10 House, respectively, to consider the lobbying ac-  
11 tivity of businesses in each business category as  
12 an indicator in preparation of the report.

13 (4) **TIMING.**—The Committee on Ethics of the  
14 House of Representatives and the Select Committee  
15 on Ethics of the Senate shall each submit the first  
16 report for a Congress under this section not later  
17 than 90 days after the beginning of the Congress.

18 (5) **UPDATES.**—The Committee on Ethics of  
19 the House of Representatives and the Select Com-  
20 mittee on Ethics of the Senate shall each prepare  
21 and submit to the Federal Election Commission up-  
22 dates to reports required under this subsection on a  
23 regular and ongoing basis.

24 **SEC. 713. CORPORATE PAC BAN.**

25 (a) **LIMITATION.**—



## 401

1           (1) IN GENERAL.—Section 316(b)(2)(C) of the  
2           Federal Election Campaign Act of 1971 (52 U.S.C.  
3           30118(b)(2)(C)) is amended by striking “a corpora-  
4           tion” and inserting “a nonprofit corporation”.

5           (2) DEFINITION.—Section 316(b) of such Act  
6           (52 U.S.C. 30118(b)) is amended by adding at the  
7           end the following new paragraph:

8           “(8) For purposes of this section, the term ‘nonprofit  
9           corporation’ means a corporation described in section  
10          501(c) of the Internal Revenue Code of 1986 and exempt  
11          from taxation under section 501(a) of such Code, other  
12          than a corporation which is ineligible to be exempt from  
13          taxation under section 501(a) of such Code if it establishes  
14          a separate segregated fund under this subsection.”.

15          (b) PERMITTING SOLICITATION OF CONTRIBUTIONS  
16          ONLY FROM EXECUTIVE AND ADMINISTRATIVE PER-  
17          SONNEL.—Section 316(b) of such Act (52 U.S.C.  
18          30118(b)) is amended—

19                 (1) in paragraph (4)(A)(i), by striking “its  
20                 stockholders and their families and”;

21                 (2) in paragraph (4)(B)—

22                         (A) by striking “a corporation” the first  
23                         place it appears and inserting “a nonprofit cor-  
24                         poration”;

1 (B) by striking “any stockholder, executive  
2 or administrative personnel,” and inserting  
3 “any executive or administrative personnel”;  
4 and

5 (C) by striking “stockholders, executive or  
6 administrative personnel,” and inserting “exec-  
7 utive or administrative personnel”;

8 (3) in paragraph (4)(D)—

9 (A) by striking “stockholders and”;

10 (B) by striking “such stockholders or per-  
11 sonnel” and inserting “such personnel”; and

12 (C) by striking “such stockholders and  
13 personnel” and inserting “such personnel”; and

14 (4) in paragraph (5), by striking “stockholders  
15 and”.

16 (c) TREATMENT OF GOVERNMENT CONTRACTORS.—  
17 Section 317(b) of such Act (52 U.S.C. 30119(b)) is  
18 amended—

19 (1) by striking “any corporation” and inserting  
20 “any nonprofit corporation”; and

21 (2) by striking “a corporation” and inserting “a  
22 nonprofit corporation”.

23 (d) EFFECTIVE DATE; TRANSITION FOR EXISTING  
24 FUNDS AND COMMITTEES.—

1           (1) EFFECTIVE DATE.—The amendments made  
2           by this Act shall take effect on the date of the enact-  
3           ment of this Act.

4           (2) TRANSITION FOR EXISTING FUNDS AND  
5           COMMITTEES.—In the case of a separate segregate  
6           fund established and operating under section  
7           316(b)(2)(C) of the Federal Election Campaign Act  
8           of 1971 (52 U.S.C. 30118(b)(2)(C)) as of the date  
9           of the enactment of this Act which is not a fund of  
10          a nonprofit corporation as defined in section  
11          316(b)(8) of such Act (as added by subsection  
12          (a)(2)), the fund shall terminate and disburse its en-  
13          tire balance not later than 1 year after the date of  
14          the enactment of this Act.

15 **SEC. 714. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**  
16 **MENTS.**

17          (a) DISCLOSURE REQUIREMENTS FOR CORPORA-  
18          TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER  
19          ENTITIES.—

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

23 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**  
24 **MENTS BY COVERED ORGANIZATIONS.**

25          “(a) DISCLOSURE STATEMENT.—

1           “(1) IN GENERAL.—Any covered organization  
2           that makes campaign-related disbursements aggregating more than \$10,000 in an election reporting  
3           cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission  
4           made under penalty of perjury that contains the information described in paragraph (2)—

5                           “(A) in the case of the first statement filed  
6                           under this subsection, for the period beginning  
7                           on the first day of the election reporting cycle  
8                           (or, if earlier, the period beginning one year before the first such disclosure date) and ending  
9                           on the first such disclosure date; and

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

13           “(2) INFORMATION DESCRIBED.—The information described in this paragraph is as follows:

14                           “(A) The name of the covered organization  
15                           and the principal place of business of such organization and, in the case of a covered organization  
16                           that is a corporation (other than a business concern that is an issuer of a class of securities registered under section 12 of the Securi-

1           ties Exchange Act of 1934 (15 U.S.C. 78l) or  
2           that is required to file reports under section  
3           15(d) of that Act (15 U.S.C. 78o(d)) or an en-  
4           tity described in subsection (e)(2), a list of the  
5           beneficial owners (as defined in paragraph  
6           (4)(A)) of the entity that—

7                     “(i) identifies each beneficial owner by  
8                     name and current residential or business  
9                     street address; and

10                    “(ii) if any beneficial owner exercises  
11                    control over the entity through another  
12                    legal entity, such as a corporation, partner-  
13                    ship, limited liability company, or trust,  
14                    identifies each such other legal entity and  
15                    each such beneficial owner who will use  
16                    that other entity to exercise control over  
17                    the entity.

18                    “(B) The amount of each campaign-related  
19                    disbursement made by such organization during  
20                    the period covered by the statement of more  
21                    than \$1,000, and the name and address of the  
22                    person to whom the disbursement was made.

23                    “(C) In the case of a campaign-related dis-  
24                    bursement that is not a covered transfer, the  
25                    election to which the campaign-related disburse-

1           ment pertains and if the disbursement is made  
2           for a public communication, the name of any  
3           candidate identified in such communication and  
4           whether such communication is in support of or  
5           in opposition to a candidate.

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

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

21                  “(I) the name and address of each  
22                  person who made such payment during the  
23                  period covered by the statement;

24                  “(II) the date and amount of such  
25                  payment; and

1           “(III) the aggregate amount of all  
2           such payments made by the person during  
3           the period beginning on the first day of the  
4           election reporting cycle (or, if earlier, the  
5           period beginning one year before the dis-  
6           closure date) and ending on the disclosure  
7           date,

8           but only if such payment was made by a person  
9           who made payments to the account in an aggre-  
10          gate amount of \$10,000 or more during the pe-  
11          riod beginning on the first day of the election  
12          reporting cycle (or, if earlier, the period begin-  
13          ning one year before the disclosure date) and  
14          ending on the disclosure date.

15           “(ii) In any calendar year after 2020, sec-  
16          tion 315(e)(1)(B) shall apply to the amount de-  
17          scribed in clause (i) in the same manner as  
18          such section applies to the limitations estab-  
19          lished under subsections (a)(1)(A), (a)(1)(B),  
20          (a)(3), and (h) of such section, except that for  
21          purposes of applying such section to the  
22          amounts described in subsection (b), the ‘base  
23          period’ shall be 2020.

24           “(F)(i) If the covered organization makes  
25          campaign-related disbursements using funds

1 other than funds in a segregated bank account  
2 described in subparagraph (E), for each pay-  
3 ment to the covered organization—

4 “(I) the name and address of each  
5 person who made such payment during the  
6 period covered by the statement;

7 “(II) the date and amount of such  
8 payment; and

9 “(III) the aggregate amount of all  
10 such payments made by the person during  
11 the period beginning on the first day of the  
12 election reporting cycle (or, if earlier, the  
13 period beginning one year before the dis-  
14 closure date) and ending on the disclosure  
15 date,

16 but only if such payment was made by a person  
17 who made payments to the covered organization  
18 in an aggregate amount of \$10,000 or more  
19 during the period beginning on the first day of  
20 the election reporting cycle (or, if earlier, the  
21 period beginning one year before the disclosure  
22 date) and ending on the disclosure date.

23 “(ii) In any calendar year after 2020, sec-  
24 tion 315(c)(1)(B) shall apply to the amount de-  
25 scribed in clause (i) in the same manner as



1 such section applies to the limitations estab-  
2 lished under subsections (a)(1)(A), (a)(1)(B),  
3 (a)(3), and (h) of such section, except that for  
4 purposes of applying such section to the  
5 amounts described in subsection (b), the ‘base  
6 period’ shall be 2020.

7 “(G) Such other information as required in  
8 rules established by the Commission to promote  
9 the purposes of this section.

10 “(3) EXCEPTIONS.—

11 “(A) AMOUNTS RECEIVED IN ORDINARY  
12 COURSE OF BUSINESS.—The requirement to in-  
13 clude in a statement filed under paragraph (1)  
14 the information described in paragraph (2)  
15 shall not apply to amounts received by the cov-  
16 ered organization in commercial transactions in  
17 the ordinary course of any trade or business  
18 conducted by the covered organization or in the  
19 form of investments (other than investments by  
20 the principal shareholder in a limited liability  
21 corporation) in the covered organization. For  
22 purposes of this subparagraph, amounts re-  
23 ceived by a covered organization as remittances  
24 from an employee to the employee’s collective  
25 bargaining representative shall be treated as

1 amounts received in commercial transactions in  
2 the ordinary course of the business conducted  
3 by the covered organization.

4 “(B) DONOR RESTRICTION ON USE OF  
5 FUNDS.—The requirement to include in a state-  
6 ment submitted under paragraph (1) the infor-  
7 mation described in subparagraph (F) of para-  
8 graph (2) shall not apply if—

9 “(i) the person described in such sub-  
10 paragraph prohibited, in writing, the use of  
11 the payment made by such person for cam-  
12 paign-related disbursements; and

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

18 “(C) THREAT OF HARASSMENT OR RE-  
19 PRISAL.—The requirement to include any infor-  
20 mation relating to the name or address of any  
21 person (other than a candidate) in a statement  
22 submitted under paragraph (1) shall not apply  
23 if the inclusion of the information would subject  
24 the person to serious threats, harassment, or  
25 reprisals.

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

3           “(A) BENEFICIAL OWNER DEFINED.—

4           “(i) IN GENERAL.—Except as pro-  
5 vided in clause (ii), the term ‘beneficial  
6 owner’ means, with respect to any entity,  
7 a natural person who, directly or indi-  
8 rectly—

9           “(I) exercises substantial control  
10 over an entity through ownership, vot-  
11 ing rights, agreement, or otherwise; or

12           “(II) has a substantial interest in  
13 or receives substantial economic bene-  
14 fits from the assets of an entity.

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

17           “(I) a minor child;

18           “(II) a person acting as a nomi-  
19 nee, intermediary, custodian, or agent  
20 on behalf of another person;

21           “(III) a person acting solely as  
22 an employee of an entity and whose  
23 control over or economic benefits from  
24 the entity derives solely from the em-  
25 ployment status of the person;

1                   “(IV) a person whose only inter-  
2                   est in an entity is through a right of  
3                   inheritance, unless the person also  
4                   meets the requirements of clause (i);  
5                   or

6                   “(V) a creditor of an entity, un-  
7                   less the creditor also meets the re-  
8                   quirements of clause (i).

9                   “(iii) ANTI-ABUSE RULE.—The excep-  
10                  tions under clause (ii) shall not apply if  
11                  used for the purpose of evading, circum-  
12                  venting, or abusing the provisions of clause  
13                  (i) or paragraph (2)(A).

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

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

20                  “(ii) any other date during such elec-  
21                  tion reporting cycle by which a person has  
22                  made campaign-related disbursements ag-  
23                  gregating more than \$10,000 since the  
24                  most recent disclosure date for such elec-  
25                  tion reporting cycle.

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

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

8           “(b) COORDINATION WITH OTHER PROVISIONS.—

9           “(1) OTHER REPORTS FILED WITH THE COM-  
10          MISSION.—Information included in a statement filed  
11          under this section may be excluded from statements  
12          and reports filed under section 304.

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

18          “(c) FILING.—Statements required to be filed under  
19          subsection (a) shall be subject to the requirements of sec-  
20          tion 304(d) to the same extent and in the same manner  
21          as if such reports had been required under subsection (c)  
22          or (g) of section 304.

23          “(d) CAMPAIGN-RELATED DISBURSEMENT DE-  
24          FINED.—

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

5                   “(A) An independent expenditure which ex-  
6                   pressly advocates the election or defeat of a  
7                   clearly identified candidate for election for Fed-  
8                   eral office, or is the functional equivalent of ex-  
9                   press advocacy because, when taken as a whole,  
10                  it can be interpreted by a reasonable person  
11                  only as advocating the election or defeat of a  
12                  candidate for election for Federal office.

13                  “(B) Any public communication which re-  
14                  fers to a clearly identified candidate for election  
15                  for Federal office and which promotes or sup-  
16                  ports the election of a candidate for that office,  
17                  or attacks or opposes the election of a candidate  
18                  for that office, without regard to whether the  
19                  communication expressly advocates a vote for or  
20                  against a candidate for that office.

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

23                  “(D) A covered transfer.

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

1 or (D) of paragraph (1) shall be treated as a cam-  
2 paign-related disbursement regardless of the intent  
3 of the person making the disbursement.

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

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

10 “(2) A limited liability corporation that is not  
11 otherwise treated as a corporation for purposes of  
12 this Act (other than an organization described in  
13 section 501(c)(3) of the Internal Revenue Code of  
14 1986).

15 “(3) An organization described in section  
16 501(c) of such Code and exempt from taxation  
17 under section 501(a) of such Code (other than an  
18 organization described in section 501(c)(3) of such  
19 Code).

20 “(4) A labor organization (as defined in section  
21 316(b)).

22 “(5) Any political organization under section  
23 527 of the Internal Revenue Code of 1986, other  
24 than a political committee under this Act (except as  
25 provided in paragraph (6)).

1           “(6) A political committee with an account that  
2           accepts donations or contributions that do not com-  
3           ply with the contribution limits or source prohibi-  
4           tions under this Act, but only with respect to such  
5           accounts.

6           “(f) COVERED TRANSFER DEFINED.—

7           “(1) IN GENERAL.—In this section, the term  
8           ‘covered transfer’ means any transfer or payment of  
9           funds by a covered organization to another person if  
10          the covered organization—

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

13                          “(i) campaign-related disbursements  
14                          (other than covered transfers); or

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

19                  “(B) made such transfer or payment in re-  
20                  sponse to a solicitation or other request for a  
21                  donation or payment for—

22                          “(i) the making of or paying for cam-  
23                          paign-related disbursements (other than  
24                          covered transfers); or



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

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

7                   “(i) the making of or paying for cam-  
8                   paign-related disbursements (other than  
9                   covered transfers); or

10                   “(ii) donating or transferring any  
11                   amount of such transfer or payment to an-  
12                   other person for the purpose of making or  
13                   paying for such campaign-related disburse-  
14                   ments;

15                   “(D) made campaign-related disburse-  
16                   ments (other than a covered transfer) in an ag-  
17                   gregate amount of \$50,000 or more during the  
18                   2-year period ending on the date of the transfer  
19                   or payment, or knew or had reason to know  
20                   that the person receiving the transfer or pay-  
21                   ment made such disbursements in such an ag-  
22                   gregate amount during that 2-year period; or

23                   “(E) knew or had reason to know that the  
24                   person receiving the transfer or payment would  
25                   make campaign-related disbursements in an ag-

1 aggregate amount of \$50,000 or more during the  
2 2-year period beginning on the date of the  
3 transfer or payment.

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

6 “(A) A disbursement made by a covered  
7 organization in a commercial transaction in the  
8 ordinary course of any trade or business con-  
9 ducted by the covered organization or in the  
10 form of investments made by the covered orga-  
11 nization.

12 “(B) A disbursement made by a covered  
13 organization if—

14 “(i) the covered organization prohib-  
15 ited, in writing, the use of such disburse-  
16 ment for campaign-related disbursements;  
17 and

18 “(ii) the recipient of the disbursement  
19 agreed to follow the prohibition and depos-  
20 ited the disbursement in an account which  
21 is segregated from any account used to  
22 make campaign-related disbursements.

23 “(3) SPECIAL RULE REGARDING TRANSFERS  
24 AMONG AFFILIATES.—

1           “(A) SPECIAL RULE.—A transfer of an  
2 amount by one covered organization to another  
3 covered organization which is treated as a  
4 transfer between affiliates under subparagraph  
5 (C) shall be considered a covered transfer by  
6 the covered organization which transfers the  
7 amount only if the aggregate amount trans-  
8 ferred during the year by such covered organi-  
9 zation to that same covered organization is  
10 equal to or greater than \$50,000.

11           “(B) DETERMINATION OF AMOUNT OF  
12 CERTAIN PAYMENTS AMONG AFFILIATES.—In  
13 determining the amount of a transfer between  
14 affiliates for purposes of subparagraph (A), to  
15 the extent that the transfer consists of funds  
16 attributable to dues, fees, or assessments which  
17 are paid by individuals on a regular, periodic  
18 basis in accordance with a per-individual cal-  
19 culation which is made on a regular basis, the  
20 transfer shall be attributed to the individuals  
21 paying the dues, fees, or assessments and shall  
22 not be attributed to the covered organization.

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



1                   contingent upon the approval of the other  
2                   organization; or

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

5                   “(E) COVERAGE OF TRANSFERS TO AF-  
6                   FILATED SECTION 501(c)(3) ORGANIZA-  
7                   TIONS.—This paragraph shall apply with re-  
8                   spect to an amount transferred by a covered or-  
9                   ganization to an organization described in para-  
10                  graph (3) of section 501(c) of the Internal Rev-  
11                  enue Code of 1986 and exempt from tax under  
12                  section 501(a) of such Code in the same man-  
13                  ner as this paragraph applies to an amount  
14                  transferred by a covered organization to an-  
15                  other covered organization.

16                  “(g) NO EFFECT ON OTHER REPORTING REQUIRE-  
17                  MENTS.—Nothing in this section shall be construed to  
18                  waive or otherwise affect any other requirement of this  
19                  Act which relates to the reporting of campaign-related dis-  
20                  bursements.”.

21                  (2) CONFORMING AMENDMENT.—Section  
22                  304(f)(6) of such Act (52 U.S.C. 30104) is amended  
23                  by striking “Any requirement” and inserting “Ex-  
24                  cept as provided in section 324(b), any require-  
25                  ment”.

1 (b) COORDINATION WITH FINCEN.—

2 (1) IN GENERAL.—The Director of the Finan-  
3 cial Crimes Enforcement Network of the Depart-  
4 ment of the Treasury shall provide the Federal Elec-  
5 tion Commission with such information as necessary  
6 to assist in administering and enforcing section 324  
7 of the Federal Election Campaign Act of 1971, as  
8 added by this section.

9 (2) REPORT.—Not later than 6 months after  
10 the date of the enactment of this Act, the Chairman  
11 of the Federal Election Commission, in consultation  
12 with the Director of the Financial Crimes Enforce-  
13 ment Network of the Department of the Treasury,  
14 shall submit to Congress a report with recommenda-  
15 tions for providing further legislative authority to as-  
16 sist in the administration and enforcement of such  
17 section 324.

18 **PART III—REQUIREMENTS RELATING TO**

19 **FOREIGN NATIONALS**

20 **SEC. 721. BANNING FOREIGN-OWNED AND PARTIALLY FOR-**  
21 **EIGN-OWNED CORPORATIONS FROM SPEND-**  
22 **ING ON UNITED STATES ELECTIONS.**

23 Section 319 of the Federal Election Campaign Act  
24 of 1971 (52 U.S.C. 30121) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by inserting  
3 the following before the semicolon: “(in-  
4 cluding a State or local ballot initiative or  
5 referendum), including any disbursement  
6 to a political committee which accepts do-  
7 nations or contributions that do not com-  
8 ply with the limitations, prohibitions, and  
9 reporting requirements of this Act (or any  
10 disbursement to or on behalf of any ac-  
11 count of a political committee which is es-  
12 tablished for the purpose of accepting such  
13 donations or contributions)”;

14 (ii) in subparagraph (B), by striking  
15 “or” at the end;

16 (iii) in subparagraph (C), by striking  
17 “expenditure” and all that follows through  
18 “; or” and inserting “expenditure;”; and

19 (iv) by adding at the end the following  
20 new subparagraphs:

21 “(D) an independent expenditure;

22 “(E) a disbursement for an electioneering  
23 communication (within the meaning of section  
24 304(f)(3));

1           “(F) a disbursement for a paid internet or  
2           paid digital communication that refers to a  
3           clearly identified candidate for election for Fed-  
4           eral office and is disseminated within 60 days  
5           before a general, special or runoff election for  
6           the office sought by the candidate or 30 days  
7           before a primary or preference election, or a  
8           convention or caucus of a political party that  
9           has authority to nominate a candidate for the  
10          office sought by the candidate;

11          “(G) a disbursement for a broadcast, cable  
12          or satellite communication, or for a paid inter-  
13          net or paid digital communication, that pro-  
14          motes, supports, attacks or opposes the election  
15          of a clearly identified candidate for Federal,  
16          State, or local office (regardless of whether the  
17          communication contains express advocacy or the  
18          functional equivalent of express advocacy); or

19          “(H) a disbursement for a broadcast,  
20          cable, or satellite communication, or for a paid  
21          internet or paid digital communication, that  
22          discusses a national legislative issue of public  
23          importance in a year in which a regularly  
24          scheduled general election for Federal office is  
25          held and is made for the purpose of influencing



1 an election held during that year, but only if  
2 the disbursement is made by a foreign principal  
3 who is a government of a foreign country or a  
4 foreign political party or an agent of such a for-  
5 eign principal as defined under section 1 of the  
6 Foreign Agents Registration Act of 1938 (22  
7 U.S.C. 611);”;

8 (B) in paragraph (2), by striking the pe-  
9 riod at the end and inserting “; or”; and

10 (C) by adding at the end the following new  
11 paragraph:

12 “(3) a foreign national to direct, dictate, con-  
13 trol, or directly or indirectly participate in the deci-  
14 sion making process of any person (including a cor-  
15 poration, labor organization, political committee, or  
16 political organization) with regard to the Federal or  
17 non-Federal election-related activity of such person,  
18 including any decision concerning the making of con-  
19 tributions, donations, expenditures, or disbursements  
20 in connection with an election for any Federal,  
21 State, or local office or any decision concerning the  
22 administration of a political committee.”;

23 (2) in subsection (b)—

24 (A) in paragraph (1), by striking “or” at  
25 the end;

1 (B) in paragraph (2), by striking the pe-  
2 riod at the end and inserting “; or”; and

3 (C) by adding at the end the following new  
4 paragraph:

5 “(3) any for-profit corporation, company, lim-  
6 ited liability company, limited partnership, business  
7 trust, business association, or other similar entity,  
8 which is not a foreign national described in para-  
9 graph (1) and—

10 “(A) in which a foreign national described  
11 in paragraph (1) or (2) or a foreign business as  
12 defined in subsection (d) directly or indirectly  
13 holds, owns, controls, or otherwise has direct or  
14 indirect beneficial ownership of 1 percent or  
15 more of the total equity, outstanding voting  
16 shares, membership units, or other applicable  
17 ownership interests of the entity;

18 “(B) in which two or more foreign nation-  
19 als described in paragraph (1) or (2) or foreign  
20 businesses as so defined, in aggregate, directly,  
21 or indirectly hold, own, control, or otherwise  
22 have direct or indirect beneficial ownership of  
23 five percent or more of the total equity, out-  
24 standing voting shares, membership units, or

1 other applicable ownership interests of the enti-  
2 ty;

3 “(C) over which one or more foreign na-  
4 tionals described in paragraph (1) or (2) or for-  
5 eign businesses as so defined has the power to  
6 direct, dictate, or control the decision-making  
7 process of the entity with respect to its interests  
8 in the United States; or

9 “(D) over which one or more foreign na-  
10 tionals described in paragraph (1) or (2) or for-  
11 eign businesses as so defined has the power to  
12 direct, dictate, or control the decision-making  
13 process of the entity with respect to activities in  
14 connection with a Federal, State, or local elec-  
15 tion, including—

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

21 “(ii) the administration of a political  
22 committee established or maintained by the  
23 entity.”; and

24 (3) by adding at the end the following new sub-  
25 sections:

1           “(c) CERTIFICATION OF COMPLIANCE REQUIRED  
2 FOR CARRYING OUT ACTIVITY.—Prior to the making in  
3 connection with an election for Federal office of any con-  
4 tribution, donation, expenditure, independent expenditure,  
5 or disbursement for an electioneering communication by  
6 a covered for-profit entity, as defined in section 3 of the  
7 Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), during  
8 a year, the chief executive officer of the entity (or, if the  
9 entity does not have a chief executive officer, the highest  
10 ranking official of the entity), shall file a certification with  
11 the Commission, under penalty of perjury, avowing that  
12 the entity is not a foreign national and that a foreign na-  
13 tional did not direct, dictate, control, or directly or indi-  
14 rectly participate in the decision making process relating  
15 to such activity in violation of subsection (a)(3), unless  
16 the chief executive officer or highest ranking official, if  
17 applicable, has previously filed such a certification within  
18 the previous 30 days.

19           “(d) DEFINITION OF FOREIGN BUSINESS.—For pur-  
20 poses of this section, the term ‘foreign business’ means  
21 any for-profit corporation, company, limited liability com-  
22 pany, limited partnership, business trust, business associa-  
23 tion, or other similar entity wherein a foreign national  
24 holds, owns, controls, or otherwise has directly or indi-  
25 rectly acquired beneficial ownership of equity or voting

1 shares in an amount that is equal to or greater than 50  
2 percent of the total equity or outstanding voting shares.”.

3 **PART IV—ADDITIONAL REQUIREMENTS**

4 **Subpart A—Campaign Finance**

5 **SEC. 731. CLARIFICATION ON TREATMENT OF INFORMA-**  
6 **TION USED TO INFLUENCE AN ELECTION FOR**  
7 **FEDERAL OFFICE AS A CONTRIBUTION;**  
8 **CLARIFICATION REGARDING PURPOSE OF IN-**  
9 **FLUENCING AN ELECTION FOR FEDERAL OF-**  
10 **FICE.**

11 (a) IN GENERAL.—Section 301(8) of the Federal  
12 Election Campaign Act of 1971 (52 U.S.C. 30101(8)) is  
13 amended by adding at the end the following new subpara-  
14 graph:

15 “(C) For purposes of subparagraph (A)(i) and  
16 section 319(a)(1)(A), material, non-public informa-  
17 tion, including opposition research, intended to be  
18 used for the purpose of influencing an election for  
19 Federal office as described in subparagraph (A)(i),  
20 or in the case of section 319(a)(1)(A), in connection  
21 with a Federal, State, or local election, shall be con-  
22 sidered a thing of value without regard to whether  
23 the information provided has monetary value.”.

24 (b) CLARIFICATION REGARDING PURPOSE OF INFLU-  
25 ENCING AN ELECTION.—

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1           (1) CONTRIBUTIONS.—Section 301(8)(A)(i) of  
2           such Act (52 U.S.C. 30101(8)(A)(i)) is amended by  
3           inserting the following before the semicolon:  
4           “(whether in whole or in part, or with the predict-  
5           able effect of, influencing an election for Federal of-  
6           fice)”.

7           (2) EXPENDITURES.—Section 301(9)(A)(i) of  
8           such Act (52 U.S.C. 30101(9)(A)(i)) is amended by  
9           inserting the following before the semicolon:  
10          “(whether in whole or in part, or with the predict-  
11          able effect of, influencing an election for Federal of-  
12          fice)”.

13          (c) APPLICATION OF PENALTIES.—Section  
14          309(d)(1)(A)(ii) of the such Act (52 U.S.C.  
15          30109(d)(1)(A)(ii)) is amended—

16               (1) by striking “\$2,000 or more (but less than  
17               \$25,000)” and inserting “less than \$25,000”; and

18               (2) by inserting “or involving information de-  
19               scribed in section 301(8)(C), and which has a value  
20               that is not ascertainable” after “during a calendar  
21               year”.

1 **SEC. 732. PROHIBITION ON SUPER PAC-CANDIDATE CO-**  
2 **ORDINATION.**

3 (a) CLARIFICATION OF TREATMENT OF COORDI-  
4 NATED EXPENDITURES AS CONTRIBUTIONS TO CAN-  
5 DIDATES.—

6 (1) TREATMENT AS CONTRIBUTION TO CAN-  
7 DIDATE.—Section 301(8)(A) of the Federal Election  
8 Campaign Act of 1971 (52 U.S.C. 30101(8)(A)), as  
9 amended by section 731, is amended—

10 (A) by striking “or” at the end of clause  
11 (i);

12 (B) by striking the period at the end of  
13 clause (ii) and inserting “; or”; and

14 (C) by adding at the end the following new  
15 clause:

16 “(iii) any payment made by any person  
17 (other than a candidate, an authorized com-  
18 mittee of a candidate, or a political committee  
19 of a political party) for a coordinated expendi-  
20 ture (as such term is defined in section 328)  
21 which is not otherwise treated as a contribution  
22 under clause (i) or clause (ii).”.

23 (2) DEFINITIONS.—Title III of such Act (52  
24 U.S.C. 30101 et seq.), as amended by sections 141,  
25 701, and 712, is amended by adding at the end the  
26 following new section:

1 **“SEC. 328. PAYMENTS FOR COORDINATED EXPENDITURES.**

2 “(a) COORDINATED EXPENDITURES.—

3 “(1) IN GENERAL.—For purposes of section  
4 301(8)(A)(iii), the term ‘coordinated expenditure’  
5 means—

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

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

23 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN  
24 COMMUNICATIONS.—A payment for a communication  
25 (including a covered communication described in



1 subsection (d)) shall not be treated as a coordinated  
2 expenditure under this subsection if—

3 “(A) the communication appears in a news  
4 story, commentary, or editorial distributed  
5 through the facilities of any broadcasting sta-  
6 tion, newspaper, magazine, or other periodical  
7 publication, unless such facilities are owned or  
8 controlled by any political party, political com-  
9 mittee, or candidate; or

10 “(B) the communication constitutes a can-  
11 didate debate or forum conducted pursuant to  
12 regulations adopted by the Commission pursu-  
13 ant to section 304(f)(3)(B)(iii), or which solely  
14 promotes such a debate or forum and is made  
15 by or on behalf of the person sponsoring the de-  
16 bate or forum.

17 “(b) COORDINATION DESCRIBED.—

18 “(1) IN GENERAL.—For purposes of this sec-  
19 tion, a payment is made ‘in cooperation, consulta-  
20 tion, or concert with, or at the request or suggestion  
21 of,’ a candidate, an authorized committee of a can-  
22 didate, a political committee of a political party, or  
23 agents of the candidate or committee, if the pay-  
24 ment, or any communication for which the payment  
25 is made, is not made entirely independently of the

1 candidate, committee, or agents. For purposes of the  
2 previous sentence, a payment or communication not  
3 made entirely independently of the candidate or  
4 committee includes any payment or communication  
5 made pursuant to any general or particular under-  
6 standing with, or pursuant to any communication  
7 with, the candidate, committee, or agents about the  
8 payment or communication.

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

1         icy, polling, allocation of resources, fundraising, or  
2         other campaign activities.

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

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

18           “(c) PAYMENTS BY COORDINATED SPENDERS FOR  
19         COVERED COMMUNICATIONS.—

20            “(1) PAYMENTS MADE IN COOPERATION, CON-  
21         SULTATION, OR CONCERT WITH CANDIDATES.—For  
22         purposes of subsection (a)(1)(A), if the person who  
23         makes a payment for a covered communication, as  
24         defined in subsection (d), is a coordinated spender  
25         under paragraph (2) with respect to the candidate

1 as described in subsection (d)(1), the payment for  
2 the covered communication is made in cooperation,  
3 consultation, or concert with the candidate.

4 “(2) COORDINATED SPENDER DEFINED.—For  
5 purposes of this subsection, the term ‘coordinated  
6 spender’ means, with respect to a candidate or an  
7 authorized committee of a candidate, a person (other  
8 than a political committee of a political party) for  
9 which any of the following applies:

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

20 “(B) The candidate or committee or any  
21 agent of the candidate or committee solicits  
22 funds, appears at a fundraising event, or en-  
23 gages in other fundraising activity on the per-  
24 son’s behalf during the election cycle involved,  
25 including by providing the person with names of

1 potential donors or other lists to be used by the  
2 person in engaging in fundraising activity, re-  
3 gardless of whether the person pays fair market  
4 value for the names or lists provided. For pur-  
5 poses of this subparagraph, the term ‘election  
6 cycle’ means, with respect to an election for  
7 Federal office, the period beginning on the day  
8 after the date of the most recent general elec-  
9 tion for that office (or, if the general election  
10 resulted in a runoff election, the date of the  
11 runoff election) and ending on the date of the  
12 next general election for that office (or, if the  
13 general election resulted in a runoff election,  
14 the date of the runoff election).

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

1            ployee of the office of the candidate at any time  
2            the candidate held any Federal, State, or local  
3            public office during the 4-year period).

4            “(D) The person has retained the profes-  
5            sional services of any person who, during the 2-  
6            year period ending on the date on which the  
7            person makes the payment, has provided or is  
8            providing professional services relating to the  
9            campaign to the candidate or committee, with-  
10           out regard to whether the person providing the  
11           professional services used a firewall. For pur-  
12           poses of this subparagraph, the term ‘profes-  
13           sional services’ includes any services in support  
14           of the candidate’s or committee’s campaign ac-  
15           tivities, including advertising, message, strat-  
16           egy, policy, polling, allocation of resources,  
17           fundraising, and campaign operations, but does  
18           not include accounting or legal services.

19           “(E) The person is established, directed, or  
20           managed by a member of the immediate family  
21           of the candidate, or the person or any officer or  
22           agent of the person has had more than inci-  
23           dental discussions about the candidate’s cam-  
24           paign with a member of the immediate family  
25           of the candidate. For purposes of this subpara-

1 graph, the term ‘immediate family’ has the  
2 meaning given such term in section 9004(e) of  
3 the Internal Revenue Code of 1986.

4 “(d) COVERED COMMUNICATION DEFINED.—

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

10 “(A) expressly advocates the election of the  
11 candidate or the defeat of an opponent of the  
12 candidate (or contains the functional equivalent  
13 of express advocacy);

14 “(B) promotes or supports the election of  
15 the candidate, or attacks or opposes the election  
16 of an opponent of the candidate (regardless of  
17 whether the communication expressly advocates  
18 the election or defeat of a candidate or contains  
19 the functional equivalent of express advocacy);  
20 or

21 “(C) refers to the candidate or an oppo-  
22 nent of the candidate but is not described in  
23 subparagraph (A) or subparagraph (B), but  
24 only if the communication is disseminated dur-  
25 ing the applicable election period.

1           “(2) APPLICABLE ELECTION PERIOD.—In para-  
2           graph (1)(C), the ‘applicable election period’ with re-  
3           spect to a communication means—

4                   “(A) in the case of a communication which  
5                   refers to a candidate in a general, special, or  
6                   runoff election, the 120-day period which ends  
7                   on the date of the election; or

8                   “(B) in the case of a communication which  
9                   refers to a candidate in a primary or preference  
10                  election, or convention or caucus of a political  
11                  party that has authority to nominate a can-  
12                  didate, the 60-day period which ends on the  
13                  date of the election or convention or caucus.

14           “(3) SPECIAL RULES FOR COMMUNICATIONS IN-  
15           VOLVING CONGRESSIONAL CANDIDATES.—For pur-  
16           poses of this subsection, a public communication  
17           shall not be considered to be a covered communica-  
18           tion with respect to a candidate for election for an  
19           office other than the office of President or Vice  
20           President unless it is publicly disseminated or dis-  
21           tributed in the jurisdiction of the office the can-  
22           didate is seeking.

23           “(e) PENALTY.—

24                   “(1) DETERMINATION OF AMOUNT.—Any per-  
25                   son who knowingly and willfully commits a violation



1 of this Act by making a contribution which consists  
2 of a payment for a coordinated expenditure shall be  
3 fined an amount equal to the greater of—

4 “(A) in the case of a person who makes a  
5 contribution which consists of a payment for a  
6 coordinated expenditure in an amount exceeding  
7 the applicable contribution limit under this Act,  
8 300 percent of the amount by which the  
9 amount of the payment made by the person ex-  
10 ceeds such applicable contribution limit; or

11 “(B) in the case of a person who is prohib-  
12 ited under this Act from making a contribution  
13 in any amount, 300 percent of the amount of  
14 the payment made by the person for the coordi-  
15 nated expenditure.

16 “(2) JOINT AND SEVERAL LIABILITY.—Any di-  
17 rector, manager, or officer of a person who is subject  
18 to a penalty under paragraph (1) shall be jointly and  
19 severally liable for any amount of such penalty that  
20 is not paid by the person prior to the expiration of  
21 the 1-year period which begins on the date the Com-  
22 mission imposes the penalty or the 1-year period  
23 which begins on the date of the final judgment fol-  
24 lowing any judicial review of the Commission’s ac-  
25 tion, whichever is later.”.

1 (3) EFFECTIVE DATE.—

2 (A) REPEAL OF EXISTING REGULATIONS  
3 ON COORDINATION.—Effective upon the expira-  
4 tion of the 90-day period which begins on the  
5 date of the enactment of this Act—

6 (i) the regulations on coordinated  
7 communications adopted by the Federal  
8 Election Commission which are in effect on  
9 the date of the enactment of this Act (as  
10 set forth in 11 CFR Part 109, Subpart C,  
11 under the heading “Coordination”) are re-  
12 pealed; and

13 (ii) the Federal Election Commission  
14 shall promulgate new regulations on co-  
15 ordinated communications which reflect the  
16 amendments made by this Act.

17 (B) EFFECTIVE DATE.—The amendments  
18 made by this subsection shall apply with respect  
19 to payments made on or after the expiration of  
20 the 120-day period which begins on the date of  
21 the enactment of this Act, without regard to  
22 whether or not the Federal Election Commis-  
23 sion has promulgated regulations in accordance  
24 with paragraph (1)(B) as of the expiration of  
25 such period.

1 (b) CLARIFICATION OF BAN ON FUNDRAISING FOR  
2 SUPER PACS BY FEDERAL CANDIDATES AND OFFICE-  
3 HOLDERS.—Section 323(e)(1) of the Federal Election  
4 Campaign Act of 1971 (52 U.S.C. 30125(e)(1)) is amend-  
5 ed—

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

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

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

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

1 **SEC. 733. DISCLOSURE OF MAJOR DONORS, BUNDLERS,**  
2 **AND FINANCE EVENTS IN PRESIDENTIAL**  
3 **CAMPAIGNS.**

4 Section 304 of the Federal Election Campaign Act  
5 of 1971 (52 U.S.C. 30104), as amended by section 141,  
6 is amended by adding at the end the following new sub-  
7 section:

8 “(i) DISCLOSURE OF MAJOR DONORS, BUNDLERS,  
9 AND FINANCE EVENTS IN PRESIDENTIAL CAMPAIGNS.—  
10 Each report under this section by an authorized committee  
11 of a candidate for the Office of President shall include  
12 the following information with respect to the reporting pe-  
13 riod:

14 “(1) The names and addresses of all donors,  
15 bundlers, and fundraisers who are given titles, in-  
16 cluding national or regional finance committee mem-  
17 bers.

18 “(2) The names and addresses of all members  
19 of fundraiser host committees.

20 “(3) The names and addresses of all persons  
21 specifically invited to campaign fundraisers.

22 “(4) The dates and locations of all fund-  
23 raisers.”.

1 **SEC. 734. LOWERING CONTRIBUTION LIMITS; REPEAL OF**  
2 **SPECIAL CONTRIBUTION LIMITS FOR CON-**  
3 **TRIBUTIONS TO NATIONAL PARTIES FOR**  
4 **CERTAIN PURPOSES.**

5 (a) DECREASE IN INDIVIDUAL LIMITS FOR CERTAIN  
6 CONTRIBUTIONS.—Section 315(a)(1) of the Federal Elec-  
7 tion Campaign Act of 1971 (52 U.S.C. 30116(a)(1)) is  
8 amended—

9 (1) in subparagraph (A), by striking “\$2,000”  
10 and inserting “\$1,000”; and

11 (2) in subparagraph (B), by striking “\$25,000”  
12 and inserting “\$10,000”.

13 (b) REPEAL OF SPECIAL CONTRIBUTION LIMITS FOR  
14 CONTRIBUTIONS TO NATIONAL PARTIES FOR CERTAIN  
15 PURPOSES.—

16 (1) IN GENERAL.—Section 315(a) of the Fed-  
17 eral Election Campaign Act of 1971 (52 U.S.C.  
18 30116(a)) is amended—

19 (A) in paragraph (1)(B), by striking “, or,  
20 in the case of contributions made to any of the  
21 accounts described in paragraph (9), exceed  
22 300 percent of the amount otherwise applicable  
23 under this subparagraph with respect to such  
24 calendar year”,

25 (B) in paragraph (2)(B), by striking “, or,  
26 in the case of contributions made to any of the

1 accounts described in paragraph (9), exceed  
2 300 percent of the amount otherwise applicable  
3 under this subparagraph with respect to such  
4 calendar year”, and

5 (C) by striking paragraph (9).

6 (2) CONFORMING AMENDMENT.—Section  
7 315(d) of such Act (52 U.S.C. 30116(d)) is amend-  
8 ed by striking paragraph (5).

9 (3) RETURN OF PREVIOUSLY CONTRIBUTED  
10 AMOUNTS.—Not later than 90 days after the effec-  
11 tive date under subsection (d), each political com-  
12 mittee established and maintained by a political  
13 party shall distribute all amounts in accounts de-  
14 scribed in section 315(a)(9) of the Federal Election  
15 Campaign Act of 1971 (52 U.S.C. 30116(a)(9)) to  
16 individuals who made contributions to such ac-  
17 counts. The amount distributed to any contributor  
18 form any account shall bear the same ratio to the  
19 amount of contributions made by such contributor to  
20 such account as the balance of such account on such  
21 effective date bears to the total amount of contribu-  
22 tions made to such account.

23 (c) INDEXING OF REVISED CONTRIBUTION LIMITS.—  
24 Section 315(c) of the Federal Election Campaign Act of  
25 1971 (2 U.S.C. 441a(c)) is amended—

1 (1) in paragraph (1)(B)—

2 (A) by redesignating clauses (i) through  
3 (iii) as subclauses (I) through (III), respec-  
4 tively, and indenting appropriately;

5 (B) in subclause (I), as redesignated by  
6 subparagraph (A), by striking “(a)(1)(A),  
7 (a)(1)(B),”;

8 (C) in subclause (III), as redesignated by  
9 such subparagraph—

10 (i) by striking “clause (i)” and insert-  
11 ing “subclause (I)”; and

12 (ii) by striking the period at the end  
13 and inserting “; and”;

14 (D) in the matter preceding subclause (I),  
15 as so redesignated, by striking “subparagraph  
16 (C), in any calendar year” and inserting “sub-  
17 paragraph (C)—

18 “(i) in any calendar year”; and

19 (E) by adding at the end the following new  
20 clause:

21 “(ii) in any calendar year after  
22 2021—

23 “(I) a limitation established by  
24 subsection (a)(1)(A) or (a)(1)(B) shall

1 be increased by the percent difference  
2 determined under subparagraph (A);

3 “(II) each amount so increased  
4 shall remain in effect for the calendar  
5 year; and

6 “(III) if any amount after ad-  
7 justment under subclause (I) is not a  
8 multiple of \$100, such amount shall  
9 be rounded to the nearest multiple of  
10 \$100.”; and

11 (2) in paragraph (2)(B)—

12 (A) in clause (i), by striking “and”;

13 (B) in clause (ii)—

14 (i) by striking “(a)(1)(A), (a)(1)(B),  
15 (a)(3),” and inserting “(a)(3)”; and

16 (ii) by striking the period and insert-  
17 ing “; and”; and

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

19 “(iii) for purposes of subsections  
20 (a)(1)(A) and (a)(1)(B), calendar year  
21 2020.”.

22 (d) EFFECTIVE DATE.—The amendments made by  
23 this section shall apply with respect to contributions made  
24 on or after January 1, 2021.



1 **SEC. 735. RESTRICTIONS ON TESTING THE WATERS.**

2 Section 315(a) of the Federal Election Campaign Act  
3 of 1971 (52 U.S.C. 30116(a)) is amended by adding at  
4 the end the following new paragraph:

5 “(10) For purposes of paragraph (7)(B):

6 “(A) The term ‘expenditure made in coopera-  
7 tion, consultation, or concert with, or at the request  
8 or suggestion of a candidate, his authorized political  
9 committees, or their agents’ includes an expenditure  
10 made by a person—

11 “(i) that during the four years preceding  
12 the expenditure (for the office of President) or  
13 during the two years preceding the expenditure  
14 (for all other expenditures) was directly or indi-  
15 rectly established, maintained, controlled, or  
16 principally funded by a candidate, the can-  
17 didate’s committee, or an immediate family  
18 member of a candidate;

19 “(ii) that during the four years preceding  
20 the expenditure (for the office of President) or  
21 during the two years preceding the expenditure  
22 (for all other expenditures) employed or other-  
23 wise retained the services (other than account-  
24 ing or legal services) of a person who, whether  
25 paid or unpaid, at any point during the same  
26 four-year or two-year period, had or exercised

1 executive or managerial authority for the can-  
2 didate, or acted as an agent of the candidate;  
3 or

4 “(iii) for whom during the four years pre-  
5 ceeding the expenditure (for the office of Presi-  
6 dent) or during the two years preceding the ex-  
7 penditure (for all other expenditures) the can-  
8 didate or candidate’s committee solicited funds,  
9 provided non-public fundraising information or  
10 strategy, or appeared as a featured guest at a  
11 fundraising event;

12 “(B) The term ‘expenditure’ has the meaning  
13 given that term in section 301 and section 316(b)  
14 and also includes the following, when conducted by  
15 a person described in subparagraph (A) of this para-  
16 graph:

17 “(i) A public communication as defined in  
18 section 301(22) that—

19 “(I) expressly advocates for the nomi-  
20 nation or election of a clearly identified  
21 candidate for Federal office or against the  
22 nomination or election of a candidate for  
23 such office, or that is the functional equiv-  
24 alent of such express advocacy;

1                   “(II) promotes or supports a can-  
2                   didate for Federal office, or attacks or op-  
3                   poses a candidate for such office (regard-  
4                   less of whether the communication ex-  
5                   pressly advocates the election or defeat of  
6                   a candidate or is the functional equivalent  
7                   of express advocacy); or

8                   “(III) refers to a clearly identified  
9                   candidate for Federal office at any time  
10                  from 120 days before a primary election or  
11                  nominating caucus or convention through  
12                  the general election, and is disseminated in  
13                  the jurisdiction where the election for the  
14                  office the candidate is seeking is held.

15                  “(ii) A disbursement for partisan voter ac-  
16                  tivity (such as partisan voter registration, get-  
17                  out-the-vote activity, phone banking, or generic  
18                  campaign activity) in the jurisdiction where the  
19                  election for the office the candidate is seeking  
20                  is held.

21                  “(iii) A disbursement to pay for research,  
22                  design, or production costs, polling expenses,  
23                  data analytics, creating or purchasing mailing  
24                  or social media lists, or other activities related  
25                  to those described in clause (i) or (ii).

1           “(C) The term ‘candidate’ includes any person  
2           who is a candidate for Federal office at the time of  
3           the expenditure, regardless of whether such person  
4           was a candidate at the time of the conduct described  
5           in subparagraph (A).”.

6   **SEC. 736. PERSONAL USE BAN FOR LEADERSHIP PACS.**

7           Section 313(a) of the Federal Election Campaign Act  
8           of 1971 (52 U.S.C. 30114(a)) is amended, in the matter  
9           preceding paragraph (1), by inserting “or a leadership  
10          PAC (as defined in subsection (c)(4)) of a candidate”  
11          after “by a candidate”.

12   **SEC. 737. PROHIBITION ON JOINT FUNDRAISING COMMIT-**  
13                           **TEES.**

14          Section 302(e) of the Federal Election Campaign Act  
15          of 1971 (52 U.S.C. 30102(e)) is amended—

16               (1) in paragraph (3)(A)—

17                       (A) by striking clause (ii);

18                       (B) in clause (i), by striking “; and” and  
19                       inserting a period; and

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

23               (2) by adding at the end the following new  
24          paragraph:

1           “(6) A political committee may not engage in  
2           joint fundraising with other political committees or  
3           with unregistered committees or organizations.”.

4           **Subpart B—Prohibition on the Appointment of Big**  
5           **Donor Ambassadors and Chiefs of Mission**

6           **SEC. 738. PROHIBITION ON THE APPOINTMENT OF BIG**  
7                           **DONOR AMBASSADORS AND CHIEFS OF MIS-**  
8                           **SION.**

9           Section 304(a) of the Foreign Service Act of 1980  
10          (22 U.S.C. 3944(a)) is amended—

11                   (1) in paragraph (3)—

12                           (A) by inserting “(A)” before “Contribu-  
13                           tions”;

14                           (B) by striking “should not” and inserting  
15                           “shall not”; and

16                           (C) by adding at the end the following:

17                           “The President may not appoint as chief of  
18                           mission any individual who has made any con-  
19                           tribution or bundled contribution in any amount  
20                           to the political campaign of the President or an  
21                           authorized committee of the President (as those  
22                           terms are defined in paragraph (4)(B)(ii)).

23           “(B) An individual who would otherwise be prohibited  
24          from appointment as chief of mission under subparagraph  
25          (A) because of one or more contributions or bundled con-

1 tributions may be appointed by the President if such indi-  
2 vidual receives a full refund for each such contribution or  
3 bundled contribution prior to the President providing the  
4 report required under paragraph (4).”; and

5 (2) in paragraph (4)—

6 (A) by inserting “(A)” before “The Presi-  
7 dent”; and

8 (B) by adding at the end the following new  
9 subparagraph:

10 “(B)(i) The report required under subpara-  
11 graph (A) shall include—

12 “(I) an explanation of the nominee’s  
13 knowledge, if applicable, of the principal lan-  
14 guage or dialect of the country in which the in-  
15 dividual is to serve, and knowledge, if applica-  
16 ble, of the history, culture, economic and polit-  
17 ical institutions, and interests of that country  
18 and its people; and

19 “(II) a certification of the President that  
20 the nominee, in accordance with this Act—

21 “(aa) did not make any contributions  
22 or bundled contributions in any amount to  
23 the political campaign of the President or  
24 an authorized committee of the President  
25 at any time preceding the date that the

1                   Committee on Foreign Relations of the  
2                   Senate receives the nominee’s nomination;  
3                   or

4                   “(bb) has received a full refund for  
5                   each such contribution or bundled con-  
6                   tribution.

7                   “(ii) In this subparagraph, the terms ‘contribu-  
8                   tion,’ ‘bundled contribution,’ and ‘authorized com-  
9                   mittee’ have the meanings given those terms in title  
10                  III of the Federal Election Campaign Act of 1971  
11                  (52 U.S.C. 30101 et seq.).”.

12 **Subtitle B—Strengthening Over-**  
13 **sight of Online Political Adver-**  
14 **tising**

15 **SEC. 741. EXPANSION OF DEFINITION OF PUBLIC COMMU-**  
16 **NICATION.**

17                  (a) IN GENERAL.—Paragraph (22) of section 301 of  
18 the Federal Election Campaign Act of 1971 (52 U.S.C.  
19 30101(22)) is amended by striking “or satellite commu-  
20 nication” and inserting “satellite, paid internet, or paid  
21 digital communication”.

22                  (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-  
23 TURES.—Section 301 of such Act (52 U.S.C. 30101) is  
24 amended—

25                   (1) in paragraph (8)(B)—

1 (A) by striking “on broadcasting stations,  
2 or in newspapers, magazines, or similar types of  
3 general public political advertising” in clause  
4 (v) and inserting “in any public communica-  
5 tion”;

6 (B) by striking “broadcasting, newspaper,  
7 magazine, billboard, direct mail, or similar type  
8 of general public communication or political ad-  
9 vertising” in clause (ix)(1) and inserting “pub-  
10 lic communication”; and

11 (C) by striking “but not including the use  
12 of broadcasting, newspapers, magazines, bill-  
13 boards, direct mail, or similar types of general  
14 public communication or political advertising”  
15 in clause (x) and inserting “but not including  
16 use in any public communication”; and

17 (2) in paragraph (9)(B)—

18 (A) by amending clause (i) to read as fol-  
19 lows:

20 “(i) any news story, commentary, or  
21 editorial distributed through the facilities  
22 of any broadcasting station or any print,  
23 online, or digital newspaper, magazine,  
24 blog, publication, or periodical, unless such  
25 broadcasting, print, online, or digital facili-



1           ties are owned or controlled by any polit-  
2           ical party, political committee, or can-  
3           didate;” and

4           (B) in clause (iv), by striking “on broad-  
5           casting stations, or in newspapers, magazines,  
6           or similar types of general public political ad-  
7           vertising” and inserting “in any public commu-  
8           nication”.

9           (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—  
10          Subsection (a) of section 318 of such Act (52 U.S.C.  
11          30120) is amended—

12           (1) by striking “financing any communication  
13           through any broadcasting station, newspaper, maga-  
14           zine, outdoor advertising facility, mailing, or any  
15           other type of general public political advertising”  
16           and inserting “financing any public communication”;  
17           and

18           (2) by striking “solicits any contribution  
19           through any broadcasting station, newspaper, maga-  
20           zine, outdoor advertising facility, mailing, or any  
21           other type of general public political advertising”  
22           and inserting “solicits any contribution through any  
23           public communication”.

1 **SEC. 742. EXPANSION OF DEFINITION OF ELECTIONEERING**  
2 **COMMUNICATION.**

3 (a) APPLICATION TO QUALIFIED INTERNET AND  
4 DIGITAL COMMUNICATIONS.—

5 (1) IN GENERAL.—Subparagraph (A) of section  
6 304(f)(3) of the Federal Election Campaign Act of  
7 1971 (52 U.S.C. 30104(f)(3)(A)) is amended by  
8 striking “or satellite communication” each place it  
9 appears in clauses (i) and (ii) and inserting “sat-  
10 ellite, or qualified internet or digital communica-  
11 tion”.

12 (2) QUALIFIED INTERNET OR DIGITAL COMMU-  
13 NICATION.—Paragraph (3) of section 304(f) of such  
14 Act (52 U.S.C. 30104(f)) is amended by adding at  
15 the end the following new subparagraph:

16 “(D) QUALIFIED INTERNET OR DIGITAL  
17 COMMUNICATION.—The term ‘qualified internet  
18 or digital communication’ means any commu-  
19 nication which is placed or promoted for a fee  
20 on an online platform (as defined in subsection  
21 (k)(3)).”.

22 (b) NONAPPLICATION OF RELEVANT ELECTORATE  
23 TO ONLINE COMMUNICATIONS.—Section  
24 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.  
25 30104(f)(3)(A)(i)(III)) is amended by inserting “any  
26 broadcast, cable, or satellite” before “communication”.

1 (c) NEWS EXEMPTION.—Section 304(f)(3)(B)(i) of  
2 such Act (52 U.S.C. 30104(f)(3)(B)(i)) is amended to  
3 read as follows:

4 “(i) a communication appearing in a  
5 news story, commentary, or editorial dis-  
6 tributed through the facilities of any  
7 broadcasting station or any online or dig-  
8 ital newspaper, magazine, blog, publica-  
9 tion, or periodical, unless such broad-  
10 casting, online, or digital facilities are  
11 owned or controlled by any political party,  
12 political committee, or candidate;”.

13 **SEC. 743. APPLICATION OF DISCLAIMER STATEMENTS TO**  
14 **ONLINE COMMUNICATIONS.**

15 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-  
16 MENT.—Subsection (a) of section 318 of the Federal Elec-  
17 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is  
18 amended—

19 (1) by striking “shall clearly state” each place  
20 it appears in paragraphs (1), (2), and (3) and in-  
21 serting “shall state in a clear and conspicuous man-  
22 ner”; and

23 (2) by adding at the end the following flush  
24 sentence: “For purposes of this section, a commu-  
25 nication does not make a statement in a clear and

1 conspicuous manner if it is difficult to read or hear  
2 or if the placement is easily overlooked.”.

3 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR  
4 DIGITAL COMMUNICATIONS.—

5 (1) IN GENERAL.—Section 318 of such Act (52  
6 U.S.C. 30120) is amended by adding at the end the  
7 following new subsection:

8 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR  
9 DIGITAL COMMUNICATIONS.—

10 “(1) SPECIAL RULES WITH RESPECT TO STATE-  
11 MENTS.—In the case of any communication to which  
12 this section applies which is a qualified internet or  
13 digital communication (as defined in section  
14 304(f)(3)(D)) which is disseminated through a me-  
15 dium in which the provision of all of the information  
16 specified in this section is not possible, the commu-  
17 nication shall, in a clear and conspicuous manner—

18 “(A) state the name of the person who  
19 paid for the communication; and

20 “(B) provide a means for the recipient of  
21 the communication to obtain the remainder of  
22 the information required under this section with  
23 minimal effort and without receiving or viewing  
24 any additional material other than such re-  
25 quired information.



1 “(ii) is made both in—

2 “(I) a written format that meets  
3 the requirements of subparagraph (A)  
4 and appears for at least 4 seconds;  
5 and

6 “(II) an audible format that  
7 meets the requirements of subpara-  
8 graph (B).

9 “(D) OTHER COMMUNICATIONS.—In the  
10 case of any other type of communication, the  
11 statement is at least as clear and conspicuous  
12 as the statement specified in subparagraph (A),  
13 (B), or (C).”.

14 (2) NONAPPLICATION OF CERTAIN EXCEP-  
15 TIONS.—The exceptions provided in section  
16 110.11(f)(1)(i) and (ii) of title 11, Code of Federal  
17 Regulations, or any successor to such rules, shall  
18 have no application to qualified internet or digital  
19 communications (as defined in section 304(f)(3)(D)  
20 of the Federal Election Campaign Act of 1971, as  
21 added by this Act).

22 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS  
23 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such  
24 Act (52 U.S.C. 30120(d)) is amended—

25 (1) in paragraph (1)(A)—

1 (A) by striking “which is transmitted  
2 through radio” and inserting “which is in an  
3 audio format”; and

4 (B) by striking “BY RADIO” in the heading  
5 and inserting “AUDIO FORMAT”;

6 (2) in paragraph (1)(B)—

7 (A) by striking “which is transmitted  
8 through television” and inserting “which is in  
9 video format”; and

10 (B) by striking “BY TELEVISION” in the  
11 heading and inserting “VIDEO FORMAT”; and

12 (3) in paragraph (2)—

13 (A) by striking “transmitted through radio  
14 or television” and inserting “made in audio or  
15 video format”; and

16 (B) by striking “through television” in the  
17 second sentence and inserting “in video for-  
18 mat”.

19 **SEC. 744. POLITICAL RECORD REQUIREMENTS FOR ONLINE**  
20 **PLATFORMS.**

21 (a) IN GENERAL.—Section 304 of the Federal Elec-  
22 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-  
23 ed by sections 141 and 733, is further amended by adding  
24 at the end the following new subsection:

1           “(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-  
2 MENTS.—

3           “(1) IN GENERAL.—

4                   “(A) REQUIREMENTS FOR ONLINE PLAT-  
5 FORMS.—An online platform shall maintain,  
6 and make available for online public inspection  
7 in machine readable format, a complete record  
8 of any request to purchase on such online plat-  
9 form a qualified political advertisement which is  
10 made by a person whose aggregate requests to  
11 purchase qualified political advertisements on  
12 such online platform during the calendar year  
13 exceeds \$500.

14                   “(B) REQUIREMENTS FOR ADVER-  
15 TISERS.—Any person who requests to purchase  
16 a qualified political advertisement on an online  
17 platform shall provide the online platform with  
18 such information as is necessary for the online  
19 platform to comply with the requirements of  
20 subparagraph (A).

21           “(2) CONTENTS OF RECORD.—A record main-  
22 tained under paragraph (1)(A) shall contain—

23                   “(A) a digital copy of the qualified political  
24 advertisement;



1           “(B) a description of the audience targeted  
2           by the advertisement, the number of views gen-  
3           erated from the advertisement, and the date  
4           and time that the advertisement is first dis-  
5           played and last displayed; and

6           “(C) information regarding—

7                   “(i) the average rate charged for the  
8                   advertisement;

9                   “(ii) the name of the candidate to  
10                  which the advertisement refers and the of-  
11                  fice to which the candidate is seeking elec-  
12                  tion, the election to which the advertise-  
13                  ment refers, or the national legislative  
14                  issue to which the advertisement refers (as  
15                  applicable);

16                  “(iii) in the case of a request made  
17                  by, or on behalf of, a candidate, the name  
18                  of the candidate, the authorized committee  
19                  of the candidate, and the treasurer of such  
20                  committee; and

21                  “(iv) in the case of any request not  
22                  described in clause (iii), the name of the  
23                  person purchasing the advertisement, the  
24                  name, address, and phone number of a  
25                  contact person for such person, and a list

1 of the chief executive officers or members  
2 of the executive committee or of the board  
3 of directors of such person.

4 “(3) ONLINE PLATFORM.—For purposes of this  
5 subsection, the term ‘online platform’ means any  
6 public-facing website, web application, or digital ap-  
7 plication (including a social network, ad network, or  
8 search engine) which—

9 “(A) sells qualified political advertise-  
10 ments; and

11 “(B) has 50,000,000 or more unique  
12 monthly United States visitors or users for a  
13 majority of months during the preceding 12  
14 months.

15 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—  
16 For purposes of this subsection, the term ‘qualified  
17 political advertisement’ means any advertisement  
18 (including search engine marketing, display adver-  
19 tisements, video advertisements, native advertise-  
20 ments, and sponsorships) that—

21 “(A) is made by or on behalf of a can-  
22 didate; or

23 “(B) communicates a message relating to  
24 any political matter of national importance, in-  
25 cluding—

- 1                   “(i) a candidate;
- 2                   “(ii) any election to Federal office; or
- 3                   “(iii) a national legislative issue of
- 4                   public importance.

5                   “(5) TIME TO MAINTAIN FILE.—The informa-

6                   tion required under this subsection shall be made

7                   available as soon as possible and shall be retained by

8                   the online platform for a period of not less than 4

9                   years.

10                  “(6) PENALTIES.—For penalties for failure by

11                  online platforms, and persons requesting to purchase

12                  a qualified political advertisement on online plat-

13                  forms, to comply with the requirements of this sub-

14                  section, see section 309.”.

15                  (b) RULEMAKING.—Not later than 90 days after the

16                  date of the enactment of this Act, the Federal Election

17                  Commission shall establish rules—

18                   (1) requiring common data formats for the

19                   record required to be maintained under section

20                   304(j) of the Federal Election Campaign Act of

21                   1971 (as added by subsection (a)) so that all online

22                   platforms submit and maintain data online in a com-

23                   mon, machine-readable and publicly accessible for-

24                   mat; and

1           (2) establishing search interface requirements  
2 relating to such record, including searches by can-  
3 didate name, issue, purchaser, and date.

4           (c) REPORTING.—Not later than 2 years after the  
5 date of the enactment of this Act, and biannually there-  
6 after, the Chairman of the Federal Election Commission  
7 shall submit a report to Congress on—

8           (1) matters relating to compliance with and the  
9 enforcement of the requirements of section 304(j) of  
10 the Federal Election Campaign Act of 1971, as  
11 added by subsection (a);

12           (2) recommendations for any modifications to  
13 such section to assist in carrying out its purposes;  
14 and

15           (3) identifying ways to bring transparency and  
16 accountability to political advertisements distributed  
17 online for free.

18 **SEC. 745. PREVENTING CONTRIBUTIONS, EXPENDITURES,**  
19 **INDEPENDENT EXPENDITURES, AND DIS-**  
20 **BURSEMENTS FOR ELECTIONEERING COM-**  
21 **MUNICATIONS BY FOREIGN NATIONALS IN**  
22 **THE FORM OF ONLINE ADVERTISING.**

23           Section 319 of the Federal Election Campaign Act  
24 of 1971 (52 U.S.C. 30121), as amended by section 721,

1 is amended by adding at the end the following new sub-  
2 section:

3 “(e) Each television or radio broadcast station, pro-  
4 vider of cable or satellite television, or online platform (as  
5 defined in section 304(k)(3)) shall exercise due diligence  
6 to ensure that communications described in section 318(a)  
7 and made available by such station, provider, or platform  
8 are not purchased by a foreign national, directly or indi-  
9 rectly.”.

## 10 **Subtitle C—Public Financing**

### 11 **PART I—SMALL DOLLAR FINANCING OF SENATE**

#### 12 **ELECTION CAMPAIGNS**

#### 13 **SEC. 751. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**

#### 14 **FAIR ELECTIONS FINANCING OF SENATE**

#### 15 **ELECTION CAMPAIGNS.**

16 The Federal Election Campaign Act of 1971 (52  
17 U.S.C. 30101 et seq.) is amended by adding at the end  
18 the following:

### 19 **“TITLE V—FAIR ELECTIONS FI-** 20 **NANCING OF SENATE ELEC-** 21 **TION CAMPAIGNS**

#### 22 **“Subtitle A—General Provisions**

#### 23 **“SEC. 501. DEFINITIONS.**

24 “In this title:

1           “(1) ALLOCATION FROM THE FUND.—The term  
2           ‘allocation from the Fund’ means an allocation of  
3           money from the Freedom From Influence Fund to  
4           a participating candidate pursuant to section 522.

5           “(2) COMMISSION.—The term ‘Commission’  
6           means the Federal Election Commission.

7           “(3) ENHANCED MATCHING CONTRIBUTION.—  
8           The term ‘enhanced matching contribution’ means  
9           an enhanced matching payment provided to a par-  
10          ticipating candidate for qualified small dollar con-  
11          tributions, as provided under section 524.

12          “(4) ENHANCED SUPPORT QUALIFYING PE-  
13          RIOD.—The term ‘enhanced support qualifying pe-  
14          riod’ means, with respect to a general election, the  
15          period which begins 60 days before the date of the  
16          election and ends 14 days before the date of the  
17          election.

18          “(5) FAIR ELECTIONS QUALIFYING PERIOD.—  
19          The term ‘Fair Elections qualifying period’ means,  
20          with respect to any candidate for Senator, the pe-  
21          riod—

22                  “(A) beginning on the date on which the  
23                  candidate files a statement of intent under sec-  
24                  tion 511(a)(1); and

1           “(B) ending on the date that is 30 days  
2           before—

3                   “(i) the date of the primary election;  
4                   or

5                   “(ii) in the case of a State that does  
6                   not hold a primary election, the date pre-  
7                   scribed by State law as the last day to  
8                   qualify for a position on the general elec-  
9                   tion ballot.

10           “(6) FAIR ELECTIONS START DATE.—The term  
11           ‘Fair Elections start date’ means, with respect to  
12           any candidate, the date that is 180 days before—

13                   “(A) the date of the primary election; or

14                   “(B) in the case of a State that does not  
15                   hold a primary election, the date prescribed by  
16                   State law as the last day to qualify for a posi-  
17                   tion on the general election ballot.

18           “(7) FUND.—The term ‘Fund’ means the Free-  
19           dom From Influence Fund established by section  
20           502.

21           “(8) IMMEDIATE FAMILY.—The term ‘imme-  
22           diate family’ means, with respect to any candidate—

23                   “(A) the candidate’s spouse;

24                   “(B) a child, stepchild, parent, grand-  
25                   parent, brother, half-brother, sister, or half-sis-

1           ter of the candidate or the candidate's spouse;  
2           and

3                   “(C) the spouse of any person described in  
4           subparagraph (B).

5           “(9) MATCHING CONTRIBUTION.—The term  
6           ‘matching contribution’ means a matching payment  
7           provided to a participating candidate for qualified  
8           small dollar contributions, as provided under section  
9           523.

10           “(10) NONPARTICIPATING CANDIDATE.—The  
11           term ‘nonparticipating candidate’ means a candidate  
12           for Senator who is not a participating candidate.

13           “(11) PARTICIPATING CANDIDATE.—The term  
14           ‘participating candidate’ means a candidate for Sen-  
15           ator who is certified under section 514 as being eli-  
16           gible to receive an allocation from the Fund.

17           “(12) QUALIFYING CONTRIBUTION.—The term  
18           ‘qualifying contribution’ means, with respect to a  
19           candidate, a contribution that—

20                   “(A) is in an amount that is—

21                           “(i) not less than the greater of \$5 or  
22                           the amount determined by the Commission  
23                           under section 531; and



1                   “(ii) not more than the greater of  
2                   \$200 or the amount determined by the  
3                   Commission under section 531;

4                   “(B) is made by an individual—

5                   “(i) who is a resident of the State in  
6                   which such candidate is seeking election;  
7                   and

8                   “(ii) who is not otherwise prohibited  
9                   from making a contribution under this Act;

10                  “(C) is made during the Fair Elections  
11                  qualifying period; and

12                  “(D) meets the requirements of section  
13                  512(b).

14                  “(13) QUALIFIED SMALL DOLLAR CONTRIBU-  
15                  TION.—The term ‘qualified small dollar contribution’  
16                  means, with respect to a candidate, any contribution  
17                  (or series of contributions)—

18                  “(A) which is not a qualifying contribution  
19                  (or does not include a qualifying contribution);

20                  “(B) which is made by an individual who  
21                  is not prohibited from making a contribution  
22                  under this Act; and

23                  “(C) the aggregate amount of which does  
24                  not exceed the greater of—

25                  “(i) \$200 per election; or

1                   “(ii) the amount per election deter-  
2                   mined by the Commission under section  
3                   531.

4                   “(14) QUALIFYING MULTICANDIDATE POLIT-  
5                   ICAL COMMITTEE CONTRIBUTION.—

6                   “(A) IN GENERAL.—The term ‘qualifying  
7                   multicandidate political committee contribution’  
8                   means any contribution to a candidate that is  
9                   made from a qualified account of a multi-  
10                  candidate political committee (within the mean-  
11                  ing of section 315(a)(2)).

12                  “(B) QUALIFIED ACCOUNT.—For purposes  
13                  of subparagraph (A), the term ‘qualified ac-  
14                  count’ means, with respect to a multicandidate  
15                  political committee, a separate, segregated ac-  
16                  count of the committee that consists solely of  
17                  contributions which meet the following require-  
18                  ments:

19                         “(i) All contributions to such account  
20                         are made by individuals who are not pro-  
21                         hibited from making contributions under  
22                         this Act.

23                         “(ii) The aggregate amount of con-  
24                         tributions from each individual to such ac-  
25                         count and all other accounts of the polit-

1                    ical committee do not exceed the amount  
2                    described in paragraph (13)(C).

3    **“SEC. 502. FREEDOM FROM INFLUENCE FUND.**

4            “(a) ESTABLISHMENT.—There is established in the  
5 Treasury a fund to be known as the ‘Freedom From Infl-  
6 uence Fund’.

7            “(b) AMOUNTS HELD BY FUND.—The Fund shall  
8 consist of the following amounts:

9                    “(1) ASSESSMENTS AGAINST FINES, SETTLE-  
10                    MENTS, AND PENALTIES.—Amounts transferred  
11                    under section 3015 of title 18, United States Code,  
12                    section 9707 of title 31, United States Code, and  
13                    section 6761 of the Internal Revenue Code of 1986.

14                    “(2) DEPOSITS.—Amounts deposited into the  
15 Fund under—

16                    “(A) section 513(c) (relating to exceptions  
17                    to contribution requirements);

18                    “(B) section 521(c) (relating to remittance  
19                    of unused payments from the Fund); and

20                    “(C) section 532 (relating to violations).

21                    “(3) INVESTMENT RETURNS.—Interest on, and  
22                    the proceeds from, the sale or redemption of any ob-  
23                    ligations held by the Fund under subsection (c).

24                    “(c) INVESTMENT.—The Commission shall invest  
25 portions of the Fund in obligations of the United States

1 in the same manner as provided under section 9602(b)  
2 of the Internal Revenue Code of 1986.

3 “(d) USE OF FUND TO MAKE PAYMENTS TO PAR-  
4 TICIPATING CANDIDATES.—

5 “(1) PAYMENTS TO PARTICIPATING CAN-  
6 DIDATES.—Amounts in the Fund shall be available  
7 without further appropriation or fiscal year limita-  
8 tion to make payments to participating candidates  
9 as provided in this title.

10 “(2) MANDATORY REDUCTION OF PAYMENTS IN  
11 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

12 “(A) ADVANCE AUDITS BY COMMISSION.—  
13 Not later than 90 days before the first day of  
14 each election cycle (beginning with the first  
15 election cycle that begins after the date of the  
16 enactment of this title), the Commission shall—

17 “(i) audit the Fund to determine  
18 whether the amounts in the Fund will be  
19 sufficient to make payments to partici-  
20 pating candidates in the amounts provided  
21 in this title during such election cycle; and

22 “(ii) submit a report to Congress de-  
23 scribing the results of the audit.

24 “(B) REDUCTIONS IN AMOUNT OF PAY-  
25 MENTS.—

1                   “(i) AUTOMATIC REDUCTION ON PRO  
2                   RATA BASIS.—If, on the basis of the audit  
3                   described in subparagraph (A), the Com-  
4                   mission determines that the amount antici-  
5                   pated to be available in the Fund with re-  
6                   spect to the election cycle involved is not,  
7                   or may not be, sufficient to satisfy the full  
8                   entitlements of participating candidates to  
9                   payments under this title for such election  
10                  cycle, the Commission shall reduce each  
11                  amount which would otherwise be paid to  
12                  a participating candidate under this title  
13                  by such pro rata amount as may be nec-  
14                  essary to ensure that the aggregate  
15                  amount of payments anticipated to be  
16                  made with respect to the election cycle will  
17                  not exceed the amount anticipated to be  
18                  available for such payments in the Fund  
19                  with respect to such election cycle.

20                  “(ii) RESTORATION OF REDUCTIONS  
21                  IN CASE OF AVAILABILITY OF SUFFICIENT  
22                  FUNDS DURING ELECTION CYCLE.—If,  
23                  after reducing the amounts paid to partici-  
24                  pating candidates with respect to an elec-  
25                  tion cycle under clause (i), the Commission

1 determines that there are sufficient  
2 amounts in the Fund to restore the  
3 amount by which such payments were re-  
4 duced (or any portion thereof), to the ex-  
5 tent that such amounts are available, the  
6 Commission may make a payment on a pro  
7 rata basis to each such participating can-  
8 didate with respect to the election cycle in  
9 the amount by which such candidate's pay-  
10 ments were reduced under clause (i) (or  
11 any portion thereof, as the case may be).

12 “(iii) NO USE OF AMOUNTS FROM  
13 OTHER SOURCES.—In any case in which  
14 the Commission determines that there are  
15 insufficient moneys in the Fund to make  
16 payments to participating candidates under  
17 this title, moneys shall not be made avail-  
18 able from any other source for the purpose  
19 of making such payments.

20 “(e) USE OF FUND TO MAKE OTHER PAYMENTS.—  
21 In addition to the use described in subsection (d), amounts  
22 in the Fund shall be available without further appropria-  
23 tion or fiscal year limitation—

24 “(1) to make payments under chapter 95 of  
25 subtitle H of the Internal Revenue Code of 1986

1 pursuant to sections 9006(b) and 9008(j) of such  
2 Code, subject to reductions under section 9013(b) of  
3 such Code; and

4 “(2) to make payments to candidates under  
5 chapter 96 of subtitle H of the Internal Revenue  
6 Code of 1986, subject to reductions under section  
7 9043(b) of such Code.

8 “(f) EFFECTIVE DATE.—This section shall take ef-  
9 fect on the date of the enactment of this title.

## 10 **“Subtitle B—Eligibility and** 11 **Certification**

### 12 **“SEC. 511. ELIGIBILITY.**

13 “(a) IN GENERAL.—A candidate for Senator is eligi-  
14 ble to receive an allocation from the Fund for any election  
15 if the candidate meets the following requirements:

16 “(1) The candidate files with the Commission a  
17 statement of intent to seek certification as a partici-  
18 pating candidate under this title during the period  
19 beginning on the Fair Elections start date and end-  
20 ing on the last day of the Fair Elections qualifying  
21 period.

22 “(2) The candidate meets the qualifying con-  
23 tribution requirements of section 512.

24 “(3) Not later than the last day of the Fair  
25 Elections qualifying period, the candidate files with

1 the Commission an affidavit signed by the candidate  
2 and the treasurer of the candidate's principal cam-  
3 paign committee declaring that the candidate—

4 “(A) has complied and, if certified, will  
5 comply with the contribution and expenditure  
6 requirements of section 513;

7 “(B) if certified, will not run as a non-  
8 participating candidate during such year in any  
9 election for the office that such candidate is  
10 seeking; and

11 “(C) has either qualified or will take steps  
12 to qualify under State law to be on the ballot.

13 “(b) GENERAL ELECTION.—Notwithstanding sub-  
14 section (a), a candidate shall not be eligible to receive an  
15 allocation from the Fund for a general election or a gen-  
16 eral runoff election unless the candidate's party nominated  
17 the candidate to be placed on the ballot for the general  
18 election or the candidate otherwise qualified to be on the  
19 ballot under State law.

20 **“SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.**

21 “(a) IN GENERAL.—A candidate for Senator meets  
22 the requirement of this section if, during the Fair Elec-  
23 tions qualifying period, the candidate obtains—

24 “(1) a number of qualifying contributions equal  
25 to the greater of—



1 “(A) the sum of—

2 “(i) 2,000; plus

3 “(ii) 500 for each congressional dis-  
4 trict in the State with respect to which the  
5 candidate is seeking election; or

6 “(B) the amount determined by the Com-  
7 mission under section 531; and

8 “(2) a total dollar amount of qualifying con-  
9 tributions equal to the greater of—

10 “(A) 10 percent of the amount of the allo-  
11 cation such candidate would be entitled to re-  
12 ceive for the primary election under section  
13 522(c)(1) (determined without regard to para-  
14 graph (5) thereof) if such candidate were a par-  
15 ticipating candidate; or

16 “(B) the amount determined by the Com-  
17 mission under section 531.

18 “(b) REQUIREMENTS RELATING TO RECEIPT OF  
19 QUALIFYING CONTRIBUTION.—Each qualifying contribu-  
20 tion—

21 “(1) may be made by means of a personal  
22 check, money order, debit card, credit card, or elec-  
23 tronic payment account;

24 “(2) shall be accompanied by a signed state-  
25 ment containing—

1           “(A) the contributor’s name and the con-  
2 tributor’s address in the State in which the con-  
3 tributor is registered to vote; and

4           “(B) an oath declaring that the contrib-  
5 utor—

6                   “(i) understands that the purpose of  
7 the qualifying contribution is to show sup-  
8 port for the candidate so that the can-  
9 didate may qualify for Fair Elections fi-  
10 nancing;

11                   “(ii) is making the contribution in his  
12 or her own name and from his or her own  
13 funds;

14                   “(iii) has made the contribution will-  
15 ingly; and

16                   “(iv) has not received anything of  
17 value in return for the contribution; and

18           “(3) shall be acknowledged by a receipt that is  
19 sent to the contributor with a copy kept by the can-  
20 didate for the Commission and a copy kept by the  
21 candidate for the election authorities in the State  
22 with respect to which the candidate is seeking elec-  
23 tion.

24           “(c) VERIFICATION OF QUALIFYING CONTRIBU-  
25 TIONS.—The Commission shall establish procedures for

1 the auditing and verification of qualifying contributions to  
2 ensure that such contributions meet the requirements of  
3 this section.

4 **“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIRE-**  
5 **MENTS.**

6 “(a) GENERAL RULE.—A candidate for Senator  
7 meets the requirements of this section if, during the elec-  
8 tion cycle of the candidate, the candidate—

9 “(1) except as provided in subsection (b), ac-  
10 cepts no contributions other than—

11 “(A) qualifying contributions;

12 “(B) qualified small dollar contributions;

13 “(C) qualifying multicandidate political  
14 committee contributions;

15 “(D) allocations from the Fund under sec-  
16 tion 522;

17 “(E) matching contributions under section  
18 523;

19 “(F) enhanced matching contributions  
20 under section 524; and

21 “(G) vouchers provided to the candidate  
22 under section 525;

23 “(2) makes no expenditures from any amounts  
24 other than from—

25 “(A) qualifying contributions;

1 “(B) qualified small dollar contributions;

2 “(C) qualifying multicandidate political  
3 committee contributions;

4 “(D) allocations from the Fund under sec-  
5 tion 522;

6 “(E) matching contributions under section  
7 523;

8 “(F) enhanced matching contributions  
9 under section 524; and

10 “(G) vouchers provided to the candidate  
11 under section 525; and

12 “(3) makes no expenditures from personal  
13 funds or the funds of any immediate family member  
14 (other than funds received through qualified small  
15 dollar contributions and qualifying contributions).

16 For purposes of this subsection, a payment made by a po-  
17 litical party in coordination with a participating candidate  
18 shall not be treated as a contribution to or as an expendi-  
19 ture made by the participating candidate.

20 “(b) CONTRIBUTIONS FOR LEADERSHIP PACs,  
21 ETC.—A political committee of a participating candidate  
22 which is not an authorized committee of such candidate  
23 may accept contributions other than contributions de-  
24 scribed in subsection (a)(1) from any person if—

1           “(1) the aggregate contributions from such per-  
2           son for any calendar year do not exceed \$200; and

3           “(2) no portion of such contributions is dis-  
4           bursed in connection with the campaign of the par-  
5           ticipating candidate.

6           “(c) EXCEPTION.—Notwithstanding subsection (a), a  
7           candidate shall not be treated as having failed to meet  
8           the requirements of this section if any contributions that  
9           are not qualified small dollar contributions, qualifying con-  
10          tributions, qualifying multicandidate political committee  
11          contributions, or contributions that meet the requirements  
12          of subsection (b) and that are accepted before the date  
13          the candidate files a statement of intent under section  
14          511(a)(1) are—

15                 “(1) returned to the contributor; or

16                 “(2) submitted to the Commission for deposit in  
17          the Fund.

18          **“SEC. 514. CERTIFICATION.**

19                 “(a) IN GENERAL.—Not later than 5 days after a  
20          candidate for Senator files an affidavit under section  
21          511(a)(3), the Commission shall—

22                 “(1) certify whether or not the candidate is a  
23          participating candidate; and

24                 “(2) notify the candidate of the Commission’s  
25          determination.

1 “(b) REVOCATION OF CERTIFICATION.—

2 “(1) IN GENERAL.—The Commission may re-  
3 voke a certification under subsection (a) if—

4 “(A) a candidate fails to qualify to appear  
5 on the ballot at any time after the date of cer-  
6 tification; or

7 “(B) a candidate otherwise fails to comply  
8 with the requirements of this title, including  
9 any regulatory requirements prescribed by the  
10 Commission.

11 “(2) REPAYMENT OF BENEFITS.—If certifi-  
12 cation is revoked under paragraph (1), the candidate  
13 shall repay to the Fund an amount equal to the  
14 value of benefits received under this title plus inter-  
15 est (at a rate determined by the Commission) on any  
16 such amount received.

## 17 “**Subtitle C—Benefits**

### 18 “**SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.**

19 “(a) IN GENERAL.—For each election with respect  
20 to which a candidate is certified as a participating can-  
21 didate under section 514, such candidate shall be entitled  
22 to—

23 “(1) an allocation from the Fund to make or  
24 obligate to make expenditures with respect to such  
25 election, as provided in section 522;

1           “(2) matching contributions, as provided in sec-  
2           tion 523;

3           “(3) enhanced matching contributions, as pro-  
4           vided in section 524; and

5           “(4) for the general election, vouchers for  
6           broadcasts of political advertisements, as provided in  
7           section 525.

8           “(b) RESTRICTION ON USES OF ALLOCATIONS FROM  
9           THE FUND.—Allocations from the Fund received by a par-  
10          ticipating candidate under section 522, matching contribu-  
11          tions under section 523, and enhanced matching contribu-  
12          tions under section 524 may only be used for campaign-  
13          related costs.

14          “(c) REMITTING ALLOCATIONS FROM THE FUND.—

15                 “(1) IN GENERAL.—Not later than the date  
16                 that is 45 days after an election in which the partici-  
17                 pating candidate appeared on the ballot, such parti-  
18                 cipating candidate shall remit to the Commission  
19                 for deposit in the Fund an amount equal to the less-  
20                 er of—

21                         “(A) the amount of money in the can-  
22                         didate’s campaign account; or

23                         “(B) the sum of the allocations from the  
24                         Fund received by the candidate under section  
25                         522, the matching contributions received by the

1 candidate under section 523, and the enhanced  
2 matching contributions under section 524.

3 “(2) EXCEPTION.—In the case of a candidate  
4 who qualifies to be on the ballot for a primary run-  
5 off election, a general election, or a general runoff  
6 election, the amounts described in paragraph (1)  
7 may be retained by the candidate and used in such  
8 subsequent election.

9 **“SEC. 522. ALLOCATIONS FROM THE FUND.**

10 “(a) IN GENERAL.—The Commission shall make allo-  
11 cations from the Fund under section 521(a)(1) to a par-  
12 ticipating candidate—

13 “(1) in the case of amounts provided under  
14 subsection (c)(1), not later than 48 hours after the  
15 date on which such candidate is certified as a par-  
16 ticipating candidate under section 514;

17 “(2) in the case of a general election, not later  
18 than 48 hours after—

19 “(A) the date of the certification of the re-  
20 sults of the primary election or the primary  
21 runoff election; or

22 “(B) in any case in which there is no pri-  
23 mary election, the date the candidate qualifies  
24 to be placed on the ballot; and



1           “(3) in the case of a primary runoff election or  
2           a general runoff election, not later than 48 hours  
3           after the certification of the results of the primary  
4           election or the general election, as the case may be.

5           “(b) METHOD OF PAYMENT.—The Commission shall  
6           distribute funds available to participating candidates  
7           under this section through the use of an electronic funds  
8           exchange or a debit card.

9           “(c) AMOUNTS.—

10           “(1) PRIMARY ELECTION ALLOCATION; INITIAL  
11           ALLOCATION.—Except as provided in paragraph (5),  
12           the Commission shall make an allocation from the  
13           Fund for a primary election to a participating can-  
14           didate in an amount equal to 67 percent of the base  
15           amount with respect to such participating candidate.

16           “(2) PRIMARY RUNOFF ELECTION ALLOCA-  
17           TION.—The Commission shall make an allocation  
18           from the Fund for a primary runoff election to a  
19           participating candidate in an amount equal to 25  
20           percent of the amount the participating candidate  
21           was eligible to receive under this section for the pri-  
22           mary election.

23           “(3) GENERAL ELECTION ALLOCATION.—Ex-  
24           cept as provided in paragraph (5), the Commission  
25           shall make an allocation from the Fund for a gen-

1       eral election to a participating candidate in an  
2       amount equal to the base amount with respect to  
3       such candidate.

4           “(4) GENERAL RUNOFF ELECTION ALLOCA-  
5       TION.—The Commission shall make an allocation  
6       from the Fund for a general runoff election to a par-  
7       ticipating candidate in an amount equal to 25 per-  
8       cent of the base amount with respect to such can-  
9       didate.

10          “(5) UNCONTESTED ELECTIONS.—

11           “(A) IN GENERAL.—In the case of a pri-  
12       mary or general election that is an uncontested  
13       election, the Commission shall make an alloca-  
14       tion from the Fund to a participating candidate  
15       for such election in an amount equal to 25 per-  
16       cent of the allocation which such candidate  
17       would be entitled to under this section for such  
18       election if this paragraph did not apply.

19           “(B) UNCONTESTED ELECTION DE-  
20       FINED.—For purposes of this subparagraph, an  
21       election is uncontested if not more than 1 can-  
22       didate has campaign funds (including payments  
23       from the Fund) in an amount equal to or great-  
24       er than 10 percent of the allocation a partici-  
25       pating candidate would be entitled to receive

1 under this section for such election if this para-  
2 graph did not apply.

3 “(d) BASE AMOUNT.—

4 “(1) IN GENERAL.—Except as otherwise pro-  
5 vided in this subsection, the base amount for any  
6 candidate is an amount equal to the greater of—

7 “(A) the sum of—

8 “(i) \$750,000; plus

9 “(ii) \$150,000 for each congressional  
10 district in the State with respect to which  
11 the candidate is seeking election; or

12 “(B) the amount determined by the Com-  
13 mission under section 531.

14 “(2) INDEXING.—In each even-numbered year  
15 after 2025—

16 “(A) each dollar amount under paragraph  
17 (1)(A) shall be increased by the percent dif-  
18 ference between the price index (as defined in  
19 section 315(c)(2)(A)) for the 12 months pre-  
20 ceeding the beginning of such calendar year and  
21 the price index for calendar year 2022;

22 “(B) each dollar amount so increased shall  
23 remain in effect for the 2-year period beginning  
24 on the first day following the date of the last  
25 general election in the year preceding the year

1 in which the amount is increased and ending on  
2 the date of the next general election; and

3 “(C) if any amount after adjustment under  
4 subparagraph (A) is not a multiple of \$100,  
5 such amount shall be rounded to the nearest  
6 multiple of \$100.

7 **“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL**  
8 **DOLLAR CONTRIBUTIONS.**

9 “(a) IN GENERAL.—The Commission shall pay to  
10 each participating candidate an amount equal to 600 per-  
11 cent of the amount of qualified small dollar contributions  
12 received by the candidate from individuals who are resi-  
13 dents of the State in which such participating candidate  
14 is seeking election after the date on which such candidate  
15 is certified under section 514.

16 “(b) LIMITATION.—The aggregate payments under  
17 subsection (a) with respect to any candidate shall not ex-  
18 ceed the greater of—

19 “(1) 400 percent of the allocation such can-  
20 didate is entitled to receive for such election under  
21 section 522 (determined without regard to sub-  
22 section (c)(5) thereof); or

23 “(2) the percentage of such allocation deter-  
24 mined by the Commission under section 531.

1       “(c) TIME OF PAYMENT.—The Commission shall  
2 make payments under this section not later than 2 busi-  
3 ness days after the receipt of a report made under sub-  
4 section (d).

5       “(d) REPORTS.—

6           “(1) IN GENERAL.—Each participating can-  
7 didate shall file reports of receipts of qualified small  
8 dollar contributions at such times and in such man-  
9 ner as the Commission may by regulations prescribe.

10          “(2) CONTENTS OF REPORTS.—Each report  
11 under this subsection shall disclose—

12           “(A) the amount of each qualified small  
13 dollar contribution received by the candidate;

14           “(B) the amount of each qualified small  
15 dollar contribution received by the candidate  
16 from a resident of the State in which the can-  
17 didate is seeking election; and

18           “(C) the name, address, and occupation of  
19 each individual who made a qualified small dol-  
20 lar contribution to the candidate.

21          “(3) FREQUENCY OF REPORTS.—Reports under  
22 this subsection shall be made no more frequently  
23 than—

24           “(A) once every month until the date that  
25 is 90 days before the date of the election;

1           “(B) once every week after the period de-  
2           scribed in subparagraph (A) and until the date  
3           that is 21 days before the election; and

4           “(C) once every day after the period de-  
5           scribed in subparagraph (B).

6           “(4) LIMITATION ON REGULATIONS.—The  
7           Commission may not prescribe any regulations with  
8           respect to reporting under this subsection with re-  
9           spect to any election after the date that is 180 days  
10          before the date of such election.

11          “(e) APPEALS.—The Commission shall provide a  
12          written explanation with respect to any denial of any pay-  
13          ment under this section and shall provide the opportunity  
14          for review and reconsideration within 5 business days of  
15          such denial.

16          **“SEC. 524. ENHANCED MATCHING SUPPORT.**

17          “(a) IN GENERAL.—In addition to the payments  
18          made under section 523, the Commission shall make an  
19          additional payment to an eligible candidate under this sec-  
20          tion.

21          “(b) ELIGIBILITY.—A candidate is eligible to receive  
22          an additional payment under this section if the candidate  
23          meets each of the following requirements:

24                  “(1) The candidate is on the ballot for the gen-  
25          eral election for the office the candidate seeks.

1           “(2) The candidate is certified as a partici-  
2           pating candidate under this title with respect to the  
3           election.

4           “(3) During the enhanced support qualifying  
5           period, the candidate receives qualified small dollar  
6           contributions in a total amount of not less than the  
7           sum of \$15,000 for each congressional district in the  
8           State with respect to which the candidate is seeking  
9           election.

10           “(4) During the enhanced support qualifying  
11           period, the candidate submits to the Commission a  
12           request for the payment which includes—

13                   “(A) a statement of the number and  
14                   amount of qualified small dollar contributions  
15                   received by the candidate during the enhanced  
16                   support qualifying period;

17                   “(B) a statement of the amount of the  
18                   payment the candidate anticipates receiving  
19                   with respect to the request; and

20                   “(C) such other information and assur-  
21                   ances as the Commission may require.

22           “(5) After submitting a request for the addi-  
23           tional payment under paragraph (4), the candidate  
24           does not submit any other application for an addi-  
25           tional payment under this title.

1 “(c) AMOUNT.—

2 “(1) IN GENERAL.—Subject to paragraph (2),  
3 the amount of the additional payment made to an el-  
4 igible candidate under this subtitle shall be an  
5 amount equal to 50 percent of—

6 “(A) the amount of the payment made to  
7 the candidate under section 523 with respect to  
8 the qualified small dollar contributions which  
9 are received by the candidate during the en-  
10 hanced support qualifying period (as included in  
11 the request submitted by the candidate under  
12 (b)(4)(A)); or

13 “(B) in the case of a candidate who is not  
14 eligible to receive a payment under section 523  
15 with respect to such qualified small dollar con-  
16 tributions because the candidate has reached  
17 the limit on the aggregate amount of payments  
18 under section 523, the amount of the payment  
19 which would have been made to the candidate  
20 under section 523 with respect to such qualified  
21 small dollar contributions if the candidate had  
22 not reached such limit.

23 “(2) LIMIT.—The amount of the additional  
24 payment determined under paragraph (1) with re-  
25 spect to a candidate may not exceed the sum of



1       \$150,000 for each congressional district in the State  
2       with respect to which the candidate is seeking elec-  
3       tion.

4           “(3) NO EFFECT ON AGGREGATE LIMIT.—The  
5       amount of the additional payment made to a can-  
6       didate under this section shall not be included in de-  
7       termining the aggregate amount of payments made  
8       to a participating candidate with respect to an elec-  
9       tion cycle under section 523.

10   **“SEC. 525. POLITICAL ADVERTISING VOUCHERS.**

11       “(a) IN GENERAL.—The Commission shall establish  
12       and administer a voucher program for the purchase of  
13       airtime on broadcasting stations for political advertise-  
14       ments in accordance with the provisions of this section.

15       “(b) CANDIDATES.—The Commission shall only dis-  
16       burse vouchers under the program established under sub-  
17       section (a) to participants certified pursuant to section  
18       514 who have agreed in writing to keep and furnish to  
19       the Commission such records, books, and other informa-  
20       tion as it may require.

21       “(c) AMOUNTS.—The Commission shall disburse  
22       vouchers to each candidate certified under subsection (b)  
23       in an aggregate amount equal to the greater of—

1           “(1) \$100,000 multiplied by the number of con-  
2           gressional districts in the State with respect to  
3           which such candidate is running for office; or

4           “(2) the amount determined by the Commission  
5           under section 531.

6           “(d) USE.—

7           “(1) EXCLUSIVE USE.—Vouchers disbursed by  
8           the Commission under this section may be used only  
9           for the purchase of broadcast airtime for political  
10          advertisements relating to a general election for the  
11          office of Senate by the participating candidate to  
12          which the vouchers were disbursed, except that—

13           “(A) a candidate may exchange vouchers  
14           with a political party under paragraph (2); and

15           “(B) a political party may use vouchers  
16           only to purchase broadcast airtime for political  
17           advertisements for generic party advertising (as  
18           defined by the Commission in regulations), to  
19           support candidates for State or local office in a  
20           general election, or to support participating  
21           candidates of the party in a general election for  
22           Federal office, but only if it discloses the value  
23           of the voucher used as an expenditure under  
24           section 315(d).

1           “(2) EXCHANGE WITH POLITICAL PARTY COM-  
2           MITTEE.—

3           “(A) IN GENERAL.—A participating can-  
4           didate who receives a voucher under this section  
5           may transfer the right to use all or a portion  
6           of the value of the voucher to a committee of  
7           the political party of which the individual is a  
8           candidate (or, in the case of a participating  
9           candidate who is not a member of any political  
10          party, to a committee of the political party of  
11          that candidate’s choice) in exchange for money  
12          in an amount equal to the cash value of the  
13          voucher or portion exchanged.

14          “(B) CONTINUATION OF CANDIDATE OBLI-  
15          GATIONS.—The transfer of a voucher, in whole  
16          or in part, to a political party committee under  
17          this paragraph does not release the candidate  
18          from any obligation under the agreement made  
19          under subsection (b) or otherwise modify that  
20          agreement or its application to that candidate.

21          “(C) PARTY COMMITTEE OBLIGATIONS.—  
22          Any political party committee to which a vouch-  
23          er or portion thereof is transferred under sub-  
24          paragraph (A)—

1           “(i) shall account fully, in accordance  
2           with such requirements as the Commission  
3           may establish, for the receipt of the vouch-  
4           er; and

5           “(ii) may not use the transferred  
6           voucher or portion thereof for any purpose  
7           other than a purpose described in para-  
8           graph (1)(B).

9           “(D) VOUCHER AS A CONTRIBUTION  
10          UNDER FECA.—If a candidate transfers a  
11          voucher or any portion thereof to a political  
12          party committee under subparagraph (A)—

13                 “(i) the value of the voucher or por-  
14                 tion thereof transferred shall be treated as  
15                 a contribution from the candidate to the  
16                 committee, and from the committee to the  
17                 candidate, for purposes of sections 302  
18                 and 304;

19                 “(ii) the committee may, in exchange,  
20                 provide to the candidate only funds subject  
21                 to the prohibitions, limitations, and report-  
22                 ing requirements of title III of this Act;  
23                 and

24                 “(iii) the amount, if identified as a  
25                 ‘voucher exchange’, shall not be considered

1 a contribution for the purposes of sections  
2 315 and 513.

3 “(e) VALUE; ACCEPTANCE; REDEMPTION.—

4 “(1) VOUCHER.—Each voucher disbursed by  
5 the Commission under this section shall have a value  
6 in dollars, redeemable upon presentation to the  
7 Commission, together with such documentation and  
8 other information as the Commission may require,  
9 for the purchase of broadcast airtime for political  
10 advertisements in accordance with this section.

11 “(2) ACCEPTANCE.—A broadcasting station  
12 shall accept vouchers in payment for the purchase of  
13 broadcast airtime for political advertisements in ac-  
14 cordance with this section.

15 “(3) REDEMPTION.—The Commission shall re-  
16 deem vouchers accepted by broadcasting stations  
17 under paragraph (2) upon presentation, subject to  
18 such documentation, verification, accounting, and  
19 application requirements as the Commission may im-  
20 pose to ensure the accuracy and integrity of the  
21 voucher redemption system.

22 “(4) EXPIRATION.—

23 “(A) CANDIDATES.—A voucher may only  
24 be used to pay for broadcast airtime for polit-  
25 ical advertisements to be broadcast before mid-

1           night on the day before the date of the Federal  
2           election in connection with which it was issued  
3           and shall be null and void for any other use or  
4           purpose.

5           “(B) EXCEPTION FOR POLITICAL PARTY  
6           COMMITTEES.—A voucher held by a political  
7           party committee may be used to pay for broad-  
8           cast airtime for political advertisements to be  
9           broadcast before midnight on December 31st of  
10          the odd-numbered year following the year in  
11          which the voucher was issued by the Commis-  
12          sion.

13          “(5) VOUCHER AS EXPENDITURE UNDER  
14          FECA.—The use of a voucher to purchase broadcast  
15          airtime constitutes an expenditure as defined in sec-  
16          tion 301(9)(A).

17          “(f) DEFINITIONS.—In this section:

18                 “(1) BROADCASTING STATION.—The term  
19                 ‘broadcasting station’ has the meaning given that  
20                 term by section 315(f)(1) of the Communications  
21                 Act of 1934.

22                 “(2) POLITICAL PARTY.—The term ‘political  
23                 party’ means a major party or a minor party as de-  
24                 fined in section 9002 (3) or (4) of the Internal Rev-  
25                 enue Code of 1986 (26 U.S.C. 9002 (3) or (4)).

1           **“Subtitle D—Administrative**  
2                           **Provisions**

3   **“SEC. 531. DUTIES OF THE FEDERAL ELECTION COMMIS-**  
4                           **SION.**

5           “(a) DUTIES AND POWERS.—

6                       “(1) ADMINISTRATION.—The Commission shall  
7           have the power to administer the provisions of this  
8           title and shall prescribe regulations to carry out the  
9           purposes of this title, including regulations—

10                      “(A) to establish procedures for—

11                           “(i) verifying the amount of valid  
12                           qualifying contributions with respect to a  
13                           candidate;

14                           “(ii) effectively and efficiently moni-  
15                           toring and enforcing the limits on the rais-  
16                           ing of qualified small dollar contributions;

17                           “(iii) monitoring the raising of quali-  
18                           fying multicandidate political committee  
19                           contributions through effectively and effi-  
20                           ciently monitoring and enforcing the limits  
21                           on individual contributions to qualified ac-  
22                           counts of multicandidate political commit-  
23                           tees;

24                           “(iv) effectively and efficiently moni-  
25                           toring and enforcing the limits on the use

1 of personal funds by participating can-  
2 didates;

3 “(v) monitoring the use of allocations  
4 from the Fund and matching contributions  
5 under this title through audits or other  
6 mechanisms; and

7 “(vi) the administration of the vouch-  
8 er program under section 525; and

9 “(B) regarding the conduct of debates in a  
10 manner consistent with the best practices of  
11 States that provide public financing for elec-  
12 tions.

13 “(2) REVIEW OF FAIR ELECTIONS FINANC-  
14 ING.—

15 “(A) IN GENERAL.—After each general  
16 election for Federal office, the Commission shall  
17 conduct a comprehensive review of the Fair  
18 Elections financing program under this title, in-  
19 cluding—

20 “(i) the maximum dollar amount of  
21 qualified small dollar contributions under  
22 section 501(13);

23 “(ii) the maximum and minimum dol-  
24 lar amounts for qualifying contributions  
25 under section 501(12);





1                   “(i) QUALIFYING CONTRIBUTIONS  
2                   AND QUALIFIED SMALL DOLLAR CON-  
3                   TRIBUTIONS.—The Commission shall con-  
4                   sider whether the number and dollar  
5                   amount of qualifying contributions re-  
6                   quired and maximum dollar amount for  
7                   such qualifying contributions and qualified  
8                   small dollar contributions strikes a balance  
9                   regarding the importance of voter involve-  
10                  ment, the need to assure adequate incen-  
11                  tives for participating, and fiscal responsi-  
12                  bility, taking into consideration the num-  
13                  ber of primary and general election partici-  
14                  pating candidates, the electoral perform-  
15                  ance of those candidates, program cost,  
16                  and any other information the Commission  
17                  determines is appropriate.

18                  “(ii) REVIEW OF PROGRAM BENE-  
19                  FITS.—The Commission shall consider  
20                  whether the totality of the amount of  
21                  funds allowed to be raised by participating  
22                  candidates (including through qualifying  
23                  contributions and small dollar contribu-  
24                  tions), allocations from the Fund under  
25                  section 522, matching contributions under

1 section 523, enhanced matching contribu-  
2 tions under section 524, and vouchers  
3 under section 525 are sufficient for voters  
4 in each State to learn about the candidates  
5 to cast an informed vote, taking into ac-  
6 count the historic amount of spending by  
7 winning candidates, media costs, primary  
8 election dates, and any other information  
9 the Commission determines is appropriate.

10 “(C) ADJUSTMENT OF AMOUNTS.—

11 “(i) IN GENERAL.—Based on the re-  
12 view conducted under subparagraph (A),  
13 the Commission shall provide for the ad-  
14 justments of the following amounts:

15 “(I) The maximum dollar  
16 amount of qualified small dollar con-  
17 tributions under section 501(13)(C).

18 “(II) The maximum and min-  
19 imum dollar amounts for qualifying  
20 contributions under section  
21 501(12)(A).

22 “(III) The number and value of  
23 qualifying contributions a candidate is  
24 required to obtain under section  
25 512(a)(1).

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1                   “(IV) The base amount for can-  
2                   didates under section 522(d).

3                   “(V) The maximum amount of  
4                   matching contributions a candidate  
5                   may receive under section 523(b).

6                   “(VI) The maximum amount of  
7                   enhanced matching contributions a  
8                   candidate may receive under section  
9                   524(c).

10                  “(VII) The dollar amount for  
11                  vouchers under section 525(c).

12                  “(ii) REGULATIONS.—The Commis-  
13                  sion shall promulgate regulations providing  
14                  for the adjustments made under clause (i).

15                  “(D) REPORT.—Not later than March 30  
16                  following any general election for Federal office,  
17                  the Commission shall submit a report to Con-  
18                  gress on the review conducted under subpara-  
19                  graph (A). Such report shall contain a detailed  
20                  statement of the findings, conclusions, and rec-  
21                  ommendations of the Commission based on  
22                  such review.

23                  “(b) REPORTS.—Not later than March 30, 2024, and  
24                  every 2 years thereafter, the Commission shall submit to  
25                  the Senate Committee on Rules and Administration a re-

1 port documenting, evaluating, and making recommenda-  
2 tions relating to the administrative implementation and  
3 enforcement of the provisions of this title.

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated such sums as are nec-  
6 essary to carry out the purposes of this subtitle.

7 **“SEC. 532. VIOLATIONS AND PENALTIES.**

8 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-  
9 TION AND EXPENDITURE REQUIREMENTS.—If a can-  
10 didate who has been certified as a participating candidate  
11 under section 514 accepts a contribution or makes an ex-  
12 penditure that is prohibited under section 513, the Com-  
13 mission shall assess a civil penalty against the candidate  
14 in an amount that is not more than 3 times the amount  
15 of the contribution or expenditure. Any amounts collected  
16 under this subsection shall be deposited into the Fund.

17 “(b) REPAYMENT FOR IMPROPER USE OF FREEDOM  
18 FROM INFLUENCE FUND.—

19 “(1) IN GENERAL.—If the Commission deter-  
20 mines that any benefit made available to a partici-  
21 pating candidate under this title was not used as  
22 provided for in this title or that a participating can-  
23 didate has violated any of the dates for remission of  
24 funds contained in this title, the Commission shall

1 so notify the candidate and the candidate shall pay  
2 to the Fund an amount equal to—

3 “(A) the amount of benefits so used or not  
4 remitted, as appropriate; and

5 “(B) interest on any such amounts (at a  
6 rate determined by the Commission).

7 “(2) OTHER ACTION NOT PRECLUDED.—Any  
8 action by the Commission in accordance with this  
9 subsection shall not preclude enforcement pro-  
10 ceedings by the Commission in accordance with sec-  
11 tion 309(a), including a referral by the Commission  
12 to the Attorney General in the case of an apparent  
13 knowing and willful violation of this title.”.

14 **SEC. 752. EXCEPTION TO LIMITATION ON COORDINATED**  
15 **EXPENDITURES BY POLITICAL PARTY COM-**  
16 **MITTEES WITH PARTICIPATING CANDIDATES.**

17 Section 315(d) of the Federal Election Campaign Act  
18 of 1971 (52 U.S.C. 30116(d)) is amended—

19 (1) in paragraph (3)(A), by striking “in the  
20 case of” and inserting “except as provided in para-  
21 graph (6), in the case of”; and

22 (2) by adding at the end the following new  
23 paragraph:

24 “(6)(A) The limitation under paragraph (3)(A)  
25 shall not apply with respect to any expenditure from

1 a qualified political party-participating candidate co-  
2 ordinated expenditure fund.

3 “(B) In this paragraph, the term ‘qualified po-  
4 litical party-participating candidate coordinated ex-  
5 penditure fund’ means a fund established by the na-  
6 tional committee of a political party, or a State com-  
7 mittee of a political party, including any subordinate  
8 committee of a State committee, for purposes of  
9 making expenditures in connection with the general  
10 election campaign of a candidate for election to the  
11 office of Senator who is a participating candidate (as  
12 defined in section 501), that only accepts qualified  
13 coordinated expenditure contributions.

14 “(C) In this paragraph, the term ‘qualified co-  
15 ordinated expenditure contribution’ means, with re-  
16 spect to the general election campaign of a candidate  
17 for election to the office of Senator who is a partici-  
18 pating candidate (as defined in section 501), any  
19 contribution (or series of contributions)—

20 “(i) which is made by an individual who is  
21 not prohibited from making a contribution  
22 under this Act; and

23 “(ii) the aggregate amount of which does  
24 not exceed \$500 per election.”.

1 **SEC. 753. ASSESSMENTS AGAINST FINES AND PENALTIES.**

2 (a) ASSESSMENTS RELATING TO CRIMINAL OF-  
3 FENSES.—

4 (1) IN GENERAL.—Chapter 201 of title 18,  
5 United States Code, is amended by adding at the  
6 end the following new section:

7 **“§ 3015. Special assessments for Freedom From Influ-  
8 ence Fund**

9 “(a) ASSESSMENTS.—

10 “(1) CONVICTIONS OF CRIMES.—In addition to  
11 any assessment imposed under this chapter, the  
12 court shall assess on any organizational defendant or  
13 any defendant who is a corporate officer or person  
14 with equivalent authority in any other organization  
15 who is convicted of a criminal offense under Federal  
16 law an amount equal to 2.75 percent of any fine im-  
17 posed on that defendant in the sentence imposed for  
18 that conviction.

19 “(2) SETTLEMENTS.—The court shall assess on  
20 any organizational defendant or defendant who is a  
21 corporate officer or person with equivalent authority  
22 in any other organization who has entered into a  
23 settlement agreement or consent decree with the  
24 United States in satisfaction of any allegation that  
25 the defendant committed a criminal offense under



1 Federal law an amount equal to 2.75 percent of the  
2 amount of the settlement.

3 “(b) MANNER OF COLLECTION.—An amount as-  
4 sessed under subsection (a) shall be collected in the man-  
5 ner in which fines are collected in criminal cases.

6 “(c) TRANSFERS.—In a manner consistent with sec-  
7 tion 3302(b) of title 31, there shall be transferred from  
8 the General Fund of the Treasury to the Freedom From  
9 Influence Fund under section 502 of the Federal Election  
10 Campaign Act of 1971 an amount equal to the amount  
11 of the assessments collected under this section.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-  
13 tions of chapter 201 of title 18, United States Code,  
14 is amended by adding at the end the following:

“3015. Special assessments for Freedom From Influence Fund.”.

15 (b) ASSESSMENTS RELATING TO CIVIL PEN-  
16 ALTIES.—

17 (1) IN GENERAL.—Chapter 97 of title 31,  
18 United States Code, is amended by adding at the  
19 end the following new section:

20 **“§ 9707. Special assessments for Freedom From Infl-**  
21 **ence Fund**

22 “(a) ASSESSMENTS.—

23 “(1) CIVIL PENALTIES.—Any entity of the Fed-  
24 eral Government which is authorized under any law,  
25 rule, or regulation to impose a civil penalty shall as-

1        assess on each person, other than a natural person  
2        who is not a corporate officer or person with equiva-  
3        lent authority in any other organization, on whom  
4        such a penalty is imposed an amount equal to 2.75  
5        percent of the amount of the penalty.

6            “(2) ADMINISTRATIVE PENALTIES.—Any entity  
7        of the Federal Government which is authorized  
8        under any law, rule, or regulation to impose an ad-  
9        ministrative penalty shall assess on each person,  
10       other than a natural person who is not a corporate  
11       officer or person with equivalent authority in any  
12       other organization, on whom such a penalty is im-  
13       posed an amount equal to 2.75 percent of the  
14       amount of the penalty.

15           “(3) SETTLEMENTS.—Any entity of the Federal  
16       Government which is authorized under any law, rule,  
17       or regulation to enter into a settlement agreement or  
18       consent decree with any person, other than a natural  
19       person who is not a corporate officer or person with  
20       equivalent authority in any other organization, in  
21       satisfaction of any allegation of an action or omis-  
22       sion by the person which would be subject to a civil  
23       penalty or administrative penalty shall assess on  
24       such person an amount equal to 2.75 percent of the  
25       amount of the settlement.

1       “(b) MANNER OF COLLECTION.—An amount as-  
2 sessed under subsection (a) shall be collected—

3           “(1) in the case of an amount assessed under  
4 paragraph (1) of such subsection, in the manner in  
5 which civil penalties are collected by the entity of the  
6 Federal Government involved;

7           “(2) in the case of an amount assessed under  
8 paragraph (2) of such subsection, in the manner in  
9 which administrative penalties are collected by the  
10 entity of the Federal Government involved; and

11          “(3) in the case of an amount assessed under  
12 paragraph (3) of such subsection, in the manner in  
13 which amounts are collected pursuant to settlement  
14 agreements or consent decrees entered into by the  
15 entity of the Federal Government involved.

16       “(c) TRANSFERS.—In a manner consistent with sec-  
17 tion 3302(b) of this title, there shall be transferred from  
18 the General Fund of the Treasury to the Freedom From  
19 Influence Fund under section 502 of the Federal Election  
20 Campaign Act of 1971 an amount equal to the amount  
21 of the assessments collected under this section.

22       “(d) EXCEPTION FOR PENALTIES AND SETTLE-  
23 MENTS UNDER AUTHORITY OF THE INTERNAL REVENUE  
24 CODE OF 1986.—

1           “(1) IN GENERAL.—No assessment shall be  
2           made under subsection (a) with respect to any civil  
3           or administrative penalty imposed, or any settlement  
4           agreement or consent decree entered into, under the  
5           authority of the Internal Revenue Code of 1986.

6           “(2) CROSS REFERENCE.—For application of  
7           special assessments for the Freedom From Influence  
8           Fund with respect to certain penalties under the In-  
9           ternal Revenue Code of 1986, see section 6761 of  
10          the Internal Revenue Code of 1986.”.

11          (2) CLERICAL AMENDMENT.—The table of sec-  
12          tions of chapter 97 of title 31, United States Code,  
13          is amended by adding at the end the following:

“9707. Special assessments for Freedom From Influence Fund.”.

14          (c) ASSESSMENTS RELATING TO CERTAIN PEN-  
15          ALTIES UNDER THE INTERNAL REVENUE CODE OF  
16          1986.—

17          (1) IN GENERAL.—Chapter 68 of the Internal  
18          Revenue Code of 1986 is amended by adding at the  
19          end the following new subchapter:

1       **“Subchapter D—Special Assessments for**  
2                   **Freedom From Influence Fund**

3       **“SEC. 6761. SPECIAL ASSESSMENTS FOR FREEDOM FROM**  
4                   **INFLUENCE FUND.**

5           “(a) IN GENERAL.—Each person required to pay a  
6 covered penalty shall pay an additional amount equal to  
7 2.75 percent of the amount of such penalty.

8           “(b) COVERED PENALTY.—For purposes of this sec-  
9 tion, the term ‘covered penalty’ means any addition to tax,  
10 additional amount, penalty, or other liability provided  
11 under subchapter A or B.

12          “(c) EXCEPTION FOR CERTAIN INDIVIDUALS.—

13           “(1) IN GENERAL.—In the case of a taxpayer  
14 who is an individual, subsection (a) shall not apply  
15 to any covered penalty if such taxpayer is an exempt  
16 taxpayer for the taxable year for which such covered  
17 penalty is assessed.

18           “(2) EXEMPT TAXPAYER.—For purposes of this  
19 subsection, a taxpayer is an exempt taxpayer for any  
20 taxable year if the taxable income of such taxpayer  
21 for such taxable year does not exceed the dollar  
22 amount at which begins the highest rate bracket in  
23 effect under section 1 with respect to such taxpayer  
24 for such taxable year.

1       “(d) APPLICATION OF CERTAIN RULES.—Except as  
2 provided in subsection (e), the additional amount deter-  
3 mined under subsection (a) shall be treated for purposes  
4 of this title in the same manner as the covered penalty  
5 to which such additional amount relates.

6       “(e) TRANSFER TO FREEDOM FROM INFLUENCE  
7 FUND.—The Secretary shall deposit any additional  
8 amount under subsection (a) in the General Fund of the  
9 Treasury and shall transfer from such General Fund to  
10 the Freedom From Influence Fund established under sec-  
11 tion 502 of the Federal Election Campaign Act of 1971  
12 an amount equal to the amounts so deposited (and, not-  
13 withstanding subsection (d), such additional amount shall  
14 not be the basis for any deposit, transfer, credit, appro-  
15 priation, or any other payment, to any other trust fund  
16 or account). Rules similar to the rules of section 9601  
17 shall apply for purposes of this subsection.”.

18           (2) CLERICAL AMENDMENT.—The table of sub-  
19 chapters for chapter 68 of such Code is amended by  
20 adding at the end the following new item:

“SUBCHAPTER D—SPECIAL ASSESSMENTS FOR FREEDOM FROM INFLUENCE  
FUND”.

21       (d) EFFECTIVE DATES.—

22           (1) IN GENERAL.—Except as provided in para-  
23 graph (2), the amendments made by this section  
24 shall apply with respect to convictions, agreements,

1 and penalties which occur on or after the date of the  
2 enactment of this Act.

3 (2) ASSESSMENTS RELATING TO CERTAIN PEN-  
4 ALTIES UNDER THE INTERNAL REVENUE CODE OF  
5 1986.—The amendments made by subsection (c)  
6 shall apply to covered penalties assessed after the  
7 date of the enactment of this Act.

## 8 **PART II—PRESIDENTIAL ELECTIONS**

### 9 **Subpart A—Primary Elections**

#### 10 **SEC. 761. INCREASE IN AND MODIFICATIONS TO MATCHING** 11 **PAYMENTS.**

12 (a) INCREASE AND MODIFICATION.—

13 (1) IN GENERAL.—The first sentence of section  
14 9034(a) of the Internal Revenue Code of 1986 is  
15 amended—

16 (A) by striking “an amount equal to the  
17 amount of each contribution” and inserting “an  
18 amount equal to 600 percent of the amount of  
19 each matchable contribution (disregarding any  
20 amount of contributions from any person to the  
21 extent that the total of the amounts contributed  
22 by such person for the election exceeds \$200)”;  
23 and

1           (B) by striking “authorized committees”  
2           and all that follows through “\$250” and insert-  
3           ing “authorized committees”.

4           (2) MATCHABLE CONTRIBUTIONS.—Section  
5           9034 of such Code is amended—

6           (A) by striking the last sentence of sub-  
7           section (a); and

8           (B) by adding at the end the following new  
9           subsection:

10          “(c) MATCHABLE CONTRIBUTION DEFINED.—For  
11          purposes of this section and section 9033(b)—

12           “(1) MATCHABLE CONTRIBUTION.—The term  
13           ‘matchable contribution’ means, with respect to the  
14           nomination for election to the office of President of  
15           the United States, a contribution by an individual to  
16           a candidate or an authorized committee of a can-  
17           didate with respect to which the candidate has cer-  
18           tified in writing that—

19           “(A) the individual making such contribu-  
20           tion has not made aggregate contributions (in-  
21           cluding such matchable contribution) to such  
22           candidate and the authorized committees of  
23           such candidate in excess of \$1,000 for the elec-  
24           tion;



1           “(B) such candidate and the authorized  
2           committees of such candidate will not accept  
3           contributions from such individual (including  
4           such matchable contribution) aggregating more  
5           than the amount described in subparagraph  
6           (A); and

7           “(C) such contribution was a direct con-  
8           tribution.

9           “(2) CONTRIBUTION.—For purposes of this  
10          subsection, the term ‘contribution’ means a gift of  
11          money made by a written instrument which identi-  
12          fies the individual making the contribution by full  
13          name and mailing address, but does not include a  
14          subscription, loan, advance, or deposit of money, or  
15          anything of value or anything described in subpara-  
16          graph (B), (C), or (D) of section 9032(4).

17          “(3) DIRECT CONTRIBUTION.—

18                 “(A) IN GENERAL.—For purposes of this  
19                 subsection, the term ‘direct contribution’  
20                 means, with respect to a candidate, a contribu-  
21                 tion which is made directly by an individual to  
22                 the candidate or an authorized committee of the  
23                 candidate and is not—

1           “(i) forwarded from the individual  
2           making the contribution to the candidate  
3           or committee by another person; or

4           “(ii) received by the candidate or com-  
5           mittee with the knowledge that the con-  
6           tribution was made at the request, sugges-  
7           tion, or recommendation of another person.

8           “(B) OTHER DEFINITIONS.—In subpara-  
9           graph (A)—

10           “(i) the term ‘person’ does not include  
11           an individual (other than an individual de-  
12           scribed in section 304(i)(7) of the Federal  
13           Election Campaign Act of 1971), a polit-  
14           ical committee of a political party, or any  
15           political committee which is not a separate  
16           segregated fund described in section  
17           316(b) of the Federal Election Campaign  
18           Act of 1971 and which does not make con-  
19           tributions or independent expenditures,  
20           does not engage in lobbying activity under  
21           the Lobbying Disclosure Act of 1995 (2  
22           U.S.C. 1601 et seq.), and is not estab-  
23           lished by, controlled by, or affiliated with  
24           a registered lobbyist under such Act, an  
25           agent of a registered lobbyist under such

1 Act, or an organization which retains or  
2 employs a registered lobbyist under such  
3 Act; and

4 “(ii) a contribution is not ‘made at  
5 the request, suggestion, or recommendation  
6 of another person’ solely on the grounds  
7 that the contribution is made in response  
8 to information provided to the individual  
9 making the contribution by any person, so  
10 long as the candidate or authorized com-  
11 mittee does not know the identity of the  
12 person who provided the information to  
13 such individual.”.

14 (3) CONFORMING AMENDMENTS.—

15 (A) Section 9032(4) of such Code is  
16 amended by striking “section 9034(a)” and in-  
17 sserting “section 9034”.

18 (B) Section 9033(b)(3) of such Code is  
19 amended by striking “matching contributions”  
20 and inserting “matchable contributions”.

21 (b) MODIFICATION OF PAYMENT LIMITATION.—Sec-  
22 tion 9034(b) of such Code is amended—

23 (1) by striking “The total” and inserting the  
24 following:

25 “(1) IN GENERAL.—The total”;

1           (2) by striking “shall not exceed” and all that  
2 follows and inserting “shall not exceed  
3 \$250,000,000.”; and

4           (3) by adding at the end the following new  
5 paragraph:

6           “(2) INFLATION ADJUSTMENT.—

7                   “(A) IN GENERAL.—In the case of any ap-  
8 plicable period beginning after 2029, the dollar  
9 amount in paragraph (1) shall be increased by  
10 an amount equal to—

11                           “(i) such dollar amount, multiplied by

12                                   “(ii) the cost-of-living adjustment de-  
13 termined under section 1(f)(3) for the cal-  
14 endar year following the year which such  
15 applicable period begins, determined by  
16 substituting ‘calendar year 2028’ for ‘cal-  
17 endar year 1992’ in subparagraph (B)  
18 thereof.

19                   “(B) APPLICABLE PERIOD.—For purposes  
20 of this paragraph, the term ‘applicable period’  
21 means the 4-year period beginning with the  
22 first day following the date of the general elec-  
23 tion for the office of President and ending on  
24 the date of the next such general election.

1           “(C) ROUNDING.—If any amount as ad-  
2           justed under subparagraph (A) is not a multiple  
3           of \$10,000, such amount shall be rounded to  
4           the nearest multiple of \$10,000.”.

5 **SEC. 762. ELIGIBILITY REQUIREMENTS FOR MATCHING**  
6           **PAYMENTS.**

7           (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER  
8 STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN  
9 EXCESS OF \$200.—Section 9033(b)(3) of the Internal  
10 Revenue Code of 1986 is amended—

11           (1) by striking “\$5,000” and inserting  
12 “\$25,000”; and

13           (2) by striking “20 States” and inserting the  
14 following: “20 States (disregarding any amount of  
15 contributions from any such resident to the extent  
16 that the total of the amounts contributed by such  
17 resident for the election exceeds \$200)”.

18           (b) CONTRIBUTION LIMIT.—

19           (1) IN GENERAL.—Paragraph (4) of section  
20 9033(b) of such Code is amended to read as follows:

21           “(4) the candidate and the authorized commit-  
22 tees of the candidate will not accept aggregate con-  
23 tributions from any person with respect to the nomi-  
24 nation for election to the office of President of the  
25 United States in excess of \$1,000 for the election.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Section 9033(b) of such Code is  
3 amended by adding at the end the following  
4 new flush sentence:

5 “For purposes of paragraph (4), the term ‘contribution’  
6 has the meaning given such term in section 301(8) of the  
7 Federal Election Campaign Act of 1971.”.

8 (B) Section 9032(4) of such Code, as  
9 amended by section 761(a)(3)(A), is amended  
10 by inserting “or 9033(b)” after “9034”.

11 (c) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR  
12 GENERAL ELECTION.—Section 9033(b) of such Code is  
13 amended—

14 (1) by striking “and” at the end of paragraph  
15 (3);

16 (2) by striking the period at the end of para-  
17 graph (4) and inserting “, and”; and

18 (3) by inserting after paragraph (4) the fol-  
19 lowing new paragraph:

20 “(5) if the candidate is nominated by a political  
21 party for election to the office of President, the can-  
22 didate will apply for and accept payments with re-  
23 spect to the general election for such office in ac-  
24 cordance with chapter 95.”.

1 (d) PROHIBITION ON JOINT FUNDRAISING COMMIT-  
2 TEES.—Section 9033(b) of such Code, as amended by sub-  
3 section (c), is amended—

4 (1) by striking “and” at the end of paragraph  
5 (4);

6 (2) by striking the period at the end of para-  
7 graph (5) and inserting “; and”; and

8 (3) by inserting after paragraph (5) adding at  
9 the end the following new paragraph:

10 “(6) the candidate will not establish a joint  
11 fundraising committee with a political committee  
12 other than another authorized committee of the can-  
13 didate, except that candidate established a joint  
14 fundraising committee with respect to a prior elec-  
15 tion for which the candidate was not eligible to re-  
16 ceive payments under section 9037 and the can-  
17 didate does not terminate the committee, the can-  
18 didate shall not be considered to be in violation of  
19 this paragraph so long as that joint fundraising  
20 committee does not receive any contributions or  
21 make any disbursements during the election cycle for  
22 which the candidate is eligible to receive payments  
23 under such section.”.

1 **SEC. 763. REPEAL OF EXPENDITURE LIMITATIONS.**

2 (a) IN GENERAL.—Subsection (a) of section 9035 of  
3 the Internal Revenue Code of 1986 is amended to read  
4 as follows:

5 “(a) PERSONAL EXPENDITURE LIMITATION.—No  
6 candidate shall knowingly make expenditures from his per-  
7 sonal funds, or the personal funds of his immediate family,  
8 in connection with his campaign for nomination for elec-  
9 tion to the office of President in excess of, in the aggre-  
10 gate, \$50,000.”.

11 (b) CONFORMING AMENDMENT.—Paragraph (1) of  
12 section 9033(b) of the Internal Revenue Code of 1986 is  
13 amended to read as follows:

14 “(1) the candidate will comply with the per-  
15 sonal expenditure limitation under section 9035,”.

16 **SEC. 764. PERIOD OF AVAILABILITY OF MATCHING PAY-**  
17 **MENTS.**

18 Section 9032(6) of the Internal Revenue Code of  
19 1986 is amended by striking “the beginning of the cal-  
20 endar year in which a general election for the office of  
21 President of the United States will be held” and inserting  
22 “the date that is 6 months prior to the date of the earliest  
23 State primary election”.



1 **SEC. 765. EXAMINATION AND AUDITS OF MATCHABLE CON-**  
2 **TRIBUTIONS.**

3 Section 9038(a) of the Internal Revenue Code of  
4 1986 is amended by inserting “and matchable contribu-  
5 tions accepted by” after “qualified campaign expenses of”.

6 **SEC. 766. MODIFICATION TO LIMITATION ON CONTRIBU-**  
7 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**  
8 **DIDATES.**

9 Section 315(a)(6) of the Federal Election Campaign  
10 Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by strik-  
11 ing “calendar year” and inserting “four-year election  
12 cycle”.

13 **SEC. 767. USE OF FREEDOM FROM INFLUENCE FUND AS**  
14 **SOURCE OF PAYMENTS.**

15 (a) IN GENERAL.—Chapter 96 of subtitle H of the  
16 Internal Revenue Code of 1986 is amended by adding at  
17 the end the following new section:

18 **“SEC. 9043. USE OF FREEDOM FROM INFLUENCE FUND AS**  
19 **SOURCE OF PAYMENTS.**

20 “(a) IN GENERAL.—Effective with respect to the  
21 Presidential election held in 2028 and each succeeding  
22 Presidential election, all payments made to candidates  
23 under this chapter shall be made from the Freedom From  
24 Influence Fund established under section 502 of the Fed-  
25 eral Election Campaign Act of 1971 (hereafter in this sec-  
26 tion referred to as the ‘Fund’) and any reference in this

1 chapter to the matching payment account shall be consid-  
2 ered to be a reference to the Fund.

3 “(b) MANDATORY REDUCTION OF PAYMENTS IN  
4 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

5 “(1) ADVANCE AUDITS BY COMMISSION.—Not  
6 later than 90 days before the first day of each Presi-  
7 dential election cycle (beginning with the cycle for  
8 the election held in 2028), the Commission shall—

9 “(A) audit the Fund to determine whether,  
10 after first making payments to participating  
11 candidates under title V of the Federal Election  
12 Campaign Act of 1971, the amounts remaining  
13 in the Fund will be sufficient to make payments  
14 to candidates under this chapter in the amounts  
15 provided under this chapter during such elec-  
16 tion cycle; and

17 “(B) submit a report to Congress describ-  
18 ing the results of the audit.

19 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

20 “(A) AUTOMATIC REDUCTION ON PRO  
21 RATA BASIS.—If, on the basis of the audit de-  
22 scribed in paragraph (1), the Commission deter-  
23 mines that the amount anticipated to be avail-  
24 able in the Fund with respect to the Presi-  
25 dential election cycle involved is not, or may not

1 be, sufficient to satisfy the full entitlements of  
2 candidates to payments under this chapter for  
3 such cycle, the Commission shall reduce each  
4 amount which would otherwise be paid to a can-  
5 didate under this chapter by such pro rata  
6 amount as may be necessary to ensure that the  
7 aggregate amount of payments anticipated to  
8 be made with respect to the cycle will not ex-  
9 ceed the amount anticipated to be available for  
10 such payments in the Fund with respect to such  
11 cycle.

12 “(B) RESTORATION OF REDUCTIONS IN  
13 CASE OF AVAILABILITY OF SUFFICIENT FUNDS  
14 DURING ELECTION CYCLE.—If, after reducing  
15 the amounts paid to candidates with respect to  
16 an election cycle under subparagraph (A), the  
17 Commission determines that there are sufficient  
18 amounts in the Fund to restore the amount by  
19 which such payments were reduced (or any por-  
20 tion thereof), to the extent that such amounts  
21 are available, the Commission may make a pay-  
22 ment on a pro rata basis to each such candidate  
23 with respect to the election cycle in the amount  
24 by which such candidate’s payments were re-

1           duced under subparagraph (A) (or any portion  
2           thereof, as the case may be).

3           “(C) NO USE OF AMOUNTS FROM OTHER  
4           SOURCES.—In any case in which the Commis-  
5           sion determines that there are insufficient mon-  
6           eys in the Fund to make payments to can-  
7           didates under this chapter, moneys shall not be  
8           made available from any other source for the  
9           purpose of making such payments.

10          “(3) NO EFFECT ON AMOUNTS TRANSFERRED  
11          FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-  
12          tion does not apply to the transfer of funds under  
13          section 9008(i).

14          “(4) PRESIDENTIAL ELECTION CYCLE DE-  
15          FINED.—In this section, the term ‘Presidential elec-  
16          tion cycle’ means, with respect to a Presidential elec-  
17          tion, the period beginning on the day after the date  
18          of the previous Presidential general election and  
19          ending on the date of the Presidential election.”.

20          (b) CONFORMING AMENDMENTS.—Section 9037(a)  
21          of the Internal Revenue Code of 1986 is amended by add-  
22          ing at the end the following: “No amount shall be trans-  
23          ferred under this subsection with respect to any Presi-  
24          dential election held after 2024, and any amounts remain-  
25          ing in such account after payments for such election are

1 made shall be transferred to the Freedom from Influence  
2 Fund under section 502 of the Federal Election Campaign  
3 Act of 1971.”

4 (c) CLERICAL AMENDMENT.—The table of sections  
5 for chapter 96 of subtitle H of such Code is amended by  
6 adding at the end the following new item:

“Sec. 9043. Use of Freedom From Influence Fund as source of payments.”.

7 **Subpart B—General Elections**

8 **SEC. 771. MODIFICATION OF ELIGIBILITY REQUIREMENTS**

9 **FOR PUBLIC FINANCING.**

10 Subsection (a) of section 9003 of the Internal Rev-  
11 enue Code of 1986 is amended to read as follows:

12 “(a) IN GENERAL.—In order to be eligible to receive  
13 any payments under section 9006, the candidates of a po-  
14 litical party in a Presidential election shall meet the fol-  
15 lowing requirements:

16 “(1) PARTICIPATION IN PRIMARY PAYMENT  
17 SYSTEM.—The candidate for President received pay-  
18 ments under chapter 96 for the campaign for nomi-  
19 nation for election to be President.

20 “(2) AGREEMENTS WITH COMMISSION.—The  
21 candidates, in writing—

22 “(A) agree to obtain and furnish to the  
23 Commission such evidence as it may request of  
24 the qualified campaign expenses of such can-  
25 didates,

1           “(B) agree to keep and furnish to the  
2 Commission such records, books, and other in-  
3 formation as it may request, and

4           “(C) agree to an audit and examination by  
5 the Commission under section 9007 and to pay  
6 any amounts required to be paid under such  
7 section.

8           “(3) PROHIBITION ON JOINT FUNDRAISING  
9 COMMITTEES.—

10           “(A) PROHIBITION.—The candidates cer-  
11 tifies in writing that the candidates will not es-  
12 tablish a joint fundraising committee with a po-  
13 litical committee other than another authorized  
14 committee of the candidate.

15           “(B) STATUS OF EXISTING COMMITTEES  
16 FOR PRIOR ELECTIONS.—If a candidate estab-  
17 lished a joint fundraising committee described  
18 in subparagraph (A) with respect to a prior  
19 election for which the candidate was not eligible  
20 to receive payments under section 9006 and the  
21 candidate does not terminate the committee,  
22 the candidate shall not be considered to be in  
23 violation of subparagraph (A) so long as that  
24 joint fundraising committee does not receive  
25 any contributions or make any disbursements

1 with respect to the election for which the can-  
2 didate is eligible to receive payments under sec-  
3 tion 9006.”.

4 **SEC. 772. REPEAL OF EXPENDITURE LIMITATIONS AND USE**  
5 **OF QUALIFIED CAMPAIGN CONTRIBUTIONS.**

6 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS  
7 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME  
8 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-  
9 TIES.—Section 9003 of the Internal Revenue Code of  
10 1986 is amended by striking subsections (b) and (c) and  
11 inserting the following:

12 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS  
13 TO DEFRAY EXPENSES.—

14 “(1) IN GENERAL.—In order to be eligible to  
15 receive any payments under section 9006, the can-  
16 didates of a party in a Presidential election shall  
17 certify to the Commission, under penalty of perjury,  
18 that—

19 “(A) such candidates and their authorized  
20 committees have not and will not accept any  
21 contributions to defray qualified campaign ex-  
22 penses other than—

23 “(i) qualified campaign contributions,  
24 and

1                   “(ii) contributions to the extent nec-  
2                   essary to make up any deficiency payments  
3                   received out of the fund on account of the  
4                   application of section 9006(c), and

5                   “(B) such candidates and their authorized  
6                   committees have not and will not accept any  
7                   contribution to defray expenses which would be  
8                   qualified campaign expenses but for subpara-  
9                   graph (C) of section 9002(11).

10                  “(2) TIMING OF CERTIFICATION.—The can-  
11                  didate shall make the certification required under  
12                  this subsection at the same time the candidate  
13                  makes the certification required under subsection  
14                  (a)(3).”.

15                  (b) DEFINITION OF QUALIFIED CAMPAIGN CON-  
16                  TRIBUTION.—Section 9002 of such Code is amended by  
17                  adding at the end the following new paragraph:

18                         “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—  
19                         The term ‘qualified campaign contribution’ means,  
20                         with respect to any election for the office of Presi-  
21                         dent of the United States, a contribution from an in-  
22                         dividual to a candidate or an authorized committee  
23                         of a candidate which—

24                                 “(A) does not exceed \$1,000 for the elec-  
25                                 tion; and



1           “(B) with respect to which the candidate  
2           has certified in writing that—

3                   “(i) the individual making such con-  
4                   tribution has not made aggregate contribu-  
5                   tions (including such qualified contribu-  
6                   tion) to such candidate and the authorized  
7                   committees of such candidate in excess of  
8                   the amount described in subparagraph (A),  
9                   and

10                   “(ii) such candidate and the author-  
11                   ized committees of such candidate will not  
12                   accept contributions from such individual  
13                   (including such qualified contribution) ag-  
14                   gregating more than the amount described  
15                   in subparagraph (A) with respect to such  
16                   election.”.

17           (c) CONFORMING AMENDMENTS.—

18                   (1) REPEAL OF EXPENDITURE LIMITS.—

19                           (A) IN GENERAL.—Section 315 of the Fed-  
20                           eral Election Campaign Act of 1971 (52 U.S.C.  
21                           30116) is amended by striking subsection (b).

22                           (B) CONFORMING AMENDMENTS.—Section  
23                           315(c) of such Act (52 U.S.C. 30116(c)) is  
24                           amended—

- 1 (i) in paragraph (1)(B)(i), by striking  
2 “, (b)”; and  
3 (ii) in paragraph (2)(B)(i), by striking  
4 “subsections (b) and (d)” and inserting  
5 “subsection (d)”.

6 (2) REPEAL OF REPAYMENT REQUIREMENT.—

7 (A) IN GENERAL.—Section 9007(b) of the  
8 Internal Revenue Code of 1986 is amended by  
9 striking paragraph (2) and redesignating para-  
10 graphs (3), (4), and (5) as paragraphs (2), (3),  
11 and (4), respectively.

12 (B) CONFORMING AMENDMENT.—Para-  
13 graph (2) of section 9007(b) of such Code, as  
14 redesignated by subparagraph (A), is amend-  
15 ed—

16 (i) by striking “a major party” and  
17 inserting “a party”;

18 (ii) by inserting “qualified contribu-  
19 tions and” after “contributions (other  
20 than”;

21 (iii) by striking “(other than qualified  
22 campaign expenses with respect to which  
23 payment is required under paragraph  
24 (2))”.

25 (3) CRIMINAL PENALTIES.—

1 (A) REPEAL OF PENALTY FOR EXCESS EX-  
2 PENSES.—Section 9012 of the Internal Revenue  
3 Code of 1986 is amended by striking subsection  
4 (a).

5 (B) PENALTY FOR ACCEPTANCE OF DIS-  
6 ALLOWED CONTRIBUTIONS; APPLICATION OF  
7 SAME PENALTY FOR CANDIDATES OF MAJOR,  
8 MINOR, AND NEW PARTIES.—Subsection (b) of  
9 section 9012 of such Code is amended to read  
10 as follows:

11 “(b) CONTRIBUTIONS.—

12 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-  
13 TIONS.—It shall be unlawful for an eligible can-  
14 didate of a party in a Presidential election or any of  
15 his authorized committees knowingly and willfully to  
16 accept—

17 “(A) any contribution other than a quali-  
18 fied campaign contribution to defray qualified  
19 campaign expenses, except to the extent nec-  
20 essary to make up any deficiency in payments  
21 received out of the fund on account of the ap-  
22 plication of section 9006(c); or

23 “(B) any contribution to defray expenses  
24 which would be qualified campaign expenses but  
25 for subparagraph (C) of section 9002(11).

1           “(2) PENALTY.—Any person who violates para-  
2           graph (1) shall be fined not more than \$5,000, or  
3           imprisoned not more than one year, or both. In the  
4           case of a violation by an authorized committee, any  
5           officer or member of such committee who knowingly  
6           and willfully consents to such violation shall be fined  
7           not more than \$5,000, or imprisoned not more than  
8           one year, or both.”.

9   **SEC. 773. MATCHING PAYMENTS AND OTHER MODIFICA-**  
10                           **TIONS TO PAYMENT AMOUNTS.**

11           (a) IN GENERAL.—

12                   (1) AMOUNT OF PAYMENTS; APPLICATION OF  
13           SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,  
14           AND NEW PARTIES.—Subsection (a) of section 9004  
15           of the Internal Revenue Code of 1986 is amended to  
16           read as follows:

17           “(a) IN GENERAL.—Subject to the provisions of this  
18           chapter, the eligible candidates of a party in a Presidential  
19           election shall be entitled to equal payment under section  
20           9006 in an amount equal to 600 percent of the amount  
21           of each matchable contribution received by such candidate  
22           or by the candidate’s authorized committees (disregarding  
23           any amount of contributions from any person to the extent  
24           that the total of the amounts contributed by such person  
25           for the election exceeds \$200), except that total amount

1 to which a candidate is entitled under this paragraph shall  
2 not exceed \$250,000,000.”.

3 (2) REPEAL OF SEPARATE LIMITATIONS FOR  
4 CANDIDATES OF MINOR AND NEW PARTIES; INFLA-  
5 TION ADJUSTMENT.—Subsection (b) of section 9004  
6 of such Code is amended to read as follows:

7 “(b) INFLATION ADJUSTMENT.—

8 “(1) IN GENERAL.—In the case of any applica-  
9 ble period beginning after 2029, the \$250,000,000  
10 dollar amount in subsection (a) shall be increased by  
11 an amount equal to—

12 “(A) such dollar amount; multiplied by

13 “(B) the cost-of-living adjustment deter-  
14 mined under section 1(f)(3) for the calendar  
15 year following the year which such applicable  
16 period begins, determined by substituting ‘cal-  
17 endar year 2028’ for ‘calendar year 1992’ in  
18 subparagraph (B) thereof.

19 “(2) APPLICABLE PERIOD.—For purposes of  
20 this subsection, the term ‘applicable period’ means  
21 the 4-year period beginning with the first day fol-  
22 lowing the date of the general election for the office  
23 of President and ending on the date of the next such  
24 general election.

1           “(3) ROUNDING.—If any amount as adjusted  
2           under paragraph (1) is not a multiple of \$10,000,  
3           such amount shall be rounded to the nearest mul-  
4           tiple of \$10,000.”.

5           (3) CONFORMING AMENDMENT.—Section  
6           9005(a) of such Code is amended by adding at the  
7           end the following new sentence: “The Commission  
8           shall make such additional certifications as may be  
9           necessary to receive payments under section 9004.”.

10          (b) MATCHABLE CONTRIBUTION.—Section 9002 of  
11          such Code, as amended by section 772(b), is amended by  
12          adding at the end the following new paragraph:

13                 “(14) MATCHABLE CONTRIBUTION.—The term  
14                 ‘matchable contribution’ means, with respect to the  
15                 election to the office of President of the United  
16                 States, a contribution by an individual to a can-  
17                 didate or an authorized committee of a candidate  
18                 with respect to which the candidate has certified in  
19                 writing that—

20                         “(A) the individual making such contribu-  
21                         tion has not made aggregate contributions (in-  
22                         cluding such matchable contribution) to such  
23                         candidate and the authorized committees of  
24                         such candidate in excess of \$1,000 for the elec-  
25                         tion;

1           “(B) such candidate and the authorized  
2           committees of such candidate will not accept  
3           contributions from such individual (including  
4           such matchable contribution) aggregating more  
5           than the amount described in subparagraph (A)  
6           with respect to such election; and

7           “(C) such contribution was a direct con-  
8           tribution (as defined in section 9034(e)(3)).”.

9   **SEC. 774. INCREASE IN LIMIT ON COORDINATED PARTY EX-**  
10                           **PENDITURES.**

11           (a) IN GENERAL.—Section 315(d)(2) of the Federal  
12   Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))  
13   is amended to read as follows:

14           “(2)(A) The national committee of a political party  
15   may not make any expenditure in connection with the gen-  
16   eral election campaign of any candidate for President of  
17   the United States who is affiliated with such party which  
18   exceeds \$100,000,000.

19           “(B) For purposes of this paragraph—

20           “(i) any expenditure made by or on behalf of a  
21   national committee of a political party and in con-  
22   nection with a Presidential election shall be consid-  
23   ered to be made in connection with the general elec-  
24   tion campaign of a candidate for President of the  
25   United States who is affiliated with such party; and

1           “(ii) any communication made by or on behalf  
2 of such party shall be considered to be made in con-  
3 nection with the general election campaign of a can-  
4 didate for President of the United States who is af-  
5 filiated with such party if any portion of the commu-  
6 nication is in connection with such election.

7           “(C) Any expenditure under this paragraph shall be  
8 in addition to any expenditure by a national committee  
9 of a political party serving as the principal campaign com-  
10 mittee of a candidate for the office of President of the  
11 United States.”.

12           (b) CONFORMING AMENDMENTS RELATING TO TIM-  
13 ING OF COST-OF-LIVING ADJUSTMENT.—

14           (1) IN GENERAL.—Section 315(c)(1) of such  
15 Act (52 U.S.C. 30116(c)(1)) is amended—

16                   (A) in subparagraph (B), by striking “(d)”  
17 and inserting “(d)(2)”; and

18                   (B) by adding at the end the following new  
19 subparagraph:

20           “(D) In any calendar year after 2028—

21                   “(i) the dollar amount in subsection (d)(2) shall  
22 be increased by the percent difference determined  
23 under subparagraph (A);

24                   “(ii) the amount so increased shall remain in  
25 effect for the calendar year; and



1           “(iii) if the amount after adjustment under  
2           clause (i) is not a multiple of \$100, such amount  
3           shall be rounded to the nearest multiple of \$100.”.

4           (2) **BASE YEAR.**—Section 315(c)(2)(B) of such  
5           Act (52 U.S.C. 30116(c)(2)(B)) is amended—

6           (A) in clause (i)—

7                   (i) by striking “(d)” and inserting  
8                   “(d)(3)”; and

9                   (ii) by striking “and” at the end;

10           (B) in clause (ii), by striking the period at  
11           the end and inserting “; and”; and

12           (C) by adding at the end the following new  
13           clause:

14                   “(iii) for purposes of subsection (d)(2), cal-  
15           endar year 2027.”.

16 **SEC. 775. ESTABLISHMENT OF UNIFORM DATE FOR RE-**  
17 **LEASE OF PAYMENTS.**

18           (a) **DATE FOR PAYMENTS.**—

19                   (1) **IN GENERAL.**—Section 9006(b) of the In-  
20           ternal Revenue Code of 1986 is amended to read as  
21           follows:

22                   “(b) **PAYMENTS FROM THE FUND.**—If the Secretary  
23           of the Treasury receives a certification from the Commis-  
24           sion under section 9005 for payment to the eligible can-  
25           didates of a political party, the Secretary shall pay to such

1 candidates out of the fund the amount certified by the  
2 Commission on the later of—

3 “(1) the last Friday occurring before the first  
4 Monday in September; or

5 “(2) 24 hours after receiving the certifications  
6 for the eligible candidates of all major political par-  
7 ties.

8 Amounts paid to any such candidates shall be under the  
9 control of such candidates.”.

10 (2) CONFORMING AMENDMENT.—The first sen-  
11 tence of section 9006(c) of such Code is amended by  
12 striking “the time of a certification by the Commis-  
13 sion under section 9005 for payment” and inserting  
14 “the time of making a payment under subsection  
15 (b)”.

16 (b) TIME FOR CERTIFICATION.—Section 9005(a) of  
17 the Internal Revenue Code of 1986 is amended by striking  
18 “10 days” and inserting “24 hours”.

19 **SEC. 776. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**  
20 **PAIGN FUND.**

21 Section 9006(c) of the Internal Revenue Code of  
22 1986 is amended by adding at the end the following new  
23 sentence: “In making a determination of whether there are  
24 insufficient moneys in the fund for purposes of the pre-  
25 vious sentence, the Secretary shall take into account in

1 determining the balance of the fund for a Presidential  
2 election year the Secretary's best estimate of the amount  
3 of moneys which will be deposited into the fund during  
4 the year, except that the amount of the estimate may not  
5 exceed the average of the annual amounts deposited in the  
6 fund during the previous 3 years.”.

7 **SEC. 777. USE OF GENERAL ELECTION PAYMENTS FOR GEN-**  
8 **ERAL ELECTION LEGAL AND ACCOUNTING**  
9 **COMPLIANCE.**

10 Section 9002(11) of the Internal Revenue Code of  
11 1986 is amended by adding at the end the following new  
12 sentence: “For purposes of subparagraph (A), an expense  
13 incurred by a candidate or authorized committee for gen-  
14 eral election legal and accounting compliance purposes  
15 shall be considered to be an expense to further the election  
16 of such candidate.”.

17 **SEC. 778. USE OF FREEDOM FROM INFLUENCE FUND AS**  
18 **SOURCE OF PAYMENTS.**

19 (a) IN GENERAL.—Chapter 95 of subtitle H of the  
20 Internal Revenue Code of 1986 is amended by adding at  
21 the end the following new section:

22 **“SEC. 9013. USE OF FREEDOM FROM INFLUENCE FUND AS**  
23 **SOURCE OF PAYMENTS.**

24 “(a) IN GENERAL.—Effective with respect to the  
25 Presidential election held in 2028 and each succeeding

1 Presidential election, the Secretary of the Treasury shall  
2 transfer from the Freedom From Influence Fund estab-  
3 lished under section 502 of the Federal Election Cam-  
4 paign Act of 1971 to the Presidential Election Campaign  
5 Fund such additional amounts as are necessary to make  
6 payments pursuant to sections 9006(b) and 9008(j).

7 “(b) MANDATORY REDUCTION OF AMOUNT TRANS-  
8 FERRED IN CASE OF INSUFFICIENT AMOUNTS IN  
9 FUND.—

10 “(1) ADVANCE AUDITS BY COMMISSION.—Not  
11 later than 90 days before the first day of each Presi-  
12 dential election cycle (beginning with the cycle for  
13 the election held in 2028), the Commission shall—

14 “(A) audit the Freedom From Influence  
15 Fund to determine whether, after first making  
16 payments to participating candidates under title  
17 V of the Federal Election Campaign Act of  
18 1971 and then making payments to candidates  
19 under chapter 96, the amounts remaining in  
20 the Freedom From Influence Fund (in addition  
21 to amounts otherwise available in the Presi-  
22 dential Election Campaign Fund under section  
23 9006(a)) will be sufficient to make payments  
24 under this chapter in the amounts provided

1 under this chapter during such election cycle;  
2 and

3 “(B) submit a report to Congress describ-  
4 ing the results of the audit.

5 “(2) REDUCTIONS IN AMOUNT TRANS-  
6 FERRED.—

7 “(A) AUTOMATIC REDUCTION.—If, on the  
8 basis of the audit described in paragraph (1),  
9 the Commission determines that the amount  
10 anticipated to be available in the Freedom  
11 From Influence Fund with respect to the Presi-  
12 dential election cycle involved is not, or may not  
13 be, sufficient to satisfy the full entitlements to  
14 payments under this chapter for such cycle, the  
15 Commission shall reduce the amount trans-  
16 ferred under subsection (a) to ensure that the  
17 aggregate amount transferred with respect to  
18 the cycle will not exceed the amount anticipated  
19 to be available for making such payments with  
20 respect to such cycle.

21 “(B) RESTORATION OF REDUCTIONS IN  
22 CASE OF AVAILABILITY OF SUFFICIENT FUNDS  
23 DURING ELECTION CYCLE.—If, after reducing  
24 the amount transferred with respect to an elec-  
25 tion cycle under subparagraph (A), the Com-

1 mission determines that there are sufficient  
2 amounts in the Fund to restore the amount by  
3 which such amounts were reduced (or any por-  
4 tion thereof), to the extent that such amounts  
5 are available, the Commission may provide for  
6 the transfer with respect to the election cycle of  
7 the amount by which such transfer was reduced  
8 under subparagraph (A) (or any portion there-  
9 of, as the case may be).

10 “(C) NO USE OF AMOUNTS FROM OTHER  
11 SOURCES.—In any case in which the Commis-  
12 sion determines that there are insufficient mon-  
13 eys in the Freedom From Influence Fund under  
14 this paragraph, moneys shall not be made avail-  
15 able from any other source for the purpose of  
16 transferring funds pursuant to this section.

17 “(3) NO EFFECT ON AMOUNTS TRANSFERRED  
18 FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-  
19 tion does not apply to the transfer of funds under  
20 section 9008(i).

21 “(4) PRESIDENTIAL ELECTION CYCLE DE-  
22 FINED.—In this section, the term ‘Presidential elec-  
23 tion cycle’ means, with respect to a Presidential elec-  
24 tion, the period beginning on the day after the date

1 of the previous Presidential general election and  
2 ending on the date of the Presidential election.”.

3 (b) CONFORMING AMENDMENTS.—Section 9006 of  
4 the Internal Revenue Code of 1986 is amended—

5 (1) in subsection (a), by adding at the end the  
6 following new sentence: “In addition to any amounts  
7 transferred to the fund under the preceding provi-  
8 sions of this subsection, with respect to the Presi-  
9 dential election held in 2028 and each succeeding  
10 Presidential election, the Secretary of the Treasury  
11 shall make transfers to the fund as described in sec-  
12 tion 9013.”; and

13 (2) in subsection (c), as amended by section  
14 776, in the third sentence, by striking “9037(b)”  
15 and inserting “9008(j)”.

16 (c) CLERICAL AMENDMENT.—The table of sections  
17 for chapter 95 of subtitle H of such Code is amended by  
18 adding at the end the following new item:

“Sec. 9013. Use of Freedom From Influence Fund as source of payments.”.

19 **Subpart C—Presidential Nominating Conventions**

20 **SEC. 779. PAYMENTS FOR PRESIDENTIAL NOMINATING**  
21 **CONVENTIONS.**

22 (a) IN GENERAL.—Section 9008 of the Internal Rev-  
23 enue Code of 1986 is amended—

24 (1) in subsection (i)—

1 (A) in paragraph (1) by striking “the enti-  
2 tlement” and inserting “subject to subsection  
3 (j), the entitlement”;

4 (B) in paragraph (2), by striking “main-  
5 tained for” and all that follows through “under  
6 this section”; and

7 (2) by adding at the end the following new sub-  
8 section:

9 “(j) REESTABLISHMENT OF PAYMENTS.—

10 “(1) IN GENERAL.—Notwithstanding subsection  
11 (i)(1), effective with respect to nominating conven-  
12 tions for the Presidential election held in 2028 and  
13 each succeeding Presidential election, a major party  
14 or minor party shall be entitled to a payment under  
15 this section.

16 “(2) ESTABLISHMENT OF ACCOUNTS.—The  
17 Secretary shall maintain in the fund, in addition to  
18 any account which the Secretary maintains under  
19 section 9006(a) or subsection (a), a separate account  
20 for the national committee of each major party and  
21 minor party. The Secretary shall deposit in each  
22 such account an amount equal to the amount which  
23 each such committee may receive under subsection  
24 (b). Such deposits shall be drawn from amounts  
25 transferred under section 9013(a) and shall be made



1 before any transfer is made to any account for any  
2 eligible candidate under section 9006(a).”.

3 (b) REPORTS BY FEDERAL ELECTION COMMIS-  
4 SION.—Section 9009(a) of the Internal Revenue Code of  
5 1986 is amended—

6 (1) in paragraph (2), by striking “and” at the  
7 end;

8 (2) in paragraph (3), by striking the period at  
9 the end and inserting a semicolon; and

10 (3) by adding at the end the following new  
11 paragraphs:

12 “(4) the expenses incurred by the national com-  
13 mittee of a major party or minor party with respect  
14 to a presidential nominating convention;

15 “(5) the amounts certified by it under section  
16 9008(g) for payment to each such committee; and

17 “(6) the amount of payments, if any, required  
18 from such committees under section 9008(h), and  
19 the reasons for such payment.”.

20 (c) PENALTIES.—Section 9012 of the Internal Rev-  
21 enue Code of 1986 is amended—

22 (1) in subsection (a)(1), by inserting the fol-  
23 lowing after the first sentence: “It shall be unlawful  
24 for the national committee of a major party or  
25 minor party knowingly and willfully to incur ex-

1       penses with respect to a presidential nominating  
2       convention in excess of the expenditure limitation  
3       applicable with respect to such committee under sec-  
4       tion 9008(d) or for any host committee knowingly  
5       and willfully to incur such expenses in excess of such  
6       expenditure limitation, unless the incurring of such  
7       expenses is authorized by the Commission under sec-  
8       tion 9008(d)(3).”;

9               (2) in subsection (c), by redesignating para-  
10       graph (2) as paragraph (3) and inserting the fol-  
11       lowing after paragraph (1):

12               “(3) It shall be unlawful for the national com-  
13       mittee of a major party or minor party which re-  
14       ceives any payment under section 9008(b)(3) to use,  
15       or authorize the use of, such payment for any pur-  
16       pose other than a purpose authorized by section  
17       9008(e).”;

18               (3) in subsection (e)(1), by adding at the end  
19       the following new sentence: “It shall be unlawful for  
20       the national committee of a major party or minor  
21       party knowingly and willfully to give or accept any  
22       kickback or any illegal payments in connection with  
23       any expense incurred by such committee with re-  
24       spect to t a presidential nominating convention.”;  
25       and

1           (4) in subsection (e)(3), by inserting “, or in  
2           connection with any expense incurred by the national  
3           committee of a major party or minor party with re-  
4           spect to a presidential nominating convention” after  
5           “or their authorized committees”.

6           (d) CONFORMING AMENDMENTS.—Section 9008 of  
7           the Internal Revenue Code of 1986 is amended—

8           (1) in subsection (a)—

9                   (A) in the first sentence, by striking “na-  
10                  tional committee of each major party and minor  
11                  party” and inserting “amounts transferred  
12                  under subsection (i)(2)”;

13                   (B) in the second sentence, by striking  
14                  “each such account” and all that follows  
15                  through “may receive” and inserting “such ac-  
16                  count an amount equal to the aggregate  
17                  amount that the national committee of each  
18                  major party and minor party is entitled to re-  
19                  ceive under subsection (b)”;

20           (2) in subsection (b)(3), by striking “subsection  
21           (a)” and inserting “subsection (j)”;

22           (3) in subsection (i)(2), by striking “all  
23           amounts” and all that follows through “minor  
24           party” and inserting “all amounts in the account es-  
25           tablished under subsection (a)”.

1 (e) CLARIFICATION REGARDING AMOUNTS FOR PEDI-  
2 ATRIC RESEARCH INITIATIVE.—Nothing in the provisions  
3 of, or amendments made by, this section shall affect  
4 amounts transferred to the 10-Year Pediatric Research  
5 Initiative Fund pursuant to section 9008(i)(2) of the In-  
6 ternal Revenue Code of 1986.

7 **Subpart D—Effective Date**

8 **SEC. 779A. EFFECTIVE DATE.**

9 (a) IN GENERAL.—Except as otherwise provided, this  
10 part and the amendments made by this part shall apply  
11 with respect to the Presidential election held in 2028 and  
12 each succeeding Presidential election, without regard to  
13 whether or not the Federal Election Commission has pro-  
14 mulgated the final regulations necessary to carry out this  
15 part and the amendments made by this part by the dead-  
16 line set forth in subsection (b).

17 (b) DEADLINE FOR REGULATIONS.—Not later than  
18 June 30, 2026, the Federal Election Commission shall  
19 promulgate such regulations as may be necessary to carry  
20 out this part and the amendments made by this part.

1                   **Subtitle D—Enhancing FEC**  
2                                   **Enforcement**

3 **SEC. 781. MEMBERSHIP OF FEDERAL ELECTION COMMIS-**  
4                                   **SION.**

5           (a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL  
6 OF SECRETARY OF SENATE AND CLERK OF HOUSE AS  
7 EX OFFICIO MEMBERS.—

8                   (1) IN GENERAL; QUORUM.—Section 306(a)(1)  
9 of the Federal Election Campaign Act of 1971 (52  
10 U.S.C. 30106(a)(1)) is amended by striking the sec-  
11 ond and third sentences and inserting the following:  
12 “The Commission is composed of 5 members ap-  
13 pointed by the President by and with the advice and  
14 consent of the Senate, of whom no more than 2 may  
15 be affiliated with the same political party. A member  
16 shall be treated as affiliated with a political party if  
17 the member was affiliated, including as a registered  
18 voter, employee, consultant, donor, officer, or attor-  
19 ney, with such political party or any of its can-  
20 didates or elected public officials at any time during  
21 the 5-year period ending on the date on which such  
22 individual is nominated to be a member of the Com-  
23 mission. A majority of the number of members of  
24 the Commission who are serving at the time shall  
25 constitute a quorum, except that 3 members shall

1       constitute a quorum if there are 4 members serving  
2       at the time.”.

3               (2) CONFORMING AMENDMENTS RELATING TO  
4       REDUCTION IN NUMBER OF MEMBERS.—(A) The  
5       second sentence of section 306(c) of such Act (52  
6       U.S.C. 30106(c)) is amended by striking “affirma-  
7       tive vote of 4 members of the Commission” and in-  
8       serting “affirmative vote of a majority of the mem-  
9       bers of the Commission who are serving at the  
10      time”.

11              (B) Such Act is further amended by striking  
12      “affirmative vote of 4 of its members” and inserting  
13      “affirmative vote of a majority of the members of  
14      the Commission who are serving at the time” each  
15      place it appears in the following sections:

16              (i) Section 309(a)(2) (52 U.S.C.  
17      30109(a)(2)).

18              (ii) Section 309(a)(4)(A)(i) (52 U.S.C.  
19      30109(a)(4)(A)(i)).

20              (iii) Section 309(a)(5)(C) (52 U.S.C.  
21      30109(a)(5)(C)).

22              (iv) Section 309(a)(6)(A) (52 U.S.C.  
23      30109(a)(6)(A)).

24              (v) Section 311(b) (52 U.S.C. 30111(b)).

1           (3) CONFORMING AMENDMENT RELATING TO  
2           REMOVAL OF EX OFFICIO MEMBERS.—Section  
3           306(a) of such Act (52 U.S.C. 30106(a)) is amend-  
4           ed by striking “(other than the Secretary of the Sen-  
5           ate and the Clerk of the House of Representatives)”  
6           each place it appears in paragraphs (4) and (5).

7           (b) TERMS OF SERVICE.—Section 306(a)(2) of such  
8           Act (52 U.S.C. 30106(a)(2)) is amended to read as fol-  
9           lows:

10           “(2) TERMS OF SERVICE.—

11           “(A) IN GENERAL.—Each member of the  
12           Commission shall serve for a single term of 6  
13           years.

14           “(B) SPECIAL RULE FOR INITIAL APPOINT-  
15           MENTS.—Of the members first appointed to  
16           serve terms that begin in January 2022, the  
17           President shall designate 2 to serve for a 3-year  
18           term.

19           “(C) NO REAPPOINTMENT PERMITTED.—  
20           An individual who served a term as a member  
21           of the Commission may not serve for an addi-  
22           tional term, except that—

23           “(i) an individual who served a 3-year  
24           term under subparagraph (B) may also be

1 appointed to serve a 6-year term under  
2 subparagraph (A); and

3 “(ii) for purposes of this subpara-  
4 graph, an individual who is appointed to  
5 fill a vacancy under subparagraph (D)  
6 shall not be considered to have served a  
7 term if the portion of the unexpired term  
8 the individual fills is less than 50 percent  
9 of the period of the term.

10 “(D) VACANCIES.—Any vacancy occurring  
11 in the membership of the Commission shall be  
12 filled in the same manner as in the case of the  
13 original appointment. Except as provided in  
14 subparagraph (C), an individual appointed to  
15 fill a vacancy occurring other than by the expi-  
16 ration of a term of office shall be appointed  
17 only for the unexpired term of the member he  
18 or she succeeds.

19 “(E) LIMITATION ON SERVICE AFTER EX-  
20 PIRATION OF TERM.—A member of the Com-  
21 mission may continue to serve on the Commis-  
22 sion after the expiration of the member’s term  
23 for an additional period, but only until the ear-  
24 lier of—





1                   pendent of a political party and that con-  
2                   sists of an odd number of individuals se-  
3                   lected by the President from retired Fed-  
4                   eral judges, former law enforcement offi-  
5                   cials, or individuals with experience in elec-  
6                   tion law, except that the President may not  
7                   select any individual to serve on the panel  
8                   who holds any public office at the time of  
9                   selection. The President shall also make  
10                  reasonable efforts to encourage racial, eth-  
11                  nic, and gender diversity on the panel.

12                  “(ii) RECOMMENDATIONS.—With re-  
13                  spect to each member of the Commission  
14                  whose term is expiring or each vacancy in  
15                  the membership of the Commission (as the  
16                  case may be), the Blue Ribbon Advisory  
17                  Panel shall recommend to the President at  
18                  least one but not more than 3 individuals  
19                  for nomination for appointment as a mem-  
20                  ber of the Commission.

21                  “(iii) PUBLICATION.—At the time the  
22                  President submits to the Senate the nomi-  
23                  nations for individuals to be appointed as  
24                  members of the Commission, the President  
25                  shall publish the Blue Ribbon Advisory

1 Panel’s recommendations for such nomina-  
2 tions.

3 “(iv) EXEMPTION FROM FEDERAL AD-  
4 VISORY COMMITTEE ACT.—The Federal  
5 Advisory Committee Act (5 U.S.C. App.)  
6 does not apply to a Blue Ribbon Advisory  
7 Panel convened under this subparagraph.

8 “(C) PROHIBITING ENGAGEMENT WITH  
9 OTHER BUSINESS OR EMPLOYMENT DURING  
10 SERVICE.—A member of the Commission shall  
11 not engage in any other business, vocation, or  
12 employment. Any individual who is engaging in  
13 any other business, vocation, or employment at  
14 the time of his or her appointment to the Com-  
15 mission shall terminate or liquidate such activ-  
16 ity no later than 90 days after such appoint-  
17 ment.”.

18 **SEC. 782. ASSIGNMENT OF POWERS TO CHAIR OF FEDERAL**

19 **ELECTION COMMISSION.**

20 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

21 (1) IN GENERAL.—Section 306(a)(5) of the  
22 Federal Election Campaign Act of 1971 (52 U.S.C.  
23 30106(a)(5)) is amended to read as follows:

24 “(5) CHAIR.—

1           “(A) INITIAL APPOINTMENT.—Of the  
2 members first appointed to serve terms that  
3 begin in January 2022, one such member (as  
4 designated by the President at the time the  
5 President submits nominations to the Senate)  
6 shall serve as Chair of the Commission.

7           “(B) SUBSEQUENT APPOINTMENTS.—Any  
8 individual who is appointed to succeed the  
9 member who serves as Chair of the Commission  
10 for the term beginning in January 2022 (as  
11 well as any individual who is appointed to fill  
12 a vacancy if such member does not serve a full  
13 term as Chair) shall serve as Chair of the Com-  
14 mission.

15           “(C) VICE CHAIR.—The Commission shall  
16 select, by majority vote of its members, one of  
17 its members to serve as Vice Chair, who shall  
18 act as Chair in the absence or disability of the  
19 Chair or in the event of a vacancy in the posi-  
20 tion of Chair.”.

21           (2) CONFORMING AMENDMENT.—Section  
22 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is  
23 amended by striking “through its chairman or vice  
24 chairman” and inserting “through the Chair”.

25           (b) POWERS.—

1           (1) ASSIGNMENT OF CERTAIN POWERS TO  
2 CHAIR.—Section 307(a) of such Act (52 U.S.C.  
3 30107(a)) is amended to read as follows:

4           “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR  
5 AND COMMISSION.—

6           “(1) POWERS ASSIGNED TO CHAIR.—

7           “(A) ADMINISTRATIVE POWERS.—The  
8 Chair of the Commission shall be the chief ad-  
9 ministrative officer of the Commission and shall  
10 have the authority to administer the Commis-  
11 sion and its staff, and (in consultation with the  
12 other members of the Commission) shall have  
13 the power—

14           “(i) to appoint and remove the staff  
15 director of the Commission;

16           “(ii) to request the assistance (includ-  
17 ing personnel and facilities) of other agen-  
18 cies and departments of the United States,  
19 whose heads may make such assistance  
20 available to the Commission with or with-  
21 out reimbursement; and

22           “(iii) to prepare and establish the  
23 budget of the Commission and to make  
24 budget requests to the President, the Di-

1 rector of the Office of Management and  
2 Budget, and Congress.

3 “(B) OTHER POWERS.—The Chair of the  
4 Commission shall have the power—

5 “(i) to appoint and remove the gen-  
6 eral counsel of the Commission with the  
7 concurrence of at least 2 other members of  
8 the Commission;

9 “(ii) to require by special or general  
10 orders, any person to submit, under oath,  
11 such written reports and answers to ques-  
12 tions as the Chair may prescribe;

13 “(iii) to administer oaths or affirma-  
14 tions;

15 “(iv) to require by subpoena, signed  
16 by the Chair, the attendance and testimony  
17 of witnesses and the production of all doc-  
18 umentary evidence relating to the execu-  
19 tion of its duties;

20 “(v) in any proceeding or investiga-  
21 tion, to order testimony to be taken by  
22 deposition before any person who is des-  
23 ignated by the Chair, and shall have the  
24 power to administer oaths and, in such in-  
25 stances, to compel testimony and the pro-

1                   duction of evidence in the same manner as  
2                   authorized under clause (iv); and

3                   “ (vi) to pay witnesses the same fees  
4                   and mileage as are paid in like cir-  
5                   cumstances in the courts of the United  
6                   States.

7                   “(2) POWERS ASSIGNED TO COMMISSION.—The  
8                   Commission shall have the power—

9                   “(A) to initiate (through civil actions for  
10                  injunctive, declaratory, or other appropriate re-  
11                  lief), defend (in the case of any civil action  
12                  brought under section 309(a)(8) of this Act) or  
13                  appeal (including a proceeding before the Su-  
14                  preme Court on certiorari) any civil action in  
15                  the name of the Commission to enforce the pro-  
16                  visions of this Act and chapter 95 and chapter  
17                  96 of the Internal Revenue Code of 1986,  
18                  through its general counsel;

19                  “(B) to render advisory opinions under  
20                  section 308 of this Act;

21                  “(C) to develop such prescribed forms and  
22                  to make, amend, and repeal such rules, pursu-  
23                  ant to the provisions of chapter 5 of title 5,  
24                  United States Code, as are necessary to carry  
25                  out the provisions of this Act and chapter 95

1 and chapter 96 of the Internal Revenue Code of  
2 1986;

3 “(D) to conduct investigations and hear-  
4 ings expeditiously, to encourage voluntary com-  
5 pliance, and to report apparent violations to the  
6 appropriate law enforcement authorities; and

7 “(E) to transmit to the President and Con-  
8 gress not later than June 1 of each year a re-  
9 port which states in detail the activities of the  
10 Commission in carrying out its duties under  
11 this Act, and which includes any recommenda-  
12 tions for any legislative or other action the  
13 Commission considers appropriate.

14 “(3) PERMITTING COMMISSION TO EXERCISE  
15 OTHER POWERS OF CHAIR.—With respect to any in-  
16 vestigation, action, or proceeding, the Commission,  
17 by an affirmative vote of a majority of the members  
18 who are serving at the time, may exercise any of the  
19 powers of the Chair described in paragraph (1)(B).”.

20 (2) CONFORMING AMENDMENTS RELATING TO  
21 PERSONNEL AUTHORITY.—Section 306(f) of such  
22 Act (52 U.S.C. 30106(f)) is amended—

23 (A) by amending the first sentence of  
24 paragraph (1) to read as follows: “The Com-  
25 mission shall have a staff director who shall be



1 appointed by the Chair of the Commission in  
2 consultation with the other members and a gen-  
3 eral counsel who shall be appointed by the  
4 Chair with the concurrence of at least two other  
5 members.”;

6 (B) in paragraph (2), by striking “With  
7 the approval of the Commission” and inserting  
8 “With the approval of the Chair of the Commis-  
9 sion”; and

10 (C) by striking paragraph (3).

11 (3) CONFORMING AMENDMENT RELATING TO  
12 BUDGET SUBMISSION.—Section 307(d)(1) of such  
13 Act (52 U.S.C. 30107(d)(1)) is amended by striking  
14 “the Commission submits any budget” and inserting  
15 “the Chair (or, pursuant to subsection (a)(3), the  
16 Commission) submits any budget”.

17 (4) OTHER CONFORMING AMENDMENTS.—Sec-  
18 tion 306(c) of such Act (52 U.S.C. 30106(c)) is  
19 amended by striking “All decisions” and inserting  
20 “Subject to section 307(a), all decisions”.

21 (5) TECHNICAL AMENDMENT.—The heading of  
22 section 307 of such Act (52 U.S.C. 30107) is  
23 amended by striking “THE COMMISSION” and insert-  
24 ing “THE CHAIR AND THE COMMISSION”.

1 **SEC. 783. REVISION TO ENFORCEMENT PROCESS.**

2 (a) STANDARD FOR INITIATING INVESTIGATIONS AND  
3 DETERMINING WHETHER VIOLATIONS HAVE OC-  
4 CURRED.—

5 (1) REVISION OF STANDARDS.—Section 309(a)  
6 of the Federal Election Campaign Act of 1971 (52  
7 U.S.C. 30109(a)) is amended by striking paragraphs  
8 (2) and (3) and inserting the following:

9 “(2)(A) The general counsel, upon receiving a com-  
10 plaint filed with the Commission under paragraph (1) or  
11 upon the basis of information ascertained by the Commis-  
12 sion in the normal course of carrying out its supervisory  
13 responsibilities, shall make a determination as to whether  
14 or not there is reason to believe that a person has com-  
15 mitted, or is about to commit, a violation of this Act or  
16 chapter 95 or chapter 96 of the Internal Revenue Code  
17 of 1986, and as to whether or not the Commission should  
18 either initiate an investigation of the matter or that the  
19 complaint should be dismissed. The general counsel shall  
20 promptly provide notification to the Commission of such  
21 determination and the reasons therefore, together with  
22 any written response submitted under paragraph (1) by  
23 the person alleged to have committed the violation. Upon  
24 the expiration of the 30-day period which begins on the  
25 date the general counsel provides such notification, the  
26 general counsel’s determination shall take effect, unless

1 during such 30-day period the Commission, by vote of a  
2 majority of the members of the Commission who are serv-  
3 ing at the time, overrules the general counsel's determina-  
4 tion. If the determination by the general counsel that the  
5 Commission should investigate the matter takes effect, or  
6 if the determination by the general counsel that the com-  
7 plaint should be dismissed is overruled as provided under  
8 the previous sentence, the general counsel shall initiate an  
9 investigation of the matter on behalf of the Commission.

10       “(B) If the Commission initiates an investigation  
11 pursuant to subparagraph (A), the Commission, through  
12 the Chair, shall notify the subject of the investigation of  
13 the alleged violation. Such notification shall set forth the  
14 factual basis for such alleged violation. The Commission  
15 shall make an investigation of such alleged violation, which  
16 may include a field investigation or audit, in accordance  
17 with the provisions of this section. The general counsel  
18 shall provide notification to the Commission of any intent  
19 to issue a subpoena or conduct any other form of discovery  
20 pursuant to the investigation. Upon the expiration of the  
21 15-day period which begins on the date the general counsel  
22 provides such notification, the general counsel may issue  
23 the subpoena or conduct the discovery, unless during such  
24 15-day period the Commission, by vote of a majority of  
25 the members of the Commission who are serving at the

1 time, prohibits the general counsel from issuing the sub-  
2 poena or conducting the discovery.

3 “(3)(A) Upon completion of an investigation under  
4 paragraph (2), the general counsel shall promptly submit  
5 to the Commission the general counsel’s recommendation  
6 that the Commission find either that there is probable  
7 cause or that there is not probable cause to believe that  
8 a person has committed, or is about to commit, a violation  
9 of this Act or chapter 95 or chapter 96 of the Internal  
10 Revenue Code of 1986, and shall include with the rec-  
11 ommendation a brief stating the position of the general  
12 counsel on the legal and factual issues of the case.

13 “(B) At the time the general counsel submits to the  
14 Commission the recommendation under subparagraph (A),  
15 the general counsel shall simultaneously notify the re-  
16 spondent of such recommendation and the reasons there-  
17 fore, shall provide the respondent with an opportunity to  
18 submit a brief within 30 days stating the position of the  
19 respondent on the legal and factual issues of the case and  
20 replying to the brief of the general counsel. The general  
21 counsel and shall promptly submit such brief to the Com-  
22 mission upon receipt.

23 “(C) Not later than 30 days after the general counsel  
24 submits the recommendation to the Commission under  
25 subparagraph (A) (or, if the respondent submits a brief

1 under subparagraph (B), not later than 30 days after the  
2 general counsel submits the respondent’s brief to the Com-  
3 mission under such subparagraph), the Commission shall  
4 approve or disapprove the recommendation by vote of a  
5 majority of the members of the Commission who are serv-  
6 ing at the time.”.

7 (2) CONFORMING AMENDMENT RELATING TO  
8 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-  
9 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))  
10 is amended—

11 (A) in the third sentence, by striking “the  
12 Commission” and inserting “the general coun-  
13 sel”; and

14 (B) by amending the fourth sentence to  
15 read as follows: “Not later than 15 days after  
16 receiving notice from the general counsel under  
17 the previous sentence, the person may provide  
18 the general counsel with a written response that  
19 no action should be taken against such person  
20 on the basis of the complaint.”.

21 (b) REVISION OF STANDARD FOR REVIEW OF DIS-  
22 MISSAL OF COMPLAINTS.—

23 (1) IN GENERAL.—Section 309(a)(8) of such  
24 Act (52 U.S.C. 30109(a)(8)) is amended to read as  
25 follows:

1           “(8)(A)(i) Any party aggrieved by an order of the  
2 Commission dismissing a complaint filed by such party or  
3 finding either no reason to believe a violation has occurred  
4 or no probable cause a violation has occurred may file a  
5 petition with the United States District Court for the Dis-  
6 trict of Columbia. Any petition under this subparagraph  
7 shall be filed within 60 days after the date on which the  
8 party received notice of the dismissal of the complaint.

9           “(ii) In any proceeding under this subparagraph, the  
10 court shall determine by de novo review whether the agen-  
11 cy’s dismissal of the complaint is contrary to law. In any  
12 matter in which the penalty for the alleged violation is  
13 greater than \$50,000, the court should disregard any  
14 claim or defense by the Commission of prosecutorial dis-  
15 cretion as a basis for dismissing the complaint.

16           “(B)(i) Any party who has filed a complaint with the  
17 Commission and who is aggrieved by a failure of the Com-  
18 mission, within 180 days after the filing of the complaint,  
19 to either dismiss the complaint or to find reason to believe  
20 a violation has occurred or is about to occur, may file a  
21 petition with the United States District Court for the Dis-  
22 trict of Columbia.

23           “(ii) In any proceeding under this subparagraph, the  
24 court shall treat the failure to act on the complaint as  
25 a dismissal of the complaint, and shall determine by de

1 novo review whether the agency's failure to act on the  
2 complaint is contrary to law.

3 “(C) In any proceeding under this paragraph the  
4 court may declare that the dismissal of the complaint or  
5 the failure to act is contrary to law, and may direct the  
6 Commission to conform with such declaration within 30  
7 days, failing which the complainant may bring, in the  
8 name of such complainant, a civil action to remedy the  
9 violation involved in the original complaint.”.

10 (2) EFFECTIVE DATE.—The amendments made  
11 by paragraph (1) shall apply—

12 (A) in the case of complaints which are  
13 dismissed by the Federal Election Commission,  
14 with respect to complaints which are dismissed  
15 on or after the date of the enactment of this  
16 Act; and

17 (B) in the case of complaints upon which  
18 the Federal Election Commission failed to act,  
19 with respect to complaints which were filed on  
20 or after the date of the enactment of this Act.

1 **SEC. 784. PERMITTING APPEARANCE AT HEARINGS ON RE-**  
2 **QUESTS FOR ADVISORY OPINIONS BY PER-**  
3 **SONS OPPOSING THE REQUESTS.**

4 (a) IN GENERAL.—Section 308 of such Act (52  
5 U.S.C. 30108) is amended by adding at the end the fol-  
6 lowing new subsection:

7 “(e) To the extent that the Commission provides an  
8 opportunity for a person requesting an advisory opinion  
9 under this section (or counsel for such person) to appear  
10 before the Commission to present testimony in support of  
11 the request, and the person (or counsel) accepts such op-  
12 portunity, the Commission shall provide a reasonable op-  
13 portunity for an interested party who submitted written  
14 comments under subsection (d) in response to the request  
15 (or counsel for such interested party) to appear before the  
16 Commission to present testimony in response to the re-  
17 quest.”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall apply with respect to requests for advi-  
20 sory opinions under section 308 of the Federal Election  
21 Campaign Act of 1971 which are made on or after the  
22 date of the enactment of this Act.

23 **SEC. 785. PERMANENT EXTENSION OF ADMINISTRATIVE**  
24 **PENALTY AUTHORITY.**

25 (a) EXTENSION OF AUTHORITY.—Section  
26 309(a)(4)(C)(v) of the Federal Election Campaign Act of



1 1971 (52 U.S.C. 30109(a)(4)(C)(v)), as amended by Pub-  
2 lic Law 115–386, is amended by striking “, and that end  
3 on or before December 31, 2023”.

4 (b) EFFECTIVE DATE.—The amendment made by  
5 subsection (a) shall take effect on December 31, 2018.

6 **SEC. 786. REQUIRING FORMS TO PERMIT USE OF ACCENT**  
7 **MARKS.**

8 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-  
9 eral Election Campaign Act of 1971 (52 U.S.C.  
10 30111(a)(1)) is amended by striking the semicolon at the  
11 end and inserting the following: “, and shall ensure that  
12 all such forms (including forms in an electronic format)  
13 permit the person using the form to include an accent  
14 mark as part of the person’s identification;”.

15 (b) EFFECTIVE DATE.—The amendment made by  
16 subsection (a) shall take effect upon the expiration of the  
17 90-day period which begins on the date of the enactment  
18 of this Act.

19 **SEC. 787. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

20 Section 306(e) of the Federal Election Campaign Act  
21 of 1971 (52 U.S.C. 30106(e)) is amended—

22 (1) by striking “(e) The Commission” and in-  
23 serting “(e)(1) The Commission”; and

24 (2) by adding at the end the following new  
25 paragraph:

1           “(2) Members and employees of the Commission shall  
2 be subject to limitations on ex parte communications, as  
3 provided in the regulations promulgated by the Commis-  
4 sion regarding such communications which are in effect  
5 on the date of the enactment of this paragraph.”.

6 **SEC. 788. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**  
7 **REPRESENT FEC IN SUPREME COURT.**

8           (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of  
9 the Federal Election Campaign Act of 1971 (52 U.S.C.  
10 30106(f)(4)) is amended by striking “any action instituted  
11 under this Act, either (A) by attorneys” and inserting  
12 “any action instituted under this Act, including an action  
13 before the Supreme Court of the United States, either (A)  
14 by the General Counsel of the Commission and other at-  
15 torneys”.

16           (b) EFFECTIVE DATE.—The amendment made by  
17 paragraph (1) shall apply with respect to actions insti-  
18 tuted before, on, or after the date of the enactment of  
19 this Act.

20 **SEC. 789. EFFECTIVE DATE; TRANSITION.**

21           (a) IN GENERAL.—Except as otherwise provided, the  
22 amendments made by this subtitle shall apply beginning  
23 January 1, 2022.

24           (b) TRANSITION.—

1           (1) TERMINATION OF SERVICE OF CURRENT  
2 MEMBERS.—Notwithstanding any provision of the  
3 Federal Election Campaign Act of 1971, the term of  
4 any individual serving as a member of the Federal  
5 Election Commission as of December 31, 2021, shall  
6 expire on that date.

7           (2) NO EFFECT ON EXISTING CASES OR PRO-  
8 CEEDINGS.—Nothing in this subtitle or in any  
9 amendment made by this subtitle shall affect any of  
10 the powers exercised by the Federal Election Com-  
11 mission prior to December 31, 2021, including any  
12 investigation initiated by the Commission prior to  
13 such date or any proceeding (including any enforce-  
14 ment action) pending as of such date.

## 15           **Subtitle E—Miscellaneous**

### 16   **SEC. 791. COMPTROLLER GENERAL REPORT AND BRIEFING** 17                           **ON CAMPAIGN DONATIONS BY NOMINEES BE-** 18                           **FORE THE SENATE.**

19           (a) IN GENERAL.—Not later than one year after the  
20 date of the enactment of this Act, the Comptroller General  
21 of the United States shall—

22           (1) submit to the Select Committee on Ethics  
23 of the Senate and the Committee on Ethics of the  
24 House of Representatives a report on contributions  
25 made to members of the Senate by individuals under

1 consideration for Senate-confirmed positions, includ-  
2 ing judicial nominees; and

3 (2) provide a briefing to such committees on  
4 such contributions.

5 (b) CONTENTS OF REPORT.—The report submitted  
6 under subsection (a)(1) shall include—

7 (1) a review of the frequency and amount of  
8 such contributions made to members of the Senate  
9 by such individuals, both directly and through polit-  
10 ical committees and other vehicles with substantial  
11 connections to the individual or the member, over  
12 the past 5 legislative sessions, and identify the fre-  
13 quency of incidents in which such an individual  
14 made such a contribution to a member of the Senate  
15 and was then considered or supported by that mem-  
16 ber for a judicial nomination or other Senate-con-  
17 firmed position; and

18 (2) recommendations for such legislative and  
19 administrative action as the Comptroller General de-  
20 termines appropriate to reduce any undue influence  
21 such contributions might exert upon the constitu-  
22 tional advice and consent processes of the Senate.

23 (c) DEFINITIONS.—In this section, the terms “con-  
24 tribution” and “political committee” have the meaning

1 given those terms in section 301 of the Federal Election  
2 Campaign Act of 1971 (52 U.S.C. 30101).

3 **SEC. 792. EFFECTIVE DATE.**

4 Except as otherwise provided in this title, the provi-  
5 sions of, and amendments made by, this title shall take  
6 effect on the date that is one year after the date of enact-  
7 ment of this Act, and shall apply with respect to elections  
8 for Federal office occurring on or after such date, without  
9 regard to whether or not the Federal Election Commission  
10 has promulgated regulations to carry out such amend-  
11 ments.

12 **SEC. 793. SEVERABILITY.**

13 If any provision of this title or amendment made by  
14 this title, or the application of a provision or amendment  
15 to any person or circumstance, is held to be unconstitu-  
16 tional, the remainder of this title and amendments made  
17 by this title, and the application of the provisions and  
18 amendment to any person or circumstance, shall not be  
19 affected by the holding.