

(d) Deposit of repayments

All payments received by the Secretary of the Treasury under subsection (b) shall be deposited by him in the general fund of the Treasury.

(Added Pub. L. 92-178, title VIII, §801, Dec. 10, 1971, 85 Stat. 568; amended Pub. L. 93-53, §6(c), July 1, 1973, 87 Stat. 139; Pub. L. 93-443, title IV, §404(c)(9)-(11), Oct. 15, 1974, 88 Stat. 1292; Pub. L. 94-283, title III, §307(e), May 11, 1976, 90 Stat. 502; Pub. L. 94-455, title XIX, §1906(b)(13)(B), (C), Oct. 4, 1976, 90 Stat. 1834.)

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-455 substituted “Secretary of the Treasury” for “Secretary”.

Subsec. (b)(3). Pub. L. 94-283 substituted “9006(c)” for “9006(d)”.

Subsec. (d). Pub. L. 94-455 substituted “Secretary of the Treasury” for “Secretary”.

1974—Subsec. (a). Pub. L. 93-443, §404(c)(9), substituted “Commission” for “Comptroller General”.

Subsec. (b). Pub. L. 93-443, §404(c)(10), substituted “Commission” and “it” for “Comptroller General” and “he”, respectively, wherever appearing.

Subsec. (c). Pub. L. 93-443, §404(c)(11), substituted “Commission” for “Comptroller General”.

1973—Subsec. (b)(3). Pub. L. 93-53 substituted section “9006(d)” for “9006(c)”.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-443 applicable with respect to taxable years beginning after Dec. 31, 1974, see section 410(c)(1) of Pub. L. 93-443, set out as a note under section 30101 of Title 52, Voting and Elections.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-53 applicable with respect to taxable years beginning after Dec. 31, 1972, see section 6(d) of Pub. L. 93-53, set out as a note under section 6096 of this title.

§ 9008. Payments for presidential nominating conventions**(a) Establishment of accounts**

The Secretary shall maintain in the fund, in addition to any account which he maintains under section 9006(a), a separate account for the national committee of each major party and minor party. The Secretary shall deposit in each such account an amount equal to the amount which each such committee may receive under subsection (b). Such deposits shall be drawn from amounts designated by individuals under section 6096 and shall be made before any transfer is made to any account for any eligible candidate under section 9006(a).

(b) Entitlement to payments from the fund**(1) Major parties**

Subject to the provisions of this section, the national committee of a major party shall be entitled to payments under paragraph (3), with respect to any presidential nominating convention, in amounts which, in the aggregate, shall not exceed \$4,000,000.

(2) Minor parties

Subject to the provisions of this section, the national committee of a minor party shall be entitled to payments under paragraph (3), with respect to any presidential nominating convention, in amounts which, in the aggregate,

shall not exceed an amount which bears the same ratio to the amount the national committee of a major party is entitled to receive under paragraph (1) as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the United States of the major parties in the preceding presidential election.

(3) Payments

Upon receipt of certification from the Commission under subsection (g), the Secretary shall make payments from the appropriate account maintained under subsection (a) to the national committee of a major party or minor party which elects to receive its entitlement under this subsection. Such payments shall be available for use by such committee in accordance with the provisions of subsection (c).

(4) Limitation

Payments to the national committee of a major party or minor party under this subsection, from the account designated for such committee shall be limited to the amounts in such account at the time of payment.

(5) Adjustment of entitlements

The entitlements established by this subsection shall be adjusted in the same manner as expenditure limitations established by section 315(b) and section 315(d) of the Federal Election Campaign Act of 1971 are adjusted pursuant to the provisions of section 315(c) of such Act.

(c) Use of funds

No part of any payment made under subsection (b) shall be used to defray the expenses of any candidate or delegate who is participating in any presidential nominating convention. Such payments shall be used only—

(1) to defray expenses incurred with respect to a presidential nominating convention (including the payment of deposits) by or on behalf of the national committee receiving such payments; or

(2) to repay loans the proceeds of which were used to defray such expenses, or otherwise to restore funds (other than contributions to defray such expenses received by such committee) used to defray such expenses.

(d) Limitation of expenditures**(1) Major parties**

Except as provided by paragraph (3), the national committee of a major party may not make expenditures with respect to a presidential nominating convention which, in the aggregate, exceed the amount of payments to which such committee is entitled under subsection (b)(1).

(2) Minor parties

Except as provided by paragraph (3), the national committee of a minor party may not make expenditures with respect to a presidential nominating convention which, in the aggregate, exceed the amount of the entitlement of the national committee of a major party under subsection (b)(1).

(3) Exception

The Commission may authorize the national committee of a major party or minor party to make expenditures which, in the aggregate, exceed the limitation established by paragraph (1) or paragraph (2) of this subsection. Such authorization shall be based upon a determination by the Commission that, due to extraordinary and unforeseen circumstances, such expenditures are necessary to assure the effective operation of the presidential nominating convention by such committee.

(4) Provision of legal or accounting services

For purposes of this section, the payment, by any person other than the national committee of a political party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services) of compensation to any individual for legal or accounting services rendered to or on behalf of the national committee of a political party shall not be treated as an expenditure made by or on behalf of such committee with respect to its limitations on presidential nominating convention expenses.

(e) Availability of payments

The national committee of a major party or minor party may receive payments under subsection (b)(3) beginning on July 1 of the calendar year immediately preceding the calendar year in which a presidential nominating convention of the political party involved is held.

(f) Transfer to the fund

If, after the close of a presidential nominating convention and after the national committee of the political party involved has been paid the amount which it is entitled to receive under this section, there are moneys remaining in the account of such national committee, the Secretary shall transfer the moneys so remaining to the fund.

(g) Certification by Commission

Any major party or minor party may file a statement with the Commission in such form and manner and at such times as it may require, designating the national committee of such party. Such statement shall include the information required by section 303(b) of the Federal Election Campaign Act of 1971, together with such additional information as the Commission may require. Upon receipt of a statement filed under the preceding sentences, the Commission promptly shall verify such statement according to such procedures and criteria as it may establish and shall certify to the Secretary for payment in full to any such committee of amounts to which such committee may be entitled under subsection (b). Such certifications shall be subject to an examination and audit which the Commission shall conduct no later than December 31, of the calendar year in which the presidential nominating convention involved is held.

(h) Repayments

The Commission shall have the same authority to require repayments from the national committee of a major party or a minor party as it has with respect to repayments from any eli-

gible candidate under section 9007(b). The provisions of section 9007(c) and section 9007(d) shall apply with respect to any repayment required by the Commission under this subsection.

(i) Termination of payments for conventions; use of amounts for pediatric research initiative

Effective on the date of the enactment of the Gabriella Miller Kids First Research Act—

(1) the entitlement of any major party or minor party to a payment under this section shall terminate; and

(2) all amounts in each account maintained for the national committee of a major party or minor party under this section shall be transferred to a fund in the Treasury to be known as the “10-Year Pediatric Research Initiative Fund”, which shall be available only for the purpose provided in section 402A(a)(2) of the Public Health Service Act, and only to the extent and in such amounts as are provided in advance in appropriation Acts.

(Added Pub. L. 92-178, title VIII, §801, Dec. 10, 1971, 85 Stat. 569; amended Pub. L. 93-443, title IV, §406(a), Oct. 15, 1974, 88 Stat. 1294; Pub. L. 94-283, title III, §§303, 307(a), May 11, 1976, 90 Stat. 498, 501; Pub. L. 96-187, title II, §202, Jan. 8, 1980, 93 Stat. 1368; Pub. L. 98-355, §1(a), (b), July 11, 1984, 98 Stat. 394; Pub. L. 113-94, §2(a), Apr. 3, 2014, 128 Stat. 1085.)

REFERENCES IN TEXT

Sections 303 and 315 of the Federal Election Campaign Act of 1971, referred to in subssecs. (b)(5) and (g), are classified to sections 30103 and 30116, respectively, of Title 52, Voting and Elections.

The date of the enactment of the Gabriella Miller Kids First Research Act, referred to in subsec. (i), is the date of enactment of Pub. L. 113-94, which was approved Apr. 3, 2014.

Section 402A(a)(2) of the Public Health Service Act, referred to in subsec. (i)(2), is classified to section 282a(a)(2) of Title 42, The Public Health and Welfare.

AMENDMENTS

2014—Subsec. (i). Pub. L. 113-94 added subsec. (i).

1984—Subsec. (b)(1). Pub. L. 98-355, §1(a), substituted “\$4,000,000” for “\$3,000,000”.

Subsec. (b)(5). Pub. L. 98-355, §1(b), substituted “section 315(b) and section 315(d)” for “section 320(b) and section 320(d)” and “section 315(c)” for “section 320(c)”.

1980—Subsec. (b)(1). Pub. L. 96-187 substituted “\$3,000,000” for “\$2,000,000”.

1976—Subsec. (b)(5). Pub. L. 94-283, §307(a), substituted “section 320(b) and section 320(d) of the Federal Election Campaign Act of 1971 are adjusted pursuant to the provisions of section 320(c) of such Act” for “section 608(c) and section 608(f) of title 18, United States Code, are adjusted pursuant to the provisions of section 608(d) of such title”.

Subsec. (d)(4). Pub. L. 94-283, §303, added par. (4).

1974—Pub. L. 93-443 substituted provisions respecting payments for presidential nominating conventions for prior provisions respecting information on proposed expenses, subsec. (a) relating to reports by candidates, and subsec. (b) to publication of summaries.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-355, §1(c), July 11, 1984, 98 Stat. 394, provided that: “The amendments made by this section [amending this section] shall take effect on January 1, 1984.”

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96-187, set out as a note under section 30101 of Title 52, Voting and Elections.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-443 applicable with respect to taxable years beginning after Dec. 31, 1974, see section 410(c)(1) of Pub. L. 93-443, set out as a note under section 30101 of Title 52, Voting and Elections.

§ 9009. Reports to Congress; regulations**(a) Reports**

The Commission shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—

- (1) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by the candidates of each political party and their authorized committees;
- (2) the amounts certified by it under section 9005 for payment to the eligible candidates of each political party; and
- (3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

(b) Regulations, etc.

The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and audits (in addition to the examinations and audits required by section 9007(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this chapter.

(c) Review of regulations

(1) The Commission, before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and to the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If either such House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, then the Commission may prescribe such rule or regulation. Whenever a committee of the House of Representatives reports any resolution relating to any such rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. The Commission may not prescribe any rule or regulation which is disapproved by either such House under this paragraph.

(3) For purposes of this subsection, the term “legislative days” does not include any calendar day on which both Houses of the Congress are not in session.

(4) For purposes of this subsection, the term “rule or regulation” means a provision or series of interrelated provisions stating a single separable rule of law.

(Added Pub. L. 92-178, title VIII, §801, Dec. 10, 1971, 85 Stat. 569; amended Pub. L. 93-443, title IV, §§ 404(c)(12), (13), 406(b)(1), 409, Oct. 15, 1974, 88 Stat. 1292, 1293, 1296, 1303; Pub. L. 94-283, title III, §304(a), May 11, 1976, 90 Stat. 498; Pub. L. 113-94, §2(c)(1), Apr. 3, 2014, 128 Stat. 1085.)

AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113-94, §2(c)(1)(A), inserted “and” at end.

Subsec. (a)(3). Pub. L. 113-94, §2(c)(1)(B), which directed substitution of period for semicolon at end, was executed by substituting period for “; and” at end, to reflect the probable intent of Congress.

Subsec. (a)(4) to (6). Pub. L. 113-94, §2(c)(1)(C), struck out pars. (4) to (6) which read as follows:

“(4) the expenses incurred by the national committee of a major party or minor party with respect to a presidential nominating convention;

“(5) the amounts certified by it under section 9008(g) for payment to each such committee; and

“(6) the amount of payments, if any, required from such committees under section 9008(h), and the reasons for each such payment.”

1976—Subsec. (c)(2). Pub. L. 94-283, §304(a)(1), inserted provision for accelerated consideration by the House of Representatives of resolutions relating to rules or regulations reported out by committees of the House.

Subsec. (c)(4). Pub. L. 94-283, §304(a)(2), added par. (4).

1974—Subsec. (a). Pub. L. 93-443, §§ 404(c)(12), 406(b)(1), substituted “Commission” for “Comptroller General” wherever appearing and “it” for “him” and added pars. (4) to (6).

Subsec. (b). Pub. L. 93-443, §§ 404(c)(13), 409(b), substituted “Commission”, “it” and “it” for “Comptroller General”, “he” and “him”, respectively, and inserted “in accordance with the provisions of subsection (c)” after “regulations”.

Subsec. (c). Pub. L. 93-443, §409(a), added subsec. (c).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-443 applicable with respect to taxable years beginning after Dec. 31, 1974, see section 410(c)(1) of Pub. L. 93-443, set out as a note under section 30101 of Title 52, Voting and Elections.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (a) of this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 168 of House Document No. 103-7.

§ 9010. Participation by Commission in judicial proceedings**(a) Appearance by counsel**

The Commission is authorized to appear in and defend against any action filed under section 9011, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

(b) Recovery of certain payments

The Commission is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts deter-