

116TH CONGRESS
2D SESSION

H. R. 8991

To amend the Help America Vote Act of 2002 to prohibit the use of voting systems in elections for Federal office whose hardware and software components are not manufactured and maintained in the United States or which are produced by foreign entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2020

Mr. POSEY introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to prohibit the use of voting systems in elections for Federal office whose hardware and software components are not manufactured and maintained in the United States or which are produced by foreign entities, 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 “American Election Se-
5 curity Act”.

1 **SEC. 2. PROHIBITING USE OF VOTING SYSTEM PRODUCED**
2 **BY FOREIGN ENTITY IN ELECTIONS FOR FED-**
3 **ERAL OFFICE.**

4 (a) PROHIBITION.—Section 301(a) of the Help Amer-
5 ica Vote Act of 2002 (52 U.S.C. 21081(a)) is amended
6 by adding at the end the following new paragraphs:

7 “(7) SYSTEM HARDWARE AND SOFTWARE MAN-
8 UFACTURED AND MAINTAINED IN UNITED
9 STATES.—All of the hardware components and all of
10 the software components of the system shall be man-
11 ufactured in the United States, and all of the hard-
12 ware components or software components shall be
13 maintained and serviced only by persons who are in
14 the United States.

15 “(8) SYSTEM NOT PRODUCED BY FOREIGN EN-
16 TITY.—

17 “(A) IN GENERAL.—The voting system
18 may not be produced by a foreign entity.

19 “(B) FOREIGN ENTITY DEFINED.—In sub-
20 paragraph (A), the term ‘foreign entity’ means
21 any of the following:

22 “(i) A foreign national.

23 “(ii) Any corporation which is not a
24 foreign national and in which a foreign na-
25 tional or an alien directly or indirectly
26 owns or controls any voting share.

1 “(iii) Any corporation which is not a
2 foreign national and with respect to which
3 any of the members of the board of direc-
4 tors are foreign nationals or aliens.

5 “(iv) Any corporation which is not a
6 foreign national and over which one or
7 more foreign nationals or aliens has the
8 power to direct, dictate, or control the de-
9 cision-making process of the corporation
10 with respect to its interests in the United
11 States.

12 “(C) FOREIGN NATIONAL DEFINED.—In
13 this paragraph, the term ‘foreign national’ has
14 the meaning given such term in section 1(b) of
15 the Foreign Agents Registration Act of 1938,
16 as amended (22 U.S.C. 611(b)), except that
17 such term shall not include any individual who
18 is a citizen of the United States.

19 “(D) ALIEN DEFINED.—In this paragraph,
20 the term ‘alien’ means an individual who is not
21 a citizen of the United States or a national of
22 the United States (as defined in section
23 101(a)(22) of the Immigration and Nationality
24 Act), and who is not lawfully admitted for per-

1 manent residence (as defined in section
2 101(a)(20) of such Act).”.

3 (b) EFFECTIVE DATE.—Section 301(d) of such Act
4 (52 U.S.C. 21081(d)) is amended to read as follows:

5 “(d) EFFECTIVE DATE.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), each State and jurisdiction shall be re-
8 quired to comply with the requirements of this sec-
9 tion on and after January 1, 2006.

10 “(2) SPECIAL RULE FOR REQUIREMENTS RE-
11 LATING TO FOREIGN ENTITIES.—In the case of the
12 requirements of paragraphs (7) and (8) of sub-
13 section (a), each State and jurisdiction shall be re-
14 quired to comply with such requirements on and
15 after the date of the enactment of the American
16 Election Security Act.”.

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