

116TH CONGRESS
2D SESSION

S. 5028

To amend the Federal Election Campaign Act of 1971 to require each authorized committee or leadership PAC of a former candidate for election for Federal office to disburse all of the remaining funds of the committee or PAC after the election, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2020

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to require each authorized committee or leadership PAC of a former candidate for election for Federal office to disburse all of the remaining funds of the committee or PAC after the election, 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 “Zeroing Out Money
5 for Buying Influence after Elections (ZOMBIE) Act”.

1 **SEC. 2. REQUIRING AUTHORIZED COMMITTEES OF CAN-**
 2 **DIDATES TO DISBURSE UNEXPENDED FUNDS.**

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

7 **“SEC. 303A. DISBURSEMENT OF REMAINING UNEXPENDED**
 8 **FUNDS.**

9 “(a) REQUIRING DISBURSEMENT.—

10 “(1) IN GENERAL.—Each authorized committee
 11 or leadership PAC of a candidate shall, in accord-
 12 ance with subsection (b), disburse all funds of the
 13 authorized committee or leadership PAC before the
 14 earliest of—

15 “(A) the last day of the applicable dis-
 16 bursement period;

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

23 “(C) the date on which the candidate be-
 24 comes an agent of a foreign principal that
 25 would require registration under section 2 of

1 the Foreign Agents Registration Act of 1938,
2 as amended (22 U.S.C. 612).

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

13 “(3) APPLICABLE DISBURSEMENT PERIOD.—In
14 this subsection, the ‘applicable disbursement period’
15 is, with respect to a candidate seeking election for
16 an office, the 6-month period which begins on the
17 day after the latest date on which an individual may
18 provide the appropriate State election official with
19 the information and fees (if any) required under
20 State law for the individual to qualify as a candidate
21 for the next election for such office. In the case of
22 a candidate for Senate, the office sought shall be the
23 Senate office in the class that ends with the term of
24 the office for which such candidate is seeking.

1 “(b) RULES FOR DISBURSEMENT OF FUNDS.—Any
 2 funds to which subsection (a) applies that are disbursed
 3 on or after the first day of the applicable disbursement
 4 period shall be disbursed as follows:

5 “(1) PAYMENT OF OBLIGATIONS.—An author-
 6 ized committee or leadership PAC shall first pay ob-
 7 ligations incurred in connection with the operation of
 8 the committee.

9 “(2) OTHER PERMITTED DISBURSEMENTS.—
 10 Notwithstanding section 313(a), if, after disbursing
 11 all of the funds necessary to pay obligations under
 12 paragraph (1), funds of a committee or PAC remain
 13 unexpended, the committee or PAC may only dis-
 14 burse such remaining funds for the following pur-
 15 poses:

16 “(A) To return to any person a contribu-
 17 tion the person made to the committee or PAC.

18 “(B) Except as provided in paragraph
 19 (3)(A), to make a contribution to an organiza-
 20 tion described in section 170(c) of the Internal
 21 Revenue Code of 1986.

22 “(3) PROHIBITIONS.—In disbursing funds pur-
 23 suant to the requirements of this section, an author-
 24 ized committee or leadership PAC may not disburse

1 funds during the applicable disbursement period to
2 any of the following:

3 “(A) Any organization described in section
4 170(c) (other than an organization described in
5 paragraph (1) thereof) if—

6 “(i) the organization was established
7 by the candidate;

8 “(ii) the organization bears the can-
9 didate’s name; or

10 “(iii) the candidate or a relative of the
11 candidate—

12 “(I) is employed by such organi-
13 zation;

14 “(II) is an officer of such organi-
15 zation; or

16 “(III) performs services (whether
17 paid or unpaid) on behalf of such or-
18 ganization.

19 “(B) Any relative of the candidate unless
20 the funds are disbursed to pay an obligation of
21 the committee as described in paragraph (1)
22 which is reported by the committee or PAC as
23 a disbursement under section 304(b)(5) or
24 which would be so reported if the amount of the
25 disbursement were in excess of \$200.

1 “(c) DEFINITIONS.—In this section:

2 “(1) LEADERSHIP PAC.—The term ‘leadership
3 PAC’ has the meaning given such term in section
4 304(i)(8)(B).

5 “(2) RELATIVE.—The term ‘relative’ means,
6 with respect to a candidate, an individual who is re-
7 lated to the candidate as father, mother, son, daugh-
8 ter, brother, sister, uncle, aunt, first cousin, nephew,
9 niece, husband, wife, father-in-law, mother-in-law,
10 son-in-law, daughter-in-law, brother-in-law, sister-in-
11 law, stepfather, stepmother, stepson, stepdaughter,
12 stepbrother, stepsister, half brother, or half sister.”.

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

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall apply with respect to the regularly sched-
20 uled general election for Federal office held in November
21 2020 and each succeeding election for Federal office.

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

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

8 (1) in paragraph (6), by striking “and” at the
9 end;

10 (2) in paragraph (7), by striking the period at
11 the end and inserting “; and”; and

12 (3) by inserting after paragraph (7) the fol-
13 lowing:

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

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall apply with respect to registration
26 statements filed under section 4(a) of the Lobbying Dis-

1 closure Act on or after the date of the regularly scheduled
 2 general election for Federal office held in November 2020.

3 **SEC. 4. REQUIRING FORMER CANDIDATES SERVING AS**
 4 **FOREIGN AGENTS TO CERTIFY COMPLIANCE**
 5 **WITH DISBURSEMENT REQUIREMENTS.**

6 (a) CERTIFICATION OF COMPLIANCE.—Section 2(a)
 7 of the Foreign Agents Registration Act of 1938, as
 8 amended (22 U.S.C. 612(a)) is amended by adding at the
 9 end the following:

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

20 (b) EFFECTIVE DATE.—The amendment made by
 21 subsection (a) shall apply with respect to registration
 22 statements filed under section 2 of the Foreign Agents
 23 Registration Act of 1938, as amended on or after the date

1 of the regularly scheduled general election for Federal of-
2 fice held in November 2020.

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