

[DRAFT]

JUNE 2, 2021

117TH CONGRESS
1ST SESSION**H. R.** _____

To amend the Federal Election Campaign Act of 1971 to prohibit the solicitation and acceptance of a recurring contribution or donation in a campaign for election for Federal office by any method which does not require the contributor or donor to give affirmative consent to making the contribution or donation on a recurring basis, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LEVIN of California introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Election Campaign Act of 1971 to prohibit the solicitation and acceptance of a recurring contribution or donation in a campaign for election for Federal office by any method which does not require the contributor or donor to give affirmative consent to making the contribution or donation on a recurring basis, 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,*

1 **SECTION 1. RESTRICTIONS ON SOLICITATION AND ACCEPT-**
2 **ANCE OF RECURRING CONTRIBUTIONS OR**
3 **DONATIONS IN CAMPAIGNS FOR ELECTION**
4 **FOR FEDERAL OFFICE.**

5 (a) RESTRICTIONS.—Section 324 of the Federal
6 Election Campaign Act of 1971 (52 U.S.C. 30126) is
7 amended to read as follows:

8 **“SEC. 324. RESTRICTIONS ON SOLICITATION AND ACCEPT-**
9 **ANCE OF RECURRING CONTRIBUTIONS OR**
10 **DONATIONS.**

11 “(a) IN GENERAL.—

12 “(1) RESTRICTIONS ON SOLICITATION.—A per-
13 son may not solicit a recurring contribution to a po-
14 litical committee, a recurring contribution to fund an
15 independent expenditure, or a recurring donation to
16 fund an electioneering communication by any meth-
17 od which does not require the contributor or donor
18 to give affirmative consent to making the contribu-
19 tion or donation on a recurring basis.

20 “(2) RESTRICTIONS ON ACCEPTANCE.—A polit-
21 ical committee may not accept a contribution which
22 was made on a recurring basis, a person funding an
23 independent expenditure may not accept a contribu-
24 tion to fund the expenditure which was made on a
25 recurring basis, and a person funding an election-
26 eering communication may not accept a donation to

1 fund the communication which was made on a recur-
2 ring basis, unless the contributor or donor gave af-
3 firmative consent to making the contribution or do-
4 nation on a recurring basis.

5 “(3) TREATMENT OF PASSIVE ACTIONS.—For
6 purposes of paragraphs (1) and (2), a contributor or
7 donor who does not take an affirmative action to
8 make or agree to make a contribution or donation
9 on a recurring basis, including a contributor or
10 donor who engages only in a passive action such as
11 failing to uncheck a pre-checked box authorizing a
12 recurring contribution or donation, shall not be con-
13 sidered to give affirmative consent to making the
14 contribution or donation on a recurring basis.

15 “(b) RESPONSIBILITIES OF PERSONS ACCEPTING
16 CONTRIBUTIONS OR DONATIONS.—A person accepting a
17 contribution or donation described in subsection (a) which
18 is made on a recurring basis shall meet the following re-
19 quirements with respect to each recurrence of the con-
20 tribution or donation:

21 “(1) Upon receiving the initial contribution or
22 donation and each subsequent recurrence of the con-
23 tribution or donation, the person shall provide the
24 contributor or donor with a receipt that clearly and
25 conspicuously discloses all of the material terms of

1 the contribution or donation, including a statement
2 of the date and amount of the next recurrence of the
3 contribution or donation.

4 “(2) In addition to the information required to
5 be provided under paragraph (1), the person shall
6 include in each communication with the contributor
7 or donor which relates to the contribution or dona-
8 tion all of the information the contributor or donor
9 needs to cancel any subsequent recurrence of the
10 contribution or donation.

11 “(3) Upon request of the contributor or donor,
12 the person shall immediately cancel all subsequent
13 recurrences of the contribution or donation which
14 would otherwise be made after receiving the re-
15 quest.”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 this Act shall take effect on the earlier of—

18 (1) the date on which the Federal Election
19 Commission promulgates regulations to carry out
20 section 324 of the Federal Election Campaign Act of
21 1971 (as amended by subsection (a)); or

22 (2) the expiration of the 180-day period which
23 begins on the date of the enactment of this Act, .