

AMENDMENT TO
RULES COMMITTEE PRINT 116-35
OFFERED BY MS. BROWNLEY OF CALIFORNIA

Page 28, insert after line 12 the following:

1 **Subtitle C—Duty to Report Offers**
2 **of Other Unlawful Assistance**

3 **SEC. 121. REPORTING BY CAMPAIGNS OF OFFERS OF**
4 **OTHER UNLAWFUL ASSISTANCE.**

5 (a) INITIAL NOTICE.—

6 (1) IN GENERAL.—Section 304 of the Federal
7 Election Campaign Act of 1971 (52 U.S.C. 30104),
8 as amended by section 101(a)(1), is further amend-
9 ed by adding at the end the following new sub-
10 section:

11 “(k) DISCLOSURE OF OFFERS OF UNLAWFUL AS-
12 SISTANCE.—

13 “(1) COMMITTEE OBLIGATION TO NOTIFY.—

14 Not later than 1 week after receiving an offer of un-
15 lawful assistance, each political committee shall no-
16 tify the Federal Bureau of Investigation and the
17 Commission of the offer and provide a summary of
18 the circumstances with respect to such offer.

1 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—
2 Not later than 3 days after receiving an offer of un-
3 lawful assistance—

4 “(A) each candidate shall notify the treas-
5 urer or other designated official of the principal
6 campaign committee of such candidate of the
7 offer and provide a summary of the cir-
8 cumstances with respect to such offer; and

9 “(B) each official, employee, or agent of a
10 political committee shall notify the treasurer or
11 other designated official of the committee of the
12 offer and provide a summary of the cir-
13 cumstances with respect to such offer.

14 “(3) OFFER OF UNLAWFUL ASSISTANCE DE-
15 FINED.—In this subsection, the term ‘offer of unlaw-
16 ful assistance’ means, with respect to a candidate or
17 a political committee, an offer by a person to provide
18 direct assistance to the candidate or committee
19 which consists of providing information (including
20 polling information, opposition research, or similar
21 information) that the candidate, committee, or indi-
22 vidual knows or reasonably should know was ob-
23 tained by such person through illicit means.”.

24 (2) EFFECTIVE DATE.—The amendment made
25 by paragraph (1) shall apply with respect to offers

1 of unlawful assistance which occur on or after the
2 date of the enactment of this Act.

3 (b) INFORMATION INCLUDED ON REPORT.—

4 (1) IN GENERAL.—Section 304(b) of such Act
5 (52 U.S.C. 30104(b)), as amended by section
6 101(b), is further amended—

7 (A) by striking “and” at the end of para-
8 graph (8);

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

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

13 “(10) for any offer of unlawful assistance (as
14 defined in subsection (k)(3))—

15 “(A) the date, time, and location of the
16 offer;

17 “(B) the date and time of when a des-
18 ignated official of the committee was notified of
19 the offer;

20 “(C) the identity of individuals involved;
21 and

22 “(D) a description of the offer, including
23 the nature of the assistance involved.”.

24 (2) EFFECTIVE DATE.—The amendment made
25 by paragraph (1) shall apply with respect to reports

1 filed on or after the expiration of the 60-day period
2 which begins on the date of the enactment of this
3 Act.

4 **SEC. 122. FEDERAL CAMPAIGN REPORTING COMPLIANCE**
5 **SYSTEM FOR OFFERS OF UNLAWFUL ASSIST-**
6 **ANCE.**

7 (a) IN GENERAL.—Section 302 of the Federal Elec-
8 tion Campaign Act of 1971 (52 U.S.C. 30102), as amend-
9 ed by section 102(a), is further amended by adding at the
10 end the following new subsection:

11 “(k) COMPLIANCE POLICY FOR REPORTING OFFERS
12 OF UNLAWFUL ASSISTANCE.—

13 “(1) REPORTING.—Each political committee
14 shall establish a policy that requires all officials, em-
15 ployees, and agents of such committee to notify the
16 treasurer or other appropriate designated official of
17 the committee of any offer of unlawful assistance (as
18 defined in section 304(k)) not later than 3 days
19 after such offer was made.

20 “(2) RETENTION AND PRESERVATION OF
21 RECORDS.—Each political committee shall establish
22 a policy that provides for the retention and preserva-
23 tion of records and information related to offers of
24 unlawful assistance (as so defined) for a period of
25 not less than 3 years.

1 “(3) CERTIFICATION.—

2 “(A) IN GENERAL.—Upon filing its state-
3 ment of organization under section 303(a), and
4 with each report filed under section 304(a), the
5 treasurer of each political committee (other
6 than an authorized committee) shall certify
7 that—

8 “(i) the committee has in place poli-
9 cies that meet the requirements of para-
10 graphs (1) and (2);

11 “(ii) the committee has designated an
12 official to monitor compliance with such
13 policies; and

14 “(iii) not later than 1 week after the
15 beginning of any formal or informal affili-
16 ation with the committee, all officials, em-
17 ployees, and agents of such committee
18 will—

19 “(I) receive notice of such poli-
20 cies; and

21 “(II) sign a certification affirm-
22 ing their understanding of such poli-
23 cies and prohibitions.

24 “(B) AUTHORIZED COMMITTEES.—With
25 respect to an authorized committee, the can-

1 didate shall make the certification required
2 under subparagraph (A).”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendment made by
5 subsection (a) shall apply with respect to political
6 committees which file a statement of organization
7 under section 303(a) of the Federal Election Cam-
8 paign Act of 1971 (52 U.S.C. 30103(a)) on or after
9 the date of the enactment of this Act.

10 (2) TRANSITION RULE FOR EXISTING COMMIT-
11 TEES.—Not later than 30 days after the date of the
12 enactment of this Act, each political committee
13 under the Federal Election Campaign Act of 1971
14 shall file a certification with the Federal Election
15 Commission that the committee is in compliance
16 with the requirements of section 302(k) of such Act
17 (as added by subsection (a)).

18 **SEC. 123. CRIMINAL PENALTIES.**

19 Section 309(d)(1) of the Federal Election Campaign
20 Act of 1971 (52 U.S.C. 30109(d)(1)), as amended by sec-
21 tion 103, is further amended by adding at the end the
22 following new subparagraphs:

23 “(G) Any person who knowingly and willfully com-
24 mits a violation of subsection (k) or (b)(10) of section 304

1 or section 302(j) shall be fined not more than \$500,000,
2 imprisoned not more than 5 years, or both.

3 “(H) Any person who knowingly and willfully con-
4 ceals or destroys any materials relating to an offer of un-
5 lawful assistance (as defined in section 304(k)) shall be
6 fined not more than \$1,000,000, imprisoned not more
7 than 5 years, or both.”.

8 **SEC. 124. PROHIBITING POLITICAL COMMITTEES FROM**
9 **PAYING FINES AND PENALTIES ASSESSED**
10 **FOR VIOLATIONS BY OTHER PERSONS.**

11 Section 309 of the Federal Election Campaign Act
12 of 1971 (52 U.S.C. 30109) is amended by adding at the
13 end the following new subsection:

14 “(e)(1) A political committee may not pay a fine or
15 penalty (whether directly or by reimbursement) assessed
16 against any individual or other person (other than the
17 committee itself) for a violation of subsection (k) or
18 (b)(10) of section 304 or section 302(k).

19 “(2) An individual who is affiliated with a campaign
20 may not pay a fine or penalty (whether directly or by reim-
21 bursement) assessed against any person other than such
22 individual for a violation of subsection (k) or (b)(10) of
23 section 304 or section 302(k) which relates to the cam-
24 paign. In this paragraph, the term ‘individual affiliated
25 with a campaign’ means, with respect to a candidate, an

1 employee of any authorized committee of the candidate or
2 any other organization legally authorized under Federal,
3 State, or local law to support the candidate's campaign
4 for election, as well as any independent contractor of such
5 a committee or organization and any individual who per-
6 forms services on behalf of the committee or organization,
7 whether paid or unpaid, and any individual who made a
8 contribution to such a committee.”.

Page 15, line 23, strike “(k)(3)” and insert “(l)(3)”.

Page 21, line 8, strike “section 101(a),” and insert
“section 101(a) and section 121(a),”.

Page 21, line 10, strike “(k)” and insert “(l)”.

Page 25, line 13, strike “304(k)” and insert
“304(l)”.

Page 25, line 23, strike “304(k)” and insert
“304(l)”.

Page 26, line 4, strike “304(k)” and insert
“304(l)”.

Page 27, line 2, strike “304(k)(3)” and insert
“304(l)(3)”.

Page 36, line 5, strike “304(k)(3)” and insert
“304(l)(3)”.

