MOTION TO RECOMMIT H.R. 359

OFFERED BY M__. _____

M__. _____ moves to recommit the bill H.R. 359 to the Committee on Ways and Means with instructions to report the same to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

1 **SECTION 1. CAMPAIGN DISCLOSURE AGREEMENT.**

2   (a) DISQUALIFIED ENTITY.—Section 9003 of the In-

3 ternal Revenue Code of 1986 is amended by adding at the

4 end the following new subsection:

5   ''(f) DISQUALIFIED ENTITY.—For purposes of this

6 section—

7   ''(1) IN GENERAL.—The term 'disqualified enti-

8   ty' means any entity that has not entered into a

9   campaign disclosure agreement with the Department

10   of the Treasury.

11   ''(2) CAMPAIGN DISCLOSURE AGREEMENT.—

12   The term 'campaign disclosure agreement' means an

13   agreement in which the entity agrees—

1   "(A) to file disclosure statements with the
2   Internal Revenue Service at such times, and
3   covering such periods, as are required under
4   section 527(j)(2),

5   "(B) with respect to its receipt of payment
6   for electioneering communications from covered
7   persons on or after January 1, 2013, to include
8   within those disclosure statements—

9   "(i) the amount, date, and purpose of
10   each payment and the name and address
11   of the covered person making the payment,
12   and

13   "(ii) the name and address of each
14   disqualified contributor making a payment
15   on or after January 1, 2013, to the cov-
16   ered person (including the occupation and
17   name of employer of such individual) and
18   the amount and date of each payment, and

19   "(C) to pay damages to the Secretary for
20   failure to comply with these disclosure require-
21   ments in an amount equal to 35 percent of the
22   amount that was required to be disclosed.

23   "(3) DISQUALIFIED CONTRIBUTOR.—The term
24   'disqualified contributor' means—

3

1   "(A) any person who makes payments (di-
2   rectly or indirectly) of more than $100,000 to
3   the covered person during the calendar year,
4   and

5   "(B) any foreign individual, foreign cor-
6   poration, or foreign country who makes any
7   payment (directly or indirectly) to the covered
8   person during the calendar year.

9   A payment that is deposited into an account of a
10   covered person that is not available for election-
11   eering communications shall not be taken into ac-
12   count for purposes of the preceding sentence.

13   "(4) ELECTIONEERING COMMUNICATION.—The
14   term 'electioneering communication' means a com-
15   munication that—

16   "(A) refers to a clearly identified candidate
17   for any Federal public office,

18   "(B) reflects a view on such candidate or
19   on the record of such candidate, and

20   "(C) is made within 30 days of a general
21   election or a primary election.

22   "(5) COVERED PERSON.—

23   "(A) IN GENERAL.—The term 'covered
24   person' means any of the following persons:

4

1   "(i) Any foreign individual, corpora-
2   tion, partnership, limited liability company,
3   limited liability partnership, trust or simi-
4   lar entity or foreign country.

5   "(ii) Any domestic corporation, part-
6   nership, limited liability company, limited
7   liability partnership, trust or similar entity.

8   "(iii) Any person described in section
9   501(c) and exempt from tax under section
10   501(a).

11   "(B) EXCEPTION.—Subparagraph (A)
12   shall not apply to any person if the aggregate
13   payments for electioneering communications
14   during the calendar year by such person does
15   not exceed $25,000.".

16   (b) CONDITION.—Subsection (a) of section 9003 of
17 such Code is amended by striking "and" at the end of
18 paragraph (2), by striking the period at the end of para-
19 graph (3) and inserting ", and", and by inserting after
20 paragraph (3) the following new paragraph:

21   "(4) agree to not make any payment to a dis-
22   qualified entity for print, broadcast, cable, or sat-
23   ellite communications.".

1 (c) PRESERVATION OF FUNDS FOR PRESIDENTIAL

2 CANDIDATES.—Subsection (b) of section 9006 of such

3 Code is amended to read as follows:

4 "(b) PAYMENTS FROM THE FUND.—Amounts in the

5 Presidential Election Campaign Fund shall be available,

6 as provided by appropriation Acts, solely for making ex-

7 penditures to eligible candidates of a political party. No

8 expenditures may be made from such fund unless the Sec-

9 retary of the Treasury has receipt of a certification from

10 the Commission under section 9005.".

11 (d) PRESERVATION OF FUND FOR PRESIDENTIAL

12 PRIMARIES.—Subsection (b) of section 9037 of such Code

13 is amended to read as follows:

14 "(b) PAYMENTS FROM THE MATCHING PAYMENT

15 ACCOUNT.—Amounts in the Presidential Primary Match-

16 ing Payment Account shall be available, as provided by

17 appropriation Acts, solely for making transfers to the can-

18 didate. No amount may be transferred from the account

19 unless the Secretary has receipt of a certification from the

20 Commission under section 9036, but not before the begin-

21 ning of the matching payment period. In making such

22 transfers to candidates of the same political party, the

23 Secretary shall seek to achieve an equitable distribution

24 of funds available under subsection (a), and the Secretary

25 shall take into account, in seeking to achieve an equitable

1 distribution, the sequence in which such certifications are

2 received.''.

3   (e) PRESERVATION OF FUNDS FOR NATIONAL COM-

4 MITTEE.—Paragraph (3) of section 9008(b) of such Code

5 is amended to read as follows:

6   ''(3) PAYMENTS.—Amounts in the appropriate ac-

7 count maintained under subsection (a) shall be available,

8 as provided by appropriation Acts, solely for making ex-

9 penditures to the national committee of a major party or

10 minor party which elects to receive its entitlement under

11 this subsection. Such payments shall be available for use

12 by such committee in accordance with the provisions of

13 subsection (c). No expenditures may be made from such

14 fund unless the Secretary of the Treasury has receipt of

15 a certification from the Commission under subsection

16 (g).''.

17   (f) EFFECTIVE DATE.—The amendments made by

18 this section shall take effect on the date of the enactment

19 of this Act.

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