

117TH CONGRESS
1ST SESSION

S. _____

To restore integrity to America’s Elections.

IN THE SENATE OF THE UNITED STATES

Mr. VAN HOLLEN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To restore integrity to America’s Elections.

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 “Restoring Integrity
5 to America’s Elections Act”.

6 **SEC. 2. MEMBERSHIP OF FEDERAL ELECTION COMMIS-**
7 **SION.**

8 (a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL
9 OF SECRETARY OF SENATE AND CLERK OF HOUSE AS
10 EX OFFICIO MEMBERS.—

11 (1) IN GENERAL; QUORUM.—Section 306(a)(1)
12 of the Federal Election Campaign Act of 1971 (52

1 U.S.C. 30106(a)(1)) is amended by striking the sec-
2 ond and third sentences and inserting the following:
3 “The Commission is composed of 5 members ap-
4 pointed by the President by and with the advice and
5 consent of the Senate, of whom no more than 2 may
6 be affiliated with the same political party. A member
7 shall be treated as affiliated with a political party if
8 the member was affiliated, including as a registered
9 voter, employee, consultant, donor, officer, or attor-
10 ney, with such political party or any of its can-
11 didates or elected public officials at any time during
12 the 5-year period ending on the date on which such
13 individual is nominated to be a member of the Com-
14 mission. A majority of the number of members of
15 the Commission who are serving at the time shall
16 constitute a quorum, except that 3 members shall
17 constitute a quorum if there are 4 members serving
18 at the time.”.

19 (2) CONFORMING AMENDMENTS RELATING TO
20 REDUCTION IN NUMBER OF MEMBERS.—(A) The
21 second sentence of section 306(c) of such Act (52
22 U.S.C. 30106(c)) is amended by striking “affirma-
23 tive vote of 4 members of the Commission” and in-
24 serting “affirmative vote of a majority of the mem-

1 bers of the Commission who are serving at the
2 time”.

3 (B) Such Act is further amended by striking
4 “affirmative vote of 4 of its members” and inserting
5 “affirmative vote of a majority of the members of
6 the Commission who are serving at the time” each
7 place it appears in the following sections:

8 (i) Section 309(a)(2) (52 U.S.C.
9 30109(a)(2)).

10 (ii) Section 309(a)(4)(A)(i) (52 U.S.C.
11 30109(a)(4)(A)(i)).

12 (iii) Section 309(a)(5)(C) (52 U.S.C.
13 30109(a)(5)(C)).

14 (iv) Section 309(a)(6)(A) (52 U.S.C.
15 30109(a)(6)(A)).

16 (v) Section 311(b) (52 U.S.C. 30111(b)).

17 (3) CONFORMING AMENDMENT RELATING TO
18 REMOVAL OF EX OFFICIO MEMBERS.—Section
19 306(a) of such Act (52 U.S.C. 30106(a)) is amend-
20 ed by striking “(other than the Secretary of the Sen-
21 ate and the Clerk of the House of Representatives)”
22 each place it appears in paragraphs (4) and (5).

23 (b) TERMS OF SERVICE.—Section 306(a)(2) of such
24 Act (52 U.S.C. 30106(a)(2)) is amended to read as fol-
25 lows:

1 “(2) TERMS OF SERVICE.—

2 “(A) IN GENERAL.—Each member of the
3 Commission shall serve for a single term of 6
4 years.

5 “(B) SPECIAL RULE FOR INITIAL APPOINT-
6 MENTS.—Of the members first appointed to
7 serve terms that begin in January 2022, the
8 President shall designate 2 to serve for a 3-year
9 term.

10 “(C) NO REAPPOINTMENT PERMITTED.—
11 An individual who served a term as a member
12 of the Commission may not serve for an addi-
13 tional term, except that—

14 “(i) an individual who served a 3-year
15 term under subparagraph (B) may also be
16 appointed to serve a 6-year term under
17 subparagraph (A); and

18 “(ii) for purposes of this subpara-
19 graph, an individual who is appointed to
20 fill a vacancy under subparagraph (D)
21 shall not be considered to have served a
22 term if the portion of the unexpired term
23 the individual fills is less than 50 percent
24 of the period of the term.

1 “(D) VACANCIES.—Any vacancy occurring
2 in the membership of the Commission shall be
3 filled in the same manner as in the case of the
4 original appointment. Except as provided in
5 subparagraph (C), an individual appointed to
6 fill a vacancy occurring other than by the expi-
7 ration of a term of office shall be appointed
8 only for the unexpired term of the member he
9 or she succeeds.

10 “(E) LIMITATION ON SERVICE AFTER EX-
11 PIRATION OF TERM.—A member of the Com-
12 mission may continue to serve on the Commis-
13 sion after the expiration of the member’s term
14 for an additional period, but only until the ear-
15 lier of—

16 “(i) the date on which the member’s
17 successor has taken office as a member of
18 the Commission; or

19 “(ii) the expiration of the 1-year pe-
20 riod that begins on the last day of the
21 member’s term.”.

22 (c) QUALIFICATIONS.—Section 306(a)(3) of such Act
23 (52 U.S.C. 30106(a)(3)) is amended to read as follows:

24 “(3) QUALIFICATIONS.—

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

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

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

1 reasonable efforts to encourage racial, eth-
2 nic, and gender diversity on the panel.

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

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

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

24 “(C) PROHIBITING ENGAGEMENT WITH
25 OTHER BUSINESS OR EMPLOYMENT DURING

1 SERVICE.—A member of the Commission shall
2 not engage in any other business, vocation, or
3 employment. Any individual who is engaging in
4 any other business, vocation, or employment at
5 the time of his or her appointment to the Com-
6 mission shall terminate or liquidate such activ-
7 ity no later than 90 days after such appoint-
8 ment.”.

9 **SEC. 3. ASSIGNMENT OF POWERS TO CHAIR OF FEDERAL**
10 **ELECTION COMMISSION.**

11 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

12 (1) IN GENERAL.—Section 306(a)(5) of the
13 Federal Election Campaign Act of 1971 (52 U.S.C.
14 30106(a)(5)) is amended to read as follows:

15 “(5) CHAIR.—

16 “(A) INITIAL APPOINTMENT.—Of the
17 members first appointed to serve terms that
18 begin in January 2022, one such member (as
19 designated by the President at the time the
20 President submits nominations to the Senate)
21 shall serve as Chair of the Commission.

22 “(B) SUBSEQUENT APPOINTMENTS.—Any
23 individual who is appointed to succeed the
24 member who serves as Chair of the Commission
25 for the term beginning in January 2022 (as

1 well as any individual who is appointed to fill
2 a vacancy if such member does not serve a full
3 term as Chair) shall serve as Chair of the Com-
4 mission.

5 “(C) VICE CHAIR.—The Commission shall
6 select, by majority vote of its members, one of
7 its members to serve as Vice Chair, who shall
8 act as Chair in the absence or disability of the
9 Chair or in the event of a vacancy in the posi-
10 tion of Chair.”.

11 (2) CONFORMING AMENDMENT.—Section
12 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is
13 amended by striking “through its chairman or vice
14 chairman” and inserting “through the Chair”.

15 (b) POWERS.—

16 (1) ASSIGNMENT OF CERTAIN POWERS TO
17 CHAIR.—Section 307(a) of such Act (52 U.S.C.
18 30107(a)) is amended to read as follows:

19 “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR
20 AND COMMISSION.—

21 “(1) POWERS ASSIGNED TO CHAIR.—

22 “(A) ADMINISTRATIVE POWERS.—The
23 Chair of the Commission shall be the chief ad-
24 ministrative officer of the Commission and shall
25 have the authority to administer the Commis-

1 sion and its staff, and (in consultation with the
2 other members of the Commission) shall have
3 the power—

4 “(i) to appoint and remove the staff
5 director of the Commission;

6 “(ii) to request the assistance (includ-
7 ing personnel and facilities) of other agen-
8 cies and departments of the United States,
9 whose heads may make such assistance
10 available to the Commission with or with-
11 out reimbursement; and

12 “(iii) to prepare and establish the
13 budget of the Commission and to make
14 budget requests to the President, the Di-
15 rector of the Office of Management and
16 Budget, and Congress.

17 “(B) OTHER POWERS.—The Chair of the
18 Commission shall have the power—

19 “(i) to appoint and remove the gen-
20 eral counsel of the Commission with the
21 concurrence of at least 2 other members of
22 the Commission;

23 “(ii) to require by special or general
24 orders, any person to submit, under oath,

1 such written reports and answers to ques-
2 tions as the Chair may prescribe;

3 “(iii) to administer oaths or affirma-
4 tions;

5 “(iv) to require by subpoena, signed
6 by the Chair, the attendance and testimony
7 of witnesses and the production of all doc-
8 umentary evidence relating to the execu-
9 tion of its duties;

10 “(v) in any proceeding or investiga-
11 tion, to order testimony to be taken by
12 deposition before any person who is des-
13 ignated by the Chair, and shall have the
14 power to administer oaths and, in such in-
15 stances, to compel testimony and the pro-
16 duction of evidence in the same manner as
17 authorized under clause (iv); and

18 “(vi) to pay witnesses the same fees
19 and mileage as are paid in like cir-
20 cumstances in the courts of the United
21 States.

22 “(2) POWERS ASSIGNED TO COMMISSION.—The
23 Commission shall have the power—

24 “(A) to initiate (through civil actions for
25 injunctive, declaratory, or other appropriate re-

1 lief), defend (in the case of any civil action
2 brought under section 309(a)(8) of this Act) or
3 appeal (including a proceeding before the Su-
4 preme Court on certiorari) any civil action in
5 the name of the Commission to enforce the pro-
6 visions of this Act and chapter 95 and chapter
7 96 of the Internal Revenue Code of 1986,
8 through its general counsel;

9 “(B) to render advisory opinions under
10 section 308 of this Act;

11 “(C) to develop such prescribed forms and
12 to make, amend, and repeal such rules, pursu-
13 ant to the provisions of chapter 5 of title 5,
14 United States Code, as are necessary to carry
15 out the provisions of this Act and chapter 95
16 and chapter 96 of the Internal Revenue Code of
17 1986;

18 “(D) to conduct investigations and hear-
19 ings expeditiously, to encourage voluntary com-
20 pliance, and to report apparent violations to the
21 appropriate law enforcement authorities; and

22 “(E) to transmit to the President and Con-
23 gress not later than June 1 of each year a re-
24 port which states in detail the activities of the
25 Commission in carrying out its duties under

1 this Act, and which includes any recommenda-
2 tions for any legislative or other action the
3 Commission considers appropriate.

4 “(3) PERMITTING COMMISSION TO EXERCISE
5 OTHER POWERS OF CHAIR.—With respect to any in-
6 vestigation, action, or proceeding, the Commission,
7 by an affirmative vote of a majority of the members
8 who are serving at the time, may exercise any of the
9 powers of the Chair described in paragraph (1)(B).”.

10 (2) CONFORMING AMENDMENTS RELATING TO
11 PERSONNEL AUTHORITY.—Section 306(f) of such
12 Act (52 U.S.C. 30106(f)) is amended—

13 (A) by amending the first sentence of
14 paragraph (1) to read as follows: “The Com-
15 mission shall have a staff director who shall be
16 appointed by the Chair of the Commission in
17 consultation with the other members and a gen-
18 eral counsel who shall be appointed by the
19 Chair with the concurrence of at least two other
20 members.”;

21 (B) in paragraph (2), by striking “With
22 the approval of the Commission” and inserting
23 “With the approval of the Chair of the Commis-
24 sion”; and

25 (C) by striking paragraph (3).

1 (3) CONFORMING AMENDMENT RELATING TO
2 BUDGET SUBMISSION.—Section 307(d)(1) of such
3 Act (52 U.S.C. 30107(d)(1)) is amended by striking
4 “the Commission submits any budget” and inserting
5 “the Chair (or, pursuant to subsection (a)(3), the
6 Commission) submits any budget”.

7 (4) OTHER CONFORMING AMENDMENTS.—Sec-
8 tion 306(e) of such Act (52 U.S.C. 30106(e)) is
9 amended by striking “All decisions” and inserting
10 “Subject to section 307(a), all decisions”.

11 (5) TECHNICAL AMENDMENT.—The heading of
12 section 307 of such Act (52 U.S.C. 30107) is
13 amended by striking “THE COMMISSION” and insert-
14 ing “THE CHAIR AND THE COMMISSION”.

15 **SEC. 4. REVISION TO ENFORCEMENT PROCESS.**

16 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
17 DETERMINING WHETHER VIOLATIONS HAVE OC-
18 CURRED.—

19 (1) REVISION OF STANDARDS.—Section 309(a)
20 of the Federal Election Campaign Act of 1971 (52
21 U.S.C. 30109(a)) is amended by striking paragraphs
22 (2) and (3) and inserting the following:

23 “(2)(A) The general counsel, upon receiving a com-
24 plaint filed with the Commission under paragraph (1) or
25 upon the basis of information ascertained by the Commis-

1 sion in the normal course of carrying out its supervisory
2 responsibilities, shall make a determination as to whether
3 or not there is reason to believe that a person has com-
4 mitted, or is about to commit, a violation of this Act or
5 chapter 95 or chapter 96 of the Internal Revenue Code
6 of 1986, and as to whether or not the Commission should
7 either initiate an investigation of the matter or that the
8 complaint should be dismissed. The general counsel shall
9 promptly provide notification to the Commission of such
10 determination and the reasons therefore, together with
11 any written response submitted under paragraph (1) by
12 the person alleged to have committed the violation. Upon
13 the expiration of the 30-day period which begins on the
14 date the general counsel provides such notification, the
15 general counsel's determination shall take effect, unless
16 during such 30-day period the Commission, by vote of a
17 majority of the members of the Commission who are serv-
18 ing at the time, overrules the general counsel's determina-
19 tion. If the determination by the general counsel that the
20 Commission should investigate the matter takes effect, or
21 if the determination by the general counsel that the com-
22 plaint should be dismissed is overruled as provided under
23 the previous sentence, the general counsel shall initiate an
24 investigation of the matter on behalf of the Commission.

1 “(B) If the Commission initiates an investigation
2 pursuant to subparagraph (A), the Commission, through
3 the Chair, shall notify the subject of the investigation of
4 the alleged violation. Such notification shall set forth the
5 factual basis for such alleged violation. The Commission
6 shall make an investigation of such alleged violation, which
7 may include a field investigation or audit, in accordance
8 with the provisions of this section. The general counsel
9 shall provide notification to the Commission of any intent
10 to issue a subpoena or conduct any other form of discovery
11 pursuant to the investigation. Upon the expiration of the
12 15-day period which begins on the date the general counsel
13 provides such notification, the general counsel may issue
14 the subpoena or conduct the discovery, unless during such
15 15-day period the Commission, by vote of a majority of
16 the members of the Commission who are serving at the
17 time, prohibits the general counsel from issuing the sub-
18 poena or conducting the discovery.

19 “(3)(A) Upon completion of an investigation under
20 paragraph (2), the general counsel shall promptly submit
21 to the Commission the general counsel’s recommendation
22 that the Commission find either that there is probable
23 cause or that there is not probable cause to believe that
24 a person has committed, or is about to commit, a violation
25 of this Act or chapter 95 or chapter 96 of the Internal

1 Revenue Code of 1986, and shall include with the rec-
2 ommendation a brief stating the position of the general
3 counsel on the legal and factual issues of the case.

4 “(B) At the time the general counsel submits to the
5 Commission the recommendation under subparagraph (A),
6 the general counsel shall simultaneously notify the re-
7 spondent of such recommendation and the reasons there-
8 fore, shall provide the respondent with an opportunity to
9 submit a brief within 30 days stating the position of the
10 respondent on the legal and factual issues of the case and
11 replying to the brief of the general counsel. The general
12 counsel shall promptly submit such brief to the Commis-
13 sion upon receipt.

14 “(C) Not later than 30 days after the general counsel
15 submits the recommendation to the Commission under
16 subparagraph (A) (or, if the respondent submits a brief
17 under subparagraph (B), not later than 30 days after the
18 general counsel submits the respondent’s brief to the Com-
19 mission under such subparagraph), the Commission shall
20 approve or disapprove the recommendation by vote of a
21 majority of the members of the Commission who are serv-
22 ing at the time.”.

23 (2) CONFORMING AMENDMENT RELATING TO
24 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-

1 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))
2 is amended—

3 (A) in the third sentence, by striking “the
4 Commission” and inserting “the general coun-
5 sel”; and

6 (B) by amending the fourth sentence to
7 read as follows: “Not later than 15 days after
8 receiving notice from the general counsel under
9 the previous sentence, the person may provide
10 the general counsel with a written response that
11 no action should be taken against such person
12 on the basis of the complaint.”.

13 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
14 MISSAL OF COMPLAINTS.—

15 (1) IN GENERAL.—Section 309(a)(8) of such
16 Act (52 U.S.C. 30109(a)(8)) is amended to read as
17 follows:

18 “(8)(A)(i) Any party aggrieved by an order of the
19 Commission dismissing a complaint filed by such party
20 after finding either no reason to believe a violation has
21 occurred or no probable cause a violation has occurred
22 may file a petition with the United States District Court
23 for the District of Columbia. Any petition under this sub-
24 paragraph shall be filed within 60 days after the date on

1 which the party received notice of the dismissal of the
2 complaint.

3 “(ii) In any proceeding under this subparagraph, the
4 court shall determine by de novo review whether the agen-
5 cy’s dismissal of the complaint is contrary to law. In any
6 matter in which the penalty for the alleged violation is
7 greater than \$50,000, the court should disregard any
8 claim or defense by the Commission of prosecutorial dis-
9 cretion as a basis for dismissing the complaint.

10 “(B)(i) Any party who has filed a complaint with the
11 Commission and who is aggrieved by a failure of the Com-
12 mission, within one year after the filing of the complaint,
13 to either dismiss the complaint or to find reason to believe
14 a violation has occurred or is about to occur, may file a
15 petition with the United States District Court for the Dis-
16 trict of Columbia.

17 “(ii) In any proceeding under this subparagraph, the
18 court shall treat the failure to act on the complaint as
19 a dismissal of the complaint, and shall determine by de
20 novo review whether the agency’s failure to act on the
21 complaint is contrary to law.

22 “(C) In any proceeding under this paragraph the
23 court may declare that the dismissal of the complaint or
24 the failure to act is contrary to law, and may direct the
25 Commission to conform with such declaration within 30

1 days, failing which the complainant may bring, in the
2 name of such complainant, a civil action to remedy the
3 violation involved in the original complaint.”.

4 (2) EFFECTIVE DATE.—The amendments made
5 by paragraph (1) shall apply—

6 (A) in the case of complaints which are
7 dismissed by the Federal Election Commission,
8 with respect to complaints which are dismissed
9 on or after the date of the enactment of this
10 Act; and

11 (B) in the case of complaints upon which
12 the Federal Election Commission failed to act,
13 with respect to complaints which were filed on
14 or after the date of the enactment of this Act.

15 **SEC. 5. PERMITTING APPEARANCE AT HEARINGS ON RE-**
16 **QUESTS FOR ADVISORY OPINIONS BY PER-**
17 **SONS OPPOSING THE REQUESTS.**

18 (a) IN GENERAL.—Section 308 of such Act (52
19 U.S.C. 30108) is amended by adding at the end the fol-
20 lowing new subsection:

21 “(e) To the extent that the Commission provides an
22 opportunity for a person requesting an advisory opinion
23 under this section (or counsel for such person) to appear
24 before the Commission to present testimony in support of
25 the request, and the person (or counsel) accepts such op-

1 portunity, the Commission shall provide a reasonable op-
2 portunity for an interested party who submitted written
3 comments under subsection (d) in response to the request
4 (or counsel for such interested party) to appear before the
5 Commission to present testimony in response to the re-
6 quest.”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall apply with respect to requests for advi-
9 sory opinions under section 308 of the Federal Election
10 Campaign Act of 1971 which are made on or after the
11 date of the enactment of this Act.

12 **SEC. 6. PERMANENT EXTENSION OF ADMINISTRATIVE PEN-**
13 **ALTY AUTHORITY.**

14 (a) EXTENSION OF AUTHORITY.—Section
15 309(a)(4)(C)(v) of the Federal Election Campaign Act of
16 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by strik-
17 ing “, and that end on or before December 31, 2023”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall take effect on December 31, 2021.

20 **SEC. 7. REQUIRING FORMS TO PERMIT USE OF ACCENT**
21 **MARKS.**

22 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-
23 eral Election Campaign Act of 1971 (52 U.S.C.
24 30111(a)(1)) is amended by striking the semicolon at the
25 end and inserting the following: “, and shall ensure that

1 all such forms (including forms in an electronic format)
2 permit the person using the form to include an accent
3 mark as part of the person’s identification;”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall take effect upon the expiration of the
6 90-day period which begins on the date of the enactment
7 of this Act.

8 **SEC. 8. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

9 Section 306(e) of the Federal Election Campaign Act
10 of 1971 (52 U.S.C. 30106(e)) is amended—

11 (1) by striking “(e) The Commission” and in-
12 serting “(e)(1) The Commission”; and

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

15 “(2) Members and employees of the Commission shall
16 be subject to limitations on ex parte communications, as
17 provided in the regulations promulgated by the Commis-
18 sion regarding such communications which are in effect
19 on the date of the enactment of this paragraph.”.

20 **SEC. 9. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**
21 **REPRESENT FEC IN SUPREME COURT.**

22 (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of
23 the Federal Election Campaign Act of 1971 (52 U.S.C.
24 30106(f)(4)) is amended by striking “any action instituted
25 under this Act, either (A) by attorneys” and inserting

1 “any action instituted under this Act, including an action
2 before the Supreme Court of the United States, either (A)
3 by the General Counsel of the Commission and other at-
4 torneys”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall apply with respect to actions instituted
7 before, on, or after the date of the enactment of this Act.

8 **SEC. 10. EFFECTIVE DATE; TRANSITION.**

9 (a) IN GENERAL.—Except as otherwise provided, the
10 amendments made by this Act shall apply beginning Janu-
11 ary 1, 2022.

12 (b) TRANSITION.—

13 (1) TERMINATION OF SERVICE OF CURRENT
14 MEMBERS.—Notwithstanding any provision of the
15 Federal Election Campaign Act of 1971, the term of
16 any individual serving as a member of the Federal
17 Election Commission as of December 31, 2021, shall
18 expire on that date.

19 (2) NO EFFECT ON EXISTING CASES OR PRO-
20 CEEDINGS.—Nothing in this Act or in any amend-
21 ment made by this Act shall affect any of the powers
22 exercised by the Federal Election Commission prior
23 to December 31, 2021, including any investigation
24 initiated by the Commission prior to such date or

- 1 any proceeding (including any enforcement action)
- 2 pending as of such date.