

117TH CONGRESS
1ST SESSION

H. R. 2388

To amend the Federal Election Campaign Act of 1971 to require authorized committees and leadership PACs of candidates for election for Federal office to disburse funds remaining unexpended after the date of the election involved, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2021

Ms. CASTOR of Florida (for herself, Mr. BILIRAKIS, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Election Campaign Act of 1971 to require authorized committees and leadership PACs of candidates for election for Federal office to disburse funds remaining unexpended after the date of the election involved, 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 “Honest Elections and
5 Campaign, No Gain Act”.

1 **SEC. 2. REQUIRING AUTHORIZED COMMITTEES OF CAN-**
 2 **DIDATES TO DISBURSE FUNDS REMAINING**
 3 **UNEXPENDED AFTER DATE OF ELECTION.**

4 (a) REQUIRING DISBURSEMENT.—Title III of the
 5 Federal Election Campaign Act of 1971 (52 U.S.C. 30101
 6 et seq.) is amended by inserting after section 303 the fol-
 7 lowing new section:

8 **“SEC. 303A. DISBURSEMENT OF FUNDS REMAINING UNEX-**
 9 **PENDED AFTER DATE OF ELECTION.**

10 “(a) REQUIRING DISBURSEMENT.—

11 “(1) IN GENERAL.—Each authorized committee
 12 or leadership PAC of a candidate shall, in accord-
 13 ance with subsection (b) and prior to the expiration
 14 of the applicable disbursement period, disburse any
 15 funds of the committee or PAC before the earliest
 16 of—

17 “(A) the last day of the applicable dis-
 18 bursement period;

19 “(B) the date on which the candidate first
 20 makes a lobbying contact or is employed or re-
 21 tained to make a lobbying contact that would
 22 require registration under section 4 of the Lob-
 23 bing Disclosure Act of 1995 (2 U.S.C. 1603);
 24 or

25 “(C) the date on which the candidate be-
 26 comes an agent of a foreign principal that

1 would require registration under section 2 of
2 the Foreign Agents Registration Act of 1938,
3 as amended (22 U.S.C. 612).

4 “(2) EXCEPTION FOR CANDIDATES IN NEXT
5 ELECTION.—Paragraph (1) does not apply to the
6 committee or PAC of a candidate who, prior to the
7 first day of the applicable disbursement period, pro-
8 vides the appropriate State election official with the
9 information and fees (if any) required under State
10 law for the individual to qualify as a candidate for
11 the next election for the office sought by the can-
12 didate or the next election for another Federal of-
13 fice.

14 “(3) APPLICABLE DISBURSEMENT PERIOD.—In
15 this subsection, the ‘applicable disbursement period’
16 is, with respect to a candidate seeking election for
17 an office, the 2-year period which begins on the day
18 after the latest date on which an individual may pro-
19 vide the appropriate State election official with the
20 information and fees (if any) required under State
21 law for the individual to qualify as a candidate for
22 the next election for such office.

23 “(b) RULES FOR DISBURSEMENT OF FUNDS.—

24 “(1) PAYMENT OF OBLIGATIONS.—In carrying
25 out subsection (a), an authorized committee or lead-

ership PAC shall first disburse funds to pay obligations incurred in connection with the operation of the committee.

“(2) OTHER PERMITTED DISBURSEMENTS.—If, after disbursing all of the funds necessary to pay obligations under paragraph (1), funds of a committee or PAC remain unexpended, the committee or PAC may only disburse the funds for any of the following purposes, in such manner and combination as the committee or PAC considers appropriate:

“(A) To return to any person a contribution the person made to the committee or PAC.

“(B) To make a contribution to an organization described in section 170(c) of the Internal Revenue Code of 1986.

“(C) To make a transfer without limitation to a national, State, or local committee of a political party.

“(c) RESTRICTIONS ON DISBURSEMENT TO RELATIVES.—

“(1) RESTRICTION.—In disbursing funds pursuant to the requirements of this section, an authorized committee or leadership PAC may not disburse funds to a relative of the candidate unless the funds are disbursed to pay an obligation of the committee

1 as described in paragraph (1) of subsection (b)
2 which is reported by the committee or PAC as a dis-
3bursement under section 304(b)(5) or which would
4 be so reported if the amount of the disbursement
5 were in excess of \$200.

6 “(2) RELATIVE DEFINED.—In this subsection,
7 the term ‘relative’ means, with respect to a can-
8didate, an individual who is related to the candidate
9 as father, mother, son, daughter, brother, sister,
10 uncle, aunt, first cousin, nephew, niece, husband,
11 wife, father-in-law, mother-in-law, son-in-law, daugh-
12ter-in-law, brother-in-law, sister-in-law, stepfather,
13 stepmother, stepson, stepdaughter, stepbrother, step-
14 sister, half brother, or half sister.

15 “(d) DEFINITION.—In this section, the term ‘leader-
16 ship PAC’ has the meaning given such term in section
17 304(i)(8)(B).”.

18 (b) CONFORMING AMENDMENT RELATING TO PER-
19 MITTED USES OF CONTRIBUTIONS.—Section 313(a) of
20 such Act (52 U.S.C. 30114(a)) is amended by striking “A
21 contribution” and inserting “Subject to section 303A, a
22 contribution”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to the regularly sched-

1 uled general election for Federal office held in November
 2 2022 and each succeeding election for Federal office.

3 **SEC. 3. REQUIRING FORMER CANDIDATES SERVING AS**
 4 **REGISTERED LOBBYISTS TO CERTIFY COM-**
 5 **PLIANCE WITH DISBURSEMENT REQUIRE-**
 6 **MENTS.**

7 (a) CERTIFICATION OF COMPLIANCE.—Section 4(b)
 8 of the Lobbying Disclosure Act of 1995 (2 U.S.C.
 9 1603(b)) is amended—

10 (1) by striking “and” at the end of paragraph
 11 (5);

12 (2) by striking the period at the end of para-
 13 graph (6) and inserting “; and”; and

14 (3) by inserting after paragraph (6) the fol-
 15 lowing new paragraph:

16 “(7) in the case of an individual who was a can-
 17 didate for election for Federal office, a certification
 18 (under penalty of perjury) that each authorized com-
 19 mittee and leadership PAC (as defined in section
 20 304(i)(8)(B) of the Federal Election Campaign Act
 21 of 1971) of the individual is in compliance with sec-
 22 tion 303A of the Federal Election Campaign Act of
 23 1971 (relating to the disbursement of funds of the
 24 committee or leadership PAC which remain unex-
 25 pended after the date of the election).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to registration
3 statements filed under section 4(a) of the Lobbying Dis-
4 closure Act on or after the date of the regularly scheduled
5 general election for Federal office held in November 2022.

6 **SEC. 4. REQUIRING FORMER CANDIDATES SERVING AS**
7 **FOREIGN AGENTS TO CERTIFY COMPLIANCE**
8 **WITH DISBURSEMENT REQUIREMENTS.**

9 (a) CERTIFICATION OF COMPLIANCE.—Section 2(a)
10 of the Foreign Agents Registration Act of 1938, as
11 amended (22 U.S.C. 612(a)) is amended—

12 (1) by redesignating paragraphs (10) and (11)
13 as paragraphs (11) and (12); and

14 (2) by inserting after paragraph (9) the fol-
15 lowing new paragraph:

16 “(10) In the case of an individual who was a
17 candidate for election for Federal office, a certifi-
18 cation (under penalty of perjury) that each author-
19 ized committee and leadership PAC (as defined in
20 section 304(i)(8)(B) of the Federal Election Cam-
21 paign Act of 1971) of the individual is in compliance
22 with section 303A of the Federal Election Campaign
23 Act of 1971 (relating to the disbursement of funds
24 of the committee or leadership PAC which remain
25 unexpended after the date of the election).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to registration
3 statements filed under section 2 of the Foreign Agents
4 Registration Act of 1938, as amended on or after the date
5 of the regularly scheduled general election for Federal of-
6 fice held in November 2022.

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