

117TH CONGRESS
1ST SESSION

H. R. 1

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2021

Received

AN ACT

To expand Americans' access to the ballot box, reduce the influence of big money in politics, strengthen ethics rules for public servants, and implement other anti-corruption measures for the purpose of fortifying our democracy, 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 “For the People Act
 5 of 2021”.

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
 7 **CONTENTS.**

8 (a) DIVISIONS.—This Act is organized into divisions
 9 as follows:

10 (1) Division A—Voting.

11 (2) Division B—Campaign Finance.

12 (3) Division C—Ethics.

13 (b) TABLE OF CONTENTS.—The table of contents of
 14 this Act is as follows:

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Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Findings of general constitutional authority.

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- Sec. 1016. Registration portability and correction.
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- Sec. 8081. Severability.

TITLE IX—CONGRESSIONAL ETHICS REFORM

Subtitle A—Requiring Members of Congress To Reimburse Treasury for Amounts Paid as Settlements and Awards Under Congressional Accountability Act of 1995

Sec. 9001. Requiring Members of Congress to reimburse Treasury for amounts paid as settlements and awards under Congressional Accountability Act of 1995 in all cases of employment discrimination acts by Members.

Subtitle B—Conflicts of Interests

Sec. 9101. Prohibiting Members of House of Representatives from serving on boards of for-profit entities.

Sec. 9102. Conflict of interest rules for Members of Congress and congressional staff.

Sec. 9103. Exercise of rulemaking powers.

Subtitle C—Campaign Finance and Lobbying Disclosure

Sec. 9201. Short title.

Sec. 9202. Requiring disclosure in certain reports filed with Federal Election Commission of persons who are registered lobbyists.

Sec. 9203. Effective date.

Subtitle D—Access to Congressionally Mandated Reports

Sec. 9301. Short title.

Sec. 9302. Definitions.

Sec. 9303. Establishment of online portal for congressionally mandated reports.

Sec. 9304. Federal agency responsibilities.

Sec. 9305. Removing and altering reports.

Sec. 9306. Relationship to the Freedom of Information Act.

Sec. 9307. Implementation.

Subtitle E—Reports on Outside Compensation Earned by Congressional Employees

Sec. 9401. Reports on outside compensation earned by congressional employees.

Subtitle F—Severability

Sec. 9501. Severability.

TITLE X—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

Sec. 10001. Presidential and Vice Presidential tax transparency.

1 **SEC. 3. FINDINGS OF GENERAL CONSTITUTIONAL AUTHOR-**
 2 **ITY.**

3 Congress finds that the Constitution of the United
 4 States grants explicit and broad authority to protect the

1 right to vote, to regulate elections for Federal office, to
2 prevent and remedy discrimination in voting, and to de-
3 fend the Nation’s democratic process. Congress enacts the
4 “For the People Act of 2021” pursuant to this broad au-
5 thority, including but not limited to the following:

6 (1) Congress finds that it has broad authority
7 to regulate the time, place, and manner of congress-
8 sional elections under the Elections Clause of the
9 Constitution, article I, section 4, clause 1. The Su-
10 preme Court has affirmed that the “substantive
11 scope” of the Elections Clause is “broad”; that
12 “Times, Places, and Manner” are “comprehensive
13 words which embrace authority to provide for a com-
14 plete code for congressional elections”; and “[t]he
15 power of Congress over the Times, Places and Man-
16 ner of congressional elections is paramount, and may
17 be exercised at any time, and to any extent which
18 it deems expedient; and so far as it is exercised, and
19 no farther, the regulations effected supersede those
20 of the State which are inconsistent therewith”. *Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1,
21 8–9 (2013) (internal quotation marks and citations
22 omitted). Indeed, “Congress has plenary and para-
23 mount jurisdiction over the whole subject” of con-
24 gressional elections, *Ex parte Siebold*, 100 U.S. (10
25

1 Otto) 371, 388 (1879), and this power “may be ex-
2 exercised as and when Congress sees fit”, and “so far
3 as it extends and conflicts with the regulations of
4 the State, necessarily supersedes them”. Id. At 384.
5 Among other things, Congress finds that the Elec-
6 tions Clause was intended to “vindicate the people’s
7 right to equality of representation in the House”.
8 *Wesberry v. Sanders*, 376 U.S. 1, 16 (1964), and to
9 address partisan gerrymandering, *Rucho v. Common*
10 *Cause*, 588 U.S. _____, 32–33 (2019).

11 (2) Congress also finds that it has both the au-
12 thority and responsibility, as the legislative body for
13 the United States, to fulfill the promise of article IV,
14 section 4, of the Constitution, which states: “The
15 United States shall guarantee to every State in this
16 Union a Republican Form of Government[.]”. Con-
17 gress finds that its authority and responsibility to
18 enforce the Guarantee Clause is particularly strong
19 given that Federal courts have not enforced this
20 clause because they understood that its enforcement
21 is committed to Congress by the Constitution.

22 (3)(A) Congress also finds that it has broad au-
23 thority pursuant to section 5 of the Fourteenth
24 Amendment to legislate to enforce the provisions of

1 the Fourteenth Amendment, including its protec-
2 tions of the right to vote and the democratic process.

3 (B) Section 1 of the Fourteenth Amendment
4 protects the fundamental right to vote, which is “of
5 the most fundamental significance under our con-
6 stitutional structure”. *Ill. Bd. of Election v. Socialist*
7 *Workers Party*, 440 U.S. 173, 184 (1979); see
8 *United States v. Classic*, 313 U.S. 299 (1941) (“Ob-
9 viously included within the right to choose, secured
10 by the Constitution, is the right of qualified voters
11 within a state to cast their ballots and have them
12 counted . . .”). As the Supreme Court has repeatedly
13 affirmed, the right to vote is “preservative of all
14 rights”, *Yick Wo v. Hopkins*, 118 U.S. 356, 370
15 (1886). Section 2 of the Fourteenth Amendment
16 also protects the right to vote, granting Congress
17 additional authority to reduce a State’s representa-
18 tion in Congress when the right to vote is abridged
19 or denied.

20 (C) As a result, Congress finds that it has the
21 authority pursuant to section 5 of the Fourteenth
22 Amendment to protect the right to vote. Congress
23 also finds that States and localities have eroded ac-
24 cess to the right to vote through restrictions on the
25 right to vote including excessively onerous voter

1 identification requirements, burdensome voter reg-
2 istration procedures, voter purges, limited and un-
3 equal access to voting by mail, polling place closures,
4 unequal distribution of election resources, and other
5 impediments.

6 (D) Congress also finds that “the right of suf-
7 frage can be denied by a debasement or dilution of
8 the weight of a citizen’s vote just as effectively as by
9 wholly prohibiting the free exercise of the franchise”.
10 Reynolds v. Sims, 377 U.S. 533, 555 (1964). Con-
11 gress finds that the right of suffrage has been so di-
12 luted and debased by means of gerrymandering of
13 districts. Congress finds that it has authority pursu-
14 ant to section 5 of the Fourteenth Amendment to
15 remedy this debasement.

16 (4)(A) Congress also finds that it has authority
17 to legislate to eliminate racial discrimination in vot-
18 ing and the democratic process pursuant to both sec-
19 tion 5 of the Fourteenth Amendment, which grants
20 equal protection of the laws, and section 2 of the
21 Fifteenth Amendment, which explicitly bars denial
22 or abridgment of the right to vote on account of
23 race, color, or previous condition of servitude.

24 (B) Congress finds that racial discrimination in
25 access to voting and the political process persists.

1 Voting restrictions, redistricting, and other electoral
2 practices and processes continue to disproportion-
3 ately impact communities of color in the United
4 States and do so as a result of both intentional ra-
5 cial discrimination, structural racism, and the ongo-
6 ing structural socioeconomic effects of historical ra-
7 cial discrimination.

8 (C) Recent elections and studies have shown
9 that minority communities wait longer in lines to
10 vote, are more likely to have their mail ballots re-
11 jected, continue to face intimidation at the polls, are
12 more likely to be disenfranchised by voter purges,
13 and are disproportionately burdened by voter identi-
14 fication and other voter restrictions. Research shows
15 that communities of color are more likely to face
16 nearly every barrier to voting than their white coun-
17 terparts.

18 (D) Congress finds that racial disparities in dis-
19 enfranchisement due to past felony convictions is
20 particularly stark. In 2020, according to the Sen-
21 tencing Project, an estimated 5,200,000 Americans
22 could not vote due to a felony conviction. One in 16
23 African Americans of voting age is disenfranchised,
24 a rate 3.7 times greater than that of non-African
25 Americans. In seven States—Alabama, Florida, Ken-

1 tucky, Mississippi, Tennessee, Virginia, and Wyo-
2 ming—more than one in seven African Americans is
3 disenfranchised, twice the national average for Afri-
4 can Americans. Congress finds that felony disenfran-
5 chisement was one of the tools of intentional racial
6 discrimination during the Jim Crow era. Congress
7 further finds that current racial disparities in felony
8 disenfranchisement are linked to this history of voter
9 suppression, structural racism in the criminal justice
10 system, and ongoing effects of historical discrimina-
11 tion.

12 (5)(A) Congress finds that it further has the
13 power to protect the right to vote from denial or
14 abridgment on account of sex, age, or ability to pay
15 a poll tax or other tax pursuant to the Nineteenth,
16 Twenty-Fourth, and Twenty-Sixth Amendments.

17 (B) Congress finds that electoral practices in-
18 cluding voting rights restoration conditions for peo-
19 ple with convictions, voter identification require-
20 ments, and other restrictions to the franchise burden
21 voters on account of their ability to pay.

22 (C) Congress further finds that electoral prac-
23 tices including voting restrictions related to college
24 campuses, age restrictions on mail voting, and simi-

1 lar practices burden the right to vote on account of
2 age.

3 **SEC. 4. STANDARDS FOR JUDICIAL REVIEW.**

4 (a) IN GENERAL.—For any action brought for declar-
5 atory or injunctive relief to challenge, whether facially or
6 as-applied, the constitutionality or lawfulness of any provi-
7 sion of this Act or any amendment made by this Act or
8 any rule or regulation promulgated under this Act, the fol-
9 lowing rules shall apply:

10 (1) The action shall be filed in the United
11 States District Court for the District of Columbia
12 and an appeal from the decision of the district court
13 may be taken to the Court of Appeals for the Dis-
14 trict of Columbia Circuit. These courts, and the Su-
15 preme Court of the United States on a writ of cer-
16 tiorari (if such a writ is issued), shall have exclusive
17 jurisdiction to hear such actions.

18 (2) The party filing the action shall concur-
19 rently deliver a copy the complaint to the Clerk of
20 the House of Representatives and the Secretary of
21 the Senate.

22 (3) It shall be the duty of the United States
23 District Court for the District of Columbia and the
24 Court of Appeals for the District of Columbia Cir-
25 cuit to advance on the docket and to expedite to the

1 greatest possible extent the disposition of the action
2 and appeal.

3 (b) CLARIFYING SCOPE OF JURISDICTION.—If an ac-
4 tion at the time of its commencement is not subject to
5 subsection (a), but an amendment, counterclaim, cross-
6 claim, affirmative defense, or any other pleading or motion
7 is filed challenging, whether facially or as-applied, the con-
8 stitutionality or lawfulness of this Act or any amendment
9 made by this Act or any rule or regulation promulgated
10 under this Act, the district court shall transfer the action
11 to the District Court for the District of Columbia, and
12 the action shall thereafter be conducted pursuant to sub-
13 section (a).

14 (c) INTERVENTION BY MEMBERS OF CONGRESS.—In
15 any action described in subsection (a), any Member of the
16 House of Representatives (including a Delegate or Resi-
17 dent Commissioner to the Congress) or Senate shall have
18 the right to intervene either in support of or opposition
19 to the position of a party to the case regarding the con-
20 stitutionality of the provision. To avoid duplication of ef-
21 forts and reduce the burdens placed on the parties to the
22 action, the court in any such action may make such orders
23 as it considers necessary, including orders to require
24 intervenors taking similar positions to file joint papers or
25 to be represented by a single attorney at oral argument.

1 **DIVISION A—VOTING**
 2 **TITLE I—ELECTION ACCESS**

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—PROMOTING INTERNET REGISTRATION

- Sec. 1001. Requiring availability of internet for voter registration.
- Sec. 1002. Use of internet to update registration information.
- Sec. 1003. Provision of election information by electronic mail to individuals registered to vote.
- Sec. 1004. Clarification of requirement regarding necessary information to show eligibility to vote.
- Sec. 1005. Prohibiting State from requiring applicants to provide more than last 4 digits of Social Security number.
- Sec. 1006. Report on data collection.
- Sec. 1007. Permitting voter registration application form to serve as application for absentee ballot.
- Sec. 1008. Effective date.

PART 2—AUTOMATIC VOTER REGISTRATION

- Sec. 1011. Short title; findings and purpose.
- Sec. 1012. Automatic registration of eligible individuals.
- Sec. 1013. Contributing agency assistance in registration.
- Sec. 1014. One-time contributing agency assistance in registration of eligible voters in existing records.
- Sec. 1015. Voter protection and security in automatic registration.
- Sec. 1016. Registration portability and correction.
- Sec. 1017. Payments and grants.
- Sec. 1018. Treatment of exempt States.
- Sec. 1019. Miscellaneous provisions.
- Sec. 1020. Definitions.
- Sec. 1021. Effective date.

PART 3—SAME DAY VOTER REGISTRATION

- Sec. 1031. Same day registration.

PART 4—CONDITIONS ON REMOVAL ON BASIS OF INTERSTATE CROSS-CHECKS

- Sec. 1041. Conditions on removal of registrants from official list of eligible voters on basis of interstate cross-checks.

PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

- Sec. 1051. Annual reports on voter registration statistics.
- Sec. 1052. Ensuring pre-election registration deadlines are consistent with timing of legal public holidays.
- Sec. 1053. Use of Postal Service hard copy change of address form to remind individuals to update voter registration.

- Sec. 1054. Grants to States for activities to encourage involvement of minors in election activities.
- Sec. 1055. Permission to place exhibits.
- Sec. 1056. Requiring States to establish and operate voter privacy programs.
- Sec. 1057. Inclusion of voter registration information with certain leases and vouchers for federally assisted rental housing and mortgage applications.

PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

- Sec. 1061. Availability of requirements payments under HAVA to cover costs of compliance with new requirements.

PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

- Sec. 1071. Prohibiting hindering, interfering with, or preventing voter registration.
- Sec. 1072. Establishment of best practices.

PART 8—VOTER REGISTRATION EFFICIENCY ACT

- Sec. 1081. Short title.
- Sec. 1082. Requiring applicants for motor vehicle driver's licenses in new state to indicate whether state serves as residence for voter registration purposes.

PART 9—PROVIDING VOTER REGISTRATION INFORMATION TO SECONDARY SCHOOL STUDENTS

- Sec. 1091. Pilot program for providing voter registration information to secondary school students prior to graduation.
- Sec. 1092. Reports.
- Sec. 1093. Authorization of appropriations.

PART 10—VOTER REGISTRATION OF MINORS

- Sec. 1094. Acceptance of voter registration applications from individuals under 18 years of age.

Subtitle B—Access to Voting for Individuals With Disabilities

- Sec. 1101. Requirements for States to promote access to voter registration and voting for individuals with disabilities.
- Sec. 1102. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.
- Sec. 1103. Pilot programs for enabling individuals with disabilities to register to vote privately and independently at residences.
- Sec. 1104. GAO analysis and report on voting access for individuals with disabilities.

Subtitle C—Prohibiting Voter Caging

- Sec. 1201. Voter caging and other questionable challenges prohibited.
- Sec. 1202. Development and adoption of best practices for preventing voter caging.

Subtitle D—Prohibiting Deceptive Practices and Preventing Voter Intimidation

- Sec. 1301. Short title.
- Sec. 1302. Prohibition on deceptive practices in Federal elections.
- Sec. 1303. Corrective action.
- Sec. 1304. Reports to Congress.

Subtitle E—Democracy Restoration

- Sec. 1401. Short title.
- Sec. 1402. Findings.
- Sec. 1403. Rights of citizens.
- Sec. 1404. Enforcement.
- Sec. 1405. Notification of restoration of voting rights.
- Sec. 1406. Definitions.
- Sec. 1407. Relation to other laws.
- Sec. 1408. Federal prison funds.
- Sec. 1409. Effective date.

Subtitle F—Promoting Accuracy, Integrity, and Security Through Voter-Verified Permanent Paper Ballot

- Sec. 1501. Short title.
- Sec. 1502. Paper ballot and manual counting requirements.
- Sec. 1503. Accessibility and ballot verification for individuals with disabilities.
- Sec. 1504. Durability and readability requirements for ballots.
- Sec. 1505. Study and report on optimal ballot design.
- Sec. 1506. Paper ballot printing requirements.
- Sec. 1507. Effective date for new requirements.

Subtitle G—Provisional Ballots

- Sec. 1601. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

Subtitle H—Early Voting

- Sec. 1611. Early voting.

Subtitle I—Voting by Mail

- Sec. 1621. Voting by mail.
- Sec. 1622. Absentee ballot tracking program.
- Sec. 1623. Voting materials postage.
- Sec. 1624. Study and report on vote-by-mail procedures.

Subtitle J—Absent Uniformed Services Voters and Overseas Voters

- Sec. 1701. Pre-election reports on availability and transmission of absentee ballots.
- Sec. 1702. Enforcement.
- Sec. 1703. Revisions to 45-day absentee ballot transmission rule.
- Sec. 1704. Use of single absentee ballot application for subsequent elections.
- Sec. 1705. Extending guarantee of residency for voting purposes to family members of absent military personnel.
- Sec. 1706. Requiring transmission of blank absentee ballots under UOCAVA to certain voters.
- Sec. 1707. Department of Justice report on voter disenfranchisement.
- Sec. 1708. Effective date.

Subtitle K—Poll Worker Recruitment and Training

- Sec. 1801. Grants to States for poll worker recruitment and training.
- Sec. 1802. State defined.

Subtitle L—Enhancement of Enforcement

- Sec. 1811. Enhancement of enforcement of Help America Vote Act of 2002.

Subtitle M—Federal Election Integrity

- Sec. 1821. Prohibition on campaign activities by chief State election administration officials.

Subtitle N—Promoting Voter Access Through Election Administration Improvements

PART 1—PROMOTING VOTER ACCESS

- Sec. 1901. Treatment of institutions of higher education.
- Sec. 1902. Minimum notification requirements for voters affected by polling place changes.
- Sec. 1903. Permitting use of sworn written statement to meet identification requirements for voting.
- Sec. 1904. Accommodations for voters residing in Indian lands.
- Sec. 1905. Voter information response systems and hotline.
- Sec. 1906. Ensuring equitable and efficient operation of polling places.
- Sec. 1907. Requiring States to provide secured drop boxes for voted absentee ballots in elections for Federal office.
- Sec. 1908. Prohibiting States from restricting curbside voting.
- Sec. 1909. Election Day as legal public holiday.
- Sec. 1910. GAO study on voter turnout rates.
- Sec. 1910A. Study on ranked-choice voting.

PART 2—DISASTER AND EMERGENCY CONTINGENCY PLANS

- Sec. 1911. Requirements for Federal election contingency plans in response to natural disasters and emergencies.

PART 3—IMPROVEMENTS IN OPERATION OF ELECTION ASSISTANCE COMMISSION

- Sec. 1921. Reauthorization of Election Assistance Commission.
- Sec. 1922. Requiring States to participate in post-general election surveys.
- Sec. 1923. Reports by National Institute of Standards and Technology on use of funds transferred from Election Assistance Commission.
- Sec. 1924. Recommendations to improve operations of Election Assistance Commission.
- Sec. 1925. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.

PART 4—MISCELLANEOUS PROVISIONS

- Sec. 1931. Application of Federal election administration laws to territories of the United States.
- Sec. 1932. Definition of election for Federal office.
- Sec. 1933. Authorizing payments to voting accessibility protection and advocacy systems serving the American Indian Consortium.

- Sec. 1934. Application of Federal voter protection laws to territories of the United States.
- Sec. 1935. Placement of statues of citizens of territories of the United States in Statuary Hall.
- Sec. 1936. No effect on other laws.
- Sec. 1937. Clarification of Exemption for States Without Voter Registration.

PART 5—VOTER NOTICE

- Sec. 1941. Short title.
- Sec. 1942. Public education campaigns in event of changes in elections in response to emergencies.
- Sec. 1943. Requirements for websites of election officials.
- Sec. 1944. Payments by Election Assistance Commission to States for costs of compliance.

Subtitle O—Severability

- Sec. 1951. Severability.

1 **SEC. 1000. SHORT TITLE; STATEMENT OF POLICY.**

2 (a) **SHORT TITLE.**—This title may be cited as the
 3 “Voter Empowerment Act of 2021”.

4 (b) **STATEMENT OF POLICY.**—It is the policy of the
 5 United States that—

6 (1) the ability of all eligible citizens of the
 7 United States to access and exercise their constitu-
 8 tional right to vote in a free, fair, and timely manner
 9 must be vigilantly enhanced, protected, and main-
 10 tained; and

11 (2) the integrity, security, and accountability of
 12 the voting process must be vigilantly protected,
 13 maintained, and enhanced in order to protect and
 14 preserve electoral and participatory democracy in the
 15 United States.

1 **Subtitle A—Voter Registration**
2 **Modernization**

3 **SEC. 1000A. SHORT TITLE.**

4 This subtitle may be cited as the “Voter Registration
5 Modernization Act of 2021”.

6 **PART 1—PROMOTING INTERNET REGISTRATION**

7 **SEC. 1001. REQUIRING AVAILABILITY OF INTERNET FOR**
8 **VOTER REGISTRATION.**

9 (a) REQUIRING AVAILABILITY OF INTERNET FOR
10 REGISTRATION.—The National Voter Registration Act of
11 1993 (52 U.S.C. 20501 et seq.) is amended by inserting
12 after section 6 the following new section:

13 **“SEC. 6A. INTERNET REGISTRATION.**

14 “(a) REQUIRING AVAILABILITY OF INTERNET FOR
15 ONLINE REGISTRATION.—Each State, acting through the
16 chief State election official, shall ensure that the following
17 services are available to the public at any time on the offi-
18 cial public websites of the appropriate State and local elec-
19 tion officials in the State, in the same manner and subject
20 to the same terms and conditions as the services provided
21 by voter registration agencies under section 7(a):

22 “(1) Online application for voter registration.

23 “(2) Online assistance to applicants in applying
24 to register to vote.

1 “(3) Online completion and submission by ap-
2 plicants of the mail voter registration application
3 form prescribed by the Election Assistance Commis-
4 sion pursuant to section 9(a)(2), including assist-
5 ance with providing a signature as required under
6 subsection (c)).

7 “(4) Online receipt of completed voter registra-
8 tion applications.

9 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—
10 A State shall accept an online voter registration applica-
11 tion provided by an individual under this section, and en-
12 sure that the individual is registered to vote in the State,
13 if—

14 “(1) the individual meets the same voter reg-
15 istration requirements applicable to individuals who
16 register to vote by mail in accordance with section
17 6(a)(1) using the mail voter registration application
18 form prescribed by the Election Assistance Commis-
19 sion pursuant to section 9(a)(2); and

20 “(2) the individual meets the requirements of
21 subsection (c) to provide a signature in electronic
22 form (but only in the case of applications submitted
23 during or after the second year in which this section
24 is in effect in the State).

25 “(c) SIGNATURE REQUIREMENTS.—

1 “(1) IN GENERAL.—For purposes of this sec-
2 tion, an individual meets the requirements of this
3 subsection as follows:

4 “(A) In the case of an individual who has
5 a signature on file with a State agency, includ-
6 ing the State motor vehicle authority, that is
7 required to provide voter registration services
8 under this Act or any other law, the individual
9 consents to the transfer of that electronic signa-
10 ture.

11 “(B) If subparagraph (A) does not apply,
12 the individual submits with the application an
13 electronic copy of the individual’s handwritten
14 signature through electronic means.

15 “(C) If subparagraph (A) and subpara-
16 graph (B) do not apply, the individual executes
17 a computerized mark in the signature field on
18 an online voter registration application, in ac-
19 cordance with reasonable security measures es-
20 tablished by the State, but only if the State ac-
21 cepts such mark from the individual.

22 “(2) TREATMENT OF INDIVIDUALS UNABLE TO
23 MEET REQUIREMENT.—If an individual is unable to
24 meet the requirements of paragraph (1), the State
25 shall—

1 “(A) permit the individual to complete all
2 other elements of the online voter registration
3 application;

4 “(B) permit the individual to provide a sig-
5 nature at the time the individual requests a bal-
6 lot in an election (whether the individual re-
7 quests the ballot at a polling place or requests
8 the ballot by mail); and

9 “(C) if the individual carries out the steps
10 described in subparagraph (A) and subpara-
11 graph (B), ensure that the individual is reg-
12 istered to vote in the State.

13 “(3) NOTICE.—The State shall ensure that in-
14 dividuals applying to register to vote online are noti-
15 fied of the requirements of paragraph (1) and of the
16 treatment of individuals unable to meet such re-
17 quirements, as described in paragraph (2).

18 “(d) CONFIRMATION AND DISPOSITION.—

19 “(1) CONFIRMATION OF RECEIPT.—Upon the
20 online submission of a completed voter registration
21 application by an individual under this section, the
22 appropriate State or local election official shall send
23 the individual a notice confirming the State’s receipt
24 of the application and providing instructions on how

1 the individual may check the status of the applica-
2 tion.

3 “(2) NOTICE OF DISPOSITION.—Not later than
4 7 days after the appropriate State or local election
5 official has approved or rejected an application sub-
6 mitted by an individual under this section, the offi-
7 cial shall send the individual a notice of the disposi-
8 tion of the application.

9 “(3) METHOD OF NOTIFICATION.—The appro-
10 priate State or local election official shall send the
11 notices required under this subsection by regular
12 mail and—

13 “(A) in the case of an individual who has
14 provided the official with an electronic mail ad-
15 dress, by electronic mail; and

16 “(B) at the option of the individual, by
17 text message.

18 “(e) PROVISION OF SERVICES IN NONPARTISAN
19 MANNER.—The services made available under subsection
20 (a) shall be provided in a manner that ensures that, con-
21 sistent with section 7(a)(5)—

22 “(1) the online application does not seek to in-
23 fluence an applicant’s political preference or party
24 registration; and

1 “(2) there is no display on the website pro-
2 moting any political preference or party allegiance,
3 except that nothing in this paragraph may be con-
4 strued to prohibit an applicant from registering to
5 vote as a member of a political party.

6 “(f) PROTECTION OF SECURITY OF INFORMATION.—
7 In meeting the requirements of this section, the State shall
8 establish appropriate technological security measures to
9 prevent to the greatest extent practicable any unauthor-
10 ized access to information provided by individuals using
11 the services made available under subsection (a).

12 “(g) ACCESSIBILITY OF SERVICES.—A state shall en-
13 sure that the services made available under this section
14 are made available to individuals with disabilities to the
15 same extent as services are made available to all other in-
16 dividuals.

17 “(h) USE OF ADDITIONAL TELEPHONE-BASED SYS-
18 TEM.—A State shall make the services made available on-
19 line under subsection (a) available through the use of an
20 automated telephone-based system, subject to the same
21 terms and conditions applicable under this section to the
22 services made available online, in addition to making the
23 services available online in accordance with the require-
24 ments of this section.

1 “(i) NONDISCRIMINATION AMONG REGISTERED VOT-
2 ERS USING MAIL AND ONLINE REGISTRATION.—In car-
3 rying out this Act, the Help America Vote Act of 2002,
4 or any other Federal, State, or local law governing the
5 treatment of registered voters in the State or the adminis-
6 tration of elections for public office in the State, a State
7 shall treat a registered voter who registered to vote online
8 in accordance with this section in the same manner as the
9 State treats a registered voter who registered to vote by
10 mail.”.

11 (b) SPECIAL REQUIREMENTS FOR INDIVIDUALS
12 USING ONLINE REGISTRATION.—

13 (1) TREATMENT AS INDIVIDUALS REGISTERING
14 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
15 VOTER IDENTIFICATION REQUIREMENTS.—Section
16 303(b)(1)(A) of the Help America Vote Act of 2002
17 (52 U.S.C. 21083(b)(1)(A)) is amended by striking
18 “by mail” and inserting “by mail or online under
19 section 6A of the National Voter Registration Act of
20 1993”.

21 (2) REQUIRING SIGNATURE FOR FIRST-TIME
22 VOTERS IN JURISDICTION.—Section 303(b) of such
23 Act (52 U.S.C. 21083(b)) is amended—

24 (A) by redesignating paragraph (5) as
25 paragraph (6); and

1 (B) by inserting after paragraph (4) the
2 following new paragraph:

3 “(5) SIGNATURE REQUIREMENTS FOR FIRST-
4 TIME VOTERS USING ONLINE REGISTRATION.—

5 “(A) IN GENERAL.—A State shall, in a
6 uniform and nondiscriminatory manner, require
7 an individual to meet the requirements of sub-
8 paragraph (B) if—

9 “(i) the individual registered to vote
10 in the State online under section 6A of the
11 National Voter Registration Act of 1993;
12 and

13 “(ii) the individual has not previously
14 voted in an election for Federal office in
15 the State.

16 “(B) REQUIREMENTS.—An individual
17 meets the requirements of this subparagraph
18 if—

19 “(i) in the case of an individual who
20 votes in person, the individual provides the
21 appropriate State or local election official
22 with a handwritten signature; or

23 “(ii) in the case of an individual who
24 votes by mail, the individual submits with
25 the ballot a handwritten signature.

1 “(C) INAPPLICABILITY.—Subparagraph
2 (A) does not apply in the case of an individual
3 who is—

4 “(i) entitled to vote by absentee ballot
5 under the Uniformed and Overseas Citi-
6 zens Absentee Voting Act (52 U.S.C.
7 20302 et seq.);

8 “(ii) provided the right to vote other-
9 wise than in person under section
10 3(b)(2)(B)(ii) of the Voting Accessibility
11 for the Elderly and Handicapped Act (52
12 U.S.C. 20102(b)(2)(B)(ii)); or

13 “(iii) entitled to vote otherwise than
14 in person under any other Federal law.”.

15 (3) CONFORMING AMENDMENT RELATING TO
16 EFFECTIVE DATE.—Section 303(d)(2)(A) of such
17 Act (52 U.S.C. 21083(d)(2)(A)) is amended by
18 striking “Each State” and inserting “Except as pro-
19 vided in subsection (b)(5), each State”.

20 (c) CONFORMING AMENDMENTS.—

21 (1) TIMING OF REGISTRATION.—Section 8(a)(1)
22 of the National Voter Registration Act of 1993 (52
23 U.S.C. 20507(a)(1)) is amended—

24 (A) by striking “and” at the end of sub-
25 paragraph (C);

1 (B) by redesignating subparagraph (D) as
 2 subparagraph (E); and

3 (C) by inserting after subparagraph (C)
 4 the following new subparagraph:

5 “(D) in the case of online registration
 6 through the official public website of an election
 7 official under section 6A, if the valid voter reg-
 8 istration application is submitted online not
 9 later than the lesser of 28 days, or the period
 10 provided by State law, before the date of the
 11 election (as determined by treating the date on
 12 which the application is sent electronically as
 13 the date on which it is submitted); and”.

14 (2) INFORMING APPLICANTS OF ELIGIBILITY
 15 REQUIREMENTS AND PENALTIES.—Section 8(a)(5)
 16 of such Act (52 U.S.C. 20507(a)(5)) is amended by
 17 striking “and 7” and inserting “6A, and 7”.

18 **SEC. 1002. USE OF INTERNET TO UPDATE REGISTRATION**
 19 **INFORMATION.**

20 (a) IN GENERAL.—

21 (1) UPDATES TO INFORMATION CONTAINED ON
 22 COMPUTERIZED STATEWIDE VOTER REGISTRATION
 23 LIST.—Section 303(a) of the Help America Vote Act
 24 of 2002 (52 U.S.C. 21083(a)) is amended by adding
 25 at the end the following new paragraph:

1 “(6) USE OF INTERNET BY REGISTERED VOT-
2 ERS TO UPDATE INFORMATION.—

3 “(A) IN GENERAL.—The appropriate State
4 or local election official shall ensure that any
5 registered voter on the computerized list may at
6 any time update the voter’s registration infor-
7 mation, including the voter’s address and elec-
8 tronic mail address, online through the official
9 public website of the election official responsible
10 for the maintenance of the list, so long as the
11 voter attests to the contents of the update by
12 providing a signature in electronic form in the
13 same manner required under section 6A(c) of
14 the National Voter Registration Act of 1993.

15 “(B) PROCESSING OF UPDATED INFORMA-
16 TION BY ELECTION OFFICIALS.—If a registered
17 voter updates registration information under
18 subparagraph (A), the appropriate State or
19 local election official shall—

20 “(i) revise any information on the
21 computerized list to reflect the update
22 made by the voter; and

23 “(ii) if the updated registration infor-
24 mation affects the voter’s eligibility to vote
25 in an election for Federal office, ensure

1 that the information is processed with re-
2 spect to the election if the voter updates
3 the information not later than the lesser of
4 7 days, or the period provided by State
5 law, before the date of the election.

6 “(C) CONFIRMATION AND DISPOSITION.—

7 “(i) CONFIRMATION OF RECEIPT.—
8 Upon the online submission of updated
9 registration information by an individual
10 under this paragraph, the appropriate
11 State or local election official shall send
12 the individual a notice confirming the
13 State’s receipt of the updated information
14 and providing instructions on how the indi-
15 vidual may check the status of the update.

16 “(ii) NOTICE OF DISPOSITION.—Not
17 later than 7 days after the appropriate
18 State or local election official has accepted
19 or rejected updated information submitted
20 by an individual under this paragraph, the
21 official shall send the individual a notice of
22 the disposition of the update.

23 “(iii) METHOD OF NOTIFICATION.—
24 The appropriate State or local election offi-

1 cial shall send the notices required under
2 this subparagraph by regular mail and—

3 “(I) in the case of an individual
4 who has requested that the State pro-
5 vide voter registration and voting in-
6 formation through electronic mail, by
7 electronic mail; and

8 “(II) at the option of the indi-
9 vidual, by text message.”.

10 (2) CONFORMING AMENDMENT RELATING TO
11 EFFECTIVE DATE.—Section 303(d)(1)(A) of such
12 Act (52 U.S.C. 21083(d)(1)(A)) is amended by
13 striking “subparagraph (B)” and inserting “sub-
14 paragraph (B) and subsection (a)(6)”.

15 (b) ABILITY OF REGISTRANT TO USE ONLINE UP-
16 DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-
17 tion 8(d)(2)(A) of the National Voter Registration Act of
18 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

19 (1) in the first sentence, by inserting after “re-
20 turn the card” the following: “or update the reg-
21 istrant’s information on the computerized statewide
22 voter registration list using the online method pro-
23 vided under section 303(a)(6) of the Help America
24 Vote Act of 2002”; and

1 (2) in the second sentence, by striking “re-
 2 turned,” and inserting the following: “returned or if
 3 the registrant does not update the registrant’s infor-
 4 mation on the computerized Statewide voter reg-
 5 istration list using such online method,”.

6 **SEC. 1003. PROVISION OF ELECTION INFORMATION BY**
 7 **ELECTRONIC MAIL TO INDIVIDUALS REG-**
 8 **ISTERED TO VOTE.**

9 (a) INCLUDING OPTION ON VOTER REGISTRATION
 10 APPLICATION TO PROVIDE E-MAIL ADDRESS AND RE-
 11 CEIVE INFORMATION.—

12 (1) IN GENERAL.—Section 9(b) of the National
 13 Voter Registration Act of 1993 (52 U.S.C.
 14 20508(b)) is amended—

15 (A) by striking “and” at the end of para-
 16 graph (3);

17 (B) by striking the period at the end of
 18 paragraph (4) and inserting “; and”; and

19 (C) by adding at the end the following new
 20 paragraph:

21 “(5) shall include a space for the applicant to
 22 provide (at the applicant’s option) an electronic mail
 23 address, together with a statement that, if the appli-
 24 cant so requests, instead of using regular mail the
 25 appropriate State and local election officials shall

1 provide to the applicant, through electronic mail sent
2 to that address, the same voting information (as de-
3 fined in section 302(b)(2) of the Help America Vote
4 Act of 2002) which the officials would provide to the
5 applicant through regular mail.”.

6 (2) PROHIBITING USE FOR PURPOSES UNRE-
7 LATED TO OFFICIAL DUTIES OF ELECTION OFFI-
8 CIALS.—Section 9 of such Act (52 U.S.C. 20508) is
9 amended by adding at the end the following new
10 subsection:

11 “(c) PROHIBITING USE OF ELECTRONIC MAIL AD-
12 DRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The
13 chief State election official shall ensure that any electronic
14 mail address provided by an applicant under subsection
15 (b)(5) is used only for purposes of carrying out official
16 duties of election officials and is not transmitted by any
17 State or local election official (or any agent of such an
18 official, including a contractor) to any person who does
19 not require the address to carry out such official duties
20 and who is not under the direct supervision and control
21 of a State or local election official.”.

22 (b) REQUIRING PROVISION OF INFORMATION BY
23 ELECTION OFFICIALS.—Section 302(b) of the Help Amer-
24 ica Vote Act of 2002 (52 U.S.C. 21082(b)) is amended
25 by adding at the end the following new paragraph:

1 “(3) PROVISION OF OTHER INFORMATION BY
2 ELECTRONIC MAIL.—If an individual who is a reg-
3 istered voter has provided the State or local election
4 official with an electronic mail address for the pur-
5 pose of receiving voting information (as described in
6 section 9(b)(5) of the National Voter Registration
7 Act of 1993), the appropriate State or local election
8 official, through electronic mail transmitted not later
9 than 7 days before the date of the election for Fed-
10 eral office involved, shall provide the individual with
11 information on how to obtain the following informa-
12 tion by electronic means:

13 “(A) The name and address of the polling
14 place at which the individual is assigned to vote
15 in the election.

16 “(B) The hours of operation for the polling
17 place.

18 “(C) A description of any identification or
19 other information the individual may be re-
20 quired to present at the polling place.”.

21 **SEC. 1004. CLARIFICATION OF REQUIREMENT REGARDING**
22 **NECESSARY INFORMATION TO SHOW ELIGI-**
23 **BILITY TO VOTE.**

24 Section 8 of the National Voter Registration Act of
25 1993 (52 U.S.C. 20507) is amended—

1 (1) by redesignating subsection (j) as sub-
2 section (k); and

3 (2) by inserting after subsection (i) the fol-
4 lowing new subsection:

5 “(j) REQUIREMENT FOR STATE TO REGISTER APPLI-
6 CANTS PROVIDING NECESSARY INFORMATION TO SHOW
7 ELIGIBILITY TO VOTE.—For purposes meeting the re-
8 quirement of subsection (a)(1) that an eligible applicant
9 is registered to vote in an election for Federal office within
10 the deadlines required under such subsection, the State
11 shall consider an applicant to have provided a ‘valid voter
12 registration form’ if—

13 “(1) the applicant has substantially completed
14 the application form and attested to the statement
15 required by section 9(b)(2); and

16 “(2) in the case of an applicant who registers
17 to vote online in accordance with section 6A, the ap-
18 plicant provides a signature in accordance with sub-
19 section (c) of such section.”.

20 **SEC. 1005. PROHIBITING STATE FROM REQUIRING APPLI-**
21 **CANTS TO PROVIDE MORE THAN LAST 4 DIG-**
22 **ITS OF SOCIAL SECURITY NUMBER.**

23 (a) FORM INCLUDED WITH APPLICATION FOR
24 MOTOR VEHICLE DRIVER’S LICENSE.—Section
25 5(c)(2)(B)(ii) of the National Voter Registration Act of

1 1993 (52 U.S.C. 20504(c)(2)(B)(ii)) is amended by strik-
2 ing the semicolon at the end and inserting the following:
3 “, and to the extent that the application requires the appli-
4 cant to provide a Social Security number, may not require
5 the applicant to provide more than the last 4 digits of such
6 number;”.

7 (b) NATIONAL MAIL VOTER REGISTRATION FORM.—
8 Section 9(b)(1) of such Act (52 U.S.C. 20508(b)(1)) is
9 amended by striking the semicolon at the end and insert-
10 ing the following: “, and to the extent that the form re-
11 quires the applicant to provide a Social Security number,
12 the form may not require the applicant to provide more
13 than the last 4 digits of such number;”.

14 **SEC. 1006. REPORT ON DATA COLLECTION.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Attorney General shall submit to Congress
17 a report on local, State, and Federal personally identifi-
18 able information data collections efforts, the cyber security
19 resources necessary to defend such efforts from online at-
20 tacks, and the impact of a potential data breach of local,
21 State, or Federal online voter registration systems.

1 **SEC. 1007. PERMITTING VOTER REGISTRATION APPLICA-**
2 **TION FORM TO SERVE AS APPLICATION FOR**
3 **ABSENTEE BALLOT.**

4 Section 5(c)(2) of the National Voter Registration
5 Act of 1993 (52 U.S.C. 20504(c)(2)) is amended—

6 (1) by striking “and” at the end of subpara-
7 graph (D);

8 (2) by striking the period at the end of sub-
9 paragraph (E) and inserting “; and”; and

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(F) at the option of the applicant, shall serve
13 as an application to vote by absentee ballot in the
14 next election for Federal office held in the State and
15 in each subsequent election for Federal office held in
16 the State.”.

17 **SEC. 1008. EFFECTIVE DATE.**

18 (a) IN GENERAL.—Except as provided in subsection
19 (b), the amendments made by this part (other than the
20 amendments made by section 1004) shall take effect Jan-
21 uary 1, 2022.

22 (b) WAIVER.—Subject to the approval of the Election
23 Assistance Commission, if a State certifies to the Election
24 Assistance Commission that the State will not meet the
25 deadline referred to in subsection (a) because of extraor-
26 dinary circumstances and includes in the certification the

1 reasons for the failure to meet the deadline, subsection
2 (a) shall apply to the State as if the reference in such
3 subsection to “January 1, 2022” were a reference to
4 “January 1, 2024”.

5 **PART 2—AUTOMATIC VOTER REGISTRATION**

6 **SEC. 1011. SHORT TITLE; FINDINGS AND PURPOSE.**

7 (a) SHORT TITLE.—This part may be cited as the
8 “Automatic Voter Registration Act of 2021”.

9 (b) FINDINGS AND PURPOSE.—

10 (1) FINDINGS.—Congress finds that—

11 (A) the right to vote is a fundamental
12 right of citizens of the United States;

13 (B) it is the responsibility of the State and
14 Federal Governments to ensure that every eligi-
15 ble citizen is registered to vote;

16 (C) existing voter registration systems can
17 be inaccurate, costly, inaccessible and con-
18 fusing, with damaging effects on voter partici-
19 pation in elections for Federal office and dis-
20 proportionate impacts on young people, persons
21 with disabilities, and racial and ethnic minori-
22 ties; and

23 (D) voter registration systems must be up-
24 dated with 21st Century technologies and pro-
25 cedures to maintain their security.

1 (2) PURPOSE.—It is the purpose of this part—

2 (A) to establish that it is the responsibility
3 of government at every level to ensure that all
4 eligible citizens are registered to vote in elec-
5 tions for Federal office;

6 (B) to enable the State and Federal Gov-
7 ernments to register all eligible citizens to vote
8 with accurate, cost-efficient, and up-to-date pro-
9 cedures;

10 (C) to modernize voter registration and list
11 maintenance procedures with electronic and
12 internet capabilities; and

13 (D) to protect and enhance the integrity,
14 accuracy, efficiency, and accessibility of the
15 electoral process for all eligible citizens.

16 **SEC. 1012. AUTOMATIC REGISTRATION OF ELIGIBLE INDIVIDUALS.**
17

18 (a) REQUIRING STATES TO ESTABLISH AND OPER-
19 ATE AUTOMATIC REGISTRATION SYSTEM.—

20 (1) IN GENERAL.—The chief State election offi-
21 cial of each State shall establish and operate a sys-
22 tem of automatic registration for the registration of
23 eligible individuals to vote for elections for Federal
24 office in the State, in accordance with the provisions
25 of this part.

1 (2) DEFINITION.—The term “automatic reg-
2 istration” means a system that registers an indi-
3 vidual to vote in elections for Federal office in a
4 State, if eligible, by electronically transferring the
5 information necessary for registration from govern-
6 ment agencies to election officials of the State so
7 that, unless the individual affirmatively declines to
8 be registered, the individual will be registered to vote
9 in such elections.

10 (b) REGISTRATION OF VOTERS BASED ON NEW
11 AGENCY RECORDS.—The chief State election official
12 shall—

13 (1) not later than 15 days after a contributing
14 agency has transmitted information with respect to
15 an individual pursuant to section 1013, ensure that
16 the individual is registered to vote in elections for
17 Federal office in the State if the individual is eligible
18 to be registered to vote in such elections; and

19 (2) not later than 120 days after a contributing
20 agency has transmitted such information with re-
21 spect to the individual, send written notice to the in-
22 dividual, in addition to other means of notice estab-
23 lished by this part, of the individual’s voter registra-
24 tion status.

1 (c) ONE-TIME REGISTRATION OF VOTERS BASED ON
2 EXISTING CONTRIBUTING AGENCY RECORDS.—The chief
3 State election official shall—

4 (1) identify all individuals whose information is
5 transmitted by a contributing agency pursuant to
6 section 1014 and who are eligible to be, but are not
7 currently, registered to vote in that State;

8 (2) promptly send each such individual written
9 notice, in addition to other means of notice estab-
10 lished by this part, which shall not identify the con-
11 tributing agency that transmitted the information
12 but shall include—

13 (A) an explanation that voter registration
14 is voluntary, but if the individual does not de-
15 cline registration, the individual will be reg-
16 istered to vote;

17 (B) a statement offering the opportunity to
18 decline voter registration through means con-
19 sistent with the requirements of this part;

20 (C) in the case of a State in which affili-
21 ation or enrollment with a political party is re-
22 quired in order to participate in an election to
23 select the party's candidate in an election for
24 Federal office, a statement offering the indi-
25 vidual the opportunity to affiliate or enroll with

1 a political party or to decline to affiliate or en-
2 roll with a political party, through means con-
3 sistent with the requirements of this part;

4 (D) the substantive qualifications of an
5 elector in the State as listed in the mail voter
6 registration application form for elections for
7 Federal office prescribed pursuant to section 9
8 of the National Voter Registration Act of 1993,
9 the consequences of false registration, and a
10 statement that the individual should decline to
11 register if the individual does not meet all those
12 qualifications;

13 (E) instructions for correcting any erro-
14 neous information;

15 (F) instructions for providing any addi-
16 tional information which is listed in the mail
17 voter registration application form for elections
18 for Federal office prescribed pursuant to section
19 9 of the National Voter Registration Act of
20 1993; and

21 (G) an explanation of what information the
22 State and local election officials maintain with
23 respect to an individual voter registration status
24 for purposes of elections for Federal office in
25 the State, how that information is shared or

1 sold and with whom, what information is auto-
2 matically kept confidential, what information is
3 needed to access voter information online, and
4 what privacy programs are available, such as
5 those described in section 1056;

6 (3) ensure that each such individual who is eli-
7 gible to register to vote in elections for Federal of-
8 fice in the State is promptly registered to vote not
9 later than 45 days after the official sends the indi-
10 vidual the written notice under paragraph (2), un-
11 less, during the 30-day period which begins on the
12 date the election official sends the individual such
13 written notice, the individual declines registration in
14 writing, through a communication made over the
15 internet, or by an officially logged telephone commu-
16 nication; and

17 (4) send written notice to each such individual,
18 in addition to other means of notice established by
19 this part, of the individual's voter registration sta-
20 tus.

21 (d) TREATMENT OF INDIVIDUALS UNDER 18 YEARS
22 OF AGE.—A State may not refuse to treat an individual
23 as an eligible individual for purposes of this part on the
24 grounds that the individual is less than 18 years of age
25 at the time a contributing agency receives information

1 with respect to the individual, so long as the individual
 2 is at least 16 years of age at such time. Nothing in the
 3 previous sentence may be construed to require a State to
 4 permit an individual who is under 18 years of age at the
 5 time of an election for Federal office to vote in the elec-
 6 tion.

7 (e) CONTRIBUTING AGENCY DEFINED.—In this part,
 8 the term “contributing agency” means, with respect to a
 9 State, an agency listed in section 1013(e).

10 **SEC. 1013. CONTRIBUTING AGENCY ASSISTANCE IN REG-**
 11 **ISTRATION.**

12 (a) IN GENERAL.—In accordance with this part, each
 13 contributing agency in a State shall assist the State’s chief
 14 election official in registering to vote all eligible individuals
 15 served by that agency.

16 (b) REQUIREMENTS FOR CONTRIBUTING AGEN-
 17 CIES.—

18 (1) INSTRUCTIONS ON AUTOMATIC REGISTRA-
 19 TION.—With each application for service or assist-
 20 ance, and with each related recertification, renewal,
 21 or change of address, or, in the case of an institu-
 22 tion of higher education, with each registration of a
 23 student for enrollment in a course of study, each
 24 contributing agency that (in the normal course of its
 25 operations) requests individuals to affirm United

1 States citizenship (either directly or as part of the
2 overall application for service or assistance) shall in-
3 form each such individual who is a citizen of the
4 United States of the following:

5 (A) Unless that individual declines to reg-
6 ister to vote, or is found ineligible to vote, the
7 individual will be registered to vote or, if appli-
8 cable, the individual's registration will be up-
9 dated.

10 (B) The substantive qualifications of an
11 elector in the State as listed in the mail voter
12 registration application form for elections for
13 Federal office prescribed pursuant to section 9
14 of the National Voter Registration Act of 1993,
15 the consequences of false registration, and the
16 individual should decline to register if the indi-
17 vidual does not meet all those qualifications.

18 (C) In the case of a State in which affili-
19 ation or enrollment with a political party is re-
20 quired in order to participate in an election to
21 select the party's candidate in an election for
22 Federal office, the requirement that the indi-
23 vidual must affiliate or enroll with a political
24 party in order to participate in such an election.

1 (D) Voter registration is voluntary, and
2 neither registering nor declining to register to
3 vote will in any way affect the availability of
4 services or benefits, nor be used for other pur-
5 poses.

6 (2) OPPORTUNITY TO DECLINE REGISTRATION
7 REQUIRED.—Except as otherwise provided in this
8 section, each contributing agency shall ensure that
9 each application for service or assistance, and each
10 related recertification, renewal, or change of address
11 cannot be completed until the individual is given the
12 opportunity to decline to be registered to vote.

13 (3) INFORMATION TRANSMITTAL.—Upon the
14 expiration of the 30-day period which begins on the
15 date a contributing agency as described in para-
16 graph (1) informs an individual of the information
17 described in such paragraph, unless the individual
18 has declined to be registered to vote or informs the
19 agency that they are already registered to vote, each
20 contributing agency shall electronically transmit to
21 the appropriate State election official, in a format
22 compatible with the statewide voter database main-
23 tained under section 303 of the Help America Vote
24 Act of 2002 (52 U.S.C. 21083), the following infor-
25 mation:

1 (A) The individual's given name(s) and
2 surname(s).

3 (B) The individual's date of birth.

4 (C) The individual's residential address.

5 (D) Information showing that the indi-
6 vidual is a citizen of the United States.

7 (E) The date on which information per-
8 taining to that individual was collected or last
9 updated.

10 (F) If available, the individual's signature
11 in electronic form.

12 (G) Except in the case in which the con-
13 tributing agency is a covered institution of
14 higher education, in the case of a State in
15 which affiliation or enrollment with a political
16 party is required in order to participate in an
17 election to select the party's candidate in an
18 election for Federal office, information regard-
19 ing the individual's affiliation or enrollment
20 with a political party, but only if the individual
21 provides such information.

22 (H) Any additional information listed in
23 the mail voter registration application form for
24 elections for Federal office prescribed pursuant
25 to section 9 of the National Voter Registration

1 Act of 1993, including any valid driver's license
2 number or the last 4 digits of the individual's
3 social security number, if the individual pro-
4 vided such information.

5 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-
6 TRIBUTING AGENCIES.—With each application for service
7 or assistance, and with each related recertification, re-
8 newal, or change of address, any contributing agency that
9 in the normal course of its operations does not request
10 individuals applying for service or assistance to affirm
11 United States citizenship (either directly or as part of the
12 overall application for service or assistance) shall—

13 (1) complete the requirements of section 7(a)(6)
14 of the National Voter Registration Act of 1993 (52
15 U.S.C. 20506(a)(6));

16 (2) ensure that each applicant's transaction
17 with the agency cannot be completed until the appli-
18 cant has indicated whether the applicant wishes to
19 register to vote or declines to register to vote in elec-
20 tions for Federal office held in the State; and

21 (3) for each individual who wishes to register to
22 vote, transmit that individual's information in ac-
23 cordance with subsection (b)(3).

24 (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-
25 ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR

1 SERVICE OR ASSISTANCE.—Each contributing agency
2 shall offer each individual, with each application for serv-
3 ice or assistance, and with each related recertification, re-
4 newal, or change of address, or in the case of an institu-
5 tion of higher education, with each registration of a stu-
6 dent for enrollment in a course of study, the opportunity
7 to register to vote as prescribed by this section without
8 regard to whether the individual previously declined a reg-
9 istration opportunity.

10 (e) CONTRIBUTING AGENCIES.—

11 (1) STATE AGENCIES.—In each State, each of
12 the following agencies shall be treated as a contrib-
13 uting agency:

14 (A) Each agency in a State that is re-
15 quired by Federal law to provide voter registra-
16 tion services, including the State motor vehicle
17 authority and other voter registration agencies
18 under the National Voter Registration Act of
19 1993.

20 (B) Each agency in a State that admin-
21 isters a program pursuant to title III of the So-
22 cial Security Act (42 U.S.C. 501 et seq.), title
23 XIX of the Social Security Act (42 U.S.C. 1396
24 et seq.), or the Patient Protection and Afford-
25 able Care Act (Public Law 111–148).

1 (C) Each State agency primarily respon-
2 sible for regulating the private possession of
3 firearms.

4 (D) Each State agency primarily respon-
5 sible for maintaining identifying information for
6 students enrolled at public secondary schools,
7 including, where applicable, the State agency
8 responsible for maintaining the education data
9 system described in section 6201(e)(2) of the
10 America COMPETES Act (20 U.S.C.
11 9871(e)(2)).

12 (E) In the case of a State in which an in-
13 dividual disenfranchised by a criminal convic-
14 tion may become eligible to vote upon comple-
15 tion of a criminal sentence or any part thereof,
16 or upon formal restoration of rights, the State
17 agency responsible for administering that sen-
18 tence, or part thereof, or that restoration of
19 rights.

20 (F) Any other agency of the State which is
21 designated by the State as a contributing agen-
22 cy.

23 (2) FEDERAL AGENCIES.—In each State, each
24 of the following agencies of the Federal Government
25 shall be treated as a contributing agency with re-

1 spect to individuals who are residents of that State
2 (except as provided in subparagraph (C)):

3 (A) The Social Security Administration,
4 the Department of Veterans Affairs, the De-
5 fense Manpower Data Center of the Depart-
6 ment of Defense, the Employee and Training
7 Administration of the Department of Labor,
8 and the Center for Medicare & Medicaid Serv-
9 ices of the Department of Health and Human
10 Services.

11 (B) The Bureau of Citizenship and Immi-
12 gration Services, but only with respect to indi-
13 viduals who have completed the naturalization
14 process.

15 (C) In the case of an individual who is a
16 resident of a State in which an individual
17 disenfranchised by a criminal conviction under
18 Federal law may become eligible to vote upon
19 completion of a criminal sentence or any part
20 thereof, or upon formal restoration of rights,
21 the Federal agency responsible for admin-
22 istering that sentence or part thereof (without
23 regard to whether the agency is located in the
24 same State in which the individual is a resi-
25 dent), but only with respect to individuals who

1 have completed the criminal sentence or any
2 part thereof.

3 (D) Any other agency of the Federal Gov-
4 ernment which the State designates as a con-
5 tributing agency, but only if the State and the
6 head of the agency determine that the agency
7 collects information sufficient to carry out the
8 responsibilities of a contributing agency under
9 this section.

10 (3) PUBLICATION.—Not later than 180 days
11 prior to the date of each election for Federal office
12 held in the State, the chief State election official
13 shall publish on the public website of the official an
14 updated list of all contributing agencies in that
15 State.

16 (4) PUBLIC EDUCATION.—The chief State elec-
17 tion official of each State, in collaboration with each
18 contributing agency, shall take appropriate measures
19 to educate the public about voter registration under
20 this section.

21 (f) INSTITUTIONS OF HIGHER EDUCATION.—

22 (1) IN GENERAL.—Each covered institution of
23 higher education shall be treated as a contributing
24 agency in the State in which the institution is lo-
25 cated with respect to in-State students.

1 (2) PROCEDURES.—

2 (A) IN GENERAL.—Notwithstanding sec-
3 tion 444 of the General Education Provisions
4 Act (20 U.S.C. 1232g; commonly referred to as
5 the ‘Family Educational Rights and Privacy
6 Act of 1974’) or any other provision of law,
7 each covered institution of higher education
8 shall comply with the requirements of sub-
9 section (b) with respect to each in-State stu-
10 dent.

11 (B) RULES FOR COMPLIANCE.—In com-
12 plying with the requirements described in sub-
13 paragraph (A), the institution—

14 (i) may use information provided in
15 the Free Application for Federal Student
16 Aid described in section 483 of the Higher
17 Education Act of 1965 (20 U.S.C. 1090)
18 to collect information described in para-
19 graph (3) of such subsection for purposes
20 of transmitting such information to the ap-
21 propriate State election official pursuant to
22 such paragraph; and

23 (ii) shall not be required to prevent or
24 delay students from enrolling in a course
25 of study or otherwise impede the comple-

tion of the enrollment process; and (iii) shall not withhold, delay, or impede the provision of Federal financial aid provided under title IV of the Higher Education Act of 1965.

(C) CLARIFICATION.—Nothing in this part may be construed to require an institution of higher education to request each student to affirm whether or not the student is a United States citizen or otherwise collect information with respect to citizenship.

(3) DEFINITIONS.—

(A) COVERED INSTITUTION OF HIGHER EDUCATION.—In this section, the term “covered institution of higher education” means an institution of higher education that—

(i) has a program participation agreement in effect with the Secretary of Education under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094);

(ii) in its normal course of operations, requests each in-State student enrolling in the institution to affirm whether or not the student is a United States citizen; and

1 (iii) is located in a State to which sec-
 2 tion 4(b)(1) of the National Voter Reg-
 3 istration Act of 1993 (52 U.S.C.
 4 20503(b)(1)) does not apply.

5 (B) IN-STATE STUDENT.—In this section,
 6 the term “in-State student”—

7 (i) means a student enrolled in a cov-
 8 ered institution of higher education who,
 9 for purposes related to in-State tuition, fi-
 10 nancial aid eligibility, or other similar pur-
 11 poses, resides in the State; and

12 (ii) includes a student described in
 13 clause (i) who is enrolled in a program of
 14 distance education, as defined in section
 15 103 of the Higher Education Act of 1965
 16 (20 U.S.C. 1003).

17 **SEC. 1014. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE**
 18 **IN REGISTRATION OF ELIGIBLE VOTERS IN**
 19 **EXISTING RECORDS.**

20 (a) INITIAL TRANSMITTAL OF INFORMATION.—For
 21 each individual already listed in a contributing agency’s
 22 records as of the date of enactment of this Act, and for
 23 whom the agency has the information listed in section
 24 1013(b)(3), the agency shall promptly transmit that infor-
 25 mation to the appropriate State election official in accord-

1 ance with section 1013(b)(3) not later than the effective
2 date described in section 1021(a).

3 (b) TRANSITION.—For each individual listed in a con-
4 tributing agency’s records as of the effective date de-
5 scribed in section 1021(a) (but who was not listed in a
6 contributing agency’s records as of the date of enactment
7 of this Act), and for whom the agency has the information
8 listed in section 1013(b)(3), the Agency shall promptly
9 transmit that information to the appropriate State election
10 official in accordance with section 1013(b)(3) not later
11 than 6 months after the effective date described in section
12 1021(a).

13 **SEC. 1015. VOTER PROTECTION AND SECURITY IN AUTO-**
14 **MATIC REGISTRATION.**

15 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—
16 An individual shall not be prosecuted under any Federal
17 or State law, adversely affected in any civil adjudication
18 concerning immigration status or naturalization, or sub-
19 ject to an allegation in any legal proceeding that the indi-
20 vidual is not a citizen of the United States on any of the
21 following grounds:

22 (1) The individual notified an election office of
23 the individual’s automatic registration to vote under
24 this part.

1 (2) The individual is not eligible to vote in elec-
2 tions for Federal office but was automatically reg-
3 istered to vote under this part.

4 (3) The individual was automatically registered
5 to vote under this part at an incorrect address.

6 (4) The individual declined the opportunity to
7 register to vote or did not make an affirmation of
8 citizenship, including through automatic registration,
9 under this part.

10 (b) LIMITS ON USE OF AUTOMATIC REGISTRA-
11 TION.—The automatic registration of any individual or the
12 fact that an individual declined the opportunity to register
13 to vote or did not make an affirmation of citizenship (in-
14 cluding through automatic registration) under this part
15 may not be used as evidence against that individual in any
16 State or Federal law enforcement proceeding, and an indi-
17 vidual’s lack of knowledge or willfulness of such registra-
18 tion may be demonstrated by the individual’s testimony
19 alone.

20 (c) PROTECTION OF ELECTION INTEGRITY.—Noth-
21 ing in subsections (a) or (b) may be construed to prohibit
22 or restrict any action under color of law against an indi-
23 vidual who—

1 (1) knowingly and willfully makes a false state-
2 ment to effectuate or perpetuate automatic voter
3 registration by any individual; or

4 (2) casts a ballot knowingly and willfully in vio-
5 lation of State law or the laws of the United States.

6 (d) CONTRIBUTING AGENCIES' PROTECTION OF IN-
7 FORMATION.—Nothing in this part authorizes a contrib-
8 uting agency to collect, retain, transmit, or publicly dis-
9 close any of the following:

10 (1) An individual's decision to decline to reg-
11 ister to vote or not to register to vote.

12 (2) An individual's decision not to affirm his or
13 her citizenship.

14 (3) Any information that a contributing agency
15 transmits pursuant to section 1013(b)(3), except in
16 pursuing the agency's ordinary course of business.

17 (e) ELECTION OFFICIALS' PROTECTION OF INFOR-
18 MATION.—

19 (1) PUBLIC DISCLOSURE PROHIBITED.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), with respect to any individual for
22 whom any State election official receives infor-
23 mation from a contributing agency, the State
24 election officials shall not publicly disclose any
25 of the following:

1 (i) The identity of the contributing
2 agency.

3 (ii) Any information not necessary to
4 voter registration.

5 (iii) Any voter information otherwise
6 shielded from disclosure under State law or
7 section 8(a) of the National Voter Reg-
8 istration Act of 1993 (52 U.S.C.
9 20507(a)).

10 (iv) Any portion of the individual's so-
11 cial security number.

12 (v) Any portion of the individual's
13 motor vehicle driver's license number.

14 (vi) The individual's signature.

15 (vii) The individual's telephone num-
16 ber.

17 (viii) The individual's email address.

18 (B) SPECIAL RULE FOR INDIVIDUALS REG-
19 ISTERED TO VOTE.—With respect to any indi-
20 vidual for whom any State election official re-
21 ceives information from a contributing agency
22 and who, on the basis of such information, is
23 registered to vote in the State under this part,
24 the State election officials shall not publicly dis-
25 close any of the following:

1 (i) The identity of the contributing
2 agency.

3 (ii) Any information not necessary to
4 voter registration.

5 (iii) Any voter information otherwise
6 shielded from disclosure under State law or
7 section 8(a) of the National Voter Reg-
8 istration Act of 1993 (52 U.S.C.
9 20507(a)).

10 (iv) Any portion of the individual's so-
11 cial security number.

12 (v) Any portion of the individual's
13 motor vehicle driver's license number.

14 (vi) The individual's signature.

15 (2) VOTER RECORD CHANGES.—Each State
16 shall maintain for at least 2 years and shall make
17 available for public inspection (and, where available,
18 photocopying at a reasonable cost), including in elec-
19 tronic form and through electronic methods, all
20 records of changes to voter records, including remov-
21 als, the reasons for removals, and updates.

22 (3) DATABASE MANAGEMENT STANDARDS.—
23 The Director of the National Institute of Standards
24 and Technology shall, after providing the public with
25 notice and the opportunity to comment—

1 (A) establish standards governing the com-
2 parison of data for voter registration list main-
3 tenance purposes, identifying as part of such
4 standards the specific data elements, the
5 matching rules used, and how a State may use
6 the data to determine and deem that an indi-
7 vidual is ineligible under State law to vote in an
8 election, or to deem a record to be a duplicate
9 or outdated;

10 (B) ensure that the standards developed
11 pursuant to this paragraph are uniform and
12 nondiscriminatory and are applied in a uniform
13 and nondiscriminatory manner; and

14 (C) not later than 45 days after the dead-
15 line for public notice and comment, publish the
16 standards developed pursuant to this paragraph
17 on the Director's website and make those
18 standards available in written form upon re-
19 quest.

20 (4) SECURITY POLICY.—The Director of the
21 National Institute of Standards and Technology
22 shall, after providing the public with notice and the
23 opportunity to comment, publish privacy and secu-
24 rity standards for voter registration information not
25 later than 45 days after the deadline for public no-

1 tice and comment. The standards shall require the
2 chief State election official of each State to adopt a
3 policy that shall specify—

4 (A) each class of users who shall have au-
5 thorized access to the computerized statewide
6 voter registration list, specifying for each class
7 the permission and levels of access to be grant-
8 ed, and setting forth other safeguards to pro-
9 tect the privacy, security, and accuracy of the
10 information on the list; and

11 (B) security safeguards to protect personal
12 information transmitted through the informa-
13 tion transmittal processes of section 1013 or
14 section 1014, the online system used pursuant
15 to section 1017, any telephone interface, the
16 maintenance of the voter registration database,
17 and any audit procedure to track access to the
18 system.

19 (5) STATE COMPLIANCE WITH NATIONAL
20 STANDARDS.—

21 (A) CERTIFICATION.—The chief executive
22 officer of the State shall annually file with the
23 Election Assistance Commission a statement
24 certifying to the Director of the National Insti-
25 tute of Standards and Technology that the

1 State is in compliance with the standards re-
2 ferred to in paragraphs (3) and (4). A State
3 may meet the requirement of the previous sen-
4 tence by filing with the Commission a statement
5 which reads as follows: “_____ hereby
6 certifies that it is in compliance with the stand-
7 ards referred to in paragraphs (3) and (4) of
8 section 1015(e) of the Automatic Voter Reg-
9 istration Act of 2021.” (with the blank to be
10 filled in with the name of the State involved).

11 (B) PUBLICATION OF POLICIES AND PRO-
12 CEDURES.—The chief State election official of a
13 State shall publish on the official’s website the
14 policies and procedures established under this
15 section, and shall make those policies and pro-
16 cedures available in written form upon public
17 request.

18 (C) FUNDING DEPENDENT ON CERTIFI-
19 CATION.—If a State does not timely file the cer-
20 tification required under this paragraph, it shall
21 not receive any payment under this part for the
22 upcoming fiscal year.

23 (D) COMPLIANCE OF STATES THAT RE-
24 QUIRE CHANGES TO STATE LAW.—In the case
25 of a State that requires State legislation to

1 carry out an activity covered by any certifi-
2 cation submitted under this paragraph, for a
3 period of not more than 2 years the State shall
4 be permitted to make the certification notwith-
5 standing that the legislation has not been en-
6 acted at the time the certification is submitted,
7 and such State shall submit an additional cer-
8 tification once such legislation is enacted.

9 (f) RESTRICTIONS ON USE OF INFORMATION.—No
10 person acting under color of law may discriminate against
11 any individual based on, or use for any purpose other than
12 voter registration, election administration, or enforcement
13 relating to election crimes, any of the following:

14 (1) Voter registration records.

15 (2) An individual's declination to register to
16 vote or complete an affirmation of citizenship under
17 section 1013(b).

18 (3) An individual's voter registration status.

19 (g) PROHIBITION ON THE USE OF VOTER REGISTRA-
20 TION INFORMATION FOR COMMERCIAL PURPOSES.—In-
21 formation collected under this part shall not be used for
22 commercial purposes. Nothing in this subsection may be
23 construed to prohibit the transmission, exchange, or dis-
24 semination of information for political purposes, including
25 the support of campaigns for election for Federal, State,

1 or local public office or the activities of political commit-
2 tees (including committees of political parties) under the
3 Federal Election Campaign Act of 1971.

4 **SEC. 1016. REGISTRATION PORTABILITY AND CORRECTION.**

5 (a) CORRECTING REGISTRATION INFORMATION AT
6 POLLING PLACE.—Notwithstanding section 302(a) of the
7 Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if
8 an individual is registered to vote in elections for Federal
9 office held in a State, the appropriate election official at
10 the polling place for any such election (including a location
11 used as a polling place on a date other than the date of
12 the election) shall permit the individual to—

13 (1) update the individual’s address for purposes
14 of the records of the election official;

15 (2) correct any incorrect information relating to
16 the individual, including the individual’s name and
17 political party affiliation, in the records of the elec-
18 tion official; and

19 (3) cast a ballot in the election on the basis of
20 the updated address or corrected information, and to
21 have the ballot treated as a regular ballot and not
22 as a provisional ballot under section 302(a) of such
23 Act.

24 (b) UPDATES TO COMPUTERIZED STATEWIDE VOTER
25 REGISTRATION LISTS.—If an election official at the poll-

1 ing place receives an updated address or corrected infor-
2 mation from an individual under subsection (a), the offi-
3 cial shall ensure that the address or information is
4 promptly entered into the computerized statewide voter
5 registration list in accordance with section
6 303(a)(1)(A)(vi) of the Help America Vote Act of 2002
7 (52 U.S.C. 21083(a)(1)(A)(vi)).

8 **SEC. 1017. PAYMENTS AND GRANTS.**

9 (a) IN GENERAL.—The Election Assistance Commis-
10 sion shall make grants to each eligible State to assist the
11 State in implementing the requirements of this part (or,
12 in the case of an exempt State, in implementing its exist-
13 ing automatic voter registration program).

14 (b) ELIGIBILITY; APPLICATION.—A State is eligible
15 to receive a grant under this section if the State submits
16 to the Commission, at such time and in such form as the
17 Commission may require, an application containing—

18 (1) a description of the activities the State will
19 carry out with the grant;

20 (2) an assurance that the State shall carry out
21 such activities without partisan bias and without
22 promoting any particular point of view regarding
23 any issue; and

24 (3) such other information and assurances as
25 the Commission may require.

1 (c) AMOUNT OF GRANT; PRIORITIES.—The Commis-
2 sion shall determine the amount of a grant made to an
3 eligible State under this section. In determining the
4 amounts of the grants, the Commission shall give priority
5 to providing funds for those activities which are most like-
6 ly to accelerate compliance with the requirements of this
7 part (or, in the case of an exempt State, which are most
8 likely to enhance the ability of the State to automatically
9 register individuals to vote through its existing automatic
10 voter registration program), including—

11 (1) investments supporting electronic informa-
12 tion transfer, including electronic collection and
13 transfer of signatures, between contributing agencies
14 and the appropriate State election officials;

15 (2) updates to online or electronic voter reg-
16 istration systems already operating as of the date of
17 the enactment of this Act;

18 (3) introduction of online voter registration sys-
19 tems in jurisdictions in which those systems did not
20 previously exist; and

21 (4) public education on the availability of new
22 methods of registering to vote, updating registration,
23 and correcting registration.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) AUTHORIZATION.—There are authorized to
2 be appropriated to carry out this section—

3 (A) \$500,000,000 for fiscal year 2021; and

4 (B) such sums as may be necessary for
5 each succeeding fiscal year.

6 (2) CONTINUING AVAILABILITY OF FUNDS.—

7 Any amounts appropriated pursuant to the authority
8 of this subsection shall remain available without fis-
9 cal year limitation until expended.

10 **SEC. 1018. TREATMENT OF EXEMPT STATES.**

11 (a) WAIVER OF REQUIREMENTS.—Except as pro-
12 vided in subsection (b), this part does not apply with re-
13 spect to an exempt State.

14 (b) EXCEPTIONS.—The following provisions of this
15 part apply with respect to an exempt State:

16 (1) section 1016 (relating to registration port-
17 ability and correction).

18 (2) section 1017 (relating to payments and
19 grants).

20 (3) Section 1019(e) (relating to enforcement).

21 (4) Section 1019(f) (relating to relation to
22 other laws).

23 **SEC. 1019. MISCELLANEOUS PROVISIONS.**

24 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—

25 Each contributing agency shall ensure that the services

1 it provides under this part are made available to individ-
2 uals with disabilities to the same extent as services are
3 made available to all other individuals.

4 (b) TRANSMISSION THROUGH SECURE THIRD PARTY
5 PERMITTED.—Nothing in this part shall be construed to
6 prevent a contributing agency from contracting with a
7 third party to assist the agency in meeting the information
8 transmittal requirements of this part, so long as the data
9 transmittal complies with the applicable requirements of
10 this part, including the privacy and security provisions of
11 section 1015.

12 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION
13 OF SERVICES.—The services made available by contrib-
14 uting agencies under this part and by the State under sec-
15 tions 1015 and 1016 shall be made in a manner consistent
16 with paragraphs (4), (5), and (6)(C) of section 7(a) of
17 the National Voter Registration Act of 1993 (52 U.S.C.
18 20506(a)).

19 (d) NOTICES.—Each State may send notices under
20 this part via electronic mail if the individual has provided
21 an electronic mail address and consented to electronic mail
22 communications for election-related materials. All notices
23 sent pursuant to this part that require a response must
24 offer the individual notified the opportunity to respond at
25 no cost to the individual.

1 (e) ENFORCEMENT.—Section 11 of the National
2 Voter Registration Act of 1993 (52 U.S.C. 20510), relat-
3 ing to civil enforcement and the availability of private
4 rights of action, shall apply with respect to this part in
5 the same manner as such section applies to such Act.

6 (f) RELATION TO OTHER LAWS.—Except as pro-
7 vided, nothing in this part may be construed to authorize
8 or require conduct prohibited under, or to supersede, re-
9 strict, or limit the application of any of the following:

10 (1) The Voting Rights Act of 1965 (52 U.S.C.
11 10301 et seq.).

12 (2) The Uniformed and Overseas Citizens Ab-
13 sentee Voting Act (52 U.S.C. 20301 et seq.).

14 (3) The National Voter Registration Act of
15 1993 (52 U.S.C. 20501 et seq.).

16 (4) The Help America Vote Act of 2002 (52
17 U.S.C. 20901 et seq.).

18 **SEC. 1020. DEFINITIONS.**

19 In this part, the following definitions apply:

20 (1) The term “chief State election official”
21 means, with respect to a State, the individual des-
22 ignated by the State under section 10 of the Na-
23 tional Voter Registration Act of 1993 (52 U.S.C.
24 20509) to be responsible for coordination of the
25 State’s responsibilities under such Act.

1 (2) The term “Commission” means the Election
2 Assistance Commission.

3 (3) The term “exempt State” means a State
4 which, under law which is in effect continuously on
5 and after the date of the enactment of this Act, op-
6 erates an automatic voter registration program
7 under which an individual is automatically registered
8 to vote in elections for Federal office in the State if
9 the individual provides the motor vehicle authority of
10 the State (or, in the case of a State in which an in-
11 dividual is automatically registered to vote at the
12 time the individual applies for benefits or services
13 with a Permanent Dividend Fund of the State, pro-
14 vides the appropriate official of such Fund) with
15 such identifying information as the State may re-
16 quire.

17 (4) The term “State” means each of the several
18 States, the District of Columbia, the Commonwealth
19 of Puerto Rico, the United States Virgin Islands,
20 Guam, American Samoa, and the Commonwealth of
21 the Northern Mariana Islands.

22 **SEC. 1021. EFFECTIVE DATE.**

23 (a) IN GENERAL.—Except as provided in subsection
24 (b), this part and the amendments made by this part shall
25 apply with respect to a State beginning January 1, 2023.

1 (b) WAIVER.—Subject to the approval of the Com-
 2 mission, if a State certifies to the Commission that the
 3 State will not meet the deadline referred to in subsection
 4 (a) because of extraordinary circumstances and includes
 5 in the certification the reasons for the failure to meet the
 6 deadline, subsection (a) shall apply to the State as if the
 7 reference in such subsection to “January 1, 2023” were
 8 a reference to “January 1, 2025”.

9 **PART 3—SAME DAY VOTER REGISTRATION**

10 **SEC. 1031. SAME DAY REGISTRATION.**

11 (a) IN GENERAL.—Title III of the Help America
 12 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

13 (1) by redesignating sections 304 and 305 as
 14 sections 305 and 306; and

15 (2) by inserting after section 303 the following
 16 new section:

17 **“SEC. 304. SAME DAY REGISTRATION.**

18 **“(a) IN GENERAL.—**

19 **“(1) REGISTRATION.—**Each State shall permit
 20 any eligible individual on the day of a Federal elec-
 21 tion and on any day when voting, including early
 22 voting, is permitted for a Federal election—

23 **“(A) to register to vote in such election at**
 24 **the polling place using a form that meets the**
 25 **requirements under section 9(b) of the National**

1 Voter Registration Act of 1993 (or, if the indi-
2 vidual is already registered to vote, to revise
3 any of the individual’s voter registration infor-
4 mation); and

5 “(B) to cast a vote in such election.

6 “(2) EXCEPTION.—The requirements under
7 paragraph (1) shall not apply to a State in which,
8 under a State law in effect continuously on and after
9 the date of the enactment of this section, there is no
10 voter registration requirement for individuals in the
11 State with respect to elections for Federal office.

12 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
13 section, the term ‘eligible individual’ means, with respect
14 to any election for Federal office, an individual who is oth-
15 erwise qualified to vote in that election.

16 “(c) ENSURING AVAILABILITY OF FORMS.—The
17 State shall ensure that each polling place has copies of
18 any forms an individual may be required to complete in
19 order to register to vote or revise the individual’s voter
20 registration information under this section.

21 “(d) EFFECTIVE DATE.—Each State shall be re-
22 quired to comply with the requirements of subsection (a)
23 for the regularly scheduled general election for Federal of-
24 fice occurring in November 2022 and for any subsequent
25 election for Federal office.”.

1 (b) CONFORMING AMENDMENT RELATING TO EN-
 2 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
 3 is amended by striking “sections 301, 302, and 303” and
 4 inserting “subtitle A of title III”.

5 (c) CLERICAL AMENDMENT.—The table of contents
 6 of such Act is amended—

7 (1) by redesignating the items relating to sec-
 8 tions 304 and 305 as relating to sections 305 and
 9 306; and

10 (2) by inserting after the item relating to sec-
 11 tion 303 the following new item:

“Sec. 304. Same day registration.”.

12 **PART 4—CONDITIONS ON REMOVAL ON BASIS OF**
 13 **INTERSTATE CROSS-CHECKS**

14 **SEC. 1041. CONDITIONS ON REMOVAL OF REGISTRANTS**
 15 **FROM OFFICIAL LIST OF ELIGIBLE VOTERS**
 16 **ON BASIS OF INTERSTATE CROSS-CHECKS.**

17 (a) MINIMUM INFORMATION REQUIRED FOR RE-
 18 MOVAL UNDER CROSS-CHECK.—Section 8(c)(2) of the
 19 National Voter Registration Act of 1993 (52 U.S.C.
 20 20507(c)(2)) is amended—

21 (1) by redesignating subparagraph (B) as sub-
 22 paragraph (D); and

23 (2) by inserting after subparagraph (A) the fol-
 24 lowing new subparagraphs:

1 “(B) To the extent that the program carried out by
2 a State under subparagraph (A) to systematically remove
3 the names of ineligible voters from the official lists of eligi-
4 ble voters uses information obtained in an interstate cross-
5 check, in addition to any other conditions imposed under
6 this Act on the authority of the State to remove the name
7 of the voter from such a list, the State may not remove
8 the name of the voter from such a list unless—

9 “(i) the State obtained the voter’s full name
10 (including the voter’s middle name, if any) and date
11 of birth, and the last 4 digits of the voter’s social
12 security number, in the interstate cross-check; or

13 “(ii) the State obtained documentation from the
14 ERIC system that the voter is no longer a resident
15 of the State.

16 “(C) In this paragraph—

17 “(i) the term ‘interstate cross-check’ means the
18 transmission of information from an election official
19 in one State to an election official of another State;
20 and

21 “(ii) the term ‘ERIC system’ means the system
22 operated by the Electronic Registration Information
23 Center to share voter registration information and
24 voter identification information among participating
25 States.”.

1 (b) REQUIRING COMPLETION OF CROSS-CHECKS
 2 NOT LATER THAN 6 MONTHS PRIOR TO ELECTION.—
 3 Subparagraph (A) of section 8(c)(2) of such Act (52
 4 U.S.C. 20507(c)(2)) is amended by striking “not later
 5 than 90 days” and inserting the following: “not later than
 6 90 days (or, in the case of a program in which the State
 7 uses interstate cross-checks, not later than 6 months)”.

8 (c) CONFORMING AMENDMENT.—Subparagraph (D)
 9 of section 8(c)(2) of such Act (52 U.S.C. 20507(c)(2)),
 10 as redesignated by subsection (a)(1), is amended by strik-
 11 ing “Subparagraph (A)” and inserting “This paragraph”.

12 (d) EFFECTIVE DATE.—The amendments made by
 13 this Act shall apply with respect to elections held on or
 14 after the expiration of the 6-month period which begins
 15 on the date of the enactment of this Act.

16 **PART 5—OTHER INITIATIVES TO PROMOTE**
 17 **VOTER REGISTRATION**

18 **SEC. 1051. ANNUAL REPORTS ON VOTER REGISTRATION**
 19 **STATISTICS.**

20 (a) ANNUAL REPORT.—Not later than 90 days after
 21 the end of each year, each State shall submit to the Elec-
 22 tion Assistance Commission and Congress a report con-
 23 taining the following categories of information for the
 24 year:

1 (1) The number of individuals who were reg-
2 istered under part 2.

3 (2) The number of voter registration applica-
4 tion forms completed by individuals that were trans-
5 mitted by motor vehicle authorities in the State
6 (pursuant to section 5(d) of the National Voter Reg-
7 istration Act of 1993) and voter registration agen-
8 cies in the State (as designated under section 7 of
9 such Act) to the chief State election official of the
10 State, broken down by each such authority and
11 agency.

12 (3) The number of such individuals whose voter
13 registration application forms were accepted and
14 who were registered to vote in the State and the
15 number of such individuals whose forms were re-
16 jected and who were not registered to vote in the
17 State, broken down by each such authority and
18 agency.

19 (4) The number of change of address forms and
20 other forms of information indicating that an indi-
21 vidual's identifying information has been changed
22 that were transmitted by such motor vehicle authori-
23 ties and voter registration agencies to the chief State
24 election official of the State, broken down by each

1 such authority and agency and the type of form
2 transmitted.

3 (5) The number of individuals on the statewide
4 computerized voter registration list (as established
5 and maintained under section 303 of the Help
6 America Vote Act of 2002) whose voter registration
7 information was revised by the chief State election
8 official as a result of the forms transmitted to the
9 official by such motor vehicle authorities and voter
10 registration agencies (as described in paragraph
11 (3)), broken down by each such authority and agen-
12 cy and the type of form transmitted.

13 (6) The number of individuals who requested
14 the chief State election official to revise voter reg-
15 istration information on such list, and the number of
16 individuals whose information was revised as a result
17 of such a request.

18 (7) The number of individuals who were purged
19 from the official voter registration list or moved to
20 inactive status, broken down by the reason for those
21 actions, including the method used for identifying
22 those voters.

23 (b) BREAKDOWN OF INFORMATION.—In preparing
24 the report under this section, the State shall, for each cat-
25 egory of information described in subsection (a), include

1 a breakdown by race, ethnicity, age, and gender of the
2 individuals whose information is included in the category,
3 to the extent that information on the race, ethnicity, age,
4 and gender of such individuals is available to the State.

5 (c) CONFIDENTIALITY OF INFORMATION.—In pre-
6 paring and submitting a report under this section, the
7 chief State election official shall ensure that no informa-
8 tion regarding the identification of any individual is re-
9 vealed.

10 (d) STATE DEFINED.—In this section, a “State” in-
11 cludes the District of Columbia, the Commonwealth of
12 Puerto Rico, the United States Virgin Islands, Guam,
13 American Samoa, and the Commonwealth of the Northern
14 Mariana Islands, but does not include any State in which,
15 under a State law in effect continuously on and after the
16 date of the enactment of this Act, there is no voter reg-
17 istration requirement for individuals in the State with re-
18 spect to elections for Federal office.

19 **SEC. 1052. ENSURING PRE-ELECTION REGISTRATION DEAD-**
20 **LINES ARE CONSISTENT WITH TIMING OF**
21 **LEGAL PUBLIC HOLIDAYS.**

22 (a) IN GENERAL.—Section 8(a)(1) of the National
23 Voter Registration Act of 1993 (52 U.S.C. 20507(a)(1))
24 is amended by striking “30 days” each place it appears
25 and inserting “28 days”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to elections held
3 in 2022 or any succeeding year.

4 **SEC. 1053. USE OF POSTAL SERVICE HARD COPY CHANGE**
5 **OF ADDRESS FORM TO REMIND INDIVIDUALS**
6 **TO UPDATE VOTER REGISTRATION.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of the enactment of this Act, the Postmaster General
9 shall modify any hard copy change of address form used
10 by the United States Postal Service so that such form con-
11 tains a reminder that any individual using such form
12 should update the individual’s voter registration as a re-
13 sult of any change in address.

14 (b) APPLICATION.—The requirement in subsection
15 (a) shall not apply to any electronic version of a change
16 of address form used by the United States Postal Service.

17 **SEC. 1054. GRANTS TO STATES FOR ACTIVITIES TO EN-**
18 **COURAGE INVOLVEMENT OF MINORS IN**
19 **ELECTION ACTIVITIES.**

20 (a) GRANTS.—

21 (1) IN GENERAL.—The Election Assistance
22 Commission (hereafter in this section referred to as
23 the “Commission”) shall make grants to eligible
24 States to enable such States to carry out a plan to

1 increase the involvement of individuals under 18
2 years of age in public election activities in the State.

3 (2) CONTENTS OF PLANS.—A State’s plan
4 under this subsection shall include—

5 (A) methods to promote the use of the pre-
6 registration process implemented under section
7 8A of the National Voter Registration Act of
8 1993 (as added by section 2(a));

9 (B) modifications to the curriculum of sec-
10 ondary schools in the State to promote civic en-
11 gagement; and

12 (C) such other activities to encourage the
13 involvement of young people in the electoral
14 process as the State considers appropriate.

15 (b) ELIGIBILITY.—A State is eligible to receive a
16 grant under this section if the State submits to the Com-
17 mission, at such time and in such form as the Commission
18 may require, an application containing—

19 (1) a description of the State’s plan under sub-
20 section (a);

21 (2) a description of the performance measures
22 and targets the State will use to determine its suc-
23 cess in carrying out the plan; and

24 (3) such other information and assurances as
25 the Commission may require.

1 (c) PERIOD OF GRANT; REPORT.—

2 (1) PERIOD OF GRANT.—A State receiving a
3 grant under this section shall use the funds provided
4 by the grant over a 2-year period agreed to between
5 the State and the Commission.

6 (2) REPORT.—Not later than 6 months after
7 the end of the 2-year period agreed to under para-
8 graph (1), the State shall submit to the Commission
9 a report on the activities the State carried out with
10 the funds provided by the grant, and shall include
11 in the report an analysis of the extent to which the
12 State met the performance measures and targets in-
13 cluded in its application under subsection (b)(2).

14 (d) STATE DEFINED.—In this section, the term
15 “State” means each of the several States and the District
16 of Columbia.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated for grants under this
19 section \$25,000,000, to remain available until expended.

20 **SEC. 1055. PERMISSION TO PLACE EXHIBITS.**

21 The Secretary of Homeland Security shall implement
22 procedures to allow the chief election officer of a State
23 to provide information about voter registration, including
24 through a display or exhibit, after the conclusion of an
25 administrative naturalization ceremony in that State.

1 **SEC. 1056. REQUIRING STATES TO ESTABLISH AND OPER-**
2 **ATE VOTER PRIVACY PROGRAMS.**

3 (a) IN GENERAL.—Each State shall establish and op-
4 erate a privacy program to enable victims of domestic vio-
5 lence, dating violence, stalking, sexual assault, and traf-
6 ficking to have personally identifiable information that the
7 State or local election officials maintain with respect to
8 an individual voter registration status for purposes of elec-
9 tions for Federal office in the State, including addresses,
10 be kept confidential.

11 (b) NOTICE.—Each State shall notify residents of
12 that State of the information that State and local election
13 officials maintain with respect to an individual voter reg-
14 istration status for purposes of elections for Federal office
15 in the State, how that information is shared or sold and
16 with whom, what information is automatically kept con-
17 fidential, what information is needed to access voter infor-
18 mation online, and the privacy programs that are avail-
19 able.

20 (c) PUBLIC AVAILABILITY.—Each State shall make
21 information about the program established under sub-
22 section (a) available on a publicly accessible website.

23 (d) DEFINITIONS.—In this section:

24 (1) The terms “domestic violence”, “stalking”,
25 “sexual assault”, and “dating violence” have the
26 meanings given such terms in section 40002 of the

1 Violence Against Women Act of 1994 (34 U.S.C.
2 12291).

3 (2) The term “trafficking” means an act or
4 practice described in paragraph (11) or (12) of sec-
5 tion 103 of the Trafficking Victims Protection Act
6 of 2000 (22 U.S.C. 7102).

7 **SEC. 1057. INCLUSION OF VOTER REGISTRATION INFORMA-**
8 **TION WITH CERTAIN LEASES AND VOUCHERS**
9 **FOR FEDERALLY ASSISTED RENTAL HOUSING**
10 **AND MORTGAGE APPLICATIONS.**

11 (a) DEVELOPMENT OF UNIFORM STATEMENT.—The
12 Director of the Bureau of Consumer Financial Protection,
13 in coordination with the Election Assistance Commission,
14 shall develop a uniform statement designed to provide re-
15 cipients of such statement pursuant to this section of how
16 they can register to vote and their voting rights under law.

17 (b) LEASES AND VOUCHERS FOR FEDERALLY AS-
18 SISTED RENTAL HOUSING.—The Secretary of Housing
19 and Urban Development shall require—

20 (1) each public housing agency to provide a
21 copy of the uniform statement developed pursuant to
22 subsection (a) to each lessee of a dwelling unit in
23 public housing administered by such agency—

1 (A) together with the lease for such a
2 dwelling unit, at the same time such lease is
3 provided to the lessee; and

4 (B) together with any income verification
5 form, at the same time such form is provided
6 to the lessee;

7 (2) each public housing agency that administers
8 rental assistance under the Housing Choice Voucher
9 program under section 8(o) of the United States
10 Housing Act of 1937 (42 U.S.C. 1437f(o)), includ-
11 ing the program under paragraph (13) of such sec-
12 tion 8(o), to provide a copy of the uniform statement
13 developed pursuant to subsection (a) to each assisted
14 family or individual—

15 (A) together with the voucher for such as-
16 sistance, at the time such voucher is issued for
17 such family or individual; and

18 (B) together with any income verification
19 form, at the same time such form is provided
20 to the applicant or assisted family or individual;
21 and

22 (3) each owner of a dwelling unit assisted with
23 Federal project-based rental assistance to provide a
24 copy of the uniform statement developed pursuant to

1 subsection (a) to provide to the lessee of such dwell-
2 ing unit—

3 (A) together with the lease for such dwell-
4 ing unit, at the same time such form is pro-
5 vided to the lessee; and

6 (B) together with any income verification
7 form, at the same time such form is provided
8 to the applicant or tenant;

9 except that the Secretary of Agriculture shall admin-
10 ister the requirement under this paragraph with re-
11 spect to Federal project-based rental assistance
12 specified in subsection (e)(1)(D).

13 (c) APPLICATIONS FOR RESIDENTIAL MORTGAGE
14 LOANS.—The Director of the Bureau of Consumer Finan-
15 cial Protection shall require each creditor that receives an
16 application (within the meaning of such term as used in
17 the Equal Credit Opportunity Act (15 U.S.C. 1691)) for
18 a residential mortgage loan to provide a copy of the uni-
19 form statement developed pursuant to subsection (a) in
20 written form to the applicant for such residential mort-
21 gage loan, within 5 business days of the date of applica-
22 tion.

23 (d) OPTIONAL COMPLETION OF APPLICATION.—
24 Nothing in this section may be construed to require any

1 individual to complete an application for voter registra-
2 tion.

3 (e) DEFINITIONS.—As used in this section:

4 (1) FEDERAL PROJECT-BASED RENTAL ASSIST-
5 ANCE.—The term “Federal project-based rental as-
6 sistance” means project-based rental assistance pro-
7 vided under—

8 (A) section 8 of the United States Housing
9 Act of 1937 (42 U.S.C. 1437f);

10 (B) section 202 of the Housing Act of
11 1959 (12 U.S.C. 1701q);

12 (C) section 811 of the Cranston-Gonzalez
13 National Affordable Housing Act (42 U.S.C.
14 8013);

15 (D) title V of the Housing Act of 1949 (42
16 U.S.C. 1471 et seq.), including voucher assist-
17 ance under section 542 of such title (42 U.S.C.
18 1490r);

19 (E) subtitle D of title VIII of the Cran-
20 ston-Gonzalez National Affordable Housing Act
21 (42 U.S.C. 12901 et seq.);

22 (F) title II of the Cranston-Gonzalez Na-
23 tional Affordable Housing Act (42 U.S.C.
24 12721 et seq.);

1 (G) the Housing Trust Fund program
2 under section 1338 of the federal Housing En-
3 terprises Financial Safety and Soundness Act
4 of 1992 (12 U.S.C. 4588); or

5 (H) subtitle C of title IV of the McKinney-
6 Vento Homeless Assistance Act (42 U.S.C.
7 11381 et seq.).

8 (2) OWNER.—The term “owner” has the mean-
9 ing given such term in section 8(f) of the United
10 States Housing Act of 1937 (42 U.S.C. 1437f(f)).

11 (3) PUBLIC HOUSING; PUBLIC HOUSING AGEN-
12 CY.—The terms “public housing” and “public hous-
13 ing agency” have the meanings given such terms in
14 section 3(b) of the United States Housing Act of
15 1937 (42 U.S.C. 1437a(b)).

16 (4) RESIDENTIAL MORTGAGE LOAN.—The term
17 “residential mortgage loan” includes any loan which
18 is secured by a first or subordinate lien on residen-
19 tial real property (including individual units of con-
20 dominiums and cooperatives) designed principally for
21 the occupancy of from 1- to 4- families.

22 (f) REGULATIONS.—The Secretary of Housing and
23 Urban Development, the Secretary of Agriculture, and the
24 Director of the Consumer Financial Protection Bureau

1 may issue such regulations as may be necessary to carry
 2 out this section.

3 **PART 6—AVAILABILITY OF HAVA REQUIREMENTS**
 4 **PAYMENTS**

5 **SEC. 1061. AVAILABILITY OF REQUIREMENTS PAYMENTS**
 6 **UNDER HAVA TO COVER COSTS OF COMPLI-**
 7 **ANCE WITH NEW REQUIREMENTS.**

8 (a) IN GENERAL.—Section 251(b) of the Help Amer-
 9 ica Vote Act of 2002 (52 U.S.C. 21001(b)) is amended—

10 (1) in paragraph (1), by striking “as provided
 11 in paragraphs (2) and (3)” and inserting “as other-
 12 wise provided in this subsection”; and

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

15 “(4) CERTAIN VOTER REGISTRATION ACTIVI-
 16 TIES.—A State may use a requirements payment to
 17 carry out any of the requirements of the Voter Reg-
 18 istration Modernization Act of 2021, including the
 19 requirements of the National Voter Registration Act
 20 of 1993 which are imposed pursuant to the amend-
 21 ments made to such Act by the Voter Registration
 22 Modernization Act of 2021.”.

23 (b) CONFORMING AMENDMENT.—Section 254(a)(1)
 24 of such Act (52 U.S.C. 21004(a)(1)) is amended by strik-

1 ing “section 251(a)(2)” and inserting “section
2 251(b)(2)”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to fiscal year 2022
5 and each succeeding fiscal year.

6 **PART 7—PROHIBITING INTERFERENCE WITH**
7 **VOTER REGISTRATION**

8 **SEC. 1071. PROHIBITING HINDERING, INTERFERING WITH,**
9 **OR PREVENTING VOTER REGISTRATION.**

10 (a) IN GENERAL.—Chapter 29 of title 18, United
11 States Code is amended by adding at the end the following
12 new section:

13 **“§ 612. Hindering, interfering with, or preventing**
14 **registering to vote**

15 “(a) PROHIBITION.—It shall be unlawful for any per-
16 son, whether acting under color of law or otherwise, to
17 corruptly hinder, interfere with, or prevent another person
18 from registering to vote or to corruptly hinder, interfere
19 with, or prevent another person from aiding another per-
20 son in registering to vote.

21 “(b) ATTEMPT.—Any person who attempts to commit
22 any offense described in subsection (a) shall be subject to
23 the same penalties as those prescribed for the offense that
24 the person attempted to commit.

1 “(c) PENALTY.—Any person who violates subsection
2 (a) shall be fined under this title, imprisoned not more
3 than 5 years, or both.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for chapter 29 of title 18, United States Code is amended
6 by adding at the end the following new item:

“612. Hindering, interfering with, or preventing registering to vote.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to elections held on
9 or after the date of the enactment of this Act, except that
10 no person may be found to have violated section 612 of
11 title 18, United States Code (as added by subsection (a)),
12 on the basis of any act occurring prior to the date of the
13 enactment of this Act.

14 **SEC. 1072. ESTABLISHMENT OF BEST PRACTICES.**

15 (a) BEST PRACTICES.—Not later than 180 days after
16 the date of the enactment of this Act, the Election Assist-
17 ance Commission shall develop and publish recommenda-
18 tions for best practices for States to use to deter and pre-
19 vent violations of section 612 of title 18, United States
20 Code (as added by section 1071), and section 12 of the
21 National Voter Registration Act of 1993 (52 U.S.C.
22 20511) (relating to the unlawful interference with reg-
23 istering to vote, or voting, or attempting to register to vote
24 or vote), including practices to provide for the posting of
25 relevant information at polling places and voter registra-

1 tion agencies under such Act, the training of poll workers
2 and election officials, and relevant educational materials.
3 For purposes of this subsection, the term “State” includes
4 the District of Columbia, the Commonwealth of Puerto
5 Rico, Guam, American Samoa, the United States Virgin
6 Islands, and the Commonwealth of the Northern Mariana
7 Islands.

8 (b) INCLUSION IN VOTER INFORMATION REQUIRE-
9 MENTS.—Section 302(b)(2) of the Help America Vote Act
10 of 2002 (52 U.S.C. 21082(b)(2)) is amended—

11 (1) by striking “and” at the end of subpara-
12 graph (E);

13 (2) by striking the period at the end of sub-
14 paragraph (F) and inserting “; and”; and

15 (3) by adding at the end the following new sub-
16 paragraph:

17 “(G) information relating to the prohibi-
18 tions of section 612 of title 18, United States
19 Code, and section 12 of the National Voter
20 Registration Act of 1993 (52 U.S.C. 20511)
21 (relating to the unlawful interference with reg-
22 istering to vote, or voting, or attempting to reg-
23 ister to vote or vote), including information on
24 how individuals may report allegations of viola-
25 tions of such prohibitions.”.

1 **PART 8—VOTER REGISTRATION EFFICIENCY ACT**

2 **SEC. 1081. SHORT TITLE.**

3 This part may be cited as the “Voter Registration
4 Efficiency Act”.

5 **SEC. 1082. REQUIRING APPLICANTS FOR MOTOR VEHICLE**
6 **DRIVER’S LICENSES IN NEW STATE TO INDICATE WHETHER STATE SERVES AS RESI-**
7 **CATE WHETHER STATE SERVES AS RESI-**
8 **DENCE FOR VOTER REGISTRATION PUR-**
9 **POSES.**

10 (a) REQUIREMENTS FOR APPLICANTS FOR LI-
11 CENSES.—Section 5(d) of the National Voter Registration
12 Act of 1993 (52 U.S.C. 20504(d)) is amended—

13 (1) by striking “Any change” and inserting
14 “(1) Any change”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(2)(A) A State motor vehicle authority shall
18 require each individual applying for a motor vehicle
19 driver’s license in the State—

20 “(i) to indicate whether the individual
21 resides in another State or resided in an-
22 other State prior to applying for the li-
23 cense, and, if so, to identify the State in-
24 volved; and

25 “(ii) to indicate whether the individual
26 intends for the State to serve as the indi-

1 vidual’s residence for purposes of reg-
2 istering to vote in elections for Federal of-
3 fice.

4 “(B) If pursuant to subparagraph (A)(ii)
5 an individual indicates to the State motor vehi-
6 cle authority that the individual intends for the
7 State to serve as the individual’s residence for
8 purposes of registering to vote in elections for
9 Federal office, the authority shall notify the
10 motor vehicle authority of the State identified
11 by the individual pursuant to subparagraph
12 (A)(i), who shall notify the chief State election
13 official of such State that the individual no
14 longer intends for that State to serve as the in-
15 dividual’s residence for purposes of registering
16 to vote in elections for Federal office.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 subsection (a) shall take effect with respect to elections
19 occurring in 2021 or any succeeding year.

1 **PART 9—PROVIDING VOTER REGISTRATION IN-**
2 **FORMATION TO SECONDARY SCHOOL STU-**
3 **DENTS**

4 **SEC. 1091. PILOT PROGRAM FOR PROVIDING VOTER REG-**
5 **ISTRATION INFORMATION TO SECONDARY**
6 **SCHOOL STUDENTS PRIOR TO GRADUATION.**

7 (a) PILOT PROGRAM.—The Election Assistance Com-
8 mission (hereafter in this part referred to as the “Commis-
9 sion”) shall carry out a pilot program under which the
10 Commission shall provide funds during the 1-year period
11 beginning after the date of the enactment of this part to
12 eligible local educational agencies for initiatives to provide
13 information on registering to vote in elections for public
14 office to secondary school students in the 12th grade.

15 (b) ELIGIBILITY.—A local educational agency is eligi-
16 ble to receive funds under the pilot program under this
17 part if the agency submits to the Commission, at such
18 time and in such form as the Commission may require,
19 an application containing—

20 (1) a description of the initiatives the agency
21 intends to carry out with the funds;

22 (2) a description of how the agency will
23 prioritize access to such initiatives for schools that
24 serve—

25 (A) the highest numbers or percentages of
26 students counted under section 1124(c) of the

1 Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 6333(c)); and

3 (B) the highest percentages of students
4 who are eligible for a free or reduced price
5 lunch under the Richard B. Russell National
6 School Lunch Act (42 U.S.C. 1751 et seq.)
7 (which, in the case of a high school, may be cal-
8 culated using comparable data from the schools
9 that feed into the high school), as compared to
10 other public schools in the jurisdiction of the
11 agency;

12 (3) an estimate of the costs associated with
13 such initiatives; and

14 (4) such other information and assurances as
15 the Commission may require.

16 (c) PRIORITY FOR SCHOOLS RECEIVING TITLE I
17 FUNDS.—In selecting among eligible local educational
18 agencies for receiving funds under the pilot program under
19 this part, the Commission shall give priority to local edu-
20 cational agencies that receive funds under part A of title
21 I of the Elementary and Secondary Education Act of 1965
22 (20 U.S.C. 6311 et seq.).

23 (d) CONSULTATION WITH ELECTION OFFICIALS.—A
24 local educational agency receiving funds under the pilot
25 program shall consult with the State and local election of-

1 ficials who are responsible for administering elections for
2 public office in the area served by the agency in developing
3 the initiatives the agency will carry out with the funds.

4 (e) DEFINITIONS.—In this part, the terms “local edu-
5 cational agency” and “secondary school” have the mean-
6 ings given such terms in section 8101 of the Elementary
7 and Secondary Education Act of 1965 (20 U.S.C. 7801).

8 **SEC. 1092. REPORTS.**

9 (a) REPORTS BY RECIPIENTS OF FUNDS.—Not later
10 than the expiration of the 90-day period which begins on
11 the date of the receipt of the funds, each local educational
12 agency receiving funds under the pilot program under this
13 part shall submit a report to the Commission describing
14 the initiatives carried out with the funds and analyzing
15 their effectiveness.

16 (b) REPORT BY COMMISSION.—Not later than the ex-
17 piration of the 60-day period which begins on the date
18 the Commission receives the final report submitted by a
19 local educational agency under subsection (a), the Com-
20 mission shall submit a report to Congress on the pilot pro-
21 gram under this part.

22 **SEC. 1093. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums
24 as may be necessary to carry out this part.

1 **PART 10—VOTER REGISTRATION OF MINORS**

2 **SEC. 1094. ACCEPTANCE OF VOTER REGISTRATION APPLI-**
3 **CATIONS FROM INDIVIDUALS UNDER 18**
4 **YEARS OF AGE.**

5 (a) ACCEPTANCE OF APPLICATIONS.—Section 8 of
6 the National Voter Registration Act of 1993 (52 U.S.C.
7 20507), as amended by section 1004, is amended—

8 (1) by redesignating subsection (k) as sub-
9 section (l); and

10 (2) by inserting after subsection (j) the fol-
11 lowing new subsection:

12 “(k) ACCEPTANCE OF APPLICATIONS FROM INDIVID-
13 UALS UNDER 18 YEARS OF AGE.—

14 “(1) IN GENERAL.—A State may not refuse to
15 accept or process an individual’s application to reg-
16 ister to vote in elections for Federal office on the
17 grounds that the individual is under 18 years of age
18 at the time the individual submits the application, so
19 long as the individual is at least 16 years of age at
20 such time.

21 “(2) NO EFFECT ON STATE VOTING AGE RE-
22 QUIREMENTS.—Nothing in paragraph (1) may be
23 construed to require a State to permit an individual
24 who is under 18 years of age at the time of an elec-
25 tion for Federal office to vote in the election.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to elections occur-
3 ring on or after January 1, 2022.

4 **Subtitle B—Access to Voting for**
5 **Individuals With Disabilities**

6 **SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE AC-**
7 **CESS TO VOTER REGISTRATION AND VOTING**
8 **FOR INDIVIDUALS WITH DISABILITIES.**

9 (a) REQUIREMENTS.—Subtitle A of title III of the
10 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
11 as amended by section 1031(a), is amended—

12 (1) by redesignating sections 305 and 306 as
13 sections 306 and 307; and

14 (2) by inserting after section 304 the following
15 new section:

16 **“SEC. 305. ACCESS TO VOTER REGISTRATION AND VOTING**
17 **FOR INDIVIDUALS WITH DISABILITIES.**

18 **“(a) TREATMENT OF APPLICATIONS AND BAL-**
19 **LOTS.—**Each State shall—

20 “(1) permit individuals with disabilities to use
21 absentee registration procedures and to vote by ab-
22 sentee ballot in elections for Federal office;

23 “(2) accept and process, with respect to any
24 election for Federal office, any otherwise valid voter
25 registration application and absentee ballot applica-

1 tion from an individual with a disability if the appli-
2 cation is received by the appropriate State election
3 official within the deadline for the election which is
4 applicable under Federal law;

5 “(3) in addition to any other method of reg-
6 istering to vote or applying for an absentee ballot in
7 the State, establish procedures—

8 “(A) for individuals with disabilities to re-
9 quest by mail and electronically voter registra-
10 tion applications and absentee ballot applica-
11 tions with respect to elections for Federal office
12 in accordance with subsection (c);

13 “(B) for States to send by mail and elec-
14 tronically (in accordance with the preferred
15 method of transmission designated by the indi-
16 vidual under subparagraph (C)) voter registra-
17 tion applications and absentee ballot applica-
18 tions requested under subparagraph (A) in ac-
19 cordance with subsection (c)); and

20 “(C) by which such an individual can des-
21 ignate whether the individual prefers that such
22 voter registration application or absentee ballot
23 application be transmitted by mail or electroni-
24 cally;

1 “(4) in addition to any other method of trans-
2 mitting blank absentee ballots in the State, establish
3 procedures for transmitting by mail and electroni-
4 cally blank absentee ballots to individuals with dis-
5 abilities with respect to elections for Federal office
6 in accordance with subsection (d);

7 “(5) transmit a validly requested absentee bal-
8 lot to an individual with a disability—

9 “(A) except as provided in subsection (e),
10 in the case in which the request is received at
11 least 45 days before an election for Federal of-
12 fice, not later than 45 days before the election;
13 and

14 “(B) in the case in which the request is re-
15 ceived less than 45 days before an election for
16 Federal office—

17 “(i) in accordance with State law; and

18 “(ii) if practicable and as determined
19 appropriate by the State, in a manner that
20 expedites the transmission of such absen-
21 tee ballot; and

22 “(6) if the State declares or otherwise holds a
23 runoff election for Federal office, establish a written
24 plan that provides absentee ballots are made avail-
25 able to individuals with disabilities in a manner that

1 gives them sufficient time to vote in the runoff elec-
2 tion.

3 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
4 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
5 TEE BALLOT PROCEDURES FOR ALL DISABLED VOTERS
6 IN STATE.—Each State shall designate a single office
7 which shall be responsible for providing information re-
8 garding voter registration procedures and absentee ballot
9 procedures to be used by individuals with disabilities with
10 respect to elections for Federal office to all individuals
11 with disabilities who wish to register to vote or vote in
12 any jurisdiction in the State.

13 “(c) DESIGNATION OF MEANS OF ELECTRONIC COM-
14 MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO
15 REQUEST AND FOR STATES TO SEND VOTER REGISTRA-
16 TION APPLICATIONS AND ABSENTEE BALLOT APPLICA-
17 TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING
18 INFORMATION.—

19 “(1) IN GENERAL.—Each State shall, in addi-
20 tion to the designation of a single State office under
21 subsection (b), designate not less than 1 means of
22 electronic communication—

23 “(A) for use by individuals with disabilities
24 who wish to register to vote or vote in any ju-
25 risdiction in the State to request voter registra-

1 tion applications and absentee ballot applica-
2 tions under subsection (a)(3);

3 “(B) for use by States to send voter reg-
4 istration applications and absentee ballot appli-
5 cations requested under such subsection; and

6 “(C) for the purpose of providing related
7 voting, balloting, and election information to in-
8 dividuals with disabilities.

9 “(2) CLARIFICATION REGARDING PROVISION OF
10 MULTIPLE MEANS OF ELECTRONIC COMMUNICA-
11 TION.—A State may, in addition to the means of
12 electronic communication so designated, provide
13 multiple means of electronic communication to indi-
14 viduals with disabilities, including a means of elec-
15 tronic communication for the appropriate jurisdic-
16 tion of the State.

17 “(3) INCLUSION OF DESIGNATED MEANS OF
18 ELECTRONIC COMMUNICATION WITH INFORMA-
19 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-
20 COMPANY BALLOTING MATERIALS.—Each State shall
21 include a means of electronic communication so des-
22 ignated with all informational and instructional ma-
23 terials that accompany balloting materials sent by
24 the State to individuals with disabilities.

1 “(4) TRANSMISSION IF NO PREFERENCE INDI-
2 CATED.—In the case where an individual with a dis-
3 ability does not designate a preference under sub-
4 section (a)(3)(C), the State shall transmit the voter
5 registration application or absentee ballot application
6 by any delivery method allowable in accordance with
7 applicable State law, or if there is no applicable
8 State law, by mail.

9 “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS
10 BY MAIL AND ELECTRONICALLY.—

11 “(1) IN GENERAL.—Each State shall establish
12 procedures—

13 “(A) to securely transmit blank absentee
14 ballots by mail and electronically (in accordance
15 with the preferred method of transmission des-
16 ignated by the individual with a disability under
17 subparagraph (B)) to individuals with disabili-
18 ties for an election for Federal office; and

19 “(B) by which the individual with a dis-
20 ability can designate whether the individual pre-
21 fers that such blank absentee ballot be trans-
22 mitted by mail or electronically.

23 “(2) TRANSMISSION IF NO PREFERENCE INDI-
24 CATED.—In the case where an individual with a dis-
25 ability does not designate a preference under para-

graph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(3) APPLICATION OF METHODS TO TRACK DELIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL REQUESTING BALLOT.—Under the procedures established under paragraph (1), the State shall apply such methods as the State considers appropriate, such as assigning a unique identifier to the ballot, to ensure that if an individual with a disability requests the State to transmit a blank absentee ballot to the individual in accordance with this subsection, the voted absentee ballot which is returned by the individual is the same blank absentee ballot which the State transmitted to the individual.

“(e) HARDSHIP EXEMPTION.—

“(1) IN GENERAL.—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(5)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Attorney General grant a waiver to the State of the

1 application of such subsection. Such request shall in-
2 clude—

3 “(A) a recognition that the purpose of
4 such subsection is to individuals with disabil-
5 ities enough time to vote in an election for Fed-
6 eral office;

7 “(B) an explanation of the hardship that
8 indicates why the State is unable to transmit
9 such individuals an absentee ballot in accord-
10 ance with such subsection;

11 “(C) the number of days prior to the elec-
12 tion for Federal office that the State requires
13 absentee ballots be transmitted to such individ-
14 uals; and

15 “(D) a comprehensive plan to ensure that
16 such individuals are able to receive absentee
17 ballots which they have requested and submit
18 marked absentee ballots to the appropriate
19 State election official in time to have that ballot
20 counted in the election for Federal office, which
21 includes—

22 “(i) the steps the State will undertake
23 to ensure that such individuals have time
24 to receive, mark, and submit their ballots

1 in time to have those ballots counted in the
2 election;

3 “(ii) why the plan provides such indi-
4 viduals sufficient time to vote as a sub-
5 stitute for the requirements under such
6 subsection; and

7 “(iii) the underlying factual informa-
8 tion which explains how the plan provides
9 such sufficient time to vote as a substitute
10 for such requirements.

11 “(2) APPROVAL OF WAIVER REQUEST.—The
12 Attorney General shall approve a waiver request
13 under paragraph (1) if the Attorney General deter-
14 mines each of the following requirements are met:

15 “(A) The comprehensive plan under sub-
16 paragraph (D) of such paragraph provides indi-
17 viduals with disabilities sufficient time to re-
18 ceive absentee ballots they have requested and
19 submit marked absentee ballots to the appro-
20 priate State election official in time to have that
21 ballot counted in the election for Federal office.

22 “(B) One or more of the following issues
23 creates an undue hardship for the State:

1 “(i) The State’s primary election date
2 prohibits the State from complying with
3 subsection (a)(5)(A).

4 “(ii) The State has suffered a delay in
5 generating ballots due to a legal contest.

6 “(iii) The State Constitution prohibits
7 the State from complying with such sub-
8 section.

9 “(3) TIMING OF WAIVER.—

10 “(A) IN GENERAL.—Except as provided
11 under subparagraph (B), a State that requests
12 a waiver under paragraph (1) shall submit to
13 the Attorney General the written waiver request
14 not later than 90 days before the election for
15 Federal office with respect to which the request
16 is submitted. The Attorney General shall ap-
17 prove or deny the waiver request not later than
18 65 days before such election.

19 “(B) EXCEPTION.—If a State requests a
20 waiver under paragraph (1) as the result of an
21 undue hardship described in paragraph
22 (2)(B)(ii), the State shall submit to the Attor-
23 ney General the written waiver request as soon
24 as practicable. The Attorney General shall ap-
25 prove or deny the waiver request not later than

1 5 business days after the date on which the re-
2 quest is received.

3 “(4) APPLICATION OF WAIVER.—A waiver ap-
4 proved under paragraph (2) shall only apply with re-
5 spect to the election for Federal office for which the
6 request was submitted. For each subsequent election
7 for Federal office, the Attorney General shall only
8 approve a waiver if the State has submitted a re-
9 quest under paragraph (1) with respect to such elec-
10 tion.

11 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed to allow the marking or casting of
13 ballots over the internet.

14 “(g) INDIVIDUAL WITH A DISABILITY DEFINED.—
15 In this section, an ‘individual with a disability’ means an
16 individual with an impairment that substantially limits
17 any major life activities and who is otherwise qualified to
18 vote in elections for Federal office.

19 “(h) EFFECTIVE DATE.—This section shall apply
20 with respect to elections for Federal office held on or after
21 January 1, 2022.”.

22 (b) CONFORMING AMENDMENT RELATING TO
23 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
24 SISTANCE COMMISSION.—

5 (B) by striking the period at the end of
6 paragraph (3) and inserting “; and”; and

9 “(4) in the case of the recommendations with
10 respect to section 305, January 1, 2022.”.

14 (c) CLERICAL AMENDMENTS.—The table of contents
15 of such Act, as amended by section 1031(c)), is amend-
16 ed—

(2) by inserting after the item relating to section 304 the following new item:

22 and

1 (3) by redesignating the items relating to sec-
2 tions 311 and 312 as relating to sections 321 and
3 322.

4 **SEC. 1102. EXPANSION AND REAUTHORIZATION OF GRANT**
5 **PROGRAM TO ASSURE VOTING ACCESS FOR**
6 **INDIVIDUALS WITH DISABILITIES.**

7 (a) **PURPOSES OF PAYMENTS.**—Section 261(b) of the
8 Help America Vote Act of 2002 (52 U.S.C. 21021(b)) is
9 amended by striking paragraphs (1) and (2) and inserting
10 the following:

11 “(1) making absentee voting and voting at
12 home accessible to individuals with the full range of
13 disabilities (including impairments involving vision,
14 hearing, mobility, or dexterity) through the imple-
15 mentation of accessible absentee voting systems that
16 work in conjunction with assistive technologies for
17 which individuals have access at their homes, inde-
18 pendent living centers, or other facilities;

19 “(2) making polling places, including the path
20 of travel, entrances, exits, and voting areas of each
21 polling facility, accessible to individuals with disabili-
22 ties, including the blind and visually impaired, in a
23 manner that provides the same opportunity for ac-
24 cess and participation (including privacy and inde-
25 pendence) as for other voters; and

1 “(3) providing solutions to problems of access
2 to voting and elections for individuals with disabil-
3 ities that are universally designed and provide the
4 same opportunities for individuals with and without
5 disabilities.”.

6 (b) REAUTHORIZATION.—Section 264(a) of such Act
7 (52 U.S.C. 21024(a)) is amended by adding at the end
8 the following new paragraph:

9 “(4) For fiscal year 2022 and each succeeding
10 fiscal year, such sums as may be necessary to carry
11 out this part.”.

12 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section
13 264 of such Act (52 U.S.C. 21024) is amended—

14 (1) in subsection (b), by striking “Any
15 amounts” and inserting “Except as provided in sub-
16 section (b), any amounts”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(c) RETURN AND TRANSFER OF CERTAIN FUNDS.—

20 “(1) DEADLINE FOR OBLIGATION AND EXPEND-
21 ITURE.—In the case of any amounts appropriated
22 pursuant to the authority of subsection (a) for a
23 payment to a State or unit of local government for
24 fiscal year 2022 or any succeeding fiscal year, any
25 portion of such amounts which have not been obli-

1 gated or expended by the State or unit of local gov-
2 ernment prior to the expiration of the 4-year period
3 which begins on the date the State or unit of local
4 government first received the amounts shall be
5 transferred to the Commission.

6 “(2) REALLOCATION OF TRANSFERRED
7 AMOUNTS.—

8 “(A) IN GENERAL.—The Commission shall
9 use the amounts transferred under paragraph
10 (1) to make payments on a pro rata basis to
11 each covered payment recipient described in
12 subparagraph (B), which may obligate and ex-
13 pend such payment for the purposes described
14 in section 261(b) during the 1-year period
15 which begins on the date of receipt.

16 “(B) COVERED PAYMENT RECIPIENTS DE-
17 SCRIBED.—In subparagraph (A), a ‘covered
18 payment recipient’ is a State or unit of local
19 government with respect to which—

20 “(i) amounts were appropriated pur-
21 suant to the authority of subsection (a);
22 and

23 “(ii) no amounts were transferred to
24 the Commission under paragraph (1).”.

1 **SEC. 1103. PILOT PROGRAMS FOR ENABLING INDIVIDUALS**
2 **WITH DISABILITIES TO REGISTER TO VOTE**
3 **PRIVATELY AND INDEPENDENTLY AT RESI-**
4 **DENCES.**

5 (a) ESTABLISHMENT OF PILOT PROGRAMS.—The
6 Election Assistance Commission (hereafter referred to as
7 the “Commission”) shall, subject to the availability of ap-
8 propriations to carry out this section, make grants to eligi-
9 ble States to conduct pilot programs under which individ-
10 uals with disabilities may use electronic means (including
11 the internet and telephones utilizing assistive devices) to
12 register to vote and to request and receive absentee ballots
13 in a manner which permits such individuals to do so pri-
14 vately and independently at their own residences.

15 (b) REPORTS.—

16 (1) IN GENERAL.—A State receiving a grant for
17 a year under this section shall submit a report to the
18 Commission on the pilot programs the State carried
19 out with the grant with respect to elections for pub-
20 lic office held in the State during the year.

21 (2) DEADLINE.—A State shall submit a report
22 under paragraph (1) not later than 90 days after
23 the last election for public office held in the State
24 during the year.

25 (c) ELIGIBILITY.—A State is eligible to receive a
26 grant under this section if the State submits to the Com-

1 mission, at such time and in such form as the Commission
2 may require, an application containing such information
3 and assurances as the Commission may require.

4 (d) TIMING.—The Commission shall make the first
5 grants under this section for pilot programs which will be
6 in effect with respect to elections for Federal office held
7 in 2022, or, at the option of a State, with respect to other
8 elections for public office held in the State in 2022.

9 (e) STATE DEFINED.—In this section, the term
10 “State” includes the District of Columbia, the Common-
11 wealth of Puerto Rico, Guam, American Samoa, the
12 United States Virgin Islands, and the Commonwealth of
13 the Northern Mariana Islands.

14 **SEC. 1104. GAO ANALYSIS AND REPORT ON VOTING ACCESS**
15 **FOR INDIVIDUALS WITH DISABILITIES.**

16 (a) ANALYSIS.—The Comptroller General of the
17 United States shall conduct an analysis after each regu-
18 larly scheduled general election for Federal office with re-
19 spect to the following:

20 (1) In relation to polling places located in
21 houses of worship or other facilities that may be ex-
22 empt from accessibility requirements under the
23 Americans with Disabilities Act—

24 (A) efforts to overcome accessibility chal-
25 lenges posed by such facilities; and

1 (B) the extent to which such facilities are
2 used as polling places in elections for Federal
3 office.

4 (2) Assistance provided by the Election Assist-
5 ance Commission, Department of Justice, or other
6 Federal agencies to help State and local officials im-
7 prove voting access for individuals with disabilities
8 during elections for Federal office.

9 (3) When accessible voting machines are avail-
10 able at a polling place, the extent to which such ma-
11 chines—

12 (A) are located in places that are difficult
13 to access;

14 (B) malfunction; or

15 (C) fail to provide sufficient privacy to en-
16 sure that the ballot of the individual cannot be
17 seen by another individual.

18 (4) The process by which Federal, State, and
19 local governments track compliance with accessibility
20 requirements related to voting access, including
21 methods to receive and address complaints.

22 (5) The extent to which poll workers receive
23 training on how to assist individuals with disabil-
24 ities, including the receipt by such poll workers of

1 information on legal requirements related to voting
2 rights for individuals with disabilities.

3 (6) The extent and effectiveness of training pro-
4 vided to poll workers on the operation of accessible
5 voting machines.

6 (7) The extent to which individuals with a de-
7 velopmental or psychiatric disability experience
8 greater barriers to voting, and whether poll worker
9 training adequately addresses the needs of such indi-
10 viduals.

11 (8) The extent to which State or local govern-
12 ments employ, or attempt to employ, individuals
13 with disabilities to work at polling sites.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than 9 months
16 after the date of a regularly scheduled general elec-
17 tion for Federal office, the Comptroller General shall
18 submit to the appropriate congressional committees
19 a report with respect to the most recent regularly
20 scheduled general election for Federal office that
21 contains the following:

22 (A) The analysis required by subsection

23 (a).

24 (B) Recommendations, as appropriate, to
25 promote the use of best practices used by State

1 and local officials to address barriers to accessi-
 2 bility and privacy concerns for individuals with
 3 disabilities in elections for Federal office.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
 5 TEES.—For purposes of this subsection, the term
 6 “appropriate congressional committees” means—

7 (A) the Committee on House Administra-
 8 tion of the House of Representatives;

9 (B) the Committee on Rules and Adminis-
 10 tration of the Senate;

11 (C) the Committee on Appropriations of
 12 the House of Representatives; and

13 (D) the Committee on Appropriations of
 14 the Senate.

15 **Subtitle C—Prohibiting Voter** 16 **Caging**

17 **SEC. 1201. VOTER CAGING AND OTHER QUESTIONABLE** 18 **CHALLENGES PROHIBITED.**

19 (a) IN GENERAL.—Chapter 29 of title 18, United
 20 States Code, as amended by section 1071(a), is amended
 21 by adding at the end the following:

22 **“§ 613. Voter caging and other questionable chal-** 23 **lenges**

24 “(a) DEFINITIONS.—In this section—

25 “(1) the term ‘voter caging document’ means—

1 “(A) a nonforwardable document that is
2 returned to the sender or a third party as unde-
3 livered or undeliverable despite an attempt to
4 deliver such document to the address of a reg-
5 istered voter or applicant; or

6 “(B) any document with instructions to an
7 addressee that the document be returned to the
8 sender or a third party but is not so returned,
9 despite an attempt to deliver such document to
10 the address of a registered voter or applicant,
11 unless at least two Federal election cycles have
12 passed since the date of the attempted delivery;

13 “(2) the term ‘voter caging list’ means a list of
14 individuals compiled from voter caging documents;
15 and

16 “(3) the term ‘unverified match list’ means a
17 list produced by matching the information of reg-
18 istered voters or applicants for voter registration to
19 a list of individuals who are ineligible to vote in the
20 registrar’s jurisdiction, by virtue of death, convic-
21 tion, change of address, or otherwise; unless one of
22 the pieces of information matched includes a signa-
23 ture, photograph, or unique identifying number en-
24 suring that the information from each source refers
25 to the same individual.

1 “(b) PROHIBITION AGAINST VOTER CAGING.—No
2 State or local election official shall prevent an individual
3 from registering or voting in any election for Federal of-
4 fice, or permit in connection with any election for Federal
5 office a formal challenge under State law to an individual’s
6 registration status or eligibility to vote, if the basis for
7 such decision is evidence consisting of—

8 “(1) a voter caging document or voter caging
9 list;

10 “(2) an unverified match list;

11 “(3) an error or omission on any record or
12 paper relating to any application, registration, or
13 other act requisite to voting, if such error or omis-
14 sion is not material to an individual’s eligibility to
15 vote under section 2004 of the Revised Statutes, as
16 amended (52 U.S.C. 10101(a)(2)(B)); or

17 “(4) any other evidence so designated for pur-
18 poses of this section by the Election Assistance Com-
19 mission,

20 except that the election official may use such evidence if
21 it is corroborated by independent evidence of the individ-
22 ual’s ineligibility to register or vote.

23 “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS
24 OTHER THAN ELECTION OFFICIALS.—

1 “(1) REQUIREMENTS FOR CHALLENGES.—No
2 person, other than a State or local election official,
3 shall submit a formal challenge to an individual’s eli-
4 gibility to register to vote in an election for Federal
5 office or to vote in an election for Federal office un-
6 less that challenge is supported by personal knowl-
7 edge regarding the grounds for ineligibility which
8 is—

9 “(A) documented in writing; and

10 “(B) subject to an oath or attestation
11 under penalty of perjury that the challenger has
12 a good faith factual basis to believe that the in-
13 dividual who is the subject of the challenge is
14 ineligible to register to vote or vote in that elec-
15 tion, except a challenge which is based on the
16 age, race, ethnicity, or national origin of the in-
17 dividual who is the subject of the challenge may
18 not be considered to have a good faith factual
19 basis for purposes of this paragraph.

20 “(2) PROHIBITION ON CHALLENGES ON OR
21 NEAR DATE OF ELECTION.—No person, other than
22 a State or local election official, shall be permitted—

23 “(A) to challenge an individual’s eligibility
24 to vote in an election for Federal office on Elec-
25 tion Day, or

1 “(B) to challenge an individual’s eligibility
2 to register to vote in an election for Federal of-
3 fice or to vote in an election for Federal office
4 less than 10 days before the election unless the
5 individual registered to vote less than 20 days
6 before the election.

7 “(d) PENALTIES FOR KNOWING MISCONDUCT.—
8 Whoever knowingly challenges the eligibility of one or
9 more individuals to register or vote or knowingly causes
10 the eligibility of such individuals to be challenged in viola-
11 tion of this section with the intent that one or more eligi-
12 ble voters be disqualified, shall be fined under this title
13 or imprisoned not more than 1 year, or both, for each such
14 violation. Each violation shall be a separate offense.

15 “(e) NO EFFECT ON RELATED LAWS.—Nothing in
16 this section is intended to override the protections of the
17 National Voter Registration Act of 1993 (52 U.S.C.
18 20501 et seq.) or to affect the Voting Rights Act of 1965
19 (52 U.S.C. 10301 et seq.).”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 for chapter 29 of title 18, United States Code, as amended
22 by section 1071(b), is amended by adding at the end the
23 following:

“613. Voter caging and other questionable challenges.”.

1 **SEC. 1202. DEVELOPMENT AND ADOPTION OF BEST PRACTICES FOR PREVENTING VOTER CAGING.**
2

3 (a) BEST PRACTICES.—Not later than 180 days after
4 the date of the enactment of this Act, the Election Assist-
5 ance Commission shall develop and publish for the use of
6 States recommendations for best practices to deter and
7 prevent violations of section 613 of title 18, United States
8 Code, as added by section 1201(a), including practices to
9 provide for the posting of relevant information at polling
10 places and voter registration agencies, the training of poll
11 workers and election officials, and relevant educational
12 measures. For purposes of this subsection, the term
13 “State” includes the District of Columbia, the Common-
14 wealth of Puerto Rico, Guam, American Samoa, the
15 United States Virgin Islands, and the Commonwealth of
16 the Northern Mariana Islands.

17 (b) INCLUSION IN VOTING INFORMATION REQUIRE-
18 MENTS.—Section 302(b)(2) of the Help America Vote Act
19 of 2002 (52 U.S.C. 21082(b)(2)), as amended by section
20 1072(b), is amended—

21 (1) by striking “and” at the end of subpara-
22 graph (F);

23 (2) by striking the period at the end of sub-
24 paragraph (G) and inserting “; and”; and

25 (3) by adding at the end the following new sub-
26 paragraph:

1 “(H) information relating to the prohibi-
 2 tion against voter caging and other questionable
 3 challenges (as set forth in section 613 of title
 4 18, United States Code), including information
 5 on how individuals may report allegations of
 6 violations of such prohibition.”.

7 **Subtitle D—Prohibiting Deceptive**
 8 **Practices and Preventing Voter**
 9 **Intimidation**

10 **SEC. 1301. SHORT TITLE.**

11 This subtitle may be cited as the “Deceptive Prac-
 12 tices and Voter Intimidation Prevention Act of 2021”.

13 **SEC. 1302. PROHIBITION ON DECEPTIVE PRACTICES IN**
 14 **FEDERAL ELECTIONS.**

15 (a) PROHIBITION.—Subsection (b) of section 2004 of
 16 the Revised Statutes (52 U.S.C. 10101(b)) is amended—

17 (1) by striking “No person” and inserting the
 18 following:

19 “(1) IN GENERAL.—No person”; and

20 (2) by inserting at the end the following new
 21 paragraphs:

22 “(2) FALSE STATEMENTS REGARDING FEDERAL
 23 ELECTIONS.—

24 “(A) PROHIBITION.—No person, whether
 25 acting under color of law or otherwise, shall,

1 within 60 days before an election described in
2 paragraph (5), by any means, including by
3 means of written, electronic, or telephonic com-
4 munications, communicate or cause to be com-
5 municated information described in subpara-
6 graph (B), or produce information described in
7 subparagraph (B) with the intent that such in-
8 formation be communicated, if such person—

9 “(i) knows such information to be ma-
10 terially false; and

11 “(ii) has the intent to impede or pre-
12 vent another person from exercising the
13 right to vote in an election described in
14 paragraph (5).

15 “(B) INFORMATION DESCRIBED.—Infor-
16 mation is described in this subparagraph if such
17 information is regarding—

18 “(i) the time, place, or manner of
19 holding any election described in para-
20 graph (5); or

21 “(ii) the qualifications for or restric-
22 tions on voter eligibility for any such elec-
23 tion, including—

1 “(I) any criminal, civil, or other
2 legal penalties associated with voting
3 in any such election; or

4 “(II) information regarding a
5 voter’s registration status or eligi-
6 bility.

7 “(3) FALSE STATEMENTS REGARDING PUBLIC
8 ENDORSEMENTS.—

9 “(A) PROHIBITION.—No person, whether
10 acting under color of law or otherwise, shall,
11 within 60 days before an election described in
12 paragraph (5), by any means, including by
13 means of written, electronic, or telephonic com-
14 munications, communicate, or cause to be com-
15 municated, a materially false statement about
16 an endorsement, if such person—

17 “(i) knows such statement to be false;
18 and

19 “(ii) has the intent to impede or pre-
20 vent another person from exercising the
21 right to vote in an election described in
22 paragraph (5).

23 “(B) DEFINITION OF ‘MATERIALLY
24 FALSE’.—For purposes of subparagraph (A), a
25 statement about an endorsement is ‘materially

1 false' if, with respect to an upcoming election
2 described in paragraph (5)—

3 “(i) the statement states that a spe-
4 cifically named person, political party, or
5 organization has endorsed the election of a
6 specific candidate for a Federal office de-
7 scribed in such paragraph; and

8 “(ii) such person, political party, or
9 organization has not endorsed the election
10 of such candidate.

11 “(4) HINDERING, INTERFERING WITH, OR PRE-
12 VENTING VOTING OR REGISTERING TO VOTE.—No
13 person, whether acting under color of law or other-
14 wise, shall intentionally hinder, interfere with, or
15 prevent another person from voting, registering to
16 vote, or aiding another person to vote or register to
17 vote in an election described in paragraph (5).

18 “(5) ELECTION DESCRIBED.—An election de-
19 scribed in this paragraph is any general, primary,
20 run-off, or special election held solely or in part for
21 the purpose of nominating or electing a candidate
22 for the office of President, Vice President, presi-
23 dential elector, Member of the Senate, Member of
24 the House of Representatives, or Delegate or Com-
25 missioner from a Territory or possession.”.

1 (b) PRIVATE RIGHT OF ACTION.—

2 (1) IN GENERAL.—Subsection (c) of section
3 2004 of the Revised Statutes (52 U.S.C. 10101(c))
4 is amended—

5 (A) by striking “Whenever any person”
6 and inserting the following:

7 “(1) IN GENERAL.—Whenever any person”; and

8 (B) by adding at the end the following new
9 paragraph:

10 “(2) CIVIL ACTION.—Any person aggrieved by a
11 violation of subsection (b)(2), (b)(3), or (b)(4) may
12 institute a civil action for preventive relief, including
13 an application in a United States district court for
14 a permanent or temporary injunction, restraining
15 order, or other order. In any such action, the court,
16 in its discretion, may allow the prevailing party a
17 reasonable attorney’s fee as part of the costs.”.

18 (2) CONFORMING AMENDMENTS.—Section 2004
19 of the Revised Statutes (52 U.S.C. 10101) is
20 amended—

21 (A) in subsection (e), by striking “sub-
22 section (c)” and inserting “subsection (c)(1)”;
23 and

24 (B) in subsection (g), by striking “sub-
25 section (c)” and inserting “subsection (c)(1)”.

1 (c) CRIMINAL PENALTIES.—

2 (1) DECEPTIVE ACTS.—Section 594 of title 18,
3 United States Code, is amended—

4 (A) by striking “Whoever” and inserting
5 the following:

6 “(a) INTIMIDATION.—Whoever”;

7 (B) in subsection (a), as inserted by sub-
8 paragraph (A), by striking “at any election”
9 and inserting “at any general, primary, run-off,
10 or special election”; and

11 (C) by adding at the end the following new
12 subsections:

13 “(b) DECEPTIVE ACTS.—

14 “(1) FALSE STATEMENTS REGARDING FEDERAL
15 ELECTIONS.—

16 “(A) PROHIBITION.—It shall be unlawful
17 for any person, whether acting under color of
18 law or otherwise, within 60 days before an elec-
19 tion described in subsection (e), by any means,
20 including by means of written, electronic, or tel-
21 ephonic communications, to communicate or
22 cause to be communicated information de-
23 scribed in subparagraph (B), or produce infor-
24 mation described in subparagraph (B) with the

1 intent that such information be communicated,
2 if such person—

3 “(i) knows such information to be ma-
4 terially false; and

5 “(ii) has the intent to mislead voters,
6 or the intent to impede or prevent another
7 person from exercising the right to vote in
8 an election described in subsection (e).

9 “(B) INFORMATION DESCRIBED.—Infor-
10 mation is described in this subparagraph if such
11 information is regarding—

12 “(i) the time or place of holding any
13 election described in subsection (e); or

14 “(ii) the qualifications for or restric-
15 tions on voter eligibility for any such elec-
16 tion, including—

17 “(I) any criminal, civil, or other
18 legal penalties associated with voting
19 in any such election; or

20 “(II) information regarding a
21 voter’s registration status or eligi-
22 bility.

23 “(2) PENALTY.—Any person who violates para-
24 graph (1) shall be fined not more than \$100,000,
25 imprisoned for not more than 5 years, or both.

1 “(c) HINDERING, INTERFERING WITH, OR PRE-
2 VENTING VOTING OR REGISTERING TO VOTE.—

3 “(1) PROHIBITION.—It shall be unlawful for
4 any person, whether acting under color of law or
5 otherwise, to intentionally hinder, interfere with, or
6 prevent another person from voting, registering to
7 vote, or aiding another person to vote or register to
8 vote in an election described in subsection (e), in-
9 cluding by operating a polling place or ballot box
10 that falsely purports to be an official location estab-
11 lished for such an election by a unit of government.

12 “(2) PENALTY.—Any person who violates para-
13 graph (1) shall be fined not more than \$100,000,
14 imprisoned for not more than 5 years, or both.

15 “(d) ATTEMPT.—Any person who attempts to commit
16 any offense described in subsection (a), (b)(1), or (c)(1)
17 shall be subject to the same penalties as those prescribed
18 for the offense that the person attempted to commit.

19 “(e) ELECTION DESCRIBED.—An election described
20 in this subsection is any general, primary, run-off, or spe-
21 cial election held solely or in part for the purpose of nomi-
22 nating or electing a candidate for the office of President,
23 Vice President, presidential elector, Senator, Member of
24 the House of Representatives, or Delegate or Resident
25 Commissioner to the Congress.”.

1 (2) MODIFICATION OF PENALTY FOR VOTER IN-
2 TIMIDATION.—Section 594(a) of title 18, United
3 States Code, as amended by paragraph (1), is
4 amended by striking “fined under this title or im-
5 prisoned not more than one year” and inserting
6 “fined not more than \$100,000, imprisoned for not
7 more than 5 years”.

8 (3) SENTENCING GUIDELINES.—

9 (A) REVIEW AND AMENDMENT.—Not later
10 than 180 days after the date of enactment of
11 this Act, the United States Sentencing Commis-
12 sion, pursuant to its authority under section
13 994 of title 28, United States Code, and in ac-
14 cordance with this section, shall review and, if
15 appropriate, amend the Federal sentencing
16 guidelines and policy statements applicable to
17 persons convicted of any offense under section
18 594 of title 18, United States Code, as amend-
19 ed by this section.

20 (B) AUTHORIZATION.—The United States
21 Sentencing Commission may amend the Federal
22 Sentencing Guidelines in accordance with the
23 procedures set forth in section 21(a) of the Sen-
24 tencing Act of 1987 (28 U.S.C. 994 note) as

1 though the authority under that section had not
2 expired.

3 (4) PAYMENTS FOR REFRAINING FROM VOT-
4 ING.—Subsection (c) of section 11 of the Voting
5 Rights Act of 1965 (52 U.S.C. 10307) is amended
6 by striking “either for registration to vote or for vot-
7 ing” and inserting “for registration to vote, for vot-
8 ing, or for not voting”.

9 **SEC. 1303. CORRECTIVE ACTION.**

10 (a) CORRECTIVE ACTION.—

11 (1) IN GENERAL.—If the Attorney General re-
12 ceives a credible report that materially false informa-
13 tion has been or is being communicated in violation
14 of paragraphs (2) and (3) of section 2004(b) of the
15 Revised Statutes (52 U.S.C. 10101(b)), as added by
16 section 1302(a), and if the Attorney General deter-
17 mines that State and local election officials have not
18 taken adequate steps to promptly communicate accu-
19 rate information to correct the materially false infor-
20 mation, the Attorney General shall, pursuant to the
21 written procedures and standards under subsection
22 (b), communicate to the public, by any means, in-
23 cluding by means of written, electronic, or telephonic
24 communications, accurate information designed to
25 correct the materially false information.

1 (2) COMMUNICATION OF CORRECTIVE INFORMA-
2 TION.—Any information communicated by the Attor-
3 ney General under paragraph (1)—

4 (A) shall—

5 (i) be accurate and objective;

6 (ii) consist of only the information
7 necessary to correct the materially false in-
8 formation that has been or is being com-
9 municated; and

10 (iii) to the extent practicable, be by a
11 means that the Attorney General deter-
12 mines will reach the persons to whom the
13 materially false information has been or is
14 being communicated; and

15 (B) shall not be designed to favor or dis-
16 favor any particular candidate, organization, or
17 political party.

18 (b) WRITTEN PROCEDURES AND STANDARDS FOR
19 TAKING CORRECTIVE ACTION.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this Act, the Attorney
22 General shall publish written procedures and stand-
23 ards for determining when and how corrective action
24 will be taken under this section.

1 (2) INCLUSION OF APPROPRIATE DEADLINES.—

2 The procedures and standards under paragraph (1)
3 shall include appropriate deadlines, based in part on
4 the number of days remaining before the upcoming
5 election.

6 (3) CONSULTATION.—In developing the proce-
7 dures and standards under paragraph (1), the Attor-
8 ney General shall consult with the Election Assist-
9 ance Commission, State and local election officials,
10 civil rights organizations, voting rights groups, voter
11 protection groups, and other interested community
12 organizations.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Attorney General
15 such sums as may be necessary to carry out this subtitle.

16 **SEC. 1304. REPORTS TO CONGRESS.**

17 (a) IN GENERAL.—Not later than 180 days after
18 each general election for Federal office, the Attorney Gen-
19 eral shall submit to Congress a report compiling all allega-
20 tions received by the Attorney General of deceptive prac-
21 tices described in paragraphs (2), (3), and (4) of section
22 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as
23 added by section 1302(a), relating to the general election
24 for Federal office and any primary, run-off, or a special

1 election for Federal office held in the 2 years preceding
2 the general election.

3 (b) CONTENTS.—

4 (1) IN GENERAL.—Each report submitted
5 under subsection (a) shall include—

6 (A) a description of each allegation of a
7 deceptive practice described in subsection (a),
8 including the geographic location, racial and
9 ethnic composition, and language minority-
10 group membership of the persons toward whom
11 the alleged deceptive practice was directed;

12 (B) the status of the investigation of each
13 allegation described in subparagraph (A);

14 (C) a description of each corrective action
15 taken by the Attorney General under section
16 4(a) in response to an allegation described in
17 subparagraph (A);

18 (D) a description of each referral of an al-
19 legation described in subparagraph (A) to other
20 Federal, State, or local agencies;

21 (E) to the extent information is available,
22 a description of any civil action instituted under
23 section 2004(c)(2) of the Revised Statutes (52
24 U.S.C. 10101(c)(2)), as added by section

1 1302(b), in connection with an allegation de-
2 scribed in subparagraph (A); and

3 (F) a description of any criminal prosecu-
4 tion instituted under section 594 of title 18,
5 United States Code, as amended by section
6 1302(c), in connection with the receipt of an al-
7 legation described in subparagraph (A) by the
8 Attorney General.

9 (2) EXCLUSION OF CERTAIN INFORMATION.—

10 (A) IN GENERAL.—The Attorney General
11 shall not include in a report submitted under
12 subsection (a) any information protected from
13 disclosure by rule 6(e) of the Federal Rules of
14 Criminal Procedure or any Federal criminal
15 statute.

16 (B) EXCLUSION OF CERTAIN OTHER IN-
17 FORMATION.—The Attorney General may deter-
18 mine that the following information shall not be
19 included in a report submitted under subsection
20 (a):

- 21 (i) Any information that is privileged.
22 (ii) Any information concerning an
23 ongoing investigation.

1 (iii) Any information concerning a
2 criminal or civil proceeding conducted
3 under seal.

4 (iv) Any other nonpublic information
5 that the Attorney General determines the
6 disclosure of which could reasonably be ex-
7 pected to infringe on the rights of any in-
8 dividual or adversely affect the integrity of
9 a pending or future criminal investigation.

10 (c) REPORT MADE PUBLIC.—On the date that the
11 Attorney General submits the report under subsection (a),
12 the Attorney General shall also make the report publicly
13 available through the internet and other appropriate
14 means.

15 **Subtitle E—Democracy Restoration**

16 **SEC. 1401. SHORT TITLE.**

17 This subtitle may be cited as the “Democracy Res-
18 toration Act of 2021”.

19 **SEC. 1402. FINDINGS.**

20 Congress makes the following findings:

21 (1) The right to vote is the most basic constitu-
22 tive act of citizenship. Regaining the right to vote
23 reintegrates individuals with criminal convictions
24 into free society, helping to enhance public safety.

1 (2) Article I, section 4, of the Constitution
2 grants Congress ultimate supervisory power over
3 Federal elections, an authority which has repeatedly
4 been upheld by the Supreme Court.

5 (3) Basic constitutional principles of fairness
6 and equal protection require an equal opportunity
7 for citizens of the United States to vote in Federal
8 elections. The right to vote may not be abridged or
9 denied by the United States or by any State on ac-
10 count of race, color, gender, or previous condition of
11 servitude. The 13th, 14th, 15th, 19th, 24th, and
12 26th Amendments to the Constitution empower Con-
13 gress to enact measures to protect the right to vote
14 in Federal elections. The 8th Amendment to the
15 Constitution provides for no excessive bail to be re-
16 quired, nor excessive fines imposed, nor cruel and
17 unusual punishments inflicted.

18 (4) There are 3 areas in which discrepancies in
19 State laws regarding criminal convictions lead to un-
20 fairness in Federal elections:

21 (A) The lack of a uniform standard for
22 voting in Federal elections leads to an unfair
23 disparity and unequal participation in Federal
24 elections based solely on where a person lives.

1 (B) Laws governing the restoration of vot-
2 ing rights after a criminal conviction vary
3 throughout the country, and persons in some
4 States can easily regain their voting rights
5 while in other States persons effectively lose
6 their right to vote permanently.

7 (C) State disenfranchisement laws dis-
8 proportionately impact racial and ethnic minori-
9 ties.

10 (5) Two States (Maine and Vermont), the Dis-
11 trict of Columbia, and the Commonwealth of Puerto
12 Rico do not disenfranchise individuals with criminal
13 convictions at all, but 48 States have laws that deny
14 convicted individuals the right to vote while they are
15 in prison.

16 (6) In some States disenfranchisement results
17 from varying State laws that restrict voting while in-
18 dividuals are under the supervision of the criminal
19 justice system or after they have completed a crimi-
20 nal sentence. In 30 States, convicted individuals may
21 not vote while they are on parole and 27 States dis-
22 enfranchise individuals on felony probation as well.
23 In 11 States, a conviction can result in lifetime dis-
24 enfranchisement.

1 (7) Several States deny the right to vote to in-
2 dividuals convicted of certain misdemeanors.

3 (8) An estimated 5,200,000 citizens of the
4 United States, or about 1 in 44 adults in the United
5 States, currently cannot vote as a result of a felony
6 conviction. Of the 5,200,000 citizens barred from
7 voting, only 24 percent are in prison. By contrast,
8 75 percent of the disenfranchised reside in their
9 communities while on probation or parole or after
10 having completed their sentences. Approximately
11 2,200,000 citizens who have completed their sen-
12 tences remain disenfranchised due to restrictive
13 State laws. In at least 6 States—Alabama, Florida,
14 Kentucky, Mississippi, Tennessee, and Virginia—
15 more than 5 percent of the total voting-age popu-
16 lation is disenfranchised.

17 (9) In those States that disenfranchise individ-
18 uals post-sentence, the right to vote can be regained
19 in theory, but in practice this possibility is often
20 granted in a non-uniform and potentially discrimina-
21 tory manner. Disenfranchised individuals must ei-
22 ther obtain a pardon or an order from the Governor
23 or an action by the parole or pardon board, depend-
24 ing on the offense and State. Individuals convicted

1 of a Federal offense often have additional barriers to
2 regaining voting rights.

3 (10) State disenfranchisement laws dispropor-
4 tionately impact racial and ethnic minorities. More
5 than 6 percent of the African-American voting-age
6 population, or 1,800,000 African Americans, are
7 disenfranchised. Currently, 1 of every 16 voting-age
8 African Americans are rendered unable to vote be-
9 cause of felony disenfranchisement, which is a rate
10 more than 3.7 times greater than non-African Amer-
11 icans. Over 6 percent of African-American adults are
12 disenfranchised whereas only 1.7 percent of non-Af-
13 rican Americans are. In 7 States (Alabama, 16 per-
14 cent; Florida, 15 percent; Kentucky, 15 percent;
15 Mississippi, 16 percent; Tennessee, 21 percent; Vir-
16 ginia, 16 percent; and Wyoming, 36 percent), more
17 than 1 in 7 African Americans are unable to vote
18 because of prior convictions, twice the national aver-
19 age for African Americans.

20 (11) Latino citizens are disproportionately
21 disenfranchised based upon their disproportionate
22 representation in the criminal justice system. In re-
23 cent years, Latinos have been imprisoned at 2.5
24 times the rate of Whites. More than 2 percent of the
25 voting-age Latino population, or 560,000 Latinos,

1 are disenfranchised due to a felony conviction. In 34
2 states Latinos are disenfranchised at a higher rate
3 than the general population. In 11 states 4 percent
4 or more of Latino adults are disenfranchised due to
5 a felony conviction (Alabama, 4 percent; Arizona, 7
6 percent; Arkansas, 4 percent; Idaho, 4 percent;
7 Iowa, 4 percent; Kentucky, 6 percent; Minnesota, 4
8 percent; Mississippi, 5 percent; Nebraska, 6 percent;
9 Tennessee, 11 percent, Wyoming, 4 percent), twice
10 the national average for Latinos.

11 (12) Disenfranchising citizens who have been
12 convicted of a criminal offense and who are living
13 and working in the community serves no compelling
14 State interest and hinders their rehabilitation and
15 reintegration into society.

16 (13) State disenfranchisement laws can sup-
17 press electoral participation among eligible voters by
18 discouraging voting among family and community
19 members of disenfranchised persons. Future elec-
20 toral participation by the children of disenfranchised
21 parents may be impacted as well.

22 (14) The United States is the only Western de-
23 mocracy that permits the permanent denial of voting
24 rights for individuals with felony convictions.

1 **SEC. 1403. RIGHTS OF CITIZENS.**

2 The right of an individual who is a citizen of the
3 United States to vote in any election for Federal office
4 shall not be denied or abridged because that individual has
5 been convicted of a criminal offense unless such individual
6 is serving a felony sentence in a correctional institution
7 or facility at the time of the election.

8 **SEC. 1404. ENFORCEMENT.**

9 (a) ATTORNEY GENERAL.—The Attorney General
10 may, in a civil action, obtain such declaratory or injunctive
11 relief as is necessary to remedy a violation of this subtitle.

12 (b) PRIVATE RIGHT OF ACTION.—

13 (1) IN GENERAL.—A person who is aggrieved
14 by a violation of this subtitle may provide written
15 notice of the violation to the chief election official of
16 the State involved.

17 (2) RELIEF.—Except as provided in paragraph
18 (3), if the violation is not corrected within 90 days
19 after receipt of a notice under paragraph (1), or
20 within 20 days after receipt of the notice if the viola-
21 tion occurred within 120 days before the date of an
22 election for Federal office, the aggrieved person
23 may, in a civil action, obtain declaratory or injunc-
24 tive relief with respect to the violation.

25 (3) EXCEPTION.—If the violation occurred
26 within 30 days before the date of an election for

1 Federal office, the aggrieved person need not provide
2 notice to the chief election official of the State under
3 paragraph (1) before bringing a civil action to obtain
4 declaratory or injunctive relief with respect to the
5 violation.

6 **SEC. 1405. NOTIFICATION OF RESTORATION OF VOTING**
7 **RIGHTS.**

8 (a) STATE NOTIFICATION.—

9 (1) NOTIFICATION.—On the date determined
10 under paragraph (2), each State shall notify in writ-
11 ing any individual who has been convicted of a
12 criminal offense under the law of that State that
13 such individual has the right to vote in an election
14 for Federal office pursuant to the Democracy Res-
15 toration Act of 2021 and may register to vote in any
16 such election and provide such individual with any
17 materials that are necessary to register to vote in
18 any such election.

19 (2) DATE OF NOTIFICATION.—

20 (A) FELONY CONVICTION.—In the case of
21 such an individual who has been convicted of a
22 felony, the notification required under para-
23 graph (1) shall be given on the date on which
24 the individual—

1 (i) is sentenced to serve only a term
2 of probation; or

3 (ii) is released from the custody of
4 that State (other than to the custody of
5 another State or the Federal Government
6 to serve a term of imprisonment for a fel-
7 ony conviction).

8 (B) MISDEMEANOR CONVICTION.—In the
9 case of such an individual who has been con-
10 victed of a misdemeanor, the notification re-
11 quired under paragraph (1) shall be given on
12 the date on which such individual is sentenced
13 by a State court.

14 (b) FEDERAL NOTIFICATION.—

15 (1) NOTIFICATION.—Any individual who has
16 been convicted of a criminal offense under Federal
17 law shall be notified in accordance with paragraph
18 (2) that such individual has the right to vote in an
19 election for Federal office pursuant to the Democ-
20 racy Restoration Act of 2021 and may register to
21 vote in any such election and provide such individual
22 with any materials that are necessary to register to
23 vote in any such election.

24 (2) DATE OF NOTIFICATION.—

1 (A) FELONY CONVICTION.—In the case of
2 such an individual who has been convicted of a
3 felony, the notification required under para-
4 graph (1) shall be given—

5 (i) in the case of an individual who is
6 sentenced to serve only a term of proba-
7 tion, by the Assistant Director for the Of-
8 fice of Probation and Pretrial Services of
9 the Administrative Office of the United
10 States Courts on the date on which the in-
11 dividual is sentenced; or

12 (ii) in the case of any individual com-
13 mitted to the custody of the Bureau of
14 Prisons, by the Director of the Bureau of
15 Prisons, during the period beginning on
16 the date that is 6 months before such indi-
17 vidual is released and ending on the date
18 such individual is released from the cus-
19 tody of the Bureau of Prisons.

20 (B) MISDEMEANOR CONVICTION.—In the
21 case of such an individual who has been con-
22 victed of a misdemeanor, the notification re-
23 quired under paragraph (1) shall be given on
24 the date on which such individual is sentenced
25 by a court established by an Act of Congress.

1 **SEC. 1406. DEFINITIONS.**

2 For purposes of this subtitle:

3 (1) CORRECTIONAL INSTITUTION OR FACIL-
4 ITY.—The term “correctional institution or facility”
5 means any prison, penitentiary, jail, or other institu-
6 tion or facility for the confinement of individuals
7 convicted of criminal offenses, whether publicly or
8 privately operated, except that such term does not
9 include any residential community treatment center
10 (or similar public or private facility).

11 (2) ELECTION.—The term “election” means—

12 (A) a general, special, primary, or runoff
13 election;

14 (B) a convention or caucus of a political
15 party held to nominate a candidate;

16 (C) a primary election held for the selec-
17 tion of delegates to a national nominating con-
18 vention of a political party; or

19 (D) a primary election held for the expres-
20 sion of a preference for the nomination of per-
21 sons for election to the office of President.

22 (3) FEDERAL OFFICE.—The term “Federal of-
23 fice” means the office of President or Vice President
24 of the United States, or of Senator or Representa-
25 tive in, or Delegate or Resident Commissioner to,
26 the Congress of the United States.

1 (4) PROBATION.—The term “probation” means
2 probation, imposed by a Federal, State, or local
3 court, with or without a condition on the individual
4 involved concerning—

5 (A) the individual’s freedom of movement;

6 (B) the payment of damages by the indi-
7 vidual;

8 (C) periodic reporting by the individual to
9 an officer of the court; or

10 (D) supervision of the individual by an of-
11 ficer of the court.

12 **SEC. 1407. RELATION TO OTHER LAWS.**

13 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
14 Nothing in this subtitle be construed to prohibit the States
15 from enacting any State law which affords the right to
16 vote in any election for Federal office on terms less restric-
17 tive than those established by this subtitle.

18 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
19 edies established by this subtitle are in addition to all
20 other rights and remedies provided by law, and neither
21 rights and remedies established by this Act shall super-
22 sede, restrict, or limit the application of the Voting Rights
23 Act of 1965 (52 U.S.C. 10301 et seq.) or the National
24 Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.).

1 **SEC. 1408. FEDERAL PRISON FUNDS.**

2 No State, unit of local government, or other person
3 may receive or use, to construct or otherwise improve a
4 prison, jail, or other place of incarceration, any Federal
5 funds unless that person has in effect a program under
6 which each individual incarcerated in that person's juris-
7 diction who is a citizen of the United States is notified,
8 upon release from such incarceration, of that individual's
9 rights under section 1403.

10 **SEC. 1409. EFFECTIVE DATE.**

11 This subtitle shall apply to citizens of the United
12 States voting in any election for Federal office held after
13 the date of the enactment of this Act.

14 **Subtitle F—Promoting Accuracy,**
15 **Integrity, and Security Through**
16 **Voter-Verified Permanent Paper**
17 **Ballot**

18 **SEC. 1501. SHORT TITLE.**

19 This subtitle may be cited as the “Voter Confidence
20 and Increased Accessibility Act of 2021”.

21 **SEC. 1502. PAPER BALLOT AND MANUAL COUNTING RE-**
22 **QUIREMENTS.**

23 (a) IN GENERAL.—Section 301(a)(2) of the Help
24 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is
25 amended to read as follows:

26 “(2) PAPER BALLOT REQUIREMENT.—

1 “(A) VOTER-VERIFIED PAPER BALLOTS.—

2 “(i) PAPER BALLOT REQUIREMENT.—

3 (I) The voting system shall require the use
4 of an individual, durable, voter-verified
5 paper ballot of the voter’s vote that shall
6 be marked and made available for inspec-
7 tion and verification by the voter before
8 the voter’s vote is cast and counted, and
9 which shall be counted by hand or read by
10 an optical character recognition device or
11 other counting device. For purposes of this
12 subclause, the term ‘individual, durable,
13 voter-verified paper ballot’ means a paper
14 ballot marked by the voter by hand or a
15 paper ballot marked through the use of a
16 nontabulating ballot marking device or sys-
17 tem, so long as the voter shall have the op-
18 tion to mark his or her ballot by hand.

19 “(II) The voting system shall provide
20 the voter with an opportunity to correct
21 any error on the paper ballot before the
22 permanent voter-verified paper ballot is
23 preserved in accordance with clause (ii).

24 “(III) The voting system shall not
25 preserve the voter-verified paper ballots in

1 any manner that makes it possible, at any
2 time after the ballot has been cast, to asso-
3 ciate a voter with the record of the voter's
4 vote without the voter's consent.

5 “(ii) PRESERVATION AS OFFICIAL
6 RECORD.—The individual, durable, voter-
7 verified paper ballot used in accordance
8 with clause (i) shall constitute the official
9 ballot and shall be preserved and used as
10 the official ballot for purposes of any re-
11 count or audit conducted with respect to
12 any election for Federal office in which the
13 voting system is used.

14 “(iii) MANUAL COUNTING REQUIRE-
15 MENTS FOR RECOUNTS AND AUDITS.—(I)
16 Each paper ballot used pursuant to clause
17 (i) shall be suitable for a manual audit,
18 and shall be counted by hand in any re-
19 count or audit conducted with respect to
20 any election for Federal office.

21 “(II) In the event of any inconsist-
22 encies or irregularities between any elec-
23 tronic vote tallies and the vote tallies de-
24 termined by counting by hand the indi-
25 vidual, durable, voter-verified paper ballots

1 used pursuant to clause (i), and subject to
2 subparagraph (B), the individual, durable,
3 voter-verified paper ballots shall be the
4 true and correct record of the votes cast.

5 “(iv) APPLICATION TO ALL BAL-
6 LOTS.—The requirements of this subpara-
7 graph shall apply to all ballots cast in elec-
8 tions for Federal office, including ballots
9 cast by absent uniformed services voters
10 and overseas voters under the Uniformed
11 and Overseas Citizens Absentee Voting Act
12 and other absentee voters.

13 “(B) SPECIAL RULE FOR TREATMENT OF
14 DISPUTES WHEN PAPER BALLOTS HAVE BEEN
15 SHOWN TO BE COMPROMISED.—

16 “(i) IN GENERAL.—In the event
17 that—

18 “(I) there is any inconsistency
19 between any electronic vote tallies and
20 the vote tallies determined by count-
21 ing by hand the individual, durable,
22 voter-verified paper ballots used pur-
23 suant to subparagraph (A)(i) with re-
24 spect to any election for Federal of-
25 fice; and

1 “(II) it is demonstrated by clear
2 and convincing evidence (as deter-
3 mined in accordance with the applica-
4 ble standards in the jurisdiction in-
5 volved) in any recount, audit, or con-
6 test of the result of the election that
7 the paper ballots have been com-
8 promised (by damage or mischief or
9 otherwise) and that a sufficient num-
10 ber of the ballots have been so com-
11 promised that the result of the elec-
12 tion could be changed,
13 the determination of the appropriate rem-
14 edy with respect to the election shall be
15 made in accordance with applicable State
16 law, except that the electronic tally shall
17 not be used as the exclusive basis for de-
18 termining the official certified result.

19 “(ii) RULE FOR CONSIDERATION OF
20 BALLOTS ASSOCIATED WITH EACH VOTING
21 MACHINE.—For purposes of clause (i),
22 only the paper ballots deemed com-
23 promised, if any, shall be considered in the
24 calculation of whether or not the result of

1 the election could be changed due to the
2 compromised paper ballots.”.

3 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
4 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—
5 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))
6 is amended by inserting “(including the paper ballots re-
7 quired to be used under paragraph (2))” after “voting sys-
8 tem”.

9 (c) OTHER CONFORMING AMENDMENTS.—Section
10 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
11 ed—

12 (1) in subparagraph (A)(i), by striking “count-
13 ed” and inserting “counted, in accordance with
14 paragraphs (2) and (3)”;

15 (2) in subparagraph (A)(ii), by striking “count-
16 ed” and inserting “counted, in accordance with
17 paragraphs (2) and (3)”;

18 (3) in subparagraph (A)(iii), by striking “count-
19 ed” each place it appears and inserting “counted, in
20 accordance with paragraphs (2) and (3)”;

21 (4) in subparagraph (B)(ii), by striking “count-
22 ed” and inserting “counted, in accordance with
23 paragraphs (2) and (3)”.

1 **SEC. 1503. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
2 **INDIVIDUALS WITH DISABILITIES.**

3 (a) IN GENERAL.—Section 301(a)(3)(B) of the Help
4 America Vote Act of 2002 (52 U.S.C. 21081(a)(3)(B)) is
5 amended to read as follows:

6 “(B)(i) ensure that individuals with dis-
7 abilities and others are given an equivalent op-
8 portunity to vote, including with privacy and
9 independence, in a manner that produces a
10 voter-verified paper ballot as for other voters;

11 “(ii) satisfy the requirement of subpara-
12 graph (A) through the use of a sufficient num-
13 ber, but at least one, of voting systems, as de-
14 termined by the Commission in consultation
15 with the United States Access Board and the
16 National Institute of Standards and Tech-
17 nology, equipped to serve individuals with and
18 without disabilities, including nonvisual and en-
19 hanced visual accessibility for the blind and vis-
20 ually impaired, and nonmanual and enhanced
21 manual accessibility for the mobility and dex-
22 terity impaired, for all in person voting options;
23 and

24 “(iii) meet the requirements of subpara-
25 graph (A) and paragraph (2)(A) by using a sys-
26 tem that—

1 “(I) allows the voter to privately and
 2 independently verify the permanent paper
 3 ballot through the presentation, in acces-
 4 sible form, of the printed or marked vote
 5 selections from the same printed or
 6 marked information that would be used for
 7 any vote counting or auditing; and

8 “(II) allows the voter to privately and
 9 independently verify and cast the perma-
 10 nent paper ballot without requiring the
 11 voter to manually handle the paper bal-
 12 lot;”.

13 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
 14 AND DEVELOPMENT OF ACCESSIBLE VOTING OPTIONS.—

15 (1) STUDY AND REPORTING.—Subtitle C of
 16 title II of such Act (52 U.S.C. 21081 et seq.) is
 17 amended—

18 (A) by redesignating section 247 as section
 19 248; and

20 (B) by inserting after section 246 the fol-
 21 lowing new section:

22 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE VOTING**
 23 **OPTIONS.**

24 “(a) GRANTS TO STUDY AND REPORT.—The Com-
 25 mission, in coordination with the Access Board and the

1 Cybersecurity and Infrastructure Security Agency, shall
2 make grants to not fewer than three eligible entities to
3 study, test, and develop accessible and secure remote vot-
4 ing systems and voting, verification, and casting devices
5 to enhance the accessibility of voting and verification for
6 individuals with disabilities.

7 “(b) ELIGIBILITY.—An entity is eligible to receive a
8 grant under this part if it submits to the Commission (at
9 such time and in such form as the Commission may re-
10 quire) an application containing—

11 “(1) a certification that the entity shall com-
12 plete the activities carried out with the grant not
13 later than January 1, 2024; and

14 “(2) such other information and certifications
15 as the Commission may require.

16 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
17 nology developed with the grants made under this section
18 shall be treated as non-proprietary and shall be made
19 available to the public, including to manufacturers of vot-
20 ing systems.

21 “(d) COORDINATION WITH GRANTS FOR TECH-
22 NOLOGY IMPROVEMENTS.—The Commission shall carry
23 out this section so that the activities carried out with the
24 grants made under subsection (a) are coordinated with the
25 research conducted under the grant program carried out

1 by the Commission under section 271, to the extent that
2 the Commission determines necessary to provide for the
3 advancement of accessible voting technology.

4 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out subsection
6 (a) \$10,000,000, to remain available until expended.”.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents of such Act is amended—

9 (A) by redesignating the item relating to
10 section 247 as relating to section 248; and

11 (B) by inserting after the item relating to
12 section 246 the following new item:

“Sec. 247. Study and report on accessible voting options.”.

13 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
14 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
15 adopting any voluntary guidance under subtitle B of title
16 III of the Help America Vote Act with respect to the ac-
17 cessibility of the paper ballot verification requirements for
18 individuals with disabilities, the Election Assistance Com-
19 mission shall include and apply the same accessibility
20 standards applicable under the voluntary guidance adopt-
21 ed for accessible voting systems under such subtitle.

22 (d) PERMITTING USE OF FUNDS FOR PROTECTION
23 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-
24 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-
25 tion 292(a) of the Help America Vote Act of 2002 (52

1 U.S.C. 21062(a)) is amended by striking “; except that”
2 and all that follows and inserting a period.

3 **SEC. 1504. DURABILITY AND READABILITY REQUIREMENTS**
4 **FOR BALLOTS.**

5 Section 301(a) of the Help America Vote Act of 2002
6 (52 U.S.C. 21081(a)) is amended by adding at the end
7 the following new paragraph:

8 “(7) DURABILITY AND READABILITY REQUIRE-
9 MENTS FOR BALLOTS.—

10 “(A) DURABILITY REQUIREMENTS FOR
11 PAPER BALLOTS.—

12 “(i) IN GENERAL.—All voter-verified
13 paper ballots required to be used under
14 this Act shall be marked or printed on du-
15 rable paper.

16 “(ii) DEFINITION.—For purposes of
17 this Act, paper is ‘durable’ if it is capable
18 of withstanding multiple counts and re-
19 counts by hand without compromising the
20 fundamental integrity of the ballots, and
21 capable of retaining the information
22 marked or printed on them for the full du-
23 ration of a retention and preservation pe-
24 riod of 22 months.

1 “(B) READABILITY REQUIREMENTS FOR
2 PAPER BALLOTS MARKED BY BALLOT MARKING
3 DEVICE.—All voter-verified paper ballots com-
4 pleted by the voter through the use of a ballot
5 marking device shall be clearly readable by the
6 voter without assistance (other than eyeglasses
7 or other personal vision enhancing devices) and
8 by an optical character recognition device or
9 other device equipped for individuals with dis-
10 abilities.”.

11 **SEC. 1505. STUDY AND REPORT ON OPTIMAL BALLOT DE-**
12 **SIGN.**

13 (a) STUDY.—The Election Assistance Commission
14 shall conduct a study of the best ways to design ballots
15 used in elections for public office, including paper ballots
16 and electronic or digital ballots, to minimize confusion and
17 user errors.

18 (b) REPORT.—Not later than January 1, 2022, the
19 Election Assistance Commission shall submit to Congress
20 a report on the study conducted under subsection (a).

21 **SEC. 1506. PAPER BALLOT PRINTING REQUIREMENTS.**

22 Section 301(a) of the Help America Vote Act of 2002
23 (52 U.S.C. 21081(a)), as amended by section 1504, is fur-
24 ther amended by adding at the end the following new para-
25 graph:

1 “(8) PRINTING REQUIREMENTS FOR BAL-
2 LOTS.—All paper ballots used in an election for Fed-
3 eral office shall be printed in the United States on
4 paper manufactured in the United States.”.

5 **SEC. 1507. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

6 Section 301(d) of the Help America Vote Act of 2002
7 (52 U.S.C. 21081(d)) is amended to read as follows:

8 “(d) EFFECTIVE DATE.—

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

13 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
14 MENTS.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraphs (B) and (C), the requirements of
17 this section which are first imposed on a State
18 and jurisdiction pursuant to the amendments
19 made by the Voter Confidence and Increased
20 Accessibility Act of 2021 shall apply with re-
21 spect to voting systems used for any election for
22 Federal office held in 2022 or any succeeding
23 year.

24 “(B) DELAY FOR JURISDICTIONS USING
25 CERTAIN PAPER RECORD PRINTERS OR CERTAIN

1 SYSTEMS USING OR PRODUCING VOTER-
2 VERIFIABLE PAPER RECORDS IN 2020.—

3 “(i) DELAY.—In the case of a juris-
4 diction described in clause (ii), subpara-
5 graph (A) shall apply to a voting system in
6 the jurisdiction as if the reference in such
7 subparagraph to ‘2022’ were a reference to
8 ‘2024’, but only with respect to the fol-
9 lowing requirements of this section:

10 “(I) Paragraph (2)(A)(i)(I) of
11 subsection (a) (relating to the use of
12 voter-verified paper ballots).

13 “(II) Paragraph (3)(B)(ii)(I) and
14 (II) of subsection (a) (relating to ac-
15 cess to verification from and casting
16 of the durable paper ballot).

17 “(III) Paragraph (7) of sub-
18 section (a) (relating to durability and
19 readability requirements for ballots).

20 “(ii) JURISDICTIONS DESCRIBED.—A
21 jurisdiction described in this clause is a ju-
22 risdiction—

23 “(I) which used voter verifiable
24 paper record printers attached to di-
25 rect recording electronic voting ma-

1 chines, or which used other voting
2 systems that used or produced paper
3 records of the vote verifiable by voters
4 but that are not in compliance with
5 paragraphs (2)(A)(i)(I), (3)(B)(iii)(i)
6 and (II), and (7) of subsection (a) (as
7 amended or added by the Voter Con-
8 fidence and Increased Accessibility
9 Act of 2021), for the administration
10 of the regularly scheduled general
11 election for Federal office held in No-
12 vember 2020; and

13 “(II) which will continue to use
14 such printers or systems for the ad-
15 ministration of elections for Federal
16 office held in years before 2024.

17 “(iii) MANDATORY AVAILABILITY OF
18 PAPER BALLOTS AT POLLING PLACES
19 USING GRANDFATHERED PRINTERS AND
20 SYSTEMS.—

21 “(I) REQUIRING BALLOTS TO BE
22 OFFERED AND PROVIDED.—The ap-
23 propriate election official at each poll-
24 ing place that uses a printer or sys-
25 tem described in clause (ii)(I) for the

1 administration of elections for Federal
2 office shall offer each individual who
3 is eligible to cast a vote in the election
4 at the polling place the opportunity to
5 cast the vote using a blank pre-print-
6 ed paper ballot which the individual
7 may mark by hand and which is not
8 produced by the direct recording elec-
9 tronic voting machine or other such
10 system. The official shall provide the
11 individual with the ballot and the sup-
12 plies necessary to mark the ballot, and
13 shall ensure (to the greatest extent
14 practicable) that the waiting period
15 for the individual to cast a vote is the
16 lesser of 30 minutes or the average
17 waiting period for an individual who
18 does not agree to cast the vote using
19 such a paper ballot under this clause.

20 “(II) TREATMENT OF BALLOT.—

21 Any paper ballot which is cast by an
22 individual under this clause shall be
23 counted and otherwise treated as a
24 regular ballot for all purposes (includ-
25 ing by incorporating it into the final

1 unofficial vote count (as defined by
2 the State) for the precinct) and not as
3 a provisional ballot, unless the indi-
4 vidual casting the ballot would have
5 otherwise been required to cast a pro-
6 visional ballot.

7 “(III) POSTING OF NOTICE.—

8 The appropriate election official shall
9 ensure there is prominently displayed
10 at each polling place a notice that de-
11 scribes the obligation of the official to
12 offer individuals the opportunity to
13 cast votes using a pre-printed blank
14 paper ballot. The notice shall take
15 into consideration factors including
16 the linguistic preferences of voters in
17 the jurisdiction.

18 “(IV) TRAINING OF ELECTION

19 OFFICIALS.—The chief State election
20 official shall ensure that election offi-
21 cials at polling places in the State are
22 aware of the requirements of this
23 clause, including the requirement to
24 display a notice under subclause (III),
25 and are aware that it is a violation of

1 the requirements of this title for an
2 election official to fail to offer an indi-
3 vidual the opportunity to cast a vote
4 using a blank pre-printed paper ballot.

5 “(V) PERIOD OF APPLICA-
6 BILITY.—The requirements of this
7 clause apply only during the period in
8 which the delay is in effect under
9 clause (i).

10 “(C) SPECIAL RULE FOR JURISDICTIONS
11 USING CERTAIN NONTABULATING BALLOT
12 MARKING DEVICES.—In the case of a jurisdic-
13 tion which uses a nontabulating ballot marking
14 device which automatically deposits the ballot
15 into a privacy sleeve, subparagraph (A) shall
16 apply to a voting system in the jurisdiction as
17 if the reference in such subparagraph to ‘any
18 election for Federal office held in 2022 or any
19 succeeding year’ were a reference to ‘elections
20 for Federal office occurring held in 2024 or
21 each succeeding year’, but only with respect to
22 paragraph (3)(B)(iii)(II) of subsection (a) (re-
23 lating to nonmanual casting of the durable
24 paper ballot).”.

Subtitle G—Provisional Ballots

SEC. 1601. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS; ESTABLISHMENT OF UNIFORM AND NONDISCRIMINATORY STANDARDS.

(a) IN GENERAL.—Section 302 of the Help America
Vote Act of 2002 (52 U.S.C. 21082) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

“(d) STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—

“(1) IN GENERAL.—For purposes of subsection (a)(4), notwithstanding the precinct or polling place at which a provisional ballot is cast within the State, the appropriate election official of the jurisdiction in which the individual is registered shall count each vote on such ballot for each election in which the individual who cast such ballot is eligible to vote.

“(2) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2022.

“(e) UNIFORM AND NONDISCRIMINATORY STANDARDS.—

1 “(1) IN GENERAL.—Consistent with the re-
2 quirements of this section, each State shall establish
3 uniform and nondiscriminatory standards for the
4 issuance, handling, and counting of provisional bal-
5 lots.

6 “(2) EFFECTIVE DATE.—This subsection shall
7 apply with respect to elections held on or after Janu-
8 ary 1, 2022.”.

9 (b) CONFORMING AMENDMENT.—Section 302(f) of
10 such Act (52 U.S.C. 21082(f)), as redesignated by sub-
11 section (a), is amended by striking “Each State” and in-
12 serting “Except as provided in subsections (d)(2) and
13 (e)(2), each State”.

14 **Subtitle H—Early Voting**

15 **SEC. 1611. EARLY VOTING.**

16 (a) REQUIREMENTS.—Subtitle A of title III of the
17 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
18 as amended by section 1031(a) and section 1101(a), is
19 amended—

20 (1) by redesignating sections 306 and 307 as
21 sections 307 and 308; and

22 (2) by inserting after section 305 the following
23 new section:

1 **“SEC. 306. EARLY VOTING.**

2 “(a) REQUIRING VOTING PRIOR TO DATE OF ELEC-
3 TION.—

4 “(1) IN GENERAL.—Each State shall allow indi-
5 viduals to vote in an election for Federal office dur-
6 ing an early voting period which occurs prior to the
7 date of the election, in the same manner as voting
8 is allowed on such date.

9 “(2) LENGTH OF PERIOD.—The early voting
10 period required under this subsection with respect to
11 an election shall consist of a period of consecutive
12 days (including weekends) which begins on the 15th
13 day before the date of the election (or, at the option
14 of the State, on a day prior to the 15th day before
15 the date of the election) and ends on the date of the
16 election.

17 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—
18 Each polling place which allows voting during an early vot-
19 ing period under subsection (a) shall—

20 “(1) allow such voting for no less than 10 hours
21 on each day;

22 “(2) have uniform hours each day for which
23 such voting occurs; and

24 “(3) allow such voting to be held for some pe-
25 riod of time prior to 9:00 a.m (local time) and some
26 period of time after 5:00 p.m. (local time).

1 “(c) LOCATION OF POLLING PLACES.—

2 “(1) PROXIMITY TO PUBLIC TRANSPORTATION.—To the greatest extent practicable, a State
3 shall ensure that each polling place which allows vot-
4 ing during an early voting period under subsection
5 (a) is located within walking distance of a stop on
6 a public transportation route.
7

8 “(2) AVAILABILITY IN RURAL AREAS.—The
9 State shall ensure that polling places which allow
10 voting during an early voting period under sub-
11 section (a) will be located in rural areas of the State,
12 and shall ensure that such polling places are located
13 in communities which will provide the greatest op-
14 portunity for residents of rural areas to vote during
15 the early voting period.

16 “(3) COLLEGE CAMPUSES.—The State shall en-
17 sure that polling places which allow voting during an
18 early voting period under subsection (a) will be lo-
19 cated on campuses of institutions of higher edu-
20 cation in the State.

21 “(d) STANDARDS.—

22 “(1) IN GENERAL.—The Commission shall issue
23 standards for the administration of voting prior to
24 the day scheduled for a Federal election. Such
25 standards shall include the nondiscriminatory geo-

1 graphic placement of polling places at which such
2 voting occurs.

3 “(2) DEVIATION.—The standards described in
4 paragraph (1) shall permit States, upon providing
5 adequate public notice, to deviate from any require-
6 ment in the case of unforeseen circumstances such
7 as a natural disaster, terrorist attack, or a change
8 in voter turnout.

9 “(e) BALLOT PROCESSING AND SCANNING REQUIRE-
10 MENTS.—

11 “(1) IN GENERAL.—The State shall begin proc-
12 essing and scanning ballots cast during in-person
13 early voting for tabulation at least 14 days prior to
14 the date of the election involved.

15 “(2) LIMITATION.—Nothing in this subsection
16 shall be construed to permit a State to tabulate bal-
17 lots in an election before the closing of the polls on
18 the date of the election.

19 “(f) EFFECTIVE DATE.—This section shall apply
20 with respect to the regularly scheduled general election for
21 Federal office held in November 2022 and each succeeding
22 election for Federal office.”.

23 (b) CONFORMING AMENDMENT RELATING TO
24 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
25 SISTANCE COMMISSION.—Section 321(b) of such Act (52

1 U.S.C. 21101(b)), as redesignated and amended by sec-
 2 tion 1101(b), is amended—

3 (1) by striking “and” at the end of paragraph
 4 (3);

5 (2) by striking the period at the end of para-
 6 graph (4) and inserting “; and”; and

7 (3) by adding at the end the following new
 8 paragraph:

9 “(5) except as provided in paragraph (4), in the
 10 case of the recommendations with respect to any sec-
 11 tion added by the For the People Act of 2021, June
 12 30, 2022.”.

13 (c) CLERICAL AMENDMENT.—The table of contents
 14 of such Act, as amended by section 1031(c) and section
 15 1101(c), is amended—

16 (1) by redesignating the items relating to sec-
 17 tions 306 and 307 as relating to sections 307 and
 18 308; and

19 (2) by inserting after the item relating to sec-
 20 tion 305 the following new item:

“Sec. 306. Early voting.”.

21 **Subtitle I—Voting by Mail**

22 **SEC. 1621. VOTING BY MAIL.**

23 (a) REQUIREMENTS.—Subtitle A of title III of the
 24 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),

1 as amended by section 1031(a), section 1101(a), and sec-
2 tion 1611(a), is amended—

3 (1) by redesignating sections 307 and 308 as
4 sections 308 and 309; and

5 (2) by inserting after section 306 the following
6 new section:

7 **“SEC. 307. PROMOTING ABILITY OF VOTERS TO VOTE BY**
8 **MAIL.**

9 “(a) UNIFORM AVAILABILITY OF ABSENTEE VOTING
10 TO ALL VOTERS.—

11 “(1) IN GENERAL.—If an individual in a State
12 is eligible to cast a vote in an election for Federal
13 office, the State may not impose any additional con-
14 ditions or requirements on the eligibility of the indi-
15 vidual to cast the vote in such election by absentee
16 ballot by mail.

17 “(2) ADMINISTRATION OF VOTING BY MAIL.—

18 “(A) PROHIBITING IDENTIFICATION RE-
19 QUIREMENT AS CONDITION OF OBTAINING BAL-
20 LOT.—A State may not require an individual to
21 provide any form of identification as a condition
22 of obtaining an absentee ballot, except that
23 nothing in this paragraph may be construed to
24 prevent a State from requiring a signature of

1 the individual or similar affirmation as a condi-
2 tion of obtaining an absentee ballot.

3 “(B) PROHIBITING REQUIREMENT TO PRO-
4 VIDE NOTARIZATION OR WITNESS SIGNATURE
5 AS CONDITION OF OBTAINING OR CASTING BAL-
6 LOT.—A State may not require notarization or
7 witness signature or other formal authentica-
8 tion (other than voter attestation) as a condi-
9 tion of obtaining or casting an absentee ballot.

10 “(C) DEADLINE FOR RETURNING BAL-
11 LOT.—A State may impose a reasonable dead-
12 line for requesting the absentee ballot and re-
13 lated voting materials from the appropriate
14 State or local election official and for returning
15 the ballot to the appropriate State or local elec-
16 tion official.

17 “(3) NO EFFECT ON IDENTIFICATION REQUIRE-
18 MENTS FOR FIRST-TIME VOTERS REGISTERING BY
19 MAIL.—Nothing in this subsection may be construed
20 to exempt any individual described in paragraph (1)
21 of section 303(b) from meeting the requirements of
22 paragraph (2) of such section.

23 “(b) DUE PROCESS REQUIREMENTS FOR STATES
24 REQUIRING SIGNATURE VERIFICATION.—

25 “(1) REQUIREMENT.—

1 “(A) IN GENERAL.—A State may not im-
2 pose a signature verification requirement as a
3 condition of accepting and counting an absentee
4 ballot submitted by any individual with respect
5 to an election for Federal office unless the
6 State meets the due process requirements de-
7 scribed in paragraph (2).

8 “(B) SIGNATURE VERIFICATION REQUIRE-
9 MENT DESCRIBED.—In this subsection, a ‘sig-
10 nature verification requirement’ is a require-
11 ment that an election official verify the identi-
12 fication of an individual by comparing the indi-
13 vidual’s signature on the absentee ballot with
14 the individual’s signature on the official list of
15 registered voters in the State or another official
16 record or other document used by the State to
17 verify the signatures of voters.

18 “(2) DUE PROCESS REQUIREMENTS.—

19 “(A) NOTICE AND OPPORTUNITY TO CURE
20 DISCREPANCY IN SIGNATURES.—If an indi-
21 vidual submits an absentee ballot and the ap-
22 propriate State or local election official deter-
23 mines that a discrepancy exists between the sig-
24 nature on such ballot and the signature of such
25 individual on the official list of registered voters

1 in the State or other official record or document
2 used by the State to verify the signatures of
3 voters, such election official, prior to making a
4 final determination as to the validity of such
5 ballot, shall—

6 “(i) make a good faith effort to imme-
7 diately notify the individual by mail, tele-
8 phone, and (if available) text message and
9 electronic mail that—

10 “(I) a discrepancy exists between
11 the signature on such ballot and the
12 signature of the individual on the offi-
13 cial list of registered voters in the
14 State or other official record or docu-
15 ment used by the State to verify the
16 signatures of voters, and

17 “(II) if such discrepancy is not
18 cured prior to the expiration of the
19 10-day period which begins on the
20 date the official notifies the individual
21 of the discrepancy, such ballot will not
22 be counted; and

23 “(ii) cure such discrepancy and count
24 the ballot if, prior to the expiration of the
25 10-day period described in clause (i)(II),

1 the individual provides the official with in-
2 formation to cure such discrepancy, either
3 in person, by telephone, or by electronic
4 methods.

5 “(B) NOTICE AND OPPORTUNITY TO CURE
6 MISSING SIGNATURE OR OTHER DEFECT.—If an
7 individual submits an absentee ballot without a
8 signature or submits an absentee ballot with
9 another defect which, if left uncured, would
10 cause the ballot to not be counted, the appro-
11 priate State or local election official, prior to
12 making a final determination as to the validity
13 of the ballot, shall—

14 “(i) make a good faith effort to imme-
15 diately notify the individual by mail, tele-
16 phone, and (if available) text message and
17 electronic mail that—

18 “(I) the ballot did not include a
19 signature or has some other defect,
20 and

21 “(II) if the individual does not
22 provide the missing signature or cure
23 the other defect prior to the expira-
24 tion of the 10-day period which begins
25 on the date the official notifies the in-

1 dividual that the ballot did not include
2 a signature or has some other defect,
3 such ballot will not be counted; and

4 “(ii) count the ballot if, prior to the
5 expiration of the 10-day period described
6 in clause (i)(II), the individual provides the
7 official with the missing signature on a
8 form proscribed by the State or cures the
9 other defect.

10 This subparagraph does not apply with respect
11 to a defect consisting of the failure of a ballot
12 to meet the applicable deadline for the accept-
13 ance of the ballot, as described in subsection
14 (e).

15 “(C) OTHER REQUIREMENTS.—An election
16 official may not make a determination that a
17 discrepancy exists between the signature on an
18 absentee ballot and the signature of the indi-
19 vidual who submits the ballot on the official list
20 of registered voters in the State or other official
21 record or other document used by the State to
22 verify the signatures of voters unless—

23 “(i) at least 2 election officials make
24 the determination;

1 “(ii) each official who makes the de-
2 termination has received training in proce-
3 dures used to verify signatures; and

4 “(iii) of the officials who make the de-
5 termination, at least one is affiliated with
6 the political party whose candidate received
7 the most votes in the most recent statewide
8 election for Federal office held in the State
9 and at least one is affiliated with the polit-
10 ical party whose candidate received the
11 second most votes in the most recent state-
12 wide election for Federal office held in the
13 State.

14 “(3) REPORT.—

15 “(A) IN GENERAL.—Not later than 120
16 days after the end of a Federal election cycle,
17 each chief State election official shall submit to
18 Congress and the Commission a report con-
19 taining the following information for the appli-
20 cable Federal election cycle in the State:

21 “(i) The number of ballots invalidated
22 due to a discrepancy under this subsection.

23 “(ii) Description of attempts to con-
24 tact voters to provide notice as required by
25 this subsection.

1 “(iii) Description of the cure process
2 developed by such State pursuant to this
3 subsection, including the number of ballots
4 determined valid as a result of such proc-
5 ess.

6 “(B) FEDERAL ELECTION CYCLE DE-
7 FINED.—For purposes of this subsection, the
8 term ‘Federal election cycle’ means the period
9 beginning on January 1 of any odd numbered
10 year and ending on December 31 of the fol-
11 lowing year.

12 “(4) RULE OF CONSTRUCTION.—Nothing in
13 this subsection shall be construed—

14 “(A) to prohibit a State from rejecting a
15 ballot attempted to be cast in an election for
16 Federal office by an individual who is not eligi-
17 ble to vote in the election; or

18 “(B) to prohibit a State from providing an
19 individual with more time and more methods
20 for curing a discrepancy in the individual’s sig-
21 nature, providing a missing signature, or curing
22 any other defect than the State is required to
23 provide under this subsection.

24 “(c) TRANSMISSION OF APPLICATIONS, BALLOTS,
25 AND BALLOTING MATERIALS TO VOTERS.—

1 “(1) AUTOMATIC TRANSMISSION OF ABSENTEE
2 BALLOT APPLICATIONS BY MAIL.—

3 “(A) TRANSMISSION OF APPLICATIONS.—

4 Not later than 60 days before the date of an
5 election for Federal office, the appropriate
6 State or local election official shall transmit by
7 mail an application for an absentee ballot for
8 the election to each individual who is registered
9 to vote in the election, or, in the case of any
10 State that does not register voters, all individ-
11 uals who are in the State’s central voter file (or
12 if the State does not keep a central voter file,
13 all individuals who are eligible to vote in such
14 election).

15 “(B) EXCEPTION FOR INDIVIDUALS AL-
16 READY RECEIVING APPLICATIONS AUTOMATI-
17 CALLY.—Subparagraph (A) does not apply with
18 respect to an individual to whom the State is
19 already required to transmit an application for
20 an absentee ballot for the election because the
21 individual exercised the option described in sub-
22 paragraph (D) of paragraph (2) to treat an ap-
23 plication for an absentee ballot in a previous
24 election for Federal office in the State as an ap-

1 plication for an absentee ballot in all subse-
2 quent elections for Federal office in the State.

3 “(C) EXCEPTION FOR STATES TRANSMIT-
4 TING BALLOTS WITHOUT APPLICATION.—Sub-
5 paragraph (A) does not apply with respect to a
6 State which transmits a ballot in an election for
7 Federal office in the State to a voter prior to
8 the date of the election without regard to
9 whether or not the voter submitted an applica-
10 tion for the ballot to the State.

11 “(D) RULE OF CONSTRUCTION.—Nothing
12 in this paragraph may be construed to prohibit
13 an individual from submitting to the appro-
14 priate State or local election official an applica-
15 tion for an absentee ballot in an election for
16 Federal office, including through the methods
17 described in paragraph (2).

18 “(2) OTHER METHODS FOR APPLYING FOR AB-
19 SENTEE BALLOT.—

20 “(A) IN GENERAL.—In addition to such
21 other methods as the State may establish for an
22 individual to apply for an absentee ballot, the
23 State shall permit an individual—

24 “(i) to submit an application for an
25 absentee ballot online; and

1 “(ii) to submit an application for an
2 absentee ballot through the use of an auto-
3 mated telephone-based system, subject to
4 the same terms and conditions applicable
5 under this paragraph to the services made
6 available online.

7 “(B) TREATMENT OF WEBSITES.—The
8 State shall be considered to meet the require-
9 ments of subparagraph (A)(i) if the website of
10 the appropriate State or local election official
11 allows an application for an absentee ballot to
12 be completed and submitted online and if the
13 website permits the individual—

14 “(i) to print the application so that
15 the individual may complete the application
16 and return it to the official; or

17 “(ii) request that a paper copy of the
18 application be transmitted to the individual
19 by mail or electronic mail so that the indi-
20 vidual may complete the application and
21 return it to the official.

22 “(C) ENSURING DELIVERY PRIOR TO
23 ELECTION.—If an individual who is eligible to
24 vote in an election for Federal office submits an
25 application for an absentee ballot in the elec-

tion, the appropriate State or local election official shall ensure that the ballot and relating voting materials are received by the individual prior to the date of the election so long as the individual's application is received by the official not later than 5 days (excluding Saturdays, Sundays, and legal public holidays) before the date of the election, except that nothing in this paragraph shall preclude a State or local jurisdiction from allowing for the acceptance and processing of absentee ballot applications submitted or received after such required period.

“(D) APPLICATION FOR ALL FUTURE ELECTIONS.—At the option of an individual, a State shall treat the individual's application to vote by absentee ballot by mail in an election for Federal office as an application for an absentee ballot by mail in all subsequent Federal elections held in the State.

“(3) SAME-DAY PROCESSING.—The United States Postal Service shall ensure, to the maximum extent practicable, that ballots are processed and cleared from any postal facility or post office on the same day the ballots are received at such a facility or post office.

1 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
2 ABILITIES.—The State shall ensure that all absentee bal-
3 lot applications, absentee ballots, and related voting mate-
4 rials in elections for Federal office are accessible to indi-
5 viduals with disabilities in a manner that provides the
6 same opportunity for access and participation (including
7 with privacy and independence) as for other voters.

8 “(e) UNIFORM DEADLINE FOR ACCEPTANCE OF
9 MAILED BALLOTS.—

10 “(1) IN GENERAL.—A State may not refuse to
11 accept or process a ballot submitted by an individual
12 by mail with respect to an election for Federal office
13 in the State on the grounds that the individual did
14 not meet a deadline for returning the ballot to the
15 appropriate State or local election official if—

16 “(A) the ballot is postmarked or otherwise
17 indicated by the United States Postal Service to
18 have been mailed on or before the date of the
19 election, or has been signed by the voter on or
20 before the date of the election; and

21 “(B) the ballot is received by the appro-
22 priate election official prior to the expiration of
23 the 10-day period which begins on the date of
24 the election.

1 “(2) RULE OF CONSTRUCTION.—Nothing in
2 this subsection shall be construed to prohibit a State
3 from having a law that allows for counting of ballots
4 in an election for Federal office that are received
5 through the mail after the date that is 10 days after
6 the date of the election.

7 “(f) ALTERNATIVE METHODS OF RETURNING BAL-
8 LOTS.—

9 “(1) IN GENERAL.—In addition to permitting
10 an individual to whom a ballot in an election was
11 provided under this section to return the ballot to an
12 election official by mail, the State shall permit the
13 individual to cast the ballot by delivering the ballot
14 at such times and to such locations as the State may
15 establish, including—

16 “(A) permitting the individual to deliver
17 the ballot to a polling place on any date on
18 which voting in the election is held at the poll-
19 ing place; and

20 “(B) permitting the individual to deliver
21 the ballot to a designated ballot drop-off loca-
22 tion, a tribally designated building, or the office
23 of a State or local election official.

24 “(2) PERMITTING VOTERS TO DESIGNATE
25 OTHER PERSON TO RETURN BALLOT.—The State—

1 “(A) shall permit a voter to designate any
2 person to return a voted and sealed absentee
3 ballot to the post office, a ballot drop-off loca-
4 tion, tribally designated building, or election of-
5 fice so long as the person designated to return
6 the ballot does not receive any form of com-
7 pensation based on the number of ballots that
8 the person has returned and no individual,
9 group, or organization provides compensation
10 on this basis; and

11 “(B) may not put any limit on how many
12 voted and sealed absentee ballots any des-
13 ignated person can return to the post office, a
14 ballot drop off location, tribally designated
15 building, or election office.

16 “(g) BALLOT PROCESSING AND SCANNING REQUIRE-
17 MENTS.—

18 “(1) IN GENERAL.—The State shall begin proc-
19 essing and scanning ballots cast by mail for tabula-
20 tion at least 14 days prior to the date of the election
21 involved.

22 “(2) LIMITATION.—Nothing in this subsection
23 shall be construed to permit a State to tabulate bal-
24 lots in an election before the closing of the polls on
25 the date of the election.

1 “(h) PROHIBITING CERTAIN RESTRICTIONS ON AC-
2 CESS TO VOTING MATERIALS.—

3 “(1) DISTRIBUTION OF ABSENTEE BALLOT AP-
4 PLICATIONS BY THIRD PARTIES.—A State may not
5 prohibit any person from providing an application
6 for an absentee ballot in the election to any indi-
7 vidual who is eligible to vote in the election.

8 “(2) UNSOLICITED PROVISION OF VOTER REG-
9 ISTRATION APPLICATIONS BY ELECTION OFFI-
10 CIALS.—A State may not prohibit an election official
11 from providing an unsolicited application to register
12 to vote in an election for Federal office to any indi-
13 vidual who is eligible to register to vote in the elec-
14 tion.

15 “(i) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed to affect the authority of States
17 to conduct elections for Federal office through the use of
18 polling places at which individuals cast ballots.

19 “(j) NO EFFECT ON BALLOTS SUBMITTED BY AB-
20 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in
21 this section may be construed to affect the treatment of
22 any ballot submitted by an individual who is entitled to
23 vote by absentee ballot under the Uniformed and Overseas
24 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

1 “(k) EFFECTIVE DATE.—This section shall apply
2 with respect to the regularly scheduled general election for
3 Federal office held in November 2022 and each succeeding
4 election for Federal office.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 of such Act, as amended by section 1031(c), section
7 1101(c), and section 1611(c), is amended—

8 (1) by redesignating the items relating to sec-
9 tions 307 and 308 as relating to sections 308 and
10 309; and

11 (2) by inserting after the item relating to sec-
12 tion 306 the following new item:

“Sec. 307. Promoting ability of voters to vote by mail.”.

13 (c) DEVELOPMENT OF ALTERNATIVE VERIFICATION
14 METHODS.—

15 (1) DEVELOPMENT OF STANDARDS.—The Na-
16 tional Institute of Standards, in consultation with
17 the Election Assistance Commission, shall develop
18 standards for the use of alternative methods which
19 could be used in place of signature verification re-
20 quirements for purposes of verifying the identifica-
21 tion of an individual voting by absentee ballot in
22 elections for Federal office.

23 (2) PUBLIC NOTICE AND COMMENT.—The Na-
24 tional Institute of Standards shall solicit comments

1 from the public in the development of standards
2 under paragraph (1).

3 (3) DEADLINE.—Not later than 1 year after
4 the date of the enactment of this Act, the National
5 Institute of Standards shall publish the standards
6 developed under paragraph (1).

7 **SEC. 1622. ABSENTEE BALLOT TRACKING PROGRAM.**

8 (a) REQUIREMENTS.—Subtitle A of title III of the
9 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
10 as amended by section 1031(a), section 1101(a), section
11 1611(a), and section 1621(a), is amended—

12 (1) by redesignating sections 308 and 309 as
13 sections 309 and 310; and

14 (2) by inserting after section 307 the following
15 new section:

16 **“SEC. 308. ABSENTEE BALLOT TRACKING PROGRAM.**

17 “(a) REQUIREMENT.—Each State shall carry out a
18 program to track and confirm the receipt of absentee bal-
19 lots in an election for Federal office under which the State
20 or local election official responsible for the receipt of voted
21 absentee ballots in the election carries out procedures to
22 track and confirm the receipt of such ballots, and makes
23 information on the receipt of such ballots available to the
24 individual who cast the ballot, by means of online access
25 using the Internet site of the official’s office.

1 “(b) INFORMATION ON WHETHER VOTE WAS AC-
2 CEPTED.—The information referred to under subsection
3 (a) with respect to the receipt of an absentee ballot shall
4 include information regarding whether the vote cast on the
5 ballot was accepted, and, in the case of a vote which was
6 rejected, the reasons therefor.

7 “(c) USE OF TOLL-FREE TELEPHONE NUMBER BY
8 OFFICIALS WITHOUT INTERNET SITE.—A program estab-
9 lished by a State or local election official whose office does
10 not have an Internet site may meet the requirements of
11 subsection (a) if the official has established a toll-free tele-
12 phone number that may be used by an individual who cast
13 an absentee ballot to obtain the information on the receipt
14 of the voted absentee ballot as provided under such sub-
15 section.

16 “(d) EFFECTIVE DATE.—This section shall apply
17 with respect to the regularly scheduled general election for
18 Federal office held in November 2022 and each succeeding
19 election for Federal office.”.

20 (b) REIMBURSEMENT FOR COSTS INCURRED BY
21 STATES IN ESTABLISHING PROGRAM.—Subtitle D of title
22 II of the Help America Vote Act of 2002 (42 U.S.C.
23 15401 et seq.) is amended by adding at the end the fol-
24 lowing new part:

1 **“PART 7—PAYMENTS TO REIMBURSE STATES**
2 **FOR COSTS INCURRED IN ESTABLISHING**
3 **PROGRAM TO TRACK AND CONFIRM RE-**
4 **CEIPT OF ABSENTEE BALLOTS**

5 **“SEC. 297. PAYMENTS TO STATES.**

6 “(a) PAYMENTS FOR COSTS OF PROGRAM.—In ac-
7 cordance with this section, the Commission shall make a
8 payment to a State to reimburse the State for the costs
9 incurred in establishing the absentee ballot tracking pro-
10 gram under section 308 (including costs incurred prior to
11 the date of the enactment of this part).

12 “(b) CERTIFICATION OF COMPLIANCE AND COSTS.—

13 “(1) CERTIFICATION REQUIRED.—In order to
14 receive a payment under this section, a State shall
15 submit to the Commission a statement containing—

16 “(A) a certification that the State has es-
17 tablished an absentee ballot tracking program
18 with respect to elections for Federal office held
19 in the State; and

20 “(B) a statement of the costs incurred by
21 the State in establishing the program.

22 “(2) AMOUNT OF PAYMENT.—The amount of a
23 payment made to a State under this section shall be
24 equal to the costs incurred by the State in estab-
25 lishing the absentee ballot tracking program, as set
26 forth in the statement submitted under paragraph

1 (1), except that such amount may not exceed the
2 product of—

3 “(A) the number of jurisdictions in the
4 State which are responsible for operating the
5 program; and

6 “(B) \$3,000.

7 “(3) LIMIT ON NUMBER OF PAYMENTS RE-
8 CEIVED.—A State may not receive more than one
9 payment under this part.

10 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) AUTHORIZATION.—There are authorized to be
12 appropriated to the Commission for fiscal year 2022 and
13 each succeeding fiscal year such sums as may be necessary
14 for payments under this part.

15 “(b) CONTINUING AVAILABILITY OF FUNDS.—Any
16 amounts appropriated pursuant to the authorization under
17 this section shall remain available until expended.”.

18 “(c) CLERICAL AMENDMENTS.—The table of contents
19 of such Act, as amended by section 1031(c), section
20 1101(c), section 1611(c), and section 1621(b), is amend-
21 ed—

1 (1) by adding at the end of the items relating
2 to subtitle D of title II the following:

“PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS

“Sec. 297. Payments to States.

“Sec. 297A. Authorization of appropriations.”;

3 (2) by redesignating the items relating to sec-
4 tions 308 and 309 as relating to sections 309 and
5 310; and

6 (3) by inserting after the item relating to sec-
7 tion 307 the following new item:

“Sec. 308. Absentee ballot tracking program.”.

8 **SEC. 1623. VOTING MATERIALS POSTAGE.**

9 (a) PREPAYMENT OF POSTAGE ON RETURN ENVE-
10 LOPES.—

11 (1) IN GENERAL.—Subtitle A of title III of the
12 Help America Vote Act of 2002 (52 U.S.C. 21081
13 et seq.), as amended by section 1031(a), section
14 1101(a), section 1611(a), section 1621(a), and sec-
15 tion 1622(a), is amended—

16 (A) by redesignating sections 309 and 310
17 as sections 310 and 311; and

18 (B) by inserting after section 308 the fol-
19 lowing new section:

1 **“SEC. 309. PREPAYMENT OF POSTAGE ON RETURN ENVE-**
2 **LOPES FOR VOTING MATERIALS.**

3 “(a) PROVISION OF RETURN ENVELOPES.—The ap-
4 propriate State or local election official shall provide a
5 self-sealing return envelope with—

6 “ (1) any voter registration application form
7 transmitted to a registrant by mail;

8 “ (2) any application for an absentee ballot
9 transmitted to an applicant by mail; and

10 “ (3) any blank absentee ballot transmitted to a
11 voter by mail.

12 “(b) PREPAYMENT OF POSTAGE.—Consistent with
13 regulations of the United States Postal Service, the State
14 or the unit of local government responsible for the admin-
15 istration of the election involved shall prepay the postage
16 on any envelope provided under subsection (a).

17 “(c) NO EFFECT ON BALLOTS OR BALLOTING MATE-
18 RIALS TRANSMITTED TO ABSENT MILITARY AND OVER-
19 SEAS VOTERS.—Nothing in this section may be construed
20 to affect the treatment of any ballot or balloting materials
21 transmitted to an individual who is entitled to vote by ab-
22 sentee ballot under the Uniformed and Overseas Citizens
23 Absentee Voting Act (52 U.S.C. 20301 et seq.).

24 “(d) EFFECTIVE DATE.—This section shall take ef-
25 fect on the date that is 90 days after the date of the enact-
26 ment of this section, except that—

1 “(1) State and local jurisdictions shall make ar-
 2 rangements with the United States Postal Service to
 3 pay for all postage costs that such jurisdictions
 4 would be required to pay under this section if this
 5 section took effect on the date of enactment; and

6 “(2) States shall take all reasonable efforts to
 7 provide self-sealing return envelopes as provided in
 8 this section.”.

9 (2) CLERICAL AMENDMENT.—The table of con-
 10 tents of such Act, as amended by section 1031(c),
 11 section 1101(c), section 1611(c), and section
 12 1621(b), is amended—

13 (A) by redesignating the items relating to
 14 sections 309 and 310 as relating to sections
 15 310 and 311; and

16 (B) by inserting after the item relating to
 17 section 308 the following new item:

“Sec. 309. Prepayment of postage on return envelopes for voting materials.”.

18 (b) ROLE OF UNITED STATES POSTAL SERVICE.—

19 (1) IN GENERAL.—Chapter 34 of title 39,
 20 United States Code, is amended by adding after sec-
 21 tion 3406 the following:

22 **“§ 3407. Voting materials; restrictions on operational**
 23 **changes prior to elections**

24 “(a) Any voter registration application, absentee bal-
 25 lot application, or absentee ballot with respect to any elec-

1 tion for Federal office shall be carried in accordance with
2 the service standards established for first-class mail, re-
3 gardless of the class of postage prepaid.

4 “(b) In the case of any election mail carried by the
5 Postal Service that consists of a ballot, the Postal Service
6 shall indicate on the ballot envelope, using a postmark or
7 otherwise—

8 “(1) the fact that the ballot was carried by the
9 Postal Service; and

10 “(2) the date on which the ballot was mailed.

11 “(c) During the 120-day period which ends on the
12 date of an election for Federal office, the Postal Service
13 may not carry out any new operational change that would
14 restrict the prompt and reliable delivery of voting mate-
15 rials with respect to the election, including voter registra-
16 tion applications, absentee ballot applications, and absen-
17 tee ballots. This paragraph applies to operational changes
18 which include removing or eliminating any mail collection
19 box without immediately replacing it, and removing, de-
20 commissioning, or any other form of stopping the oper-
21 ation of mail sorting machines, other than for routine
22 maintenance.

23 “(d) The Postal Service shall appoint an Election
24 Mail Coordinator in every Postal Area and District to fa-
25 cilitate relevant information sharing with State, territorial,

1 local, and tribal election officials in regards to the mailing
2 of voter registration applications, absentee ballot applica-
3 tions, and absentee ballots.

4 “(e) As used in this section—

5 “(1) the term ‘absentee ballot’ means any ballot
6 transmitted by a voter by mail in an election for
7 Federal office, but does not include any ballot cov-
8 ered by section 3406; and

9 “(2) the term ‘election for Federal office’ means
10 a general, special, primary, or runoff election for the
11 office of President or Vice President, or of Senator
12 or Representative in, or Delegate or Resident Com-
13 missioner to, the Congress.

14 “(f) Nothing in this section may be construed to af-
15 fect the treatment of any ballot or balloting materials
16 transmitted to an individual who is entitled to vote by ab-
17 sentee ballot under the Uniformed and Overseas Citizens
18 Absentee Voting Act (52 U.S.C. 20301 et seq.).”.

19 (2) MAIL-IN BALLOTS AND POSTAL SERVICE
20 BARCODE SERVICE.—

21 (A) IN GENERAL.—Section 3001 of title
22 39, United States Code, is amended by adding
23 at the end the following:

24 “(p) Any ballot sent within the United States for an
25 election for Federal office is nonmailable and shall not be

1 carried or delivered by mail unless the ballot is mailed in
2 an envelope that—

3 “(1) contains a Postal Service barcode (or suc-
4 cessive service or marking) that enables tracking of
5 each individual ballot;

6 “(2) satisfies requirements for ballot envelope
7 design that the Postal Service may promulgate by
8 regulation;

9 “(3) satisfies requirements for machineable let-
10 ters that the Postal Service may promulgate by reg-
11 ulation; and

12 “(4) includes the Official Election Mail Logo
13 (or any successor label that the Postal Service may
14 establish for ballots).”.

15 (B) APPLICATION.—The amendment made
16 by subsection (a) shall apply to any election for
17 Federal office occurring after the date of enact-
18 ment of this Act.

19 (3) CLERICAL AMENDMENT.—The table of sec-
20 tions for chapter 34 of such title is amended by in-
21 serting after the item relating to section 3406 the
22 following:

“3407. Voting materials; restrictions on operational changes prior to elections.”.

1 **SEC. 1624. STUDY AND REPORT ON VOTE-BY-MAIL PROCE-**
 2 **DURES.**

3 (a) STUDY.—The Election Assistance Commission
 4 shall conduct a study on the 2020 elections and compile
 5 a list of recommendations to—

6 (1) help States transitioning to vote-by-mail
 7 procedures; and

8 (2) improve their current vote-by-mail systems.

9 (b) REPORT.—Not later than January 1, 2022, the
 10 Election Assistance Commission shall submit to Congress
 11 a report on the study conducted under subsection (a).

12 **Subtitle J—Absent Uniformed**
 13 **Services Voters and Overseas**
 14 **Voters**

15 **SEC. 1701. PRE-ELECTION REPORTS ON AVAILABILITY AND**
 16 **TRANSMISSION OF ABSENTEE BALLOTS.**

17 Section 102(c) of the Uniformed and Overseas Citi-
 18 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-
 19 ed to read as follows:

20 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,
 21 AND RECEIPT OF ABSENTEE BALLOTS.—

22 “(1) PRE-ELECTION REPORT ON ABSENTEE
 23 BALLOT AVAILABILITY.—Not later than 55 days be-
 24 fore any regularly scheduled general election for
 25 Federal office, each State shall submit a report to
 26 the Attorney General, the Election Assistance Com-

1 mission (hereafter in this subsection referred to as
2 the ‘Commission’), and the Presidential Designee,
3 and make that report publicly available that same
4 day, certifying that absentee ballots for the election
5 are or will be available for transmission to absent
6 uniformed services voters and overseas voters by not
7 later than 45 days before the election. The report
8 shall be in a form prescribed jointly by the Attorney
9 General and the Commission and shall require the
10 State to certify specific information about ballot
11 availability from each unit of local government which
12 will administer the election.

13 “(2) PRE-ELECTION REPORT ON ABSENTEE
14 BALLOT TRANSMISSION.—Not later than 43 days be-
15 fore any regularly scheduled general election for
16 Federal office, each State shall submit a report to
17 the Attorney General, the Commission, and the
18 Presidential Designee, and make that report publicly
19 available that same day, certifying whether all ab-
20 sentee ballots have been transmitted by not later
21 than 45 days before the election to all qualified ab-
22 sent uniformed services and overseas voters whose
23 requests were received at least 45 days before the
24 election. The report shall be in a form prescribed
25 jointly by the Attorney General and the Commission,

1 and shall require the State to certify specific infor-
2 mation about ballot transmission, including the total
3 numbers of ballot requests received and ballots
4 transmitted, from each unit of local government
5 which will administer the election.

6 “(3) POST-ELECTION REPORT ON NUMBER OF
7 ABSENTEE BALLOTS TRANSMITTED AND RE-
8 CEIVED.—Not later than 90 days after the date of
9 each regularly scheduled general election for Federal
10 office, each State and unit of local government
11 which administered the election shall (through the
12 State, in the case of a unit of local government) sub-
13 mit a report to the Attorney General, the Commis-
14 sion, and the Presidential Designee on the combined
15 number of absentee ballots transmitted to absent
16 uniformed services voters and overseas voters for the
17 election and the combined number of such ballots
18 which were returned by such voters and cast in the
19 election, and shall make such report available to the
20 general public that same day.”.

21 **SEC. 1702. ENFORCEMENT.**

22 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-
23 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed
24 and Overseas Citizens Absentee Voting Act (52 U.S.C.
25 20307) is amended to read as follows:

1 **“SEC. 105. ENFORCEMENT.**

2 “(a) ACTION BY ATTORNEY GENERAL.—

3 “(1) IN GENERAL.—The Attorney General may
4 bring civil action in an appropriate district court for
5 such declaratory or injunctive relief as may be nec-
6 essary to carry out this title.

7 “(2) PENALTY.—In a civil action brought under
8 paragraph (1), if the court finds that the State vio-
9 lated any provision of this title, it may, to vindicate
10 the public interest, assess a civil penalty against the
11 State—

12 “(A) in an amount not to exceed \$110,000
13 for each such violation, in the case of a first
14 violation; or

15 “(B) in an amount not to exceed \$220,000
16 for each such violation, for any subsequent vio-
17 lation.

18 “(3) REPORT TO CONGRESS.—Not later than
19 December 31 of each year, the Attorney General
20 shall submit to Congress an annual report on any
21 civil action brought under paragraph (1) during the
22 preceding year.

23 “(b) PRIVATE RIGHT OF ACTION.—A person who is
24 aggrieved by a State’s violation of this title may bring a
25 civil action in an appropriate district court for such declar-

1 atory or injunctive relief as may be necessary to carry out
2 this title.

3 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In
4 any action brought under this section, the only necessary
5 party defendant is the State, and it shall not be a defense
6 to any such action that a local election official or a unit
7 of local government is not named as a defendant, notwith-
8 standing that a State has exercised the authority described
9 in section 576 of the Military and Overseas Voter Em-
10 powerment Act to delegate to another jurisdiction in the
11 State any duty or responsibility which is the subject of
12 an action brought under this section.”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to violations alleged
15 to have occurred on or after the date of the enactment
16 of this Act.

17 **SEC. 1703. REVISIONS TO 45-DAY ABSENTEE BALLOT**
18 **TRANSMISSION RULE.**

19 (a) REPEAL OF WAIVER AUTHORITY.—

20 (1) IN GENERAL.—Section 102 of the Uni-
21 formed and Overseas Citizens Absentee Voting Act
22 (52 U.S.C. 20302) is amended by striking sub-
23 section (g).

24 (2) CONFORMING AMENDMENT.—Section
25 102(a)(8)(A) of such Act (52 U.S.C.

1 20302(a)(8)(A)) is amended by striking “except as
2 provided in subsection (g),”.

3 (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE
4 OF FAILURE TO MEET REQUIREMENT.—Section 102 of
5 such Act (52 U.S.C. 20302), as amended by subsection
6 (a), is amended by inserting after subsection (f) the fol-
7 lowing new subsection:

8 “(g) REQUIRING USE OF EXPRESS DELIVERY IN
9 CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN
10 DEADLINES.—

11 “(1) TRANSMISSION OF BALLOT BY EXPRESS
12 DELIVERY.—If a State fails to meet the requirement
13 of subsection (a)(8)(A) to transmit a validly re-
14 quested absentee ballot to an absent uniformed serv-
15 ices voter or overseas voter not later than 45 days
16 before the election (in the case in which the request
17 is received at least 45 days before the election)—

18 “(A) the State shall transmit the ballot to
19 the voter by express delivery; or

20 “(B) in the case of a voter who has des-
21 ignated that absentee ballots be transmitted
22 electronically in accordance with subsection
23 (f)(1), the State shall transmit the ballot to the
24 voter electronically.

1 “(2) SPECIAL RULE FOR TRANSMISSION FEWER
2 THAN 40 DAYS BEFORE THE ELECTION.—If, in car-
3 rying out paragraph (1), a State transmits an ab-
4 sentee ballot to an absent uniformed services voter
5 or overseas voter fewer than 40 days before the elec-
6 tion, the State shall enable the ballot to be returned
7 by the voter by express delivery, except that in the
8 case of an absentee ballot of an absent uniformed
9 services voter for a regularly scheduled general elec-
10 tion for Federal office, the State may satisfy the re-
11 quirement of this paragraph by notifying the voter
12 of the procedures for the collection and delivery of
13 such ballots under section 103A.

14 “(3) PAYMENT FOR USE OF EXPRESS DELIV-
15 ERY.—The State shall be responsible for the pay-
16 ment of the costs associated with the use of express
17 delivery for the transmittal of ballots under this sub-
18 section.”.

19 (c) CLARIFICATION OF TREATMENT OF WEEK-
20 ENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C.
21 20302(a)(8)(A)) is amended by striking “the election;”
22 and inserting the following: “the election (or, if the 45th
23 day preceding the election is a weekend or legal public hol-
24 iday, not later than the most recent weekday which pre-
25 cedes such 45th day and which is not a legal public holi-

1 day, but only if the request is received by at least such
2 most recent weekday);”.

3 **SEC. 1704. USE OF SINGLE ABSENTEE BALLOT APPLICA-**
4 **TION FOR SUBSEQUENT ELECTIONS.**

5 (a) IN GENERAL.—Section 104 of the Uniformed and
6 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)
7 is amended to read as follows:

8 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**
9 **ELECTIONS.**

10 “(a) IN GENERAL.—If a State accepts and processes
11 an official post card form (prescribed under section 101)
12 submitted by an absent uniformed services voter or over-
13 seas voter for simultaneous voter registration and absen-
14 tee ballot application (in accordance with section
15 102(a)(4)) and the voter requests that the application be
16 considered an application for an absentee ballot for each
17 subsequent election for Federal office held in the State
18 through the next regularly scheduled general election for
19 Federal office (including any runoff elections which may
20 occur as a result of the outcome of such general election),
21 the State shall provide an absentee ballot to the voter for
22 each such subsequent election.

23 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
24 TION.—Subsection (a) shall not apply with respect to a
25 voter registered to vote in a State for any election held

1 after the voter notifies the State that the voter no longer
2 wishes to be registered to vote in the State or after the
3 State determines that the voter has registered to vote in
4 another State or is otherwise no longer eligible to vote in
5 the State.

6 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON
7 GROUNDS OF EARLY SUBMISSION.—A State may not
8 refuse to accept or to process, with respect to any election
9 for Federal office, any otherwise valid voter registration
10 application or absentee ballot application (including the
11 postcard form prescribed under section 101) submitted by
12 an absent uniformed services voter or overseas voter on
13 the grounds that the voter submitted the application be-
14 fore the first date on which the State otherwise accepts
15 or processes such applications for that election which are
16 submitted by absentee voters who are not members of the
17 uniformed services or overseas citizens.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply with respect to voter registration
20 and absentee ballot applications which are submitted to
21 a State or local election official on or after the date of
22 the enactment of this Act.

1 **SEC. 1705. EXTENDING GUARANTEE OF RESIDENCY FOR**
2 **VOTING PURPOSES TO FAMILY MEMBERS OF**
3 **ABSENT MILITARY PERSONNEL.**

4 Section 102 of the Uniformed and Overseas Citizens
5 Absentee Voting Act (52 U.S.C. 20302) is amended by
6 adding at the end the following new subsection:

7 “(j) GUARANTEE OF RESIDENCY FOR SPOUSES AND
8 DEPENDENTS OF ABSENT MEMBERS OF UNIFORMED
9 SERVICE.—For the purposes of voting for in any election
10 for any Federal office or any State or local office, a spouse
11 or dependent of an individual who is an absent uniformed
12 services voter described in subparagraph (A) or (B) of sec-
13 tion 107(1) shall not, solely by reason of that individual’s
14 absence and without regard to whether or not such spouse
15 or dependent is accompanying that individual—

16 “(1) be deemed to have lost a residence or
17 domicile in that State, without regard to whether or
18 not that individual intends to return to that State;

19 “(2) be deemed to have acquired a residence or
20 domicile in any other State; or

21 “(3) be deemed to have become a resident in or
22 a resident of any other State.”.

1 **SEC. 1706. REQUIRING TRANSMISSION OF BLANK ABSEN-**
2 **TEE BALLOTS UNDER UOCAVA TO CERTAIN**
3 **VOTERS.**

4 (a) IN GENERAL.—The Uniformed and Overseas
5 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.)
6 is amended by inserting after section 103B the following
7 new section:

8 **“SEC. 103C. TRANSMISSION OF BLANK ABSENTEE BALLOTS**
9 **TO CERTAIN OTHER VOTERS.**

10 “(a) IN GENERAL.—

11 “(1) STATE RESPONSIBILITIES.—Subject to the
12 provisions of this section, each State shall transmit
13 blank absentee ballots electronically to qualified indi-
14 viduals who request such ballots in the same manner
15 and under the same terms and conditions under
16 which the State transmits such ballots electronically
17 to absent uniformed services voters and overseas vot-
18 ers under the provisions of section 102(f), except
19 that no such marked ballots shall be returned elec-
20 tronically.

21 “(2) REQUIREMENTS.—Any blank absentee bal-
22 lot transmitted to a qualified individual under this
23 section—

24 “(A) must comply with the language re-
25 quirements under section 203 of the Voting
26 Rights Act of 1965 (52 U.S.C. 10503); and

1 “(B) must comply with the disability re-
2 quirements under section 508 of the Rehabilita-
3 tion Act of 1973 (29 U.S.C. 794d).

4 “(3) AFFIRMATION.—The State may not trans-
5 mit a ballot to a qualified individual under this sec-
6 tion unless the individual provides the State with a
7 signed affirmation in electronic form that—

8 “(A) the individual is a qualified individual
9 (as defined in subsection (b));

10 “(B) the individual has not and will not
11 cast another ballot with respect to the election;
12 and

13 “(C) acknowledges that a material
14 misstatement of fact in completing the ballot
15 may constitute grounds for conviction of per-
16 jury.

17 “(4) CLARIFICATION REGARDING FREE POST-
18 AGE.—An absentee ballot obtained by a qualified in-
19 dividual under this section shall be considered bal-
20 lotting materials as defined in section 107 for pur-
21 poses of section 3406 of title 39, United States
22 Code.

23 “(5) PROHIBITING REFUSAL TO ACCEPT BAL-
24 LOT FOR FAILURE TO MEET CERTAIN REQUIRE-
25 MENTS.—A State shall not refuse to accept and

1 process any otherwise valid blank absentee ballot
2 which was transmitted to a qualified individual
3 under this section and used by the individual to vote
4 in the election solely on the basis of the following:

5 “(A) Notarization or witness signature re-
6 quirements.

7 “(B) Restrictions on paper type, including
8 weight and size.

9 “(C) Restrictions on envelope type, includ-
10 ing weight and size.

11 “(b) QUALIFIED INDIVIDUAL.—

12 “(1) IN GENERAL.—In this section, except as
13 provided in paragraph (2), the term ‘qualified indi-
14 vidual’ means any individual who is otherwise quali-
15 fied to vote in an election for Federal office and who
16 meets any of the following requirements:

17 “(A) The individual—

18 “(i) has previously requested an ab-
19 sentee ballot from the State or jurisdiction
20 in which such individual is registered to
21 vote; and

22 “(ii) has not received such absentee
23 ballot at least 2 days before the date of the
24 election.

25 “(B) The individual—

1 “(i) resides in an area of a State with
2 respect to which an emergency or public
3 health emergency has been declared by the
4 chief executive of the State or of the area
5 involved within 5 days of the date of the
6 election under the laws of the State due to
7 reasons including a natural disaster, in-
8 cluding severe weather, or an infectious
9 disease; and

10 “(ii) has not previously requested an
11 absentee ballot.

12 “(C) The individual expects to be absent
13 from such individual’s jurisdiction on the date
14 of the election due to professional or volunteer
15 service in response to a natural disaster or
16 emergency as described in subparagraph (B).

17 “(D) The individual is hospitalized or ex-
18 pects to be hospitalized on the date of the elec-
19 tion.

20 “(E) The individual is an individual with a
21 disability (as defined in section 3 of the Ameri-
22 cans with Disabilities Act of 1990 (42 U.S.C.
23 12102)) and resides in a State which does not
24 offer voters the ability to use secure and acces-
25 sible remote ballot marking. For purposes of

1 this subparagraph, a State shall permit an indi-
2 vidual to self-certify that the individual is an in-
3 dividual with a disability.

4 “(2) EXCLUSION OF ABSENT UNIFORMED SERV-
5 ICES AND OVERSEAS VOTERS.—The term ‘qualified
6 individual’ shall not include an absent uniformed
7 services voter or an overseas voter.

8 “(c) STATE.—For purposes of this section, the term
9 ‘State’ includes the District of Columbia, the Common-
10 wealth of Puerto Rico, Guam, American Samoa, the
11 United States Virgin Islands, and the Commonwealth of
12 the Northern Mariana Islands.

13 “(d) EFFECTIVE DATE.—This section shall apply
14 with respect to the regularly scheduled general election for
15 Federal office held in November 2022 and each succeeding
16 election for Federal office.”.

17 (b) CONFORMING AMENDMENT.—Section 102(a) of
18 such Act (52 U.S.C. 20302(a)) is amended—

19 (1) by striking “and” at the end of paragraph
20 (10);

21 (2) by striking the period at the end of para-
22 graph (11) and inserting “; and”; and

23 (3) by adding at the end the following new
24 paragraph:

1 “(12) meet the requirements of section 103C
2 with respect to the provision of blank absentee bal-
3 lots for the use of qualified individuals described in
4 such section.”.

5 (c) CLERICAL AMENDMENTS.—The table of contents
6 of such Act is amended by inserting the following after
7 section 103:

“Sec. 103A. Procedures for collection and delivery of marked absentee ballots
of absent overseas uniformed services voters.

“Sec. 103B. Federal voting assistance program improvements.

“Sec. 103C. Transmission of blank absentee ballots to certain other voters.”.

8 **SEC. 1707. DEPARTMENT OF JUSTICE REPORT ON VOTER**
9 **DISENFRANCHISEMENT.**

10 Not later than 1 year of enactment of this Act, the
11 Attorney General shall submit to Congress a report on the
12 impact of wide-spread mail-in voting on the ability of ac-
13 tive duty military servicemembers to vote, how quickly
14 their votes are counted, and whether higher volumes of
15 mail-in votes makes it harder for such individuals to vote
16 in federal elections.

17 **SEC. 1708. EFFECTIVE DATE.**

18 Except as provided in section 1702(b) and section
19 1704(b), the amendments made by this subtitle shall apply
20 with respect to elections occurring on or after January 1,
21 2022.

**Subtitle K—Poll Worker
Recruitment and Training**

**SEC. 1801. GRANTS TO STATES FOR POLL WORKER RE-
CRUITMENT AND TRAINING.**

(a) GRANTS BY ELECTION ASSISTANCE COMMISSION.—

(1) IN GENERAL.—The Election Assistance Commission (hereafter referred to as the “Commission”) shall, subject to the availability of appropriations provided to carry out this section, make a grant to each eligible State for recruiting and training individuals to serve as poll workers on dates of elections for public office.

(2) USE OF COMMISSION MATERIALS.—In carrying out activities with a grant provided under this section, the recipient of the grant shall use the manual prepared by the Commission on successful practices for poll worker recruiting, training and retention as an interactive training tool, and shall develop training programs with the participation and input of experts in adult learning.

(3) ACCESS AND CULTURAL CONSIDERATIONS.—The Commission shall ensure that the manual described in paragraph (2) provides training in methods that will enable poll workers to provide

1 access and delivery of services in a culturally com-
2 petent manner to all voters who use their services,
3 including those with limited English proficiency, di-
4 verse cultural and ethnic backgrounds, disabilities,
5 and regardless of gender, sexual orientation, or gen-
6 der identity. These methods must ensure that each
7 voter will have access to poll worker services that are
8 delivered in a manner that meets the unique needs
9 of the voter.

10 (b) REQUIREMENTS FOR ELIGIBILITY.—

11 (1) APPLICATION.—Each State that desires to
12 receive a payment under this section shall submit an
13 application for the payment to the Commission at
14 such time and in such manner and containing such
15 information as the Commission shall require.

16 (2) CONTENTS OF APPLICATION.—Each appli-
17 cation submitted under paragraph (1) shall—

18 (A) describe the activities for which assist-
19 ance under this section is sought;

20 (B) provide assurances that the funds pro-
21 vided under this section will be used to supple-
22 ment and not supplant other funds used to
23 carry out the activities;

24 (C) provide assurances that the State will
25 furnish the Commission with information on the

1 number of individuals who served as poll work-
2 ers after recruitment and training with the
3 funds provided under this section;

4 (D) provide assurances that the State will
5 dedicate poll worker recruitment efforts with re-
6 spect to youth and minors, including by recruit-
7 ing at institutions of higher education and sec-
8 ondary education; and

9 (E) provide such additional information
10 and certifications as the Commission deter-
11 mines to be essential to ensure compliance with
12 the requirements of this section.

13 (c) AMOUNT OF GRANT.—

14 (1) IN GENERAL.—The amount of a grant
15 made to a State under this section shall be equal to
16 the product of—

17 (A) the aggregate amount made available
18 for grants to States under this section; and

19 (B) the voting age population percentage
20 for the State.

21 (2) VOTING AGE POPULATION PERCENTAGE DE-
22 FINED.—In paragraph (1), the “voting age popu-
23 lation percentage” for a State is the quotient of—

24 (A) the voting age population of the State
25 (as determined on the basis of the most recent

1 information available from the Bureau of the
2 Census); and

3 (B) the total voting age population of all
4 States (as determined on the basis of the most
5 recent information available from the Bureau of
6 the Census).

7 (d) REPORTS TO CONGRESS.—

8 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not
9 later than 6 months after the date on which the
10 final grant is made under this section, each recipient
11 of a grant shall submit a report to the Commission
12 on the activities conducted with the funds provided
13 by the grant.

14 (2) REPORTS BY COMMISSION.—Not later than
15 1 year after the date on which the final grant is
16 made under this section, the Commission shall sub-
17 mit a report to Congress on the grants made under
18 this section and the activities carried out by recipi-
19 ents with the grants, and shall include in the report
20 such recommendations as the Commission considers
21 appropriate.

22 (e) FUNDING.—

23 (1) CONTINUING AVAILABILITY OF AMOUNT AP-
24 PROPRIATED.—Any amount appropriated to carry

1 out this section shall remain available without fiscal
2 year limitation until expended.

3 (2) ADMINISTRATIVE EXPENSES.—Of the
4 amount appropriated for any fiscal year to carry out
5 this section, not more than 3 percent shall be avail-
6 able for administrative expenses of the Commission.

7 **SEC. 1802. STATE DEFINED.**

8 In this subtitle, the term “State” includes the Dis-
9 trict of Columbia, the Commonwealth of Puerto Rico,
10 Guam, American Samoa, the United States Virgin Is-
11 lands, and the Commonwealth of the Northern Mariana
12 Islands.

13 **Subtitle L—Enhancement of**
14 **Enforcement**

15 **SEC. 1811. ENHANCEMENT OF ENFORCEMENT OF HELP**
16 **AMERICA VOTE ACT OF 2002.**

17 (a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT
18 OF ACTION.—Section 401 of the Help America Vote Act
19 of 2002 (52 U.S.C. 21111) is amended—

20 (1) by striking “The Attorney General” and in-
21 serting “(a) IN GENERAL.—The Attorney General”;
22 and

23 (2) by adding at the end the following new sub-
24 sections:

1 “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-
2 SONS.—

3 “(1) IN GENERAL.—A person who is aggrieved
4 by a violation of title III which has occurred, is oc-
5 curring, or is about to occur may file a written,
6 signed, notarized complaint with the Attorney Gen-
7 eral describing the violation and requesting the At-
8 torney General to take appropriate action under this
9 section. The Attorney General shall immediately pro-
10 vide a copy of a complaint filed under the previous
11 sentence to the entity responsible for administering
12 the State-based administrative complaint procedures
13 described in section 402(a) for the State involved.

14 “(2) RESPONSE BY ATTORNEY GENERAL.—The
15 Attorney General shall respond to each complaint
16 filed under paragraph (1), in accordance with proce-
17 dures established by the Attorney General that re-
18 quire responses and determinations to be made with-
19 in the same (or shorter) deadlines which apply to a
20 State under the State-based administrative com-
21 plaint procedures described in section 402(a)(2).
22 The Attorney General shall immediately provide a
23 copy of the response made under the previous sen-
24 tence to the entity responsible for administering the

1 State-based administrative complaint procedures de-
2 scribed in section 402(a) for the State involved.

3 “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-
4 TION.—Any person who is authorized to file a complaint
5 under subsection (b)(1) (including any individual who
6 seeks to enforce the individual’s right to a voter-verified
7 paper ballot, the right to have the voter-verified paper bal-
8 lot counted in accordance with this Act, or any other right
9 under title III) may file an action under section 1979 of
10 the Revised Statutes of the United States (42 U.S.C.
11 1983) to enforce the uniform and nondiscriminatory elec-
12 tion technology and administration requirements under
13 subtitle A of title III.

14 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing
15 in this section may be construed to affect the availability
16 of the State-based administrative complaint procedures re-
17 quired under section 402 to any person filing a complaint
18 under this subsection.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 this section shall apply with respect to violations occurring
21 with respect to elections for Federal office held in 2022
22 or any succeeding year.

1 **Subtitle M—Federal Election**
2 **Integrity**

3 **SEC. 1821. PROHIBITION ON CAMPAIGN ACTIVITIES BY**
4 **CHIEF STATE ELECTION ADMINISTRATION**
5 **OFFICIALS.**

6 (a) IN GENERAL.—Title III of the Federal Election
7 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
8 amended by inserting after section 319 the following new
9 section:

10 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
11 ADMINISTRATION OFFICIALS

12 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful
13 for a chief State election administration official to take
14 an active part in political management or in a political
15 campaign with respect to any election for Federal office
16 over which such official has supervisory authority.

17 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
18 FICIAL.—The term ‘chief State election administration of-
19 ficial’ means the highest State official with responsibility
20 for the administration of Federal elections under State
21 law.

22 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
23 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
24 litical management or in a political campaign’ means—

1 “(1) holding any position (including any unpaid
2 or honorary position) with an authorized committee
3 of a candidate, or participating in any decision-mak-
4 ing of an authorized committee of a candidate;

5 “(2) the use of official authority or influence
6 for the purpose of interfering with or affecting the
7 result of an election for Federal office;

8 “(3) the solicitation, acceptance, or receipt of a
9 contribution from any person on behalf of a can-
10 didate for Federal office; and

11 “(4) any other act which would be prohibited
12 under paragraph (2) or (3) of section 7323(b) of
13 title 5, United States Code, if taken by an individual
14 to whom such paragraph applies (other than any
15 prohibition on running for public office).

16 “(d) EXCEPTION IN CASE OF RECUSAL FROM AD-
17 MINISTRATION OF ELECTIONS INVOLVING OFFICIAL OR
18 IMMEDIATE FAMILY MEMBER.—

19 “(1) IN GENERAL.—This section does not apply
20 to a chief State election administration official with
21 respect to an election for Federal office in which the
22 official or an immediate family member of the offi-
23 cial is a candidate, but only if—

1 “(A) such official recuses himself or herself
2 from all of the official’s responsibilities for the
3 administration of such election; and

4 “(B) the official who assumes responsi-
5 bility for supervising the administration of the
6 election does not report directly to such official.

7 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
8 In paragraph (1), the term ‘immediate family mem-
9 ber’ means, with respect to a candidate, a father,
10 mother, son, daughter, brother, sister, husband,
11 wife, father-in-law, or mother-in-law.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall apply with respect to elections for
14 Federal office held after December 2021.

15 **Subtitle N—Promoting Voter Ac-**
16 **cess Through Election Adminis-**
17 **tration Improvements**

18 **PART 1—PROMOTING VOTER ACCESS**

19 **SEC. 1901. TREATMENT OF INSTITUTIONS OF HIGHER EDU-**
20 **CATION.**

21 (a) TREATMENT OF CERTAIN INSTITUTIONS AS
22 VOTER REGISTRATION AGENCIES UNDER NATIONAL
23 VOTER REGISTRATION ACT OF 1993.—Section 7(a) of the
24 National Voter Registration Act of 1993 (52 U.S.C.
25 20506(a)) is amended—

1 (1) in paragraph (2)—

2 (A) by striking “and” at the end of sub-
3 paragraph (A);

4 (B) by striking the period at the end of
5 subparagraph (B) and inserting “; and”; and

6 (C) by adding at the end the following new
7 subparagraph:

8 “(C) each institution of higher education
9 which has a program participation agreement in
10 effect with the Secretary of Education under
11 section 487 of the Higher Education Act of
12 1965 (20 U.S.C. 1094), other than an institu-
13 tion which is treated as a contributing agency
14 under the Automatic Voter Registration Act of
15 2021.”; and

16 (2) in paragraph (6)(A), by inserting “or, in
17 the case of an institution of higher education, with
18 each registration of a student for enrollment in a
19 course of study, including enrollment in a program
20 of distance education, as defined in section 103(7)
21 of the Higher Education Act of 1965 (20 U.S.C.
22 1003(7)),” after “assistance,”.

23 (b) RESPONSIBILITIES OF INSTITUTIONS UNDER
24 HIGHER EDUCATION ACT OF 1965.—

1 (1) IN GENERAL.—Section 487(a)(23) of the
2 Higher Education Act of 1965 (20 U.S.C.
3 1094(a)(23)) is amended to read as follows:

4 “(23)(A)(i) The institution will ensure that an
5 appropriate staff person or office is designated pub-
6 licly as a ‘Campus Vote Coordinator’ and will ensure
7 that such person’s or office’s contact information is
8 included on the institution’s website.

9 “(ii) Not fewer than twice during each calendar
10 year (beginning with 2021), the Campus Vote Coor-
11 dinator shall transmit electronically to each student
12 enrolled in the institution (including students en-
13 rolled in distance education programs) a message
14 containing the following information:

15 “(I) Information on the location of polling
16 places in the jurisdiction in which the institu-
17 tion is located, together with information on
18 available methods of transportation to and from
19 such polling places.

20 “(II) A referral to a government-affiliated
21 website or online platform which provides cen-
22 tralized voter registration information for all
23 States, including access to applicable voter reg-
24 istration forms and information to assist indi-

1 viduals who are not registered to vote in reg-
2 istering to vote.

3 “(III) Any additional voter registration
4 and voting information the Coordinator con-
5 siders appropriate, in consultation with the ap-
6 propriate State election official.

7 “(iii) In addition to transmitting the message
8 described in clause (ii) not fewer than twice during
9 each calendar year, the Campus Vote Coordinator
10 shall transmit the message under such clause, and
11 shall include on the institution’s website and boost
12 awareness on the institution’s social media plat-
13 forms, not fewer than 30 days prior to the deadline
14 for registering to vote for any election for Federal,
15 State, or local office in the State.

16 “(B) If the institution in its normal course of
17 operations requests each student registering for en-
18 rollment in a course of study, including students
19 registering for enrollment in a program of distance
20 education, to affirm whether or not the student is a
21 United States citizen, the institution will comply
22 with the applicable requirements for a contributing
23 agency under the Automatic Voter Registration Act
24 of 2021.

1 “(C) If the institution is not described in sub-
2 paragraph (B), the institution will comply with the
3 requirements for a voter registration agency in the
4 State in which it is located in accordance with sec-
5 tion 7 of the National Voter Registration Act of
6 1993 (52 U.S.C. 20506).

7 “(D) This paragraph applies only with respect
8 to an institution which is located in a State to which
9 section 4(b) of the National Voter Registration Act
10 of 1993 (52 U.S.C. 20503(b)) does not apply.”.

11 (2) EFFECTIVE DATE.—The amendments made
12 by this subsection shall apply with respect to elec-
13 tions held on or after January 1, 2022.

14 (c) GRANTS TO INSTITUTIONS DEMONSTRATING EX-
15 CELLENCE IN STUDENT VOTER REGISTRATION.—

16 (1) GRANTS AUTHORIZED.—The Secretary of
17 Education may award competitive grants to public
18 and private nonprofit institutions of higher edu-
19 cation that are subject to the requirements of sec-
20 tion 487(a)(23) of the Higher Education Act of
21 1965 (20 U.S.C. 1094(a)(23)), as amended by sub-
22 section (a), and that the Secretary determines have
23 demonstrated excellence in registering students to
24 vote in elections for public office beyond meeting the
25 minimum requirements of such section.

1 (2) ELIGIBILITY.—An institution of higher edu-
2 cation is eligible to receive a grant under this sub-
3 section if the institution submits to the Secretary of
4 Education, at such time and in such form as the
5 Secretary may require, an application containing
6 such information and assurances as the Secretary
7 may require to make the determination described in
8 paragraph (1), including information and assurances
9 that the institution carried out activities to promote
10 voter registration by students, such as the following:

11 (A) Sponsoring large on-campus voter mo-
12 bilization efforts.

13 (B) Engaging the surrounding community
14 in nonpartisan voter registration and get out
15 the vote efforts, including initiatives to facilitate
16 the enfranchisement of groups of individuals
17 that have historically faced barriers to voting.

18 (C) Creating a website for students with
19 centralized information about voter registration
20 and election dates.

21 (D) Inviting candidates to speak on cam-
22 pus.

23 (E) Offering rides to students to the polls
24 to increase voter education, registration, and
25 mobilization.

9 (d) SENSE OF CONGRESS RELATING TO OPTION OF

20 SEC. 1902. MINIMUM NOTIFICATION REQUIREMENTS FOR

(a) REQUIREMENTS.—Section 302 of the Help Amer-
ica Vote Act of 2002 (52 U.S.C. 21082), as amended by
section 1601(a), is amended—

1 (1) by redesignating subsection (f) as sub-
2 section (g); and

3 (2) by inserting after subsection (e) the fol-
4 lowing new subsection:

5 “(f) MINIMUM NOTIFICATION REQUIREMENTS FOR
6 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

7 “(1) IN GENERAL.—If a State assigns an indi-
8 vidual who is a registered voter in a State to a poll-
9 ing place with respect to an election for Federal of-
10 fice which is not the same polling place to which the
11 individual was previously assigned with respect to
12 the most recent election for Federal office in the
13 State in which the individual was eligible to vote—

14 “(A) the State shall notify the individual of
15 the location of the polling place not later than
16 7 days before the date of the election or the
17 first day of an early voting period (whichever
18 occurs first); or

19 “(B) if the State makes such an assign-
20 ment fewer than 7 days before the date of the
21 election and the individual appears on the date
22 of the election at the polling place to which the
23 individual was previously assigned, the State
24 shall make every reasonable effort to enable the
25 individual to vote on the date of the election.

1 “(2) METHODS OF NOTIFICATION.—The State
2 shall notify an individual under subparagraph (A) of
3 paragraph (1) by mail, telephone, and (if available)
4 text message and electronic mail, taking into consid-
5 eration factors which include the linguistic pref-
6 erences of voters in the jurisdiction.

7 “(3) PLACEMENT OF SIGNS AT CLOSED POLL-
8 ING PLACES.—If a location which served as a polling
9 place in an election for Federal office does not serve
10 as a polling place in the next election for Federal of-
11 fice held in the jurisdiction involved, the State shall
12 ensure that signs are posted at such location on the
13 date of the election and during any early voting pe-
14 riod for the election containing the following infor-
15 mation, taking into consideration factors which in-
16 clude the linguistic preferences of voters in the juris-
17 diction:

18 “(A) A statement that the location is not
19 serving as a polling place in the election.

20 “(B) The locations serving as polling
21 places in the election in the jurisdiction in-
22 volved.

23 “(C) Contact information, including a tele-
24 phone number and website, for the appropriate
25 State or local election official through which an

1 individual may find the polling place to which
2 the individual is assigned for the election.

3 “(4) EFFECTIVE DATE.—This subsection shall
4 apply with respect to elections held on or after Janu-
5 ary 1, 2021.”.

6 (b) CONFORMING AMENDMENT.—Section 302(g) of
7 such Act (52 U.S.C. 21082(g)), as redesignated by sub-
8 section (a) and as amended by section 1601(b), is amend-
9 ed by striking “(d)(2) and (e)(2)” and inserting “(d)(2),
10 (e)(2), and (f)(4)”.

11 **SEC. 1903. PERMITTING USE OF SWORN WRITTEN STATE-**
12 **MENT TO MEET IDENTIFICATION REQUIRE-**
13 **MENTS FOR VOTING.**

14 (a) PERMITTING USE OF STATEMENT.—Title III of
15 the Help America Vote Act of 2002 (52 U.S.C. 21081 et
16 seq.) is amended by inserting after section 303 the fol-
17 lowing new section:

18 **“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATE-**
19 **MENT TO MEET IDENTIFICATION REQUIRE-**
20 **MENTS.**

21 “(a) USE OF STATEMENT.—

22 “(1) IN GENERAL.—Except as provided in sub-
23 section (c), if a State has in effect a requirement
24 that an individual present identification as a condi-
25 tion of receiving and casting a ballot in an election

1 for Federal office, the State shall permit the indi-
2 vidual to meet the requirement—

3 “(A) in the case of an individual who de-
4 sires to vote in person, by presenting the appro-
5 priate State or local election official with a
6 sworn written statement, signed by the indi-
7 vidual under penalty of perjury, attesting to the
8 individual’s identity and attesting that the indi-
9 vidual is eligible to vote in the election; or

10 “(B) in the case of an individual who de-
11 sires to vote by mail, by submitting with the
12 ballot the statement described in subparagraph
13 (A).

14 “(2) DEVELOPMENT OF PRE-PRINTED VERSION
15 OF STATEMENT BY COMMISSION.—The Commission
16 shall develop a pre-printed version of the statement
17 described in paragraph (1)(A) which includes a
18 blank space for an individual to provide a name and
19 signature for use by election officials in States which
20 are subject to paragraph (1).

21 “(3) PROVIDING PRE-PRINTED COPY OF STATE-
22 MENT.—A State which is subject to paragraph (1)
23 shall—

24 “(A) make copies of the pre-printed
25 version of the statement described in paragraph

1 (1)(A) which is prepared by the Commission
2 available at polling places for election officials
3 to distribute to individuals who desire to vote in
4 person; and

5 “(B) include a copy of such pre-printed
6 version of the statement with each blank absen-
7 tee or other ballot transmitted to an individual
8 who desires to vote by mail.

9 “(b) REQUIRING USE OF BALLOT IN SAME MANNER
10 AS INDIVIDUALS PRESENTING IDENTIFICATION.—An in-
11 dividual who presents or submits a sworn written state-
12 ment in accordance with subsection (a)(1) shall be per-
13 mitted to cast a ballot in the election in the same manner
14 as an individual who presents identification.

15 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-
16 ISTERING BY MAIL.—Subsections (a) and (b) do not apply
17 with respect to any individual described in paragraph (1)
18 of section 303(b) who is required to meet the requirements
19 of paragraph (2) of such section.”.

20 (b) REQUIRING STATES TO INCLUDE INFORMATION
21 ON USE OF SWORN WRITTEN STATEMENT IN VOTING IN-
22 FORMATION MATERIAL POSTED AT POLLING PLACES.—
23 Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)),
24 as amended by section 1072(b) and section 1202(b), is
25 amended—

1 (1) by striking “and” at the end of subpara-
 2 graph (G);

3 (2) by striking the period at the end of sub-
 4 paragraph (H) and inserting “; and”; and

5 (3) by adding at the end the following new sub-
 6 paragraph:

7 “(I) in the case of a State that has in ef-
 8 fect a requirement that an individual present
 9 identification as a condition of receiving and
 10 casting a ballot in an election for Federal office,
 11 information on how an individual may meet
 12 such requirement by presenting a sworn written
 13 statement in accordance with section 303A.”.

14 (c) CLERICAL AMENDMENT.—The table of contents
 15 of such Act is amended by inserting after the item relating
 16 to section 303 the following new item:

“Sec. 303A. Permitting use of sworn written statement to meet identification
 requirements.”.

17 (e) EFFECTIVE DATE.—The amendments made by
 18 this section shall apply with respect to elections occurring
 19 on or after the date of the enactment of this Act.

20 **SEC. 1904. ACCOMMODATIONS FOR VOTERS RESIDING IN**
 21 **INDIAN LANDS.**

22 (a) ACCOMMODATIONS DESCRIBED.—

23 (1) DESIGNATION OF BALLOT PICKUP AND COL-
 24 LECTION LOCATIONS.—Given the widespread lack of

1 residential mail delivery in Indian Country, an In-
2 dian Tribe may designate buildings as ballot pickup
3 and collection locations with respect to an election
4 for Federal office at no cost to the Indian Tribe. An
5 Indian Tribe may designate one building per pre-
6 cinct located within Indian lands. The applicable
7 State or political subdivision shall collect ballots
8 from those locations. The applicable State or polit-
9 ical subdivision shall provide the Indian Tribe with
10 accurate precinct maps for all precincts located with-
11 in Indian lands 60 days before the election.

12 (2) PROVISION OF MAIL-IN AND ABSENTEE
13 BALLOTS.—The State or political subdivision shall
14 provide mail-in and absentee ballots with respect to
15 an election for Federal office to each individual who
16 is registered to vote in the election who resides on
17 Indian lands in the State or political subdivision in-
18 volved without requiring a residential address or a
19 mail-in or absentee ballot request.

20 (3) USE OF DESIGNATED BUILDING AS RESI-
21 DENTIAL AND MAILING ADDRESS.—The address of a
22 designated building that is a ballot pickup and col-
23 lection location with respect to an election for Fed-
24 eral office may serve as the residential address and
25 mailing address for voters living on Indian lands if

1 the tribally designated building is in the same pre-
2 cinct as that voter. If there is no tribally designated
3 building within a voter's precinct, the voter may use
4 another tribally designated building within the In-
5 dian lands where the voter is located. Voters using
6 a tribally designated building outside of the voter's
7 precinct may use the tribally designated building as
8 a mailing address and may separately designate the
9 voter's appropriate precinct through a description of
10 the voter's address, as specified in section
11 9428.4(a)(2) of title 11, Code of Federal Regula-
12 tions.

13 (4) LANGUAGE ACCESSIBILITY.—In the case of
14 a State or political subdivision that is a covered
15 State or political subdivision under section 203 of
16 the Voting Rights Act of 1965 (52 U.S.C. 10503),
17 that State or political subdivision shall provide ab-
18 sentee or mail-in voting materials with respect to an
19 election for Federal office in the language of the ap-
20 plicable minority group as well as in the English lan-
21 guage, bilingual election voting assistance, and writ-
22 ten translations of all voting materials in the lan-
23 guage of the applicable minority group, as required
24 by section 203 of the Voting Rights Act of 1965 (52
25 U.S.C. 10503), as amended by subsection (b).

1 (5) CLARIFICATION.—Nothing in this section
2 alters the ability of an individual voter residing on
3 Indian lands to request a ballot in a manner avail-
4 able to all other voters in the State.

5 (6) DEFINITIONS.—In this section:

6 (A) ELECTION FOR FEDERAL OFFICE.—
7 The term “election for Federal office” means a
8 general, special, primary or runoff election for
9 the office of President or Vice President, or of
10 Senator or Representative in, or Delegate or
11 Resident Commissioner to, the Congress.

12 (B) INDIAN.—The term “Indian” has the
13 meaning given the term in section 4 of the In-
14 dian Self-Determination and Education Assist-
15 ance Act (25 U.S.C. 5304).

16 (C) INDIAN LANDS.—The term “Indian
17 lands” includes—

18 (i) any Indian country of an Indian
19 Tribe, as defined under section 1151 of
20 title 18, United States Code;

21 (ii) any land in Alaska owned, pursu-
22 ant to the Alaska Native Claims Settle-
23 ment Act (43 U.S.C. 1601 et seq.), by an
24 Indian Tribe that is a Native village (as
25 defined in section 3 of that Act (43 U.S.C.

1 1602)) or by a Village Corporation that is
2 associated with an Indian Tribe (as de-
3 fined in section 3 of that Act (43 U.S.C.
4 1602));

5 (iii) any land on which the seat of the
6 Tribal Government is located; and

7 (iv) any land that is part or all of a
8 Tribal designated statistical area associ-
9 ated with an Indian Tribe, or is part or all
10 of an Alaska Native village statistical area
11 associated with an Indian Tribe, as defined
12 by the Census Bureau for the purposes of
13 the most recent decennial census.

14 (D) INDIAN TRIBE.—The term “Indian
15 Tribe” has the meaning given the term “Indian
16 tribe” in section 4 of the Indian Self-Deter-
17 mination and Education Assistance Act (25
18 U.S.C. 5304).

19 (E) TRIBAL GOVERNMENT.—The term
20 “Tribal Government” means the recognized
21 governing body of an Indian Tribe.

22 (7) ENFORCEMENT.—

23 (A) ATTORNEY GENERAL.—The Attorney
24 General may bring a civil action in an appro-
25 priate district court for such declaratory or in-

1 injunctive relief as is necessary to carry out this
2 subsection.

3 (B) PRIVATE RIGHT OF ACTION.—

4 (i) A person or Tribal Government
5 who is aggrieved by a violation of this sub-
6 section may provide written notice of the
7 violation to the chief election official of the
8 State involved.

9 (ii) An aggrieved person or Tribal
10 Government may bring a civil action in an
11 appropriate district court for declaratory
12 or injunctive relief with respect to a viola-
13 tion of this subsection, if—

14 (I) that person or Tribal Govern-
15 ment provides the notice described in
16 clause (i); and

17 (II)(aa) in the case of a violation
18 that occurs more than 120 days be-
19 fore the date of an election for Fed-
20 eral office, the violation remains and
21 90 days or more have passed since the
22 date on which the chief election offi-
23 cial of the State receives the notice
24 under clause (i); or

1 (bb) in the case of a violation
2 that occurs 120 days or less before
3 the date of an election for Federal of-
4 fice, the violation remains and 20
5 days or more have passed since the
6 date on which the chief election offi-
7 cial of the State receives the notice
8 under clause (i).

9 (iii) In the case of a violation of this
10 section that occurs 30 days or less before
11 the date of an election for Federal office,
12 an aggrieved person or Tribal Government
13 may bring a civil action in an appropriate
14 district court for declaratory or injunctive
15 relief with respect to the violation without
16 providing notice to the chief election offi-
17 cial of the State under clause (i).

18 (b) BILINGUAL ELECTION REQUIREMENTS.—Section
19 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)
20 is amended—

21 (1) in subsection (b)(3)(C)), by striking “1990”
22 and inserting “2010”; and

23 (2) by striking subsection (c) and inserting the
24 following:

1 “(c) PROVISION OF VOTING MATERIALS IN THE LAN-
2 GUAGE OF A MINORITY GROUP.—

3 “(1) IN GENERAL.—Whenever any State or po-
4 litical subdivision subject to the prohibition of sub-
5 section (b) of this section provides any registration
6 or voting notices, forms, instructions, assistance, or
7 other materials or information relating to the elec-
8 toral process, including ballots, it shall provide them
9 in the language of the applicable minority group as
10 well as in the English language.

11 “(2) EXCEPTIONS.—

12 “(A) In the case of a minority group that
13 is not American Indian or Alaska Native and
14 the language of that minority group is oral or
15 unwritten, the State or political subdivision
16 shall only be required to furnish, in the covered
17 language, oral instructions, assistance, trans-
18 lation of voting materials, or other information
19 relating to registration and voting.

20 “(B) In the case of a minority group that
21 is American Indian or Alaska Native, the State
22 or political subdivision shall only be required to
23 furnish in the covered language oral instruc-
24 tions, assistance, or other information relating
25 to registration and voting, including all voting

1 materials, if the Tribal Government of that mi-
2 nority group has certified that the language of
3 the applicable American Indian or Alaska Na-
4 tive language is presently unwritten or the
5 Tribal Government does not want written trans-
6 lations in the minority language.

7 “(3) WRITTEN TRANSLATIONS FOR ELECTION
8 WORKERS.—Notwithstanding paragraph (2), the
9 State or political division may be required to provide
10 written translations of voting materials, with the
11 consent of any applicable Indian Tribe, to election
12 workers to ensure that the translations from English
13 to the language of a minority group are complete,
14 accurate, and uniform.”.

15 (c) EFFECTIVE DATE.—This section and the amend-
16 ments made by this section shall apply with respect to the
17 regularly scheduled general election for Federal office held
18 in November 2022 and each succeeding election for Fed-
19 eral office.

20 **SEC. 1905. VOTER INFORMATION RESPONSE SYSTEMS AND**
21 **HOTLINE.**

22 (a) ESTABLISHMENT AND OPERATION OF SYSTEMS
23 AND SERVICES.—

24 (1) STATE-BASED RESPONSE SYSTEMS.—The
25 Attorney General shall coordinate the establishment

1 of a State-based response system for responding to
2 questions and complaints from individuals voting or
3 seeking to vote, or registering to vote or seeking to
4 register to vote, in elections for Federal office. Such
5 system shall provide—

6 (A) State-specific, same-day, and imme-
7 diate assistance to such individuals, including
8 information on how to register to vote, the loca-
9 tion and hours of operation of polling places,
10 and how to obtain absentee ballots; and

11 (B) State-specific, same-day, and imme-
12 diate assistance to individuals encountering
13 problems with registering to vote or voting, in-
14 cluding individuals encountering intimidation or
15 deceptive practices.

16 (2) HOTLINE.—The Attorney General, in con-
17 sultation with State election officials, shall establish
18 and operate a toll-free telephone service, using a
19 telephone number that is accessible throughout the
20 United States and that uses easily identifiable nu-
21 merals, through which individuals throughout the
22 United States—

23 (A) may connect directly to the State-
24 based response system described in paragraph
25 (1) with respect to the State involved;

1 (B) may obtain information on voting in
2 elections for Federal office, including informa-
3 tion on how to register to vote in such elections,
4 the locations and hours of operation of polling
5 places, and how to obtain absentee ballots; and

6 (C) may report information to the Attor-
7 ney General on problems encountered in reg-
8 istering to vote or voting, including incidences
9 of voter intimidation or suppression.

10 (3) COLLABORATION WITH STATE AND LOCAL
11 ELECTION OFFICIALS.—

12 (A) COLLECTION OF INFORMATION FROM
13 STATES.—The Attorney General shall coordi-
14 nate the collection of information on State and
15 local election laws and policies, including infor-
16 mation on the statewide computerized voter reg-
17 istration lists maintained under title III of the
18 Help America Vote Act of 2002, so that indi-
19 viduals who contact the free telephone service
20 established under paragraph (2) on the date of
21 an election for Federal office may receive an
22 immediate response on that day.

23 (B) FORWARDING QUESTIONS AND COM-
24 PLAINTS TO STATES.—If an individual contacts
25 the free telephone service established under

1 paragraph (2) on the date of an election for
2 Federal office with a question or complaint with
3 respect to a particular State or jurisdiction
4 within a State, the Attorney General shall for-
5 ward the question or complaint immediately to
6 the appropriate election official of the State or
7 jurisdiction so that the official may answer the
8 question or remedy the complaint on that date.

9 (4) CONSULTATION REQUIREMENTS FOR DE-
10 VELOPMENT OF SYSTEMS AND SERVICES.—The At-
11 torney General shall ensure that the State-based re-
12 sponse system under paragraph (1) and the free
13 telephone service under paragraph (2) are each de-
14 veloped in consultation with civil rights organiza-
15 tions, voting rights groups, State and local election
16 officials, voter protection groups, and other inter-
17 ested community organizations, especially those that
18 have experience in the operation of similar systems
19 and services.

20 (b) USE OF SERVICE BY INDIVIDUALS WITH DIS-
21 ABILITIES AND INDIVIDUALS WITH LIMITED ENGLISH
22 LANGUAGE PROFICIENCY.—The Attorney General shall
23 design and operate the telephone service established under
24 this section in a manner that ensures that individuals with
25 disabilities are fully able to use the service, and that as-

1 sistance is provided in any language in which the State
2 (or any jurisdiction in the State) is required to provide
3 election materials under section 203 of the Voting Rights
4 Act of 1965.

5 (c) VOTER HOTLINE TASK FORCE.—

6 (1) APPOINTMENT BY ATTORNEY GENERAL.—

7 The Attorney General shall appoint individuals (in
8 such number as the Attorney General considers ap-
9 propriate but in no event fewer than 3) to serve on
10 a Voter Hotline Task Force to provide ongoing anal-
11 ysis and assessment of the operation of the tele-
12 phone service established under this section, and
13 shall give special consideration in making appoint-
14 ments to the Task Force to individuals who rep-
15 resent civil rights organizations. At least one mem-
16 ber of the Task Force shall be a representative of
17 an organization promoting voting rights or civil
18 rights which has experience in the operation of simi-
19 lar telephone services or in protecting the rights of
20 individuals to vote, especially individuals who are
21 members of racial, ethnic, or linguistic minorities or
22 of communities who have been adversely affected by
23 efforts to suppress voting rights.

24 (2) ELIGIBILITY.—An individual shall be eligi-
25 ble to serve on the Task Force under this subsection

1 if the individual meets such criteria as the Attorney
2 General may establish, except that an individual may
3 not serve on the task force if the individual has been
4 convicted of any criminal offense relating to voter in-
5 timidation or voter suppression.

6 (3) TERM OF SERVICE.—An individual ap-
7 pointed to the Task Force shall serve a single term
8 of 2 years, except that the initial terms of the mem-
9 bers first appointed to the Task Force shall be stag-
10 gered so that there are at least 3 individuals serving
11 on the Task Force during each year. A vacancy in
12 the membership of the Task Force shall be filled in
13 the same manner as the original appointment.

14 (4) NO COMPENSATION FOR SERVICE.—Mem-
15 bers of the Task Force shall serve without pay, but
16 shall receive travel expenses, including per diem in
17 lieu of subsistence, in accordance with applicable
18 provisions under subchapter I of chapter 57 of title
19 5, United States Code.

20 (d) BI-ANNUAL REPORT TO CONGRESS.—Not later
21 than March 1 of each odd-numbered year, the Attorney
22 General shall submit a report to Congress on the operation
23 of the telephone service established under this section dur-
24 ing the previous 2 years, and shall include in the report—

1 (1) an enumeration of the number and type of
2 calls that were received by the service;

3 (2) a compilation and description of the reports
4 made to the service by individuals citing instances of
5 voter intimidation or suppression, together with a
6 description of any actions taken in response to such
7 instances of voter intimidation or suppression;

8 (3) an assessment of the effectiveness of the
9 service in making information available to all house-
10 holds in the United States with telephone service;

11 (4) any recommendations developed by the
12 Task Force established under subsection (c) with re-
13 spect to how voting systems may be maintained or
14 upgraded to better accommodate voters and better
15 ensure the integrity of elections, including but not
16 limited to identifying how to eliminate coordinated
17 voter suppression efforts and how to establish effec-
18 tive mechanisms for distributing updates on changes
19 to voting requirements; and

20 (5) any recommendations on best practices for
21 the State-based response systems established under
22 subsection (a)(1).

23 (e) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) AUTHORIZATION.—There are authorized to
25 be appropriated to the Attorney General for fiscal

1 year 2021 and each succeeding fiscal year such sums
2 as may be necessary to carry out this section.

3 (2) SET-ASIDE FOR OUTREACH.—Of the
4 amounts appropriated to carry out this section for a
5 fiscal year pursuant to the authorization under para-
6 graph (1), not less than 15 percent shall be used for
7 outreach activities to make the public aware of the
8 availability of the telephone service established under
9 this section, with an emphasis on outreach to indi-
10 viduals with disabilities and individuals with limited
11 proficiency in the English language.

12 **SEC. 1906. ENSURING EQUITABLE AND EFFICIENT OPER-**
13 **ATION OF POLLING PLACES.**

14 (a) IN GENERAL.—Subtitle A of title III of the Help
15 America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as
16 amended by section 1031(a), section 1101(a), section
17 1611(a), section 1621(a), section 1622(a), and section
18 1623(a), is amended—

19 (1) by redesignating sections 310 and 311 as
20 sections 311 and 312; and

21 (2) by inserting after section 309 the following
22 new section:

1 **“SEC. 310. ENSURING EQUITABLE AND EFFICIENT OPER-**
2 **ATION OF POLLING PLACES.**

3 “(a) PREVENTING UNREASONABLE WAITING TIMES
4 FOR VOTERS.—

5 “(1) IN GENERAL.—Each State shall provide a
6 sufficient number of voting systems, poll workers,
7 and other election resources (including physical re-
8 sources) at a polling place used in any election for
9 Federal office, including a polling place at which in-
10 dividuals may cast ballots prior to the date of the
11 election, to ensure—

12 “(A) a fair and equitable waiting time for
13 all voters in the State; and

14 “(B) that no individual will be required to
15 wait longer than 30 minutes to cast a ballot at
16 the polling place.

17 “(2) CRITERIA.—In determining the number of
18 voting systems, poll workers, and other election re-
19 sources provided at a polling place for purposes of
20 paragraph (1), the State shall take into account the
21 following factors:

22 “(A) The voting age population.

23 “(B) Voter turnout in past elections.

24 “(C) The number of voters registered.

25 “(D) The number of voters who have reg-
26 istered since the most recent Federal election.

1 “(E) Census data for the population served
2 by the polling place, such as the proportion of
3 the voting-age population who are under 25
4 years of age or who are naturalized citizens.

5 “(F) The needs and numbers of voters
6 with disabilities and voters with limited English
7 proficiency.

8 “(G) The type of voting systems used.

9 “(H) The length and complexity of initia-
10 tives, referenda, and other questions on the bal-
11 lot.

12 “(I) Such other factors, including relevant
13 demographic factors relating to the population
14 served by the polling place, as the State con-
15 siders appropriate.

16 “(3) RULE OF CONSTRUCTION.—Nothing in
17 this subsection may be construed to authorize a
18 State to meet the requirements of this subsection by
19 closing any polling place, prohibiting an individual
20 from entering a line at a polling place, or refusing
21 to permit an individual who has arrived at a polling
22 place prior to closing time from voting at the polling
23 place.

24 “(4) GUIDELINES.—Not later than 180 days
25 after the date of the enactment of this section, the

1 Commission shall establish and publish guidelines to
2 assist States in meeting the requirements of this
3 subsection.

4 “(5) EFFECTIVE DATE.—This subsection shall
5 take effect upon the expiration of the 180-day period
6 which begins on the date of the enactment of this
7 subsection, without regard to whether or not the
8 Commission has established and published guidelines
9 under paragraph (4).

10 “(b) LIMITING VARIATIONS ON NUMBER OF HOURS
11 OF OPERATION OF POLLING PLACES WITHIN A STATE.—

12 “(1) LIMITATION.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B) and paragraph (2), each
15 State shall establish hours of operation for all
16 polling places in the State on the date of any
17 election for Federal office held in the State
18 such that the polling place with the greatest
19 number of hours of operation on such date is
20 not in operation for more than 2 hours longer
21 than the polling place with the fewest number
22 of hours of operation on such date.

23 “(B) PERMITTING VARIANCE ON BASIS OF
24 POPULATION.—Subparagraph (A) does not
25 apply to the extent that the State establishes

1 variations in the hours of operation of polling
2 places on the basis of the overall population or
3 the voting age population (as the State may se-
4 lect) of the unit of local government in which
5 such polling places are located.

6 “(2) EXCEPTIONS FOR POLLING PLACES WITH
7 HOURS ESTABLISHED BY UNITS OF LOCAL GOVERN-
8 MENT.—Paragraph (1) does not apply in the case of
9 a polling place—

10 “(A) whose hours of operation are estab-
11 lished, in accordance with State law, by the unit
12 of local government in which the polling place
13 is located; or

14 “(B) which is required pursuant to an
15 order by a court to extend its hours of oper-
16 ation beyond the hours otherwise established.

17 “(c) MINIMUM HOURS OF OPERATION OUTSIDE OF
18 TYPICAL WORKING HOURS.—Each State shall establish
19 hours of operation for all polling places in the State on
20 the date of any election for Federal office held in the State
21 such that no polling place is open for less than a total
22 of 4 hours outside of the hours between 9:00 a.m. and
23 5:00 p.m. in time zone in which the polling place is lo-
24 cated.”.

1 (b) STUDY OF METHODS TO ENFORCE FAIR AND
2 EQUITABLE WAITING TIMES.—

3 (1) STUDY.—The Election Assistance Commis-
4 sion and the Comptroller General of the United
5 States shall conduct a joint study of the effective-
6 ness of various methods of enforcing the require-
7 ments of section 310(a) of the Help America Vote
8 Act of 2002, as added by subsection (a), including
9 methods of best allocating resources to jurisdictions
10 which have had the most difficulty in providing a
11 fair and equitable waiting time at polling places to
12 all voters, and to communities of color in particular.

13 (2) REPORT.—Not later than 18 months after
14 the date of the enactment of this Act, the Election
15 Assistance Commission and the Comptroller General
16 of the United States shall publish and submit to
17 Congress a report on the study conducted under
18 paragraph (1).

19 (c) CLERICAL AMENDMENT.—The table of contents
20 of such Act, as amended by section 1031(c), section
21 1101(c), section 1611(c), section 1621(b), section
22 1622(c), and section 1623(a), is amended—

23 (1) by redesignating the items relating to sec-
24 tions 310 and 311 as relating to sections 311 and
25 312; and

1 (2) by inserting after the item relating to sec-
2 tion 309 the following new item:

“Sec. 310. Ensuring equitable and efficient operation of polling places.”.

3 **SEC. 1907. REQUIRING STATES TO PROVIDE SECURED**
4 **DROP BOXES FOR VOTED ABSENTEE BAL-**
5 **LOTS IN ELECTIONS FOR FEDERAL OFFICE.**

6 (a) REQUIREMENT.—Subtitle A of title III of the
7 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
8 as amended by section 1031(a), section 1101(a), section
9 1611(a), section 1621(a), section 1622(a), section
10 1623(a), and section 1906(a), is amended—

11 (1) by redesignating sections 311 and 312 as
12 sections 312 and 313; and

13 (2) by inserting after section 310 the following
14 new section:

15 **“SEC. 311. USE OF SECURED DROP BOXES FOR VOTED AB-**
16 **SENTEE BALLOTS.**

17 “(a) REQUIRING USE OF DROP BOXES.—In each
18 county in the State, each State shall provide in-person,
19 secured, and clearly labeled drop boxes at which individ-
20 uals may, at any time during the period described in sub-
21 section (b), drop off voted absentee ballots in an election
22 for Federal office.

23 “(b) MINIMUM PERIOD FOR AVAILABILITY OF DROP
24 BOXES.—The period described in this subsection is, with
25 respect to an election, the period which begins 45 days

1 before the date of the election and which ends at the time
2 the polls close for the election in the county involved.

3 “(c) ACCESSIBILITY.—

4 “(1) IN GENERAL.—Each State shall ensure
5 that the drop boxes provided under this section are
6 accessible for use—

7 “(A) by individuals with disabilities, as de-
8 termined in consultation with the protection
9 and advocacy systems (as defined in section 102
10 of the Developmental Disabilities Assistance
11 and Bill of Rights Act of 2000 (42 U.S.C.
12 15002)) of the State;

13 “(B) by individuals with limited proficiency
14 in the English language; and

15 “(C) by homeless individuals (as defined in
16 section 103 of the McKinney–Vento Homeless
17 Assistance Act of 1987 (42 U.S.C. 11302)) of
18 the State.

19 “(2) DETERMINATION OF ACCESSIBILITY FOR
20 INDIVIDUALS WITH DISABILITIES.—For purposes of
21 this subsection, drop boxes shall be considered to be
22 accessible for use by individuals with disabilities if
23 the drop boxes meet such criteria as the Attorney
24 General may establish for such purposes.

1 “(3) RULE OF CONSTRUCTION.—If a State pro-
2 vides a drop box under this section on the grounds
3 of or inside a building or facility which serves as a
4 polling place for an election during the period de-
5 scribed in subsection (b), nothing in this subsection
6 may be construed to waive any requirements regard-
7 ing the accessibility of such polling place for the use
8 of individuals with disabilities or individuals with
9 limited proficiency in the English language.

10 “(d) NUMBER OF DROP BOXES.—

11 “(1) FORMULA FOR DETERMINATION OF NUM-
12 BER.—The number of drop boxes provided under
13 this section in a county with respect to an election
14 shall be determined as follows:

15 “(A) In the case of a county in which the
16 number of individuals who are residents of the
17 county and who are registered to vote in the
18 election is equal to or greater than 20,000, the
19 number of drop boxes shall be a number equal
20 to or greater than the number of such individ-
21 uals divided by 20,000 (rounded to the nearest
22 whole number).

23 “(B) In the case of any other county, the
24 number of drop boxes shall be equal to or
25 greater than one.

1 “(C) The State shall ensure that the num-
2 ber of drop boxes provided is sufficient to pro-
3 vide a reasonable opportunity for voters to sub-
4 mit their voted ballots in a timely manner.

5 “(2) TIMING.—For purposes of this subsection,
6 the number of individuals who reside in a county
7 and who are registered to vote in the election shall
8 be determined as of the 90th day before the date of
9 the election.

10 “(e) LOCATION OF DROP BOXES.—The State shall
11 determine the location of drop boxes provided under this
12 section in a county on the basis of criteria which ensure
13 that the drop boxes are—

14 “(1) available to all voters on a non-discrimina-
15 tory basis;

16 “(2) accessible to voters with disabilities (in ac-
17 cordance with subsection (c));

18 “(3) accessible by public transportation to the
19 greatest extent possible;

20 “(4) available during all hours of the day;

21 “(5) sufficiently available in all communities in
22 the county, including rural communities and on
23 Tribal lands within the county (subject to subsection
24 (f)); and

1 “(6) geographically distributed to provide a rea-
2 sonable opportunity for voters to submit their voted
3 ballot in a timely manner.

4 “(f) RULES FOR DROP BOXES ON TRIBAL LANDS.—
5 In making a determination of the number and location of
6 drop boxes provided under this section on Tribal lands in
7 a county, the appropriate State and local election officials
8 shall—

9 “(1) consult with Tribal leaders prior to making
10 the determination; and

11 “(2) take into account criteria such as the
12 availability of direct-to-door residential mail delivery,
13 the distance and time necessary to travel to the drop
14 box locations (including in inclement weather),
15 modes of transportation available, conditions of
16 roads, and the availability (if any) of public trans-
17 portation.

18 “(g) TIMING OF SCANNING AND PROCESSING OF
19 BALLOTS.—For purposes of section 306(e) (relating to
20 the timing of the processing and scanning of ballots for
21 tabulation), a vote cast using a drop box provided under
22 this section shall be treated in the same manner as any
23 other vote cast during early voting.

24 “(h) POSTING OF INFORMATION.—On or adjacent to
25 each drop box provided under this section, the State shall

1 post information on the requirements that voted absentee
 2 ballots must meet in order to be counted and tabulated
 3 in the election.

4 “(i) REMOTE SURVEILLANCE PERMITTED.—The
 5 State may provide for the security of drop boxes through
 6 remote or electronic surveillance.

7 “(j) EFFECTIVE DATE.—This section shall apply
 8 with respect to the regularly scheduled general election for
 9 Federal office held in November 2022 and each succeeding
 10 election for Federal office.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
 12 of such Act, as amended by section 1031(c), section
 13 1101(c), section 1611(c), section 1621(b), section
 14 1622(c), section 1623(a), and section 1906(c), is amend-
 15 ed—

16 (1) by redesignating the items relating to sec-
 17 tions 311 and 312 as relating to sections 312 and
 18 313; and

19 (2) by inserting after the item relating to sec-
 20 tion 310 the following new item:

“Sec. 311. Use of secured drop boxes for voted absentee ballots.”.

21 **SEC. 1908. PROHIBITING STATES FROM RESTRICTING**
 22 **CURBSIDE VOTING.**

23 (a) REQUIREMENT.—Subtitle A of title III of the
 24 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
 25 as amended by section 1031(a), section 1101(a), section

1 1611(a), section 1621(a), section 1622(a), section
2 1623(a), section 1906(a), and section 1907(a), is amend-
3 ed—

4 (1) by redesignating sections 312 and 313 as
5 sections 313 and 314; and

6 (2) by inserting after section 311 the following
7 new section:

8 **“SEC. 312. PROHIBITING STATES FROM RESTRICTING**
9 **CURBSIDE VOTING.**

10 “(a) PROHIBITION.—A State may not—

11 “(1) prohibit any jurisdiction administering an
12 election for Federal office in the State from utilizing
13 curbside voting as a method by which individuals
14 may cast ballots in the election; or

15 “(2) impose any restrictions which would ex-
16 clude any individual who is eligible to vote in such
17 an election in a jurisdiction which utilizes curbside
18 voting from casting a ballot in the election by the
19 method of curbside voting.

20 “(b) EFFECTIVE DATE.—This section shall apply
21 with respect to the regularly scheduled general election for
22 Federal office held in November 2022 and each succeeding
23 election for Federal office.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 of such Act, as amended by section 1031(c), section

1 1101(c), section 1611(c), section 1621(b), section
2 1622(c), section 1623(a), section 1906(c), and section
3 1907(b), is amended—

4 (1) by redesignating the items relating to sec-
5 tions 312 and 313 as relating to sections 313 and
6 314; and

7 (2) by inserting after the item relating to sec-
8 tion 311 the following new item:

“Sec. 312. Prohibiting States from restricting curbside voting.”.

9 **SEC. 1909. ELECTION DAY AS LEGAL PUBLIC HOLIDAY.**

10 (a) IN GENERAL.—Section 6103(a) of title 5, United
11 States Code, is amended by inserting after the item relat-
12 ing to Columbus Day the following:

13 “Election Day, the Tuesday next after the first
14 Monday in November of every even-numbered year.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply with respect to the regularly
17 scheduled general elections for Federal office held in No-
18 vember 2022 or any succeeding year.

19 **SEC. 1910. GAO STUDY ON VOTER TURNOUT RATES.**

20 The Comptroller General of the United States shall
21 conduct a study on voter turnout rates delineated by age
22 in States and localities that permit voters to participate
23 in elections before reaching the age of 18, with a focus
24 on localities that permit voting upon reaching the age of
25 16.

1 **SEC. 1910A. STUDY ON RANKED-CHOICE VOTING.**

2 (a) STUDY.—The Comptroller General shall conduct
3 a study on the implementation and impact of ranked-
4 choice voting in States and localities with a focus on how
5 to best implement a model for Federal elections nation-
6 wide. The study shall include the impact on voter turnout,
7 negative campaigning, and who decides to run for office.

8 (b) REPORT.—Not later than 1 year after the date
9 of enactment of this section, the Comptroller General shall
10 transmit to Congress a report on the study conducted
11 under subsection (a), including any recommendations on
12 how to best implement a ranked-choice voting for Federal
13 elections nationwide.

14 **PART 2—DISASTER AND EMERGENCY**

15 **CONTINGENCY PLANS**

16 **SEC. 1911. REQUIREMENTS FOR FEDERAL ELECTION CON-**
17 **TINGENCY PLANS IN RESPONSE TO NATURAL**
18 **DISASTERS AND EMERGENCIES.**

19 (a) IN GENERAL.—

20 (1) ESTABLISHMENT.—Not later than 90 days
21 after the date of the enactment of this Act, each
22 State and each jurisdiction in a State which is re-
23 sponsible for administering elections for Federal of-
24 fice shall establish and make publicly available a
25 contingency plan to enable individuals to vote in
26 elections for Federal office during a state of emer-

1 gency, public health emergency, or national emer-
2 gency which has been declared for reasons includ-
3 ing—

4 (A) a natural disaster; or

5 (B) an infectious disease.

6 (2) UPDATING.—Each State and jurisdiction
7 shall update the contingency plan established under
8 this subsection not less frequently than every 5
9 years.

10 (b) REQUIREMENTS RELATING TO SAFETY.—The
11 contingency plan established under subsection (a) shall in-
12 clude initiatives to provide equipment and resources need-
13 ed to protect the health and safety of poll workers and
14 voters when voting in person.

15 (c) REQUIREMENTS RELATING TO RECRUITMENT OF
16 POLL WORKERS.—The contingency plan established
17 under subsection (a) shall include initiatives by the chief
18 State election official and local election officials to recruit
19 poll workers from resilient or unaffected populations,
20 which may include—

21 (1) employees of other State and local govern-
22 ment offices; and

23 (2) in the case in which an infectious disease
24 poses significant increased health risks to elderly in-

1 dividuals, students of secondary schools and institu-
2 tions of higher education in the State.

3 (d) ENFORCEMENT.—

4 (1) ATTORNEY GENERAL.—The Attorney Gen-
5 eral may bring a civil action against any State or ju-
6 risdiction in an appropriate United States District
7 Court for such declaratory and injunctive relief (in-
8 cluding a temporary restraining order, a permanent
9 or temporary injunction, or other order) as may be
10 necessary to carry out the requirements of this sec-
11 tion.

12 (2) PRIVATE RIGHT OF ACTION.—

13 (A) IN GENERAL.—In the case of a viola-
14 tion of this section, any person who is aggrieved
15 by such violation may provide written notice of
16 the violation to the chief election official of the
17 State involved.

18 (B) RELIEF.—If the violation is not cor-
19 rected within 20 days after receipt of a notice
20 under subparagraph (A), or within 5 days after
21 receipt of the notice if the violation occurred
22 within 120 days before the date of an election
23 for Federal office, the aggrieved person may, in
24 a civil action, obtain declaratory or injunctive
25 relief with respect to the violation.

1 (C) SPECIAL RULE.—If the violation oc-
2 curred within 5 days before the date of an elec-
3 tion for Federal office, the aggrieved person
4 need not provide notice to the chief election of-
5 ficial of the State involved under subparagraph
6 (A) before bringing a civil action under sub-
7 paragraph (B).

8 (e) DEFINITIONS.—

9 (1) ELECTION FOR FEDERAL OFFICE.—For
10 purposes of this section, the term “election for Fed-
11 eral office” means a general, special, primary, or
12 runoff election for the office of President or Vice
13 President, or of Senator or Representative in, or
14 Delegate or Resident Commissioner to, the Con-
15 gress.

16 (2) STATE.—For purposes of this section, the
17 term “State” includes the District of Columbia, the
18 Commonwealth of Puerto Rico, Guam, American
19 Samoa, the United States Virgin Islands, and the
20 Commonwealth of the Northern Mariana Islands.

21 (f) EFFECTIVE DATE.—This section shall apply with
22 respect to the regularly scheduled general election for Fed-
23 eral office held in November 2022 and each succeeding
24 election for Federal office.

1 **PART 3—IMPROVEMENTS IN OPERATION OF**
2 **ELECTION ASSISTANCE COMMISSION**

3 **SEC. 1921. REAUTHORIZATION OF ELECTION ASSISTANCE**
4 **COMMISSION.**

5 Section 210 of the Help America Vote Act of 2002
6 (52 U.S.C. 20930) is amended—

7 (1) by striking “for each of the fiscal years
8 2003 through 2005” and inserting “for fiscal year
9 2021 and each succeeding fiscal year”; and

10 (2) by striking “(but not to exceed \$10,000,000
11 for each such year)”.

12 **SEC. 1922. REQUIRING STATES TO PARTICIPATE IN POST-**
13 **GENERAL ELECTION SURVEYS.**

14 (a) REQUIREMENT.—Title III of the Help America
15 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
16 by section 1903(a), is further amended by inserting after
17 section 303A the following new section:

18 **“SEC. 303B. REQUIRING PARTICIPATION IN POST-GENERAL**
19 **ELECTION SURVEYS.**

20 “(a) REQUIREMENT.—Each State shall furnish to the
21 Commission such information as the Commission may re-
22 quest for purposes of conducting any post-election survey
23 of the States with respect to the administration of a regu-
24 larly scheduled general election for Federal office.

25 “(b) EFFECTIVE DATE.—This section shall apply
26 with respect to the regularly scheduled general election for

1 Federal office held in November 2022 and any succeeding
2 election.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of such Act, as amended by section 1903(c), is further
5 amended by inserting after the item relating to section
6 303A the following new item:

“Sec. 303B. Requiring participation in post-general election surveys.”.

7 **SEC. 1923. REPORTS BY NATIONAL INSTITUTE OF STAND-**
8 **ARDS AND TECHNOLOGY ON USE OF FUNDS**
9 **TRANSFERRED FROM ELECTION ASSISTANCE**
10 **COMMISSION.**

11 (a) REQUIRING REPORTS ON USE FUNDS AS CONDI-
12 TION OF RECEIPT.—Section 231 of the Help America
13 Vote Act of 2002 (52 U.S.C. 20971) is amended by adding
14 at the end the following new subsection:

15 “(e) REPORT ON USE OF FUNDS TRANSFERRED
16 FROM COMMISSION.—To the extent that funds are trans-
17 ferred from the Commission to the Director of the Na-
18 tional Institute of Standards and Technology for purposes
19 of carrying out this section during any fiscal year, the Di-
20 rector may not use such funds unless the Director certifies
21 at the time of transfer that the Director will submit a re-
22 port to the Commission not later than 90 days after the
23 end of the fiscal year detailing how the Director used such
24 funds during the year.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to fiscal year 2022
3 and each succeeding fiscal year.

4 **SEC. 1924. RECOMMENDATIONS TO IMPROVE OPERATIONS**
5 **OF ELECTION ASSISTANCE COMMISSION.**

6 (a) ASSESSMENT OF INFORMATION TECHNOLOGY
7 AND CYBERSECURITY.—Not later than December 31,
8 2021, the Election Assistance Commission shall carry out
9 an assessment of the security and effectiveness of the
10 Commission’s information technology systems, including
11 the cybersecurity of such systems.

12 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT
13 PROCEDURES.—

14 (1) REVIEW OF PROCEDURES.—The Election
15 Assistance Commission shall carry out a review of
16 the effectiveness and efficiency of the State-based
17 administrative complaint procedures established and
18 maintained under section 402 of the Help America
19 Vote Act of 2002 (52 U.S.C. 21112) for the inves-
20 tigation and resolution of allegations of violations of
21 title III of such Act.

22 (2) RECOMMENDATIONS TO STREAMLINE PRO-
23 CEDURES.—Not later than December 31, 2021, the
24 Commission shall submit to Congress a report on
25 the review carried out under paragraph (1), and

1 shall include in the report such recommendations as
2 the Commission considers appropriate to streamline
3 and improve the procedures which are the subject of
4 the review.

5 **SEC. 1925. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
6 **ANCE COMMISSION FROM CERTAIN GOVERN-**
7 **MENT CONTRACTING REQUIREMENTS.**

8 (a) IN GENERAL.—Section 205 of the Help America
9 Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-
10 ing subsection (e).

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply with respect to contracts entered
13 into by the Election Assistance Commission on or after
14 the date of the enactment of this Act.

15 **PART 4—MISCELLANEOUS PROVISIONS**

16 **SEC. 1931. APPLICATION OF FEDERAL ELECTION ADMINIS-**
17 **TRATION LAWS TO TERRITORIES OF THE**
18 **UNITED STATES.**

19 (a) NATIONAL VOTER REGISTRATION ACT OF
20 1993.—Section 3(4) of the National Voter Registration
21 Act of 1993 (52 U.S.C. 20502(4)) is amended by striking
22 “States and the District of Columbia” and inserting
23 “States, the District of Columbia, the Commonwealth of
24 Puerto Rico, Guam, American Samoa, the United States

1 Virgin Islands, and the Commonwealth of the Northern
2 Mariana Islands”.

3 (b) HELP AMERICA VOTE ACT OF 2002.—

4 (1) COVERAGE OF COMMONWEALTH OF THE
5 NORTHERN MARIANA ISLANDS.—Section 901 of the
6 Help America Vote Act of 2002 (52 U.S.C. 21141)
7 is amended by striking “and the United States Vir-
8 gin Islands” and inserting “the United States Virgin
9 Islands, and the Commonwealth of the Northern
10 Mariana Islands”.

11 (2) CONFORMING AMENDMENTS TO HELP
12 AMERICA VOTE ACT OF 2002.—Such Act is further
13 amended as follows:

14 (A) The second sentence of section
15 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended
16 by striking “and American Samoa” and insert-
17 ing “American Samoa, and the Commonwealth
18 of the Northern Mariana Islands”.

19 (B) Section 252(c)(2) (52 U.S.C.
20 21002(c)(2)) is amended by striking “or the
21 United States Virgin Islands” and inserting
22 “the United States Virgin Islands, or the Com-
23 monwealth of the Northern Mariana Islands”.

24 (3) CONFORMING AMENDMENT RELATING TO
25 CONSULTATION OF HELP AMERICA VOTE FOUNDA-

1 TION WITH LOCAL ELECTION OFFICIALS.—Section
2 90102(c) of title 36, United States Code, is amend-
3 ed by striking “and the United States Virgin Is-
4 lands” and inserting “the United States Virgin Is-
5 lands, and the Commonwealth of the Northern Mar-
6 iana Islands”.

7 **SEC. 1932. DEFINITION OF ELECTION FOR FEDERAL OF-**
8 **FICE.**

9 (a) DEFINITION.—Title IX of the Help America Vote
10 Act of 2002 (52 U.S.C. 21141 et seq.) is amended by add-
11 ing at the end the following new section:

12 **“SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.**

13 “For purposes of titles I through III, the term ‘elec-
14 tion for Federal office’ means a general, special, primary,
15 or runoff election for the office of President or Vice Presi-
16 dent, or of Senator or Representative in, or Delegate or
17 Resident Commissioner to, the Congress.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 of such Act is amended by adding at the end of the items
20 relating to title IX the following new item:

“Sec. 907. Election for Federal office defined.”.

1 **SEC. 1933. AUTHORIZING PAYMENTS TO VOTING ACCESSI-**
2 **BILITY PROTECTION AND ADVOCACY SYS-**
3 **TEMS SERVING THE AMERICAN INDIAN CON-**
4 **SORTIUM.**

5 (a) RECIPIENTS DEFINED.—Section 291 of the Help
6 America Vote Act of 2002 (52 U.S.C. 21061) is amend-
7 ed—

8 (1) by redesignating subsection (c) as sub-
9 section (d); and

10 (2) by inserting after subsection (b) the fol-
11 lowing new subsection:

12 “(c) AMERICAN INDIAN CONSORTIUM ELIGIBILITY.—
13 A system serving the American Indian Consortium for
14 which funds have been reserved under section
15 509(c)(1)(B) of the Rehabilitation Act of 1973 (29 U.S.C.
16 794e(c)(1)(B)) shall be eligible for payments under sub-
17 section (a) in the same manner as a protection and advo-
18 cacy system of a State.”.

19 (b) GRANT MINIMUMS FOR AMERICAN INDIAN CON-
20 SORTIUM.—Section 291(b) of such Act (52 U.S.C.
21 21061(b)) is amended—

22 (1) by inserting “(c)(1)(B),” after “as set forth
23 in subsections”; and

24 (2) by striking “subsections (c)(3)(B) and
25 (c)(4)(B) of that section shall be not less than
26 \$70,000 and \$35,000, respectively” and inserting

1 “subsection (c)(3)(B) shall not be less than \$70,000,
2 and the amount of the grants to systems referred to
3 in subsections (c)(1)(B) and (c)(4)(B) shall not be
4 less than \$35,000”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect at the start of the first fiscal
7 year following the date of enactment of this Act.

8 **SEC. 1934. APPLICATION OF FEDERAL VOTER PROTECTION**
9 **LAWS TO TERRITORIES OF THE UNITED**
10 **STATES.**

11 (a) INTIMIDATION OF VOTERS.—Section 594 of title
12 18, United States Code, is amended by striking “Delegate
13 from the District of Columbia, or Resident Commis-
14 sioner,” and inserting “or Delegate or Resident Commis-
15 sioner to the Congress”.

16 (b) INTERFERENCE BY GOVERNMENT EMPLOY-
17 EES.—Section 595 of title 18, United States Code, is
18 amended by striking “Delegate from the District of Co-
19 lumbia, or Resident Commissioner,” and inserting “or
20 Delegate or Resident Commissioner to the Congress”.

21 (c) VOTING BY NONCITIZENS.—Section 611(a) of
22 title 18, United States Code, is amended by striking “Del-
23 egate from the District of Columbia, or Resident Commis-
24 sioner,” and inserting “or Delegate or Resident Commis-
25 sioner to the Congress”.

1 **SEC. 1935. PLACEMENT OF STATUES OF CITIZENS OF TER-**
2 **RITORIES OF THE UNITED STATES IN STAT-**
3 **UARY HALL.**

4 (a) IN GENERAL.—Section 1814 of the Revised Stat-
5 utes of the United States (2 U.S.C. 2131) is amended by
6 adding at the end the following new sentence: “For pur-
7 poses of this section, the term ‘State’ includes American
8 Samoa, Guam, the Commonwealth of the Northern Mar-
9 iana Islands, the Commonwealth of Puerto Rico, and the
10 United States Virgin Islands, and the term ‘citizen’ in-
11 cludes a national of the United States, as defined in sec-
12 tion 101(a)(22) of the Immigration and Nationality Act
13 (8 U.S.C. 1101(a)(22)).”.

14 (b) CONFORMING AMENDMENT RELATING TO PRO-
15 CEDURES FOR REPLACEMENT OF STATUES.—Section 311
16 of the Legislative Branch Appropriations Act, 2001 (2
17 U.S.C. 2132) is amended by adding at the end the fol-
18 lowing new subsection:

19 “(f) For purposes of this section, the term ‘State’ in-
20 cludes American Samoa, Guam, the Commonwealth of the
21 Northern Mariana Islands, the Commonwealth of Puerto
22 Rico, and the United States Virgin Islands.”.

23 **SEC. 1936. NO EFFECT ON OTHER LAWS.**

24 (a) IN GENERAL.—Except as specifically provided,
25 nothing in this title may be construed to authorize or re-
26 quire conduct prohibited under any of the following laws,

1 or to supersede, restrict, or limit the application of such
2 laws:

3 (1) The Voting Rights Act of 1965 (52 U.S.C.
4 10301 et seq.).

5 (2) The Voting Accessibility for the Elderly and
6 Handicapped Act (52 U.S.C. 20101 et seq.).

7 (3) The Uniformed and Overseas Citizens Ab-
8 sentee Voting Act (52 U.S.C. 20301 et seq.).

9 (4) The National Voter Registration Act of
10 1993 (52 U.S.C. 20501 et seq.).

11 (5) The Americans with Disabilities Act of
12 1990 (42 U.S.C. 12101 et seq.).

13 (6) The Rehabilitation Act of 1973 (29 U.S.C.
14 701 et seq.).

15 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
16 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
17 proval by any person of a payment or grant application
18 under this title, or any other action taken by any person
19 under this title, shall not be considered to have any effect
20 on requirements for preclearance under section 5 of the
21 Voting Rights Act of 1965 (52 U.S.C. 10304) or any other
22 requirements of such Act.

23 (c) NO EFFECT ON AUTHORITY OF STATES TO PRO-
24 VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing
25 in this title or the amendments made by this title may

1 be construed to prohibit any State from enacting any law
2 which provides greater opportunities for individuals to reg-
3 ister to vote and to vote in elections for Federal office than
4 are provided by this title and the amendments made by
5 this title.

6 **SEC. 1937. CLARIFICATION OF EXEMPTION FOR STATES**
7 **WITHOUT VOTER REGISTRATION.**

8 To the extent that any provision of this title or any
9 amendment made by this title imposes a requirement on
10 a State relating to registering individuals to vote in elec-
11 tions for Federal office, such provision shall not apply in
12 the case of any State in which, under law that is in effect
13 continuously on and after the date of the enactment of
14 this Act, there is no voter registration requirement for any
15 voter in the State with respect to an election for Federal
16 office.

17 **PART 5—VOTER NOTICE**

18 **SEC. 1941. SHORT TITLE.**

19 This part may be cited as the “Voter Notification of
20 Timely Information about Changes in Elections Act” or
21 the “Voter Notice Act”.

1 **SEC. 1942. PUBLIC EDUCATION CAMPAIGNS IN EVENT OF**
2 **CHANGES IN ELECTIONS IN RESPONSE TO**
3 **EMERGENCIES.**

4 (a) REQUIREMENT FOR ELECTION OFFICIALS TO
5 CONDUCT CAMPAIGNS.—Section 302 of the Help America
6 Vote Act of 2002 (52 U.S.C. 21082), as amended by sec-
7 tion 1601(a) and section 1901(a), is amended—

8 (1) by redesignating subsection (g) as sub-
9 section (h); and

10 (2) by inserting after subsection (f) the fol-
11 lowing new subsection:

12 “(g) PUBLIC EDUCATION CAMPAIGNS IN EVENT OF
13 CHANGES IN ELECTIONS IN RESPONSE TO EMER-
14 GENCIES.—

15 “(1) REQUIREMENT.—If the administration of
16 an election for Federal office, including the methods
17 of voting or registering to vote in the election, is
18 changed in response to an emergency affecting pub-
19 lic health and safety, the appropriate State or local
20 election official shall conduct a public education
21 campaign through at least one direct mailing to each
22 individual who is registered to vote in the election,
23 and through additional direct mailings, newspaper
24 advertisements, broadcasting (including through tel-
25 evision, radio, satellite, and the Internet), and social

1 media, to notify individuals who are eligible to vote
2 or to register to vote in the election of the changes.

3 “(2) FREQUENCY AND METHODS OF PROVIDING
4 INFORMATION.—The election official shall carry out
5 the public education campaign under this subsection
6 at such frequency, and using such methods, as will
7 have the greatest likelihood of providing timely
8 knowledge of the change in the administration of the
9 election to those individuals who will be most ad-
10 versely affected by the change.

11 “(3) LANGUAGE ACCESSIBILITY.—In the case
12 of a State or political subdivision that is a covered
13 State or political subdivision under section 203 of
14 the Voting Rights Act of 1965 (52 U.S.C. 10503),
15 the appropriate election official shall ensure that the
16 information disseminated under a public education
17 campaign conducted under this subsection is pro-
18 vided in the language of the applicable minority
19 group as well as in the English language, as re-
20 quired by section 203 of such Act.

21 “(4) EFFECTIVE DATE.—This subsection shall
22 apply with respect to the regularly scheduled general
23 election for Federal office held in November 2020
24 and each succeeding election for Federal office.”.

1 (b) CONFORMING AMENDMENT RELATING TO EF-
2 FECTIVE DATE.—Section 302(h) of such Act (52 U.S.C.
3 21082(h)), as redesignated by subsection (a) and as
4 amended by section 1601(b) and section 1901(b), is
5 amended by striking “and (f)(4)” and inserting “(f)(4),
6 and (g)(4)”.

7 **SEC. 1943. REQUIREMENTS FOR WEBSITES OF ELECTION**
8 **OFFICIALS.**

9 (a) REQUIREMENTS.—Subtitle A of title III of the
10 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
11 as amended by section 1031(a), section 1101(a), section
12 1611(a), section 1621(a), section 1622(a), section
13 1623(a), section 1906(a), section 1907(a), and 1908(a),
14 is amended—

15 (1) by redesignating sections 313 and 314 as
16 sections 314 and 315; and

17 (2) by inserting after section 312 the following
18 new section:

19 **“SEC. 313. REQUIREMENTS FOR WEBSITES OF ELECTION**
20 **OFFICIALS.**

21 “(a) ACCESSIBILITY.—Each State and local election
22 official shall ensure that the official public website of the
23 official is fully accessible for individuals with disabilities,
24 including the blind and visually impaired, in a manner

1 that provides the same opportunity for access and partici-
2 pation as the website provides for other individuals.

3 “(b) CONTINUING OPERATION IN CASE OF EMER-
4 GENCIES.—

5 “(1) ESTABLISHMENT OF BEST PRACTICES.—

6 “(A) IN GENERAL.—The Director of the
7 National Institute of Standards and Technology
8 shall establish and regularly update best prac-
9 tices for ensuring the continuing operation of
10 the official public websites of State and local
11 election officials during emergencies affecting
12 public health and safety.

13 “(B) DEADLINE.—The Director shall first
14 establish the best practices required under this
15 paragraph as soon as practicable after the date
16 of the enactment of this section, but in no case
17 later than August 15, 2021.

18 “(2) REQUIRING WEBSITES TO MEET BEST
19 PRACTICES.—Each State and local election official
20 shall ensure that the official public website of the of-
21 ficial is in compliance with the best practices estab-
22 lished by the Director of the National Institute of
23 Standards and Technology under paragraph (2).

24 “(c) EFFECTIVE DATE.—This section shall apply
25 with respect to the regularly scheduled general election for

1 Federal office held in November 2020 and each succeeding
2 election for Federal office.”.

3 (b) CONFORMING AMENDMENT RELATING TO ADOP-
4 TION OF VOLUNTARY GUIDANCE BY ELECTION ASSIST-
5 ANCE COMMISSION.—Section 321(b) of such Act (52
6 U.S.C. 21101(b)), as redesignated and amended by sec-
7 tion 1101(b) and section 1611(b), is amended—

8 (1) by striking “and” at the end of paragraph
9 (4);

10 (2) by striking the period at the end of para-
11 graph (5) and inserting “; and”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(6) in the case of the recommendations with
15 respect to section 304, as soon as practicable after
16 the date of the enactment of this paragraph, but in
17 no case later than August 15, 2021.”.

18 (c) CLERICAL AMENDMENT.—The table of contents
19 of such Act, as amended by section 1031(c), section
20 1101(c), section 1611(c), section 1621(b), section
21 1622(c), section 1623(a), section 1906(c), section
22 1907(b), and section 1908(b), is amended—

23 (1) by redesignating the items relating to sec-
24 tions 313 and 314 as relating to sections 314 and
25 315; and

1 (2) by inserting after the item relating to sec-
2 tion 312 the following new item:

“Sec. 313. Requirements for websites of election officials.”.

3 **SEC. 1944. PAYMENTS BY ELECTION ASSISTANCE COMMIS-**
4 **SION TO STATES FOR COSTS OF COMPLI-**
5 **ANCE.**

6 (b) AVAILABILITY OF PAYMENTS.—Title IX of the
7 Help America Vote Act of 2002 (52 U.S.C. 21141 et seq.)
8 is amended by adding at the end the following new section:

9 **“SEC. 907. PAYMENTS FOR COSTS OF COMPLIANCE WITH**
10 **CERTAIN REQUIREMENTS RELATING TO PUB-**
11 **LIC NOTIFICATION.**

12 “(a) PAYMENTS.—

13 “(1) AVAILABILITY AND USE OF PAYMENTS.—

14 The Commission shall make a payment to each eligi-
15 ble State to cover the costs the State incurs or ex-
16 pects to incur in meeting the requirements of section
17 302(g) (relating to public education campaigns in
18 event of changes in elections in response to emer-
19 gencies) and section 313 (relating to requirements
20 for the websites of election officials).

21 “(2) SCHEDULE OF PAYMENTS.—As soon as
22 practicable after the date of the enactment of this
23 section, and not less frequently than once each cal-
24 endar year thereafter, the Commission shall make
25 payments under this section.

1 “(3) ADMINISTRATION OF PAYMENTS.—The
2 chief State election official of the State shall receive
3 the payment made to a State under this section, and
4 may use the payment for the purposes set forth in
5 this section without intervening action by the legisla-
6 ture of the State.

7 “(b) AMOUNT OF PAYMENT.—

8 “(1) IN GENERAL.—The amount of a payment
9 made to an eligible State for a year under this sec-
10 tion shall be determined by the Commission on the
11 basis of the information provided by the State in its
12 application under subsection (c).

13 “(2) CONTINUING AVAILABILITY OF FUNDS
14 AFTER APPROPRIATION.—A payment made to an eli-
15 gible State under this section shall be available with-
16 out fiscal year limitation.

17 “(c) REQUIREMENTS FOR ELIGIBILITY.—

18 “(1) APPLICATION.—Each State that desires to
19 receive a payment under this section for a fiscal year
20 shall submit an application for the payment to the
21 Commission at such time and in such manner and
22 containing such information as the Commission shall
23 require.

24 “(2) CONTENTS OF APPLICATION.—Each appli-
25 cation submitted under paragraph (1) shall—

1 “(A) describe the activities for which as-
2 sistance under this section is sought; and

3 “(B) provide an estimate of the costs the
4 State has incurred or expects to incur in car-
5 rying out the provisions described in subsection
6 (a), together with such additional information
7 and certifications as the Commission deter-
8 mines to be essential to ensure compliance with
9 the requirements of this section.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated for payments under this
12 section such sums as may be necessary for each of the
13 fiscal years 2022 through 2025.

14 “(e) REPORTS.—

15 “(1) REPORTS BY RECIPIENTS.—Not later than
16 the 6 months after the end of each fiscal year for
17 which an eligible State received a payment under
18 this section, the State shall submit a report to the
19 Commission on the activities conducted with the
20 funds provided during the year.

21 “(2) REPORTS BY COMMISSION TO COMMIT-
22 TEES.—With respect to each fiscal year for which
23 the Commission makes payments under this section,
24 the Commission shall submit a report on the activi-
25 ties carried out under this part to the Committee on

1 House Administration of the House of Representa-
 2 tives and the Committee on Rules and Administra-
 3 tion of the Senate.”.

4 (c) CLERICAL AMENDMENT.—The table of contents
 5 of such Act is amended by adding at the end of the items
 6 relating to title IX the following:

“Sec. 907. Payments for costs of compliance with certain requirements relating
 to public notification.”.

7 **Subtitle O—Severability**

8 **SEC. 1951. SEVERABILITY.**

9 If any provision of this title or amendment made by
 10 this title, or the application of a provision or amendment
 11 to any person or circumstance, is held to be unconstitu-
 12 tional, the remainder of this title and amendments made
 13 by this title, and the application of the provisions and
 14 amendment to any person or circumstance, shall not be
 15 affected by the holding.

16 **TITLE II—ELECTION INTEGRITY**

Subtitle A—Findings Reaffirming Commitment of Congress to Restore the Voting Rights Act

Sec. 2001. Findings reaffirming commitment of Congress to restore the Voting
Rights Act.

Subtitle B—Findings Relating to Native American Voting Rights

Sec. 2101. Findings relating to Native American voting rights.

Subtitle C—Findings Relating to District of Columbia Statehood

Sec. 2201. Findings relating to District of Columbia statehood.

Subtitle D—Territorial Voting Rights

Sec. 2301. Findings relating to territorial voting rights.

Sec. 2302. Congressional Task Force on Voting Rights of United States Citizen
Residents of Territories of the United States.

Subtitle E—Redistricting Reform

Sec. 2400. Short title; finding of constitutional authority.

PART 1—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Sec. 2401. Requiring congressional redistricting to be conducted through plan of independent State commission.

Sec. 2402. Ban on mid-decade redistricting.

Sec. 2403. Criteria for redistricting.

PART 2—INDEPENDENT REDISTRICTING COMMISSIONS

Sec. 2411. Independent redistricting commission.

Sec. 2412. Establishment of selection pool of individuals eligible to serve as members of commission.

Sec. 2413. Public notice and input.

Sec. 2414. Establishment of related entities.

Sec. 2415. Report on diversity of memberships of independent redistricting commissions.

PART 3—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS

Sec. 2421. Enactment of plan developed by 3-judge court.

Sec. 2422. Special rule for redistricting conducted under order of Federal court.

PART 4—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 2431. Payments to States for carrying out redistricting.

Sec. 2432. Civil enforcement.

Sec. 2433. State apportionment notice defined.

Sec. 2434. No effect on elections for State and local office.

Sec. 2435. Effective date.

PART 5—REQUIREMENTS FOR REDISTRICTING CARRIED OUT PURSUANT TO 2020 CENSUS

SUBPART A—APPLICATION OF CERTAIN REQUIREMENTS FOR REDISTRICTING CARRIED OUT PURSUANT TO 2020 CENSUS

Sec. 2441. Application of certain requirements for redistricting carried out pursuant to 2020 Census.

Sec. 2442. Triggering events.

SUBPART B—INDEPENDENT REDISTRICTING COMMISSIONS FOR REDISTRICTING CARRIED OUT PURSUANT TO 2020 CENSUS

Sec. 2451. Use of independent redistricting commissions for redistricting carried out pursuant to 2020 Census.

Sec. 2452. Establishment of selection pool of individuals eligible to serve as members of commission.

Sec. 2453. Criteria for redistricting plan; public notice and input.

Sec. 2454. Establishment of related entities.

Sec. 2455. Report on diversity of memberships of independent redistricting commissions.

Subtitle F—Saving Eligible Voters From Voter Purging

Sec. 2501. Short title.

Sec. 2502. Conditions for removal of voters from list of registered voters.

Subtitle G—No Effect on Authority of States To Provide Greater Opportunities for Voting

Sec. 2601. No effect on authority of States to provide greater opportunities for voting.

Subtitle H—Residence of Incarcerated Individuals

Sec. 2701. Residence of incarcerated individuals.

Subtitle I—Findings Relating to Youth Voting

Sec. 2801. Findings relating to youth voting.

Subtitle J—Severability

Sec. 2901. Severability.

1 Subtitle A—Findings Reaffirming
2 Commitment of Congress to Re-
3 store the Voting Rights Act

4 SEC. 2001. FINDINGS REAFFIRMING COMMITMENT OF CON-
5 GRESS TO RESTORE THE VOTING RIGHTS
6 ACT.

7 (a) FINDINGS.—Congress finds the following:

8 (1) The right to vote for all Americans is a fun-
9 damental right guaranteed by the United States
10 Constitution.

11 (2) Federal, State, and local governments
12 should protect the right to vote and promote voter
13 participation across all demographics.

14 (3) The Voting Rights Act has empowered the
15 Department of Justice and Federal courts for nearly
16 a half a century to block discriminatory voting prac-
17 tices before their implementation in States and local-

ities with the most troubling histories, ongoing records of racial discrimination, and demonstrations of lower participation rates for protected classes.

(4) There continues to be an alarming movement to erect barriers to make it more difficult for Americans to participate in our Nation's democratic process. The Nation has witnessed unprecedented efforts to turn back the clock and enact suppressive laws that block access to the franchise for communities of color which have faced historic and continuing discrimination, as well as disabled, young, elderly, and low-income Americans.

(5) The Supreme Court's decision in *Shelby County v. Holder* (570 U.S. 529 (2013)), gutted decades-long Federal protections for communities of color and language-minority populations facing ongoing discrimination, emboldening States and local jurisdictions to pass voter suppression laws and implementation procedures, like those requiring photo identification, limiting early voting hours, eliminating same-day registration, purging voters from the rolls, and reducing the number of polling places.

(6) Racial discrimination in voting is a clear and persistent problem. The actions of States and localities around the country post-Shelby County, in-

1 cluding at least 10 findings by Federal courts of in-
2 tentional discrimination, underscored the need for
3 Congress to conduct investigatory and evidentiary
4 hearings to determine the legislation necessary to re-
5 store the Voting Rights Act and combat continuing
6 efforts in America that suppress the free exercise of
7 the franchise in Black and other communities of
8 color.

9 (7) Evidence of discriminatory voting practice
10 spans from decades ago through to the past several
11 election cycles. The 2018 midterm elections, for ex-
12 ample, demonstrated ongoing discrimination in vot-
13 ing.

14 (8) During the 116th Congress, congressional
15 committees in the House of Representatives held nu-
16 merous hearings, collecting substantial testimony
17 and other evidence which underscored the need to
18 pass a restoration of the Voting Rights Act.

19 (9) On December 6, 2019, the House of Rep-
20 resentatives passed the John R. Lewis Voting Rights
21 Advancement Act, which would restore and mod-
22 ernize the Voting Rights Act, in accordance with
23 language from the *Shelby County* decision. Congress
24 reaffirms that the barriers faced by too many voters
25 across this Nation when trying to cast their ballot

1 necessitate reintroduction of many of the protections
2 once afforded by the Voting Rights Act.

3 (10) The 2020 primary and general elections
4 provide further evidence that systemic voter dis-
5 crimination and intimidation continues to occur in
6 communities of color across the country, making it
7 clear that full access to the franchise will not be
8 achieved until Congress restores key provisions of
9 the Voting Rights Act.

10 (11) As of late-February 2021, 43 States had
11 introduced, prefiled, or carried over 253 bills to re-
12 strict voting access that, primarily, limit mail voting
13 access, impose stricter voter ID requirements, slash
14 voter registration opportunities, and/or enable more
15 aggressive voter roll purges.

16 (b) PURPOSES.—The purposes of this Act are as fol-
17 lows:

18 (1) To improve access to the ballot for all citi-
19 zens.

20 (2) To establish procedures by which States
21 and localities, in accordance with past actions, sub-
22 mit voting practice changes for preclearance by the
23 Federal Government.

24 (3) To enhance the integrity and security of our
25 voting systems.

1 (4) To ensure greater accountability for the ad-
2 ministration of elections by States and localities.

3 (5) To restore protections for voters against
4 practices in States and localities plagued by the per-
5 sistence of voter disenfranchisement.

6 (6) To ensure that Federal civil rights laws pro-
7 tect the rights of voters against discriminatory and
8 deceptive practices.

9 **Subtitle B—Findings Relating to**
10 **Native American Voting Rights**

11 **SEC. 2101. FINDINGS RELATING TO NATIVE AMERICAN VOT-**
12 **ING RIGHTS.**

13 Congress finds the following:

14 (1) The right to vote for all Americans is sa-
15 cred. Congress must fulfill the Federal Government’s
16 trust responsibility to protect and promote Native
17 Americans’ exercise of their fundamental right to
18 vote, including equal access to voter registration vot-
19 ing mechanisms and locations, and the ability to
20 serve as election officials.

21 (2) The Native American Voting Rights Coali-
22 tion’s four-State survey of voter discrimination
23 (2016) and nine field hearings in Indian Country
24 (2017–2018) revealed obstacles that Native Ameri-
25 cans must overcome, including a lack of accessible

1 and proximate registration and polling sites, non-
2 traditional addresses for residents on Indian reserva-
3 tions, inadequate language assistance for Tribal
4 members, and voter identification laws that discrimi-
5 nate against Native Americans. The Department of
6 Justice and courts have recognized that some juris-
7 dictions have been unresponsive to reasonable re-
8 quests from federally recognized Indian Tribes for
9 more accessible and proximate voter registration
10 sites and in-person voting locations.

11 (3) The 2018 midterm and 2020 general elec-
12 tions provide further evidence that systemic voter
13 discrimination and intimidation continues to occur in
14 communities of color and Tribal lands across the
15 country, making it clear that democracy reform can-
16 not be achieved until Congress restores key provi-
17 sions of the Voting Rights Act and passes additional
18 protections.

19 (4) Congress has broad, plenary authority to
20 enact legislation to safeguard the voting rights of
21 Native American voters.

22 (5) Congress must conduct investigatory and
23 evidentiary hearings to determine the necessary leg-
24 islation to restore the Voting Rights Act and combat
25 continuous efforts that suppress the voter franchise

1 within Tribal lands, to include, but not to be limited
2 to, the Native American Voting Rights Act
3 (NAVRA) and the Voting Rights Advancement Act
4 (VRAA).

5 **Subtitle C—Findings Relating to**
6 **District of Columbia Statehood**

7 **SEC. 2201. FINDINGS RELATING TO DISTRICT OF COLUMBIA**
8 **STATEHOOD.**

9 Congress finds the following:

10 (1) The 705,000 District of Columbia residents
11 deserve voting representation in Congress and local
12 self-government, which only statehood can provide.

13 (2) The United States is the only democratic
14 country that denies both voting representation in the
15 national legislature and local self-government to the
16 residents of its Nation’s capital.

17 (3) There are no constitutional, historical, fis-
18 cal, or economic reasons why the Americans who live
19 in the District of Columbia should not be granted
20 statehood.

21 (4) Since the founding of the United States, the
22 residents of the District of Columbia have always
23 carried all of the obligations of citizenship, including
24 serving in all of the Nation’s wars and paying Fed-
25 eral taxes, but have been denied voting representa-

1 tion in Congress and freedom from congressional in-
2 terference in purely local matters.

3 (5) The District of Columbia pays more Federal
4 taxes per capita than any State and more Federal
5 taxes than 22 States.

6 (6) The District of Columbia has a larger popu-
7 lation than 2 States (Wyoming and Vermont), and
8 6 States have a population under one million.

9 (7) The District of Columbia has a larger budg-
10 et than 12 States.

11 (8) The Constitution of the United States gives
12 Congress the authority to admit new States (clause
13 1, section 3, article IV) and reduce the size of the
14 seat of the Government of the United States (clause
15 17, section 8, article I). All 37 new States have been
16 admitted by an Act of Congress, and Congress has
17 previously reduced the size of the seat of the Gov-
18 ernment of the United States.

19 (9) On June 26, 2020, by a vote of 232–180,
20 the House of Representatives passed H.R. 51, the
21 Washington, D.C. Admission Act, which would have
22 admitted the State of Washington, Douglass Com-
23 monwealth from the residential portions of the Dis-
24 trict of Columbia and reduced the size of the seat
25 of the Government of the United States to the

1 United States Capitol, the White House, the United
2 States Supreme Court, the National Mall, and the
3 principal Federal monuments and buildings.

4 **Subtitle D—Territorial Voting** 5 **Rights**

6 **SEC. 2301. FINDINGS RELATING TO TERRITORIAL VOTING** 7 **RIGHTS.**

8 Congress finds the following:

9 (1) The right to vote is one of the most power-
10 ful instruments residents of the territories of the
11 United States have to ensure that their voices are
12 heard.

13 (2) These Americans have played an important
14 part in the American democracy for more than 120
15 years.

16 (3) Political participation and the right to vote
17 are among the highest concerns of territorial resi-
18 dents in part because they were not always afforded
19 these rights.

20 (4) Voter participation in the territories consist-
21 ently ranks higher than many communities on the
22 mainland.

23 (5) Territorial residents serve and die, on a per
24 capita basis, at a higher rate in every United States
25 war and conflict since WWI, as an expression of

1 their commitment to American democratic principles
2 and patriotism.

3 **SEC. 2302. CONGRESSIONAL TASK FORCE ON VOTING**
4 **RIGHTS OF UNITED STATES CITIZEN RESI-**
5 **DENTS OF TERRITORIES OF THE UNITED**
6 **STATES.**

7 (a) **ESTABLISHMENT.**—There is established within
8 the legislative branch a Congressional Task Force on Vot-
9 ing Rights of United States Citizen Residents of Terri-
10 tories of the United States (in this section referred to as
11 the “Task Force”).

12 (b) **MEMBERSHIP.**—The Task Force shall be com-
13 posed of 12 members as follows:

14 (1) One Member of the House of Representa-
15 tives, who shall be appointed by the Speaker of the
16 House of Representatives, in coordination with the
17 Chairman of the Committee on Natural Resources of
18 the House of Representatives.

19 (2) One Member of the House of Representa-
20 tives, who shall be appointed by the Speaker of the
21 House of Representatives, in coordination with the
22 Chairman of the Committee on the Judiciary of the
23 House of Representatives.

24 (3) One Member of the House of Representa-
25 tives, who shall be appointed by the Speaker of the

1 House of Representatives, in coordination with the
2 Chairman of the Committee on House Administra-
3 tion of the House of Representatives.

4 (4) One Member of the House of Representa-
5 tives, who shall be appointed by the minority leader
6 of the House of Representatives, in coordination
7 with the ranking minority member of the Committee
8 on Natural Resources of the House of Representa-
9 tives.

10 (5) One Member of the House of Representa-
11 tives, who shall be appointed by the minority leader
12 of the House of Representatives, in coordination
13 with the ranking minority member of the Committee
14 on the Judiciary of the House of Representatives.

15 (6) One Member of the House of Representa-
16 tives, who shall be appointed by the minority leader
17 of the House of Representatives, in coordination
18 with the ranking minority member of the Committee
19 on House Administration of the House of Represent-
20 atives.

21 (7) One Member of the Senate, who shall be ap-
22 pointed by the majority leader of the Senate, in co-
23 ordination with the Chairman of the Committee on
24 Energy and Natural Resources of the Senate.

1 (8) One Member of the Senate, who shall be ap-
2 pointed by the majority leader of the Senate, in co-
3 ordination with the Chairman of the Committee on
4 the Judiciary of the Senate.

5 (9) One Member of the Senate, who shall be ap-
6 pointed by the majority leader of the Senate, in co-
7 ordination with the Chairman of the Committee on
8 Rules and Administration of the Senate.

9 (10) One Member of the Senate, who shall be
10 appointed by the minority leader of the Senate, in
11 coordination with the ranking minority member of
12 the Committee on Energy and Natural Resources of
13 the Senate.

14 (11) One Member of the Senate, who shall be
15 appointed by the minority leader of the Senate, in
16 coordination with the ranking minority member of
17 the Committee on the Judiciary of the Senate.

18 (12) One Member of the Senate, who shall be
19 appointed by the minority leader of the Senate, in
20 coordination with the ranking minority member of
21 the Committee on Rules and Administration of the
22 Senate.

23 (c) DEADLINE FOR APPOINTMENT.—All appoint-
24 ments to the Task Force shall be made not later than 30
25 days after the date of enactment of this Act.

1 (d) CHAIR.—The Speaker shall designate one Mem-
2 ber to serve as chair of the Task Force.

3 (e) VACANCIES.—Any vacancy in the Task Force
4 shall be filled in the same manner as the original appoint-
5 ment.

6 (f) STATUS UPDATE.—Between September 1, 2021,
7 and September 30, 2021, the Task Force shall provide a
8 status update to the House of Representatives and the
9 Senate that includes—

10 (1) information the Task Force has collected;
11 and

12 (2) a discussion on matters that the chairman
13 of the Task Force deems urgent for consideration by
14 Congress.

15 (g) REPORT.—Not later than December 31, 2021,
16 the Task Force shall issue a report of its findings to the
17 House of Representatives and the Senate regarding—

18 (1) the economic and societal consequences
19 (through statistical data and other metrics) that
20 come with political disenfranchisement of United
21 States citizens in territories of the United States;

22 (2) impediments to full and equal voting rights
23 for United States citizens who are residents of terri-
24 tories of the United States in Federal elections, in-

1 including the election of the President and Vice Presi-
2 dent of the United States;

3 (3) impediments to full and equal voting rep-
4 resentation in the House of Representatives for
5 United States citizens who are residents of terri-
6 tories of the United States;

7 (4) recommended changes that, if adopted,
8 would allow for full and equal voting rights for
9 United States citizens who are residents of terri-
10 tories of the United States in Federal elections, in-
11 cluding the election of the President and Vice Presi-
12 dent of the United States;

13 (5) recommended changes that, if adopted,
14 would allow for full and equal voting representation
15 in the House of Representatives for United States
16 citizens who are residents of territories of the United
17 States; and

18 (6) additional information the Task Force
19 deems appropriate.

20 (h) CONSENSUS VIEWS.—To the greatest extent
21 practicable, the report issued under subsection (g) shall
22 reflect the shared views of all 12 Members, except that
23 the report may contain dissenting views.

24 (i) HEARINGS AND SESSIONS.—The Task Force may,
25 for the purpose of carrying out this section, hold hearings,

1 sit and act at times and places, take testimony, and re-
 2 ceive evidence as the Task Force considers appropriate.

3 (j) **STAKEHOLDER PARTICIPATION.**—In carrying out
 4 its duties, the Task Force shall consult with the govern-
 5 ments of American Samoa, Guam, the Commonwealth of
 6 the Northern Mariana Islands, the Commonwealth of
 7 Puerto Rico, and the United States Virgin Islands.

8 (k) **RESOURCES.**—The Task Force shall carry out its
 9 duties by utilizing existing facilities, services, and staff of
 10 the House of Representatives and the Senate.

11 (l) **TERMINATION.**—The Task Force shall terminate
 12 upon issuing the report required under subsection (g).

13 **Subtitle E—Redistricting Reform**

14 **SEC. 2400. SHORT TITLE; FINDING OF CONSTITUTIONAL AU-** 15 **THORITY.**

16 (a) **SHORT TITLE.**—This subtitle may be cited as the
 17 “Redistricting Reform Act of 2021”.

18 (b) **FINDING OF CONSTITUTIONAL AUTHORITY.**—
 19 Congress finds that it has the authority to establish the
 20 terms and conditions States must follow in carrying out
 21 congressional redistricting after an apportionment of
 22 Members of the House of Representatives because—

23 (1) the authority granted to Congress under ar-
 24 ticle I, section 4 of the Constitution of the United
 25 States gives Congress the power to enact laws gov-

1 erning the time, place, and manner of elections for
2 Members of the House of Representatives; and

3 (2) the authority granted to Congress under
4 section 5 of the fourteenth amendment to the Con-
5 stitution gives Congress the power to enact laws to
6 enforce section 2 of such amendment, which requires
7 Representatives to be apportioned among the several
8 States according to their number.

9 **PART 1—REQUIREMENTS FOR CONGRESSIONAL**
10 **REDISTRICTING**

11 **SEC. 2401. REQUIRING CONGRESSIONAL REDISTRICTING**
12 **TO BE CONDUCTED THROUGH PLAN OF INDE-**
13 **PENDENT STATE COMMISSION.**

14 (a) **USE OF PLAN REQUIRED.**—Notwithstanding any
15 other provision of law, and except as provided in sub-
16 section (c) and subsection (d), any congressional redis-
17 tricting conducted by a State shall be conducted in accord-
18 ance with—

19 (1) the redistricting plan developed and enacted
20 into law by the independent redistricting commission
21 established in the State, in accordance with part 2;
22 or

23 (2) if a plan developed by such commission is
24 not enacted into law, the redistricting plan developed

1 and enacted into law by a 3-judge court, in accord-
2 ance with section 2421.

3 (b) CONFORMING AMENDMENT.—Section 22(c) of
4 the Act entitled “An Act to provide for the fifteenth and
5 subsequent decennial censuses and to provide for an ap-
6 portionment of Representatives in Congress”, approved
7 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
8 “in the manner provided by the law thereof” and insert-
9 ing: “in the manner provided by the Redistricting Reform
10 Act of 2021”.

11 (c) SPECIAL RULE FOR EXISTING COMMISSIONS.—
12 Subsection (a) does not apply to any State in which, under
13 law in effect continuously on and after the date of the
14 enactment of this Act, congressional redistricting is car-
15 ried out in accordance with a plan developed and approved
16 by an independent redistricting commission which is in
17 compliance with each of the following requirements:

18 (1) PUBLICLY AVAILABLE APPLICATION PROC-
19 ESS.—Membership on the commission is open to citi-
20 zens of the State through a publicly available appli-
21 cation process.

22 (2) DISQUALIFICATIONS FOR GOVERNMENT
23 SERVICE AND POLITICAL APPOINTMENT.—Individ-
24 uals who, for a covered period of time as established
25 by the State, hold or have held public office, individ-

1 uals who are or have been candidates for elected
2 public office, and individuals who serve or have
3 served as an officer, employee, or paid consultant of
4 a campaign committee of a candidate for public of-
5 fice are disqualified from serving on the commission.

6 (3) SCREENING FOR CONFLICTS.—Individuals
7 who apply to serve on the commission are screened
8 through a process that excludes persons with con-
9 flicts of interest from the pool of potential commis-
10 sioners.

11 (4) MULTI-PARTISAN COMPOSITION.—Member-
12 ship on the commission represents those who are af-
13 filiated with the two political parties whose can-
14 didates received the most votes in the most recent
15 statewide election for Federal office held in the
16 State, as well as those who are unaffiliated with any
17 party or who are affiliated with political parties
18 other than the two political parties whose candidates
19 received the most votes in the most recent statewide
20 election for Federal office held in the State.

21 (5) CRITERIA FOR REDISTRICTING.—Members
22 of the commission are required to meet certain cri-
23 teria in the map drawing process, including mini-
24 mizing the division of communities of interest and a
25 ban on drawing maps to favor a political party.

1 (6) PUBLIC INPUT.—Public hearings are held
2 and comments from the public are accepted before
3 a final map is approved.

4 (7) BROAD-BASED SUPPORT FOR APPROVAL OF
5 FINAL PLAN.—The approval of the final redistricting
6 plan requires a majority vote of the members of the
7 commission, including the support of at least one
8 member of each of the following:

9 (A) Members who are affiliated with the
10 political party whose candidate received the
11 most votes in the most recent statewide election
12 for Federal office held in the State.

13 (B) Members who are affiliated with the
14 political party whose candidate received the sec-
15 ond most votes in the most recent statewide
16 election for Federal office held in the State.

17 (C) Members who are not affiliated with
18 any political party or who are affiliated with po-
19 litical parties other than the political parties de-
20 scribed in subparagraphs (A) and (B).

21 (d) TREATMENT OF STATE OF IOWA.—Subsection (a)
22 does not apply to the State of Iowa, so long as congres-
23 sional redistricting in such State is carried out in accord-
24 ance with a plan developed by the Iowa Legislative Serv-
25 ices Agency with the assistance of a Temporary Redis-

1 trieting Advisory Commission, under law which was in ef-
2 fect for the most recent congressional redistricting carried
3 out in the State prior to the date of the enactment of this
4 Act and which remains in effect continuously on and after
5 the date of the enactment of this Act.

6 **SEC. 2402. BAN ON MID-DECADE REDISTRICTING.**

7 A State that has been redistricted in accordance with
8 this subtitle and a State described in section 2401(c) or
9 section 2401(d) may not be redistricted again until after
10 the next apportionment of Representatives under section
11 22(a) of the Act entitled “An Act to provide for the fif-
12 teenth and subsequent decennial censuses and to provide
13 for an apportionment of Representatives in Congress”, ap-
14 proved June 18, 1929 (2 U.S.C. 2a), unless a court re-
15 quires the State to conduct such subsequent redistricting
16 to comply with the Constitution of the United States, the
17 Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the
18 Constitution of the State, or the terms or conditions of
19 this subtitle.

20 **SEC. 2403. CRITERIA FOR REDISTRICTING.**

21 (a) CRITERIA.—Under the redistricting plan of a
22 State, there shall be established single-member congres-
23 sional districts using the following criteria as set forth in
24 the following order of priority:

1 (1) Districts shall comply with the United
2 States Constitution, including the requirement that
3 they equalize total population.

4 (2) Districts shall comply with the Voting
5 Rights Act of 1965 (52 U.S.C. 10301 et seq.), in-
6 cluding by creating any districts where two or more
7 politically cohesive groups protected by such Act are
8 able to elect representatives of choice in coalition
9 with one another, and all applicable Federal laws.

10 (3) Districts shall be drawn, to the extent that
11 the totality of the circumstances warrant, to ensure
12 the practical ability of a group protected under the
13 Voting Rights Act of 1965 (52 U.S.C. 10301 et
14 seq.) to participate in the political process and to
15 nominate candidates and to elect representatives of
16 choice is not diluted or diminished, regardless of
17 whether or not such protected group constitutes a
18 majority of a district's citizen voting age population.

19 (4) Districts shall respect communities of inter-
20 est, neighborhoods, and political subdivisions to the
21 extent practicable and after compliance with the re-
22 quirements of paragraphs (1) through (3). A com-
23 munity of interest is defined as an area with recog-
24 nized similarities of interests, including but not lim-
25 ited to ethnic, racial, economic, tribal, social, cul-

1 tural, geographic or historic identities. The term
2 communities of interest may, in certain cir-
3 cumstances, include political subdivisions such as
4 counties, municipalities, tribal lands and reserva-
5 tions, or school districts, but shall not include com-
6 mon relationships with political parties or political
7 candidates.

8 (b) NO FAVORING OR DISFAVORING OF POLITICAL
9 PARTIES.—

10 (1) PROHIBITION.—The redistricting plan en-
11 acted by a State shall not, when considered on a
12 Statewide basis, be drawn with the intent or the ef-
13 fect of unduly favoring or disfavoring any political
14 party.

15 (2) DETERMINATION OF EFFECT.—

16 (A) TOTALITY OF CIRCUMSTANCES.—For
17 purposes of paragraph (1), the determination of
18 whether a redistricting plan has the effect of
19 unduly favoring or disfavoring a political party
20 shall be based on the totality of circumstances,
21 including evidence regarding the durability and
22 severity of a plan's partisan bias.

23 (B) PLANS DEEMED TO HAVE EFFECT OF
24 UNDULY FAVORING OR DISFAVORING A POLIT-
25 ICAL PARTY.—Without limiting other ways in

1 which a redistricting plan may be determined to
2 have the effect of unduly favoring or disfavoring
3 a political party under the totality of cir-
4 cumstances under subparagraph (A), a redis-
5 tricting plan shall be deemed to have the effect
6 of unduly favoring or disfavoring a political
7 party if—

8 (i) modeling based on relevant histor-
9 ical voting patterns shows that the plan is
10 statistically likely to result in a partisan
11 bias of more than one seat in States with
12 20 or fewer congressional districts or a
13 partisan bias of more than 2 seats in
14 States with more than 20 congressional
15 districts, as determined using quantitative
16 measures of partisan fairness, which may
17 include, but are not limited to, the seats-
18 to-votes curve for an enacted plan, the effi-
19 ciency gap, the declination, partisan asym-
20 metry, and the mean-median difference,
21 and

22 (ii) alternative plans, which may in-
23 clude, but are not limited to, those gen-
24 erated by redistricting algorithms, exist
25 that could have complied with the require-

1 ments of law and not been in violation of
2 paragraph (1).

3 (3) DETERMINATION OF INTENT.—For pur-
4 poses of paragraph (A), a rebuttable presumption
5 shall exist that a redistricting plan enacted by the
6 legislature of a State was not enacted with the in-
7 tent of unduly favoring or disfavoring a political
8 party if the plan was enacted with the support of at
9 least a third of the members of the second largest
10 political party in each house of the legislature.

11 (4) NO VIOLATION BASED ON CERTAIN CRI-
12 TERIA.—No redistricting plan shall be found to be
13 in violation of paragraph (1) because of partisan
14 bias attributable to the application of the criteria set
15 forth in paragraphs (1), (2), or (3) of subsection (a),
16 unless one or more alternative plans could have com-
17 plied with such paragraphs without having the effect
18 of unduly favoring or disfavoring a political party.

19 (c) FACTORS PROHIBITED FROM CONSIDERATION.—
20 In developing the redistricting plan for the State, the inde-
21 pendent redistricting commission may not take into con-
22 sideration any of the following factors, except to the extent
23 necessary to comply with the criteria described in para-
24 graphs (1) through (3) of subsection (a), subsection (b),

1 and to enable the redistricting plan to be measured
2 against the external metrics described in section 2413(d):

3 (1) The residence of any Member of the House
4 of Representatives or candidate.

5 (2) The political party affiliation or voting his-
6 tory of the population of a district.

7 (d) APPLICABILITY.—This section applies to any au-
8 thority, whether appointed, elected, judicial, or otherwise,
9 that designs or enacts a congressional redistricting plan
10 of a State.

11 (e) SEVERABILITY OF CRITERIA.—If any of the cri-
12 teria set forth in this section, or the application of such
13 criteria to any person or circumstance, is held to be uncon-
14 stitutional, the remaining criteria set forth in this section,
15 and the application of such criteria to any person or cir-
16 cumstance, shall not be affected by the holding.

17 **PART 2—INDEPENDENT REDISTRICTING**
18 **COMMISSIONS**

19 **SEC. 2411. INDEPENDENT REDISTRICTING COMMISSION.**

20 (a) APPOINTMENT OF MEMBERS.—

21 (1) IN GENERAL.—The nonpartisan agency es-
22 tablished or designated by a State under section
23 2414(a) shall establish an independent redistricting
24 commission for the State, which shall consist of 15
25 members appointed by the agency as follows:

1 (A) Not later than October 1 of a year
2 ending in the numeral zero, the agency shall, at
3 a public meeting held not earlier than 15 days
4 after notice of the meeting has been given to
5 the public, first appoint 6 members as follows:

6 (i) The agency shall appoint 2 mem-
7 bers on a random basis from the majority
8 category of the approved selection pool (as
9 described in section 2412(b)(1)(A)).

10 (ii) The agency shall appoint 2 mem-
11 bers on a random basis from the minority
12 category of the approved selection pool (as
13 described in section 2412(b)(1)(B)).

14 (iii) The agency shall appoint 2 mem-
15 bers on a random basis from the inde-
16 pendent category of the approved selection
17 pool (as described in section
18 2412(b)(1)(C)).

19 (B) Not later than November 15 of a year
20 ending in the numeral zero, the members ap-
21 pointed by the agency under subparagraph (A)
22 shall, at a public meeting held not earlier than
23 15 days after notice of the meeting has been
24 given to the public, then appoint 9 members as
25 follows:

1 (i) The members shall appoint 3 mem-
2 bers from the majority category of the ap-
3 proved selection pool (as described in sec-
4 tion 2412(b)(1)(A)).

5 (ii) The members shall appoint 3
6 members from the minority category of the
7 approved selection pool (as described in
8 section 2412(b)(1)(B)).

9 (iii) The members shall appoint 3
10 members from the independent category of
11 the approved selection pool (as described in
12 section 2412(b)(1)(C)).

13 (2) RULES FOR APPOINTMENT OF MEMBERS
14 APPOINTED BY FIRST MEMBERS.—

15 (A) AFFIRMATIVE VOTE OF AT LEAST 4
16 MEMBERS.—The appointment of any of the 9
17 members of the independent redistricting com-
18 mission who are appointed by the first members
19 of the commission pursuant to subparagraph
20 (B) of paragraph (1), as well as the designation
21 of alternates for such members pursuant to
22 subparagraph (B) of paragraph (3) and the ap-
23 pointment of alternates to fill vacancies pursu-
24 ant to subparagraph (B) of paragraph (4), shall
25 require the affirmative vote of at least 4 of the

1 members appointed by the nonpartisan agency
2 under subparagraph (A) of paragraph (1), in-
3 cluding at least one member from each of the
4 categories referred to in such subparagraph.

5 (B) ENSURING DIVERSITY.—In appointing
6 the 9 members pursuant to subparagraph (B)
7 of paragraph (1), as well as in designating al-
8 ternates pursuant to subparagraph (B) of para-
9 graph (3) and in appointing alternates to fill
10 vacancies pursuant to subparagraph (B) of
11 paragraph (4), the first members of the inde-
12 pendent redistricting commission shall ensure
13 that the membership is representative of the de-
14 mographic groups (including racial, ethnic, eco-
15 nomic, and gender) and geographic regions of
16 the State, and provides racial, ethnic, and lan-
17 guage minorities protected under the Voting
18 Rights Act of 1965 with a meaningful oppor-
19 tunity to participate in the development of the
20 State’s redistricting plan.

21 (3) DESIGNATION OF ALTERNATES TO SERVE
22 IN CASE OF VACANCIES.—

23 (A) MEMBERS APPOINTED BY AGENCY.—

24 At the time the agency appoints the members
25 of the independent redistricting commission

1 under subparagraph (A) of paragraph (1) from
2 each of the categories referred to in such sub-
3 paragraph, the agency shall, on a random basis,
4 designate 2 other individuals from such cat-
5 egory to serve as alternate members who may
6 be appointed to fill vacancies in the commission
7 in accordance with paragraph (4).

8 (B) MEMBERS APPOINTED BY FIRST MEM-
9 BERS.—At the time the members appointed by
10 the agency appoint the other members of the
11 independent redistricting commission under
12 subparagraph (B) of paragraph (1) from each
13 of the categories referred to in such subpara-
14 graph, the members shall, in accordance with
15 the special rules described in paragraph (2),
16 designate 2 other individuals from such cat-
17 egory to serve as alternate members who may
18 be appointed to fill vacancies in the commission
19 in accordance with paragraph (4).

20 (4) APPOINTMENT OF ALTERNATES TO SERVE
21 IN CASE OF VACANCIES.—

22 (A) MEMBERS APPOINTED BY AGENCY.—If
23 a vacancy occurs in the commission with respect
24 to a member who was appointed by the non-
25 partisan agency under subparagraph (A) of

1 paragraph (1) from one of the categories re-
2 ferred to in such subparagraph, the agency
3 shall fill the vacancy by appointing, on a ran-
4 dom basis, one of the 2 alternates from such
5 category who was designated under subpara-
6 graph (A) of paragraph (3). At the time the
7 agency appoints an alternate to fill a vacancy
8 under the previous sentence, the agency shall
9 designate, on a random basis, another indi-
10 vidual from the same category to serve as an al-
11 ternate member, in accordance with subpara-
12 graph (A) of paragraph (3).

13 (B) MEMBERS APPOINTED BY FIRST MEM-
14 BERS.—If a vacancy occurs in the commission
15 with respect to a member who was appointed by
16 the first members of the commission under sub-
17 paragraph (B) of paragraph (1) from one of the
18 categories referred to in such subparagraph, the
19 first members shall, in accordance with the spe-
20 cial rules described in paragraph (2), fill the va-
21 cancy by appointing one of the 2 alternates
22 from such category who was designated under
23 subparagraph (B) of paragraph (3). At the time
24 the first members appoint an alternate to fill a
25 vacancy under the previous sentence, the first

1 members shall, in accordance with the special
2 rules described in paragraph (2), designate an-
3 other individual from the same category to
4 serve as an alternate member, in accordance
5 with subparagraph (B) of paragraph (3).

6 (5) REMOVAL.—A member of the independent
7 redistricting commission may be removed by a ma-
8 jority vote of the remaining members of the commis-
9 sion if it is shown by a preponderance of the evi-
10 dence that the member is not eligible to serve on the
11 commission under section 2412(a).

12 (b) PROCEDURES FOR CONDUCTING COMMISSION
13 BUSINESS.—

14 (1) CHAIR.—Members of an independent redis-
15 tricting commission established under this section
16 shall select by majority vote one member who was
17 appointed from the independent category of the ap-
18 proved selection pool described in section
19 2412(b)(1)(C) to serve as chair of the commission.
20 The commission may not take any action to develop
21 a redistricting plan for the State under section 2413
22 until the appointment of the commission's chair.

23 (2) REQUIRING MAJORITY APPROVAL FOR AC-
24 TIONS.—The independent redistricting commission
25 of a State may not publish and disseminate any

1 draft or final redistricting plan, or take any other
2 action, without the approval of at least—

3 (A) a majority of the whole membership of
4 the commission; and

5 (B) at least one member of the commission
6 appointed from each of the categories of the ap-
7 proved selection pool described in section
8 2412(b)(1).

9 (3) QUORUM.—A majority of the members of
10 the commission shall constitute a quorum.

11 (c) STAFF; CONTRACTORS.—

12 (1) STAFF.—Under a public application process
13 in which all application materials are available for
14 public inspection, the independent redistricting com-
15 mission of a State shall appoint and set the pay of
16 technical experts, legal counsel, consultants, and
17 such other staff as it considers appropriate, subject
18 to State law.

19 (2) CONTRACTORS.—The independent redis-
20 tricting commission of a State may enter into such
21 contracts with vendors as it considers appropriate,
22 subject to State law, except that any such contract
23 shall be valid only if approved by the vote of a ma-
24 jority of the members of the commission, including
25 at least one member appointed from each of the cat-

egories of the approved selection pool described in section 2412(b)(1).

(3) REPORTS ON EXPENDITURES FOR POLITICAL ACTIVITY.—

(A) REPORT BY APPLICANTS.—Each individual who applies for a position as an employee of the independent redistricting commission and each vendor who applies for a contract with the commission shall, at the time of applying, file with the commission a report summarizing—

(i) any expenditure for political activity made by such individual or vendor during the 10 most recent calendar years; and

(ii) any income received by such individual or vendor during the 10 most recent calendar years which is attributable to an expenditure for political activity.

(B) ANNUAL REPORTS BY EMPLOYEES AND VENDORS.—Each person who is an employee or vendor of the independent redistricting commission shall, not later than 1 year after the person is appointed as an employee or enters into a contract as a vendor (as the case may be) and annually thereafter for each year during which the person serves as an employee

1 or a vendor, file with the commission a report
2 summarizing the expenditures and income de-
3 scribed in subparagraph (A) during the 10 most
4 recent calendar years.

5 (C) EXPENDITURE FOR POLITICAL ACTIV-
6 ITY DEFINED.—In this paragraph, the term
7 “expenditure for political activity” means a dis-
8 bursement for any of the following:

9 (i) An independent expenditure, as de-
10 fined in section 301(17) of the Federal
11 Election Campaign Act of 1971 (52 U.S.C.
12 30101(17)).

13 (ii) An electioneering communication,
14 as defined in section 304(f)(3) of such Act
15 (52 U.S.C. 30104(f)(3)) or any other pub-
16 lic communication, as defined in section
17 301(22) of such Act (52 U.S.C.
18 30101(22)) that would be an electioneering
19 communication if it were a broadcast,
20 cable, or satellite communication.

21 (iii) Any dues or other payments to
22 trade associations or organizations de-
23 scribed in section 501(c) of the Internal
24 Revenue Code of 1986 and exempt from
25 tax under section 501(a) of such Code that

1 are, or could reasonably be anticipated to
2 be, used or transferred to another associa-
3 tion or organization for a use described in
4 paragraph (1), (2), or (4) of section 501(c)
5 of such Code.

6 (4) GOAL OF IMPARTIALITY.—The commission
7 shall take such steps as it considers appropriate to
8 ensure that any staff appointed under this sub-
9 section, and any vendor with whom the commission
10 enters into a contract under this subsection, will
11 work in an impartial manner, and may require any
12 person who applies for an appointment to a staff po-
13 sition or for a vendor's contract with the commission
14 to provide information on the person's history of po-
15 litical activity beyond the information on the per-
16 son's expenditures for political activity provided in
17 the reports required under paragraph (3) (including
18 donations to candidates, political committees, and
19 political parties) as a condition of the appointment
20 or the contract.

21 (5) DISQUALIFICATION; WAIVER.—

22 (A) IN GENERAL.—The independent redis-
23 tricting commission may not appoint an indi-
24 vidual as an employee, and may not enter into
25 a contract with a vendor, if the individual or

1 vendor meets any of the criteria for the dis-
2 qualification of an individual from serving as a
3 member of the commission which are set forth
4 in section 2412(a)(2).

5 (B) WAIVER.—The commission may by
6 unanimous vote of its members waive the appli-
7 cation of subparagraph (A) to an individual or
8 a vendor after receiving and reviewing the re-
9 port filed by the individual or vendor under
10 paragraph (3).

11 (d) TERMINATION.—

12 (1) IN GENERAL.—The independent redistricting
13 commission of a State shall terminate on the
14 earlier of—

15 (A) June 14 of the next year ending in the
16 numeral zero; or

17 (B) the day on which the nonpartisan
18 agency established or designated by a State
19 under section 2414(a) has, in accordance with
20 section 2412(b)(1), submitted a selection pool
21 to the Select Committee on Redistricting for the
22 State established under section 2414(b).

23 (2) PRESERVATION OF RECORDS.—The State
24 shall ensure that the records of the independent re-
25 districting commission are retained in the appro-

1 appropriate State archive in such manner as may be nec-
2 essary to enable the State to respond to any civil ac-
3 tion brought with respect to congressional redis-
4 tricting in the State.

5 **SEC. 2412. ESTABLISHMENT OF SELECTION POOL OF INDI-**
6 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**
7 **OF COMMISSION.**

8 (a) CRITERIA FOR ELIGIBILITY.—

9 (1) IN GENERAL.—An individual is eligible to
10 serve as a member of an independent redistricting
11 commission if the individual meets each of the fol-
12 lowing criteria:

13 (A) As of the date of appointment, the in-
14 dividual is registered to vote in elections for
15 Federal office held in the State.

16 (B) During the 3-year period ending on
17 the date of the individual's appointment, the in-
18 dividual has been continuously registered to
19 vote with the same political party, or has not
20 been registered to vote with any political party.

21 (C) The individual submits to the non-
22 partisan agency established or designated by a
23 State under section 2413, at such time and in
24 such form as the agency may require, an appli-
25 cation for inclusion in the selection pool under

1 this section, and includes with the application a
2 written statement, with an attestation under
3 penalty of perjury, containing the following in-
4 formation and assurances:

5 (i) The full current name and any
6 former names of, and the contact informa-
7 tion for, the individual, including an elec-
8 tronic mail address, the address of the in-
9 dividual's residence, mailing address, and
10 telephone numbers.

11 (ii) The individual's race, ethnicity,
12 gender, age, date of birth, and household
13 income for the most recent taxable year.

14 (iii) The political party with which the
15 individual is affiliated, if any.

16 (iv) The reason or reasons the indi-
17 vidual desires to serve on the independent
18 redistricting commission, the individual's
19 qualifications, and information relevant to
20 the ability of the individual to be fair and
21 impartial, including, but not limited to—

22 (I) any involvement with, or fi-
23 nancial support of, professional, so-
24 cial, political, religious, or community
25 organizations or causes;

1 (II) the individual's employment
2 and educational history.

3 (v) An assurance that the individual
4 shall commit to carrying out the individ-
5 ual's duties under this subtitle in an hon-
6 est, independent, and impartial fashion,
7 and to upholding public confidence in the
8 integrity of the redistricting process.

9 (vi) An assurance that, during the
10 covered periods described in paragraph (3),
11 the individual has not taken and will not
12 take any action which would disqualify the
13 individual from serving as a member of the
14 commission under paragraph (2).

15 (2) DISQUALIFICATIONS.—An individual is not
16 eligible to serve as a member of the commission if
17 any of the following applies during any of the cov-
18 ered periods described in paragraph (3):

19 (A) The individual or (in the case of the
20 covered periods described in subparagraphs (A)
21 and (B) of paragraph (3)) an immediate family
22 member of the individual holds public office or
23 is a candidate for election for public office.

24 (B) The individual or (in the case of the
25 covered periods described in subparagraphs (A)

1 and (B) of paragraph (3)) an immediate family
2 member of the individual serves as an officer of
3 a political party or as an officer, employee, or
4 paid consultant of a campaign committee of a
5 candidate for public office or of any political ac-
6 tion committee (as determined in accordance
7 with the law of the State).

8 (C) The individual or (in the case of the
9 covered periods described in subparagraphs (A)
10 and (B) of paragraph (3)) an immediate family
11 member of the individual holds a position as a
12 registered lobbyist under the Lobbying Discl-
13 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
14 equivalent State or local law.

15 (D) The individual or (in the case of the
16 covered periods described in subparagraphs (A)
17 and (B) of paragraph (3)) an immediate family
18 member of the individual is an employee of an
19 elected public official, a contractor with the gov-
20 ernment of the State, or a donor to the cam-
21 paign of any candidate for public office or to
22 any political action committee (other than a
23 donor who, during any of such covered periods,
24 gives an aggregate amount of \$1,000 or less to

1 the campaigns of all candidates for all public
2 offices and to all political action committees).

3 (E) The individual paid a civil money pen-
4 alty or criminal fine, or was sentenced to a
5 term of imprisonment, for violating any provi-
6 sion of the Federal Election Campaign Act of
7 1971 (52 U.S.C. 30101 et seq.).

8 (F) The individual or (in the case of the
9 covered periods described in subparagraphs (A)
10 and (B) of paragraph (3)) an immediate family
11 member of the individual is an agent of a for-
12 eign principal under the Foreign Agents Reg-
13 istration Act of 1938, as amended (22 U.S.C.
14 611 et seq.).

15 (3) COVERED PERIODS DESCRIBED.—In this
16 subsection, the term “covered period” means, with
17 respect to the appointment of an individual to the
18 commission, any of the following:

19 (A) The 10-year period ending on the date
20 of the individual’s appointment.

21 (B) The period beginning on the date of
22 the individual’s appointment and ending on Au-
23 gust 14 of the next year ending in the numeral
24 one.

1 (C) The 10-year period beginning on the
2 day after the last day of the period described in
3 subparagraph (B).

4 (4) IMMEDIATE FAMILY MEMBER DEFINED.—In
5 this subsection, the term “immediate family mem-
6 ber” means, with respect to an individual, a father,
7 stepfather, mother, stepmother, son, stepson, daugh-
8 ter, stepdaughter, brother, stepbrother, sister, step-
9 sister, husband, wife, father-in-law, or mother-in-
10 law.

11 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
12 POOL.—

13 (1) IN GENERAL.—Not later than June 15 of
14 each year ending in the numeral zero, the non-
15 partisan agency established or designated by a State
16 under section 2414(a) shall develop and submit to
17 the Select Committee on Redistricting for the State
18 established under section 2414(b) a selection pool of
19 36 individuals who are eligible to serve as members
20 of the independent redistricting commission of the
21 State under this subtitle, consisting of individuals in
22 the following categories:

23 (A) A majority category, consisting of 12
24 individuals who are affiliated with the political
25 party whose candidate received the most votes

1 in the most recent statewide election for Fed-
2 eral office held in the State.

3 (B) A minority category, consisting of 12
4 individuals who are affiliated with the political
5 party whose candidate received the second most
6 votes in the most recent statewide election for
7 Federal office held in the State.

8 (C) An independent category, consisting of
9 12 individuals who are not affiliated with either
10 of the political parties described in subpara-
11 graph (A) or subparagraph (B).

12 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
13 OPING POOL.—In selecting individuals for the selec-
14 tion pool under this subsection, the nonpartisan
15 agency shall—

16 (A) ensure that the pool is representative
17 of the demographic groups (including racial,
18 ethnic, economic, and gender) and geographic
19 regions of the State, and includes applicants
20 who would allow racial, ethnic, and language
21 minorities protected under the Voting Rights
22 Act of 1965 a meaningful opportunity to par-
23 ticipate in the development of the State’s redis-
24 tricting plan; and

1 (B) take into consideration the analytical
2 skills of the individuals selected in relevant
3 fields (including mapping, data management,
4 law, community outreach, demography, and the
5 geography of the State) and their ability to
6 work on an impartial basis.

7 (3) INTERVIEWS OF APPLICANTS.—To assist
8 the nonpartisan agency in developing the selection
9 pool under this subsection, the nonpartisan agency
10 shall conduct interviews of applicants under oath. If
11 an individual is included in a selection pool devel-
12 oped under this section, all of the interviews of the
13 individual shall be transcribed and the transcriptions
14 made available on the nonpartisan agency’s website
15 contemporaneously with release of the report under
16 paragraph (6).

17 (4) DETERMINATION OF POLITICAL PARTY AF-
18 FILIATION OF INDIVIDUALS IN SELECTION POOL.—
19 For purposes of this section, an individual shall be
20 considered to be affiliated with a political party only
21 if the nonpartisan agency is able to verify (to the
22 greatest extent possible) the information the indi-
23 vidual provides in the application submitted under
24 subsection (a)(1)(D), including by considering addi-
25 tional information provided by other persons with

1 knowledge of the individual's history of political ac-
2 tivity.

3 (5) ENCOURAGING RESIDENTS TO APPLY FOR
4 INCLUSION IN POOL.—The nonpartisan agency shall
5 take such steps as may be necessary to ensure that
6 residents of the State across various geographic re-
7 gions and demographic groups are aware of the op-
8 portunity to serve on the independent redistricting
9 commission, including publicizing the role of the
10 panel and using newspapers, broadcast media, and
11 online sources, including ethnic media, to encourage
12 individuals to apply for inclusion in the selection
13 pool developed under this subsection.

14 (6) REPORT ON ESTABLISHMENT OF SELEC-
15 TION POOL.—At the time the nonpartisan agency
16 submits the selection pool to the Select Committee
17 on Redistricting under paragraph (1), it shall pub-
18 lish and post on the agency's public website a report
19 describing the process by which the pool was devel-
20 oped, and shall include in the report a description of
21 how the individuals in the pool meet the eligibility
22 criteria of subsection (a) and of how the pool reflects
23 the factors the agency is required to take into con-
24 sideration under paragraph (2).

1 (7) PUBLIC COMMENT ON SELECTION POOL.—

2 During the 14-day period which begins on the date
3 the nonpartisan agency publishes the report under
4 paragraph (6), the agency shall accept comments
5 from the public on the individuals included in the se-
6 lection pool. The agency shall post all such com-
7 ments contemporaneously on the nonpartisan agen-
8 cy's website and shall transmit them to the Select
9 Committee on Redistricting immediately upon the
10 expiration of such period.

11 (8) ACTION BY SELECT COMMITTEE.—

12 (A) IN GENERAL.—Not earlier than 15
13 days and not later than 21 days after receiving
14 the selection pool from the nonpartisan agency
15 under paragraph (1), the Select Committee on
16 Redistricting shall, by majority vote—

17 (i) approve the pool as submitted by
18 the nonpartisan agency, in which case the
19 pool shall be considered the approved selec-
20 tion pool for purposes of section
21 2411(a)(1); or

22 (ii) reject the pool, in which case the
23 nonpartisan agency shall develop and sub-
24 mit a replacement selection pool in accord-
25 ance with subsection (c).

1 (B) INACTION DEEMED REJECTION.—If
2 the Select Committee on Redistricting fails to
3 approve or reject the pool within the deadline
4 set forth in subparagraph (A), the Select Com-
5 mittee shall be deemed to have rejected the pool
6 for purposes of such subparagraph.

7 (c) DEVELOPMENT OF REPLACEMENT SELECTION
8 POOL.—

9 (1) IN GENERAL.—If the Select Committee on
10 Redistricting rejects the selection pool submitted by
11 the nonpartisan agency under subsection (b), not
12 later than 14 days after the rejection, the non-
13 partisan agency shall develop and submit to the Se-
14 lect Committee a replacement selection pool, under
15 the same terms and conditions that applied to the
16 development and submission of the selection pool
17 under paragraphs (1) through (7) of subsection (b).
18 The replacement pool submitted under this para-
19 graph may include individuals who were included in
20 the rejected selection pool submitted under sub-
21 section (b), so long as at least one of the individuals
22 in the replacement pool was not included in such re-
23 jected pool.

24 (2) ACTION BY SELECT COMMITTEE.—

1 (A) IN GENERAL.—Not later than 21 days
2 after receiving the replacement selection pool
3 from the nonpartisan agency under paragraph
4 (1), the Select Committee on Redistricting
5 shall, by majority vote—

6 (i) approve the pool as submitted by
7 the nonpartisan agency, in which case the
8 pool shall be considered the approved selec-
9 tion pool for purposes of section
10 2411(a)(1); or

11 (ii) reject the pool, in which case the
12 nonpartisan agency shall develop and sub-
13 mit a second replacement selection pool in
14 accordance with subsection (d).

15 (B) INACTION DEEMED REJECTION.—If
16 the Select Committee on Redistricting fails to
17 approve or reject the pool within the deadline
18 set forth in subparagraph (A), the Select Com-
19 mittee shall be deemed to have rejected the pool
20 for purposes of such subparagraph.

21 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
22 LECTION POOL.—

23 (1) IN GENERAL.—If the Select Committee on
24 Redistricting rejects the replacement selection pool
25 submitted by the nonpartisan agency under sub-

1 section (c), not later than 14 days after the rejection,
2 tion, the nonpartisan agency shall develop and submit
3 to the Select Committee a second replacement
4 selection pool, under the same terms and conditions
5 that applied to the development and submission of
6 the selection pool under paragraphs (1) through (7)
7 of subsection (b). The second replacement selection
8 pool submitted under this paragraph may include individuals
9 who were included in the rejected selection
10 pool submitted under subsection (b) or the rejected
11 replacement selection pool submitted under subsection
12 (c), so long as at least one of the individuals
13 in the replacement pool was not included in either
14 such rejected pool.

15 (2) ACTION BY SELECT COMMITTEE.—

16 (A) IN GENERAL.—Not earlier than 15
17 days and not later than 14 days after receiving
18 the second replacement selection pool from the
19 nonpartisan agency under paragraph (1), the
20 Select Committee on Redistricting shall, by majority
21 vote—

22 (i) approve the pool as submitted by
23 the nonpartisan agency, in which case the
24 pool shall be considered the approved selection

1 tion pool for purposes of section
2 2411(a)(1); or

3 (ii) reject the pool.

4 (B) INACTION DEEMED REJECTION.—If
5 the Select Committee on Redistricting fails to
6 approve or reject the pool within the deadline
7 set forth in subparagraph (A), the Select Com-
8 mittee shall be deemed to have rejected the pool
9 for purposes of such subparagraph.

10 (C) EFFECT OF REJECTION.—If the Select
11 Committee on Redistricting rejects the second
12 replacement pool from the nonpartisan agency
13 under paragraph (1), the redistricting plan for
14 the State shall be developed and enacted in ac-
15 cordance with part 3.

16 **SEC. 2413. PUBLIC NOTICE AND INPUT.**

17 (a) PUBLIC NOTICE AND INPUT.—

18 (1) USE OF OPEN AND TRANSPARENT PROC-
19 ESS.—The independent redistricting commission of a
20 State shall hold each of its meetings in public, shall
21 solicit and take into consideration comments from
22 the public, including proposed maps, throughout the
23 process of developing the redistricting plan for the
24 State, and shall carry out its duties in an open and
25 transparent manner which provides for the widest

1 public dissemination reasonably possible of its pro-
2 posed and final redistricting plans.

3 (2) WEBSITE.—

4 (A) FEATURES.—The commission shall
5 maintain a public Internet site which is not af-
6 filiated with or maintained by the office of any
7 elected official and which includes the following
8 features:

9 (i) General information on the com-
10 mission, its role in the redistricting proc-
11 ess, and its members, including contact in-
12 formation.

13 (ii) An updated schedule of commis-
14 sion hearings and activities, including
15 deadlines for the submission of comments.

16 (iii) All draft redistricting plans devel-
17 oped by the commission under subsection
18 (b) and the final redistricting plan devel-
19 oped under subsection (c), including the
20 accompanying written evaluation under
21 subsection (d).

22 (iv) All comments received from the
23 public on the commission's activities, in-
24 cluding any proposed maps submitted
25 under paragraph (1).

1 (v) Live streaming of commission
2 hearings and an archive of previous meet-
3 ings, including any documents considered
4 at any such meeting, which the commission
5 shall post not later than 24 hours after the
6 conclusion of the meeting.

7 (vi) Access in an easily useable format
8 to the demographic and other data used by
9 the commission to develop and analyze the
10 proposed redistricting plans, together with
11 access to any software used to draw maps
12 of proposed districts and to any reports
13 analyzing and evaluating any such maps.

14 (vii) A method by which members of
15 the public may submit comments and pro-
16 posed maps directly to the commission.

17 (viii) All records of the commission,
18 including all communications to or from
19 members, employees, and contractors re-
20 garding the work of the commission.

21 (ix) A list of all contractors receiving
22 payment from the commission, together
23 with the annual disclosures submitted by
24 the contractors under section 2411(c)(3).

1 (x) A list of the names of all individ-
2 uals who submitted applications to serve
3 on the commission, together with the appli-
4 cations submitted by individuals included
5 in any selection pool, except that the com-
6 mission may redact from such applications
7 any financial or other personally sensitive
8 information.

9 (B) SEARCHABLE FORMAT.—The commis-
10 sion shall ensure that all information posted
11 and maintained on the site under this para-
12 graph, including information and proposed
13 maps submitted by the public, shall be main-
14 tained in an easily searchable format.

15 (C) DEADLINE.—The commission shall en-
16 sure that the public internet site under this
17 paragraph is operational (in at least a prelimi-
18 nary format) not later than January 1 of the
19 year ending in the numeral one.

20 (3) PUBLIC COMMENT PERIOD.—The commis-
21 sion shall solicit, accept, and consider comments
22 from the public with respect to its duties, activities,
23 and procedures at any time during the period—

24 (A) which begins on January 1 of the year
25 ending in the numeral one; and

1 (B) which ends 7 days before the date of
2 the meeting at which the commission shall vote
3 on approving the final redistricting plan for en-
4 actment into law under subsection (c)(2).

5 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-
6 GRAPHIC LOCATIONS.—To the greatest extent prac-
7 ticable, the commission shall hold its meetings and
8 hearings in various geographic regions and locations
9 throughout the State.

10 (5) MULTIPLE LANGUAGE REQUIREMENTS FOR
11 ALL NOTICES.—The commission shall make each no-
12 tice which is required to be posted and published
13 under this section available in any language in which
14 the State (or any jurisdiction in the State) is re-
15 quired to provide election materials under section
16 203 of the Voting Rights Act of 1965.

17 (b) DEVELOPMENT AND PUBLICATION OF PRELIMI-
18 NARY REDISTRICTING PLAN.—

19 (1) IN GENERAL.—Prior to developing and pub-
20 lishing a final redistricting plan under subsection
21 (c), the independent redistricting commission of a
22 State shall develop and publish a preliminary redis-
23 tricting plan.

24 (2) MINIMUM PUBLIC HEARINGS AND OPPOR-
25 TUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

1 (A) 3 HEARINGS REQUIRED.—Prior to de-
2 veloping a preliminary redistricting plan under
3 this subsection, the commission shall hold not
4 fewer than 3 public hearings at which members
5 of the public may provide input and comments
6 regarding the potential contents of redistricting
7 plans for the State and the process by which
8 the commission will develop the preliminary
9 plan under this subsection.

10 (B) MINIMUM PERIOD FOR NOTICE PRIOR
11 TO HEARINGS.—Not fewer than 14 days prior
12 to the date of each hearing held under this
13 paragraph, the commission shall post notices of
14 the hearing in on the website maintained under
15 subsection (a)(2), and shall provide for the pub-
16 lication of such notices in newspapers of general
17 circulation throughout the State. Each such no-
18 tice shall specify the date, time, and location of
19 the hearing.

20 (C) SUBMISSION OF PLANS AND MAPS BY
21 MEMBERS OF THE PUBLIC.—Any member of
22 the public may submit maps or portions of
23 maps for consideration by the commission. As
24 provided under subsection (a)(2)(A), any such

1 map shall be made publicly available on the
2 commission's website and open to comment.

3 (3) PUBLICATION OF PRELIMINARY PLAN.—

4 (A) IN GENERAL.—The commission shall
5 post the preliminary redistricting plan devel-
6 oped under this subsection, together with a re-
7 port that includes the commission's responses
8 to any public comments received under sub-
9 section (a)(3), on the website maintained under
10 subsection (a)(2), and shall provide for the pub-
11 lication of each such plan in newspapers of gen-
12 eral circulation throughout the State.

13 (B) MINIMUM PERIOD FOR NOTICE PRIOR
14 TO PUBLICATION.—Not fewer than 14 days
15 prior to the date on which the commission posts
16 and publishes the preliminary plan under this
17 paragraph, the commission shall notify the pub-
18 lic through the website maintained under sub-
19 section (a)(2), as well as through publication of
20 notice in newspapers of general circulation
21 throughout the State, of the pending publica-
22 tion of the plan.

23 (4) MINIMUM POST-PUBLICATION PERIOD FOR
24 PUBLIC COMMENT.—The commission shall accept
25 and consider comments from the public (including

1 through the website maintained under subsection
2 (a)(2)) with respect to the preliminary redistricting
3 plan published under paragraph (3), including pro-
4 posed revisions to maps, for not fewer than 30 days
5 after the date on which the plan is published.

6 (5) POST-PUBLICATION HEARINGS.—

7 (A) 3 HEARINGS REQUIRED.—After post-
8 ing and publishing the preliminary redistricting
9 plan under paragraph (3), the commission shall
10 hold not fewer than 3 public hearings in dif-
11 ferent geographic areas of the State at which
12 members of the public may provide input and
13 comments regarding the preliminary plan.

14 (B) MINIMUM PERIOD FOR NOTICE PRIOR
15 TO HEARINGS.—Not fewer than 14 days prior
16 to the date of each hearing held under this
17 paragraph, the commission shall post notices of
18 the hearing in on the website maintained under
19 subsection (a)(2), and shall provide for the pub-
20 lication of such notices in newspapers of general
21 circulation throughout the State. Each such no-
22 tice shall specify the date, time, and location of
23 the hearing.

24 (6) PERMITTING MULTIPLE PRELIMINARY
25 PLANS.—At the option of the commission, after de-

1 veloping and publishing the preliminary redistricting
2 plan under this subsection, the commission may de-
3 velop and publish subsequent preliminary redis-
4 tricting plans, so long as the process for the develop-
5 ment and publication of each such subsequent plan
6 meets the requirements set forth in this subsection
7 for the development and publication of the first pre-
8 liminary redistricting plan.

9 (c) PROCESS FOR ENACTMENT OF FINAL REDIS-
10 TRICTING PLAN.—

11 (1) IN GENERAL.—After taking into consider-
12 ation comments from the public on any preliminary
13 redistricting plan developed and published under
14 subsection (b), the independent redistricting commis-
15 sion of a State shall develop and publish a final re-
16 districting plan for the State.

17 (2) MEETING; FINAL VOTE.—Not later than the
18 deadline specified in subsection (e), the commission
19 shall hold a public hearing at which the members of
20 the commission shall vote on approving the final
21 plan for enactment into law.

22 (3) PUBLICATION OF PLAN AND ACCOMPANYING
23 MATERIALS.—Not fewer than 14 days before the
24 date of the meeting under paragraph (2), the com-
25 mission shall provide the following information to

1 the public through the website maintained under
2 subsection (a)(2), as well as through newspapers of
3 general circulation throughout the State:

4 (A) The final redistricting plan, including
5 all relevant maps.

6 (B) A report by the commission to accom-
7 pany the plan which provides the background
8 for the plan and the commission's reasons for
9 selecting the plan as the final redistricting plan,
10 including responses to the public comments re-
11 ceived on any preliminary redistricting plan de-
12 veloped and published under subsection (b).

13 (C) Any dissenting or additional views with
14 respect to the plan of individual members of the
15 commission.

16 (4) ENACTMENT.—Subject to paragraph (5),
17 the final redistricting plan developed and published
18 under this subsection shall be deemed to be enacted
19 into law upon the expiration of the 45-day period
20 which begins on the date on which—

21 (A) such final plan is approved by a major-
22 ity of the whole membership of the commission;
23 and

24 (B) at least one member of the commission
25 appointed from each of the categories of the ap-

1 proved selection pool described in section
2 2412(b)(1) approves such final plan.

3 (5) REVIEW BY DEPARTMENT OF JUSTICE.—

4 (A) REQUIRING SUBMISSION OF PLAN FOR
5 REVIEW.—The final redistricting plan shall not
6 be deemed to be enacted into law unless the
7 State submits the plan to the Department of
8 Justice for an administrative review to deter-
9 mine if the plan is in compliance with the cri-
10 teria described in subparagraphs (B) and (C) of
11 section 2413(a)(1).

12 (B) TERMINATION OF REVIEW.—The De-
13 partment of Justice shall terminate any admin-
14 istrative review under subparagraph (A) if, dur-
15 ing the 45-day period which begins on the date
16 the plan is enacted into law, an action is filed
17 in a United States district court alleging that
18 the plan is not in compliance with the criteria
19 described in subparagraphs (B) and (C) of sec-
20 tion 2413(a)(1).

21 (d) WRITTEN EVALUATION OF PLAN AGAINST EX-
22 TERNAL METRICS.—The independent redistricting com-
23 mission shall include with each redistricting plan devel-
24 oped and published under this section a written evaluation
25 that measures each such plan against external metrics

1 which cover the criteria set forth in section 2403(a), in-
2 cluding the impact of the plan on the ability of commu-
3 nities of color to elect candidates of choice, measures of
4 partisan fairness using multiple accepted methodologies,
5 and the degree to which the plan preserves or divides com-
6 munities of interest.

7 (e) TIMING.—The independent redistricting commis-
8 sion of a State may begin its work on the redistricting
9 plan of the State upon receipt of relevant population infor-
10 mation from the Bureau of the Census, and shall approve
11 a final redistricting plan for the State in each year ending
12 in the numeral one not later than 8 months after the date
13 on which the State receives the State apportionment notice
14 or October 1, whichever occurs later.

15 **SEC. 2414. ESTABLISHMENT OF RELATED ENTITIES.**

16 (a) ESTABLISHMENT OR DESIGNATION OF NON-
17 PARTISAN AGENCY OF STATE LEGISLATURE.—

18 (1) IN GENERAL.—Each State shall establish a
19 nonpartisan agency in the legislative branch of the
20 State government to appoint the members of the
21 independent redistricting commission for the State
22 in accordance with section 2411.

23 (2) NONPARTISANSHIP DESCRIBED.—For pur-
24 poses of this subsection, an agency shall be consid-
25 ered to be nonpartisan if under law the agency—

1 (A) is required to provide services on a
2 nonpartisan basis;

3 (B) is required to maintain impartiality;
4 and

5 (C) is prohibited from advocating for the
6 adoption or rejection of any legislative proposal.

7 (3) TRAINING OF MEMBERS APPOINTED TO
8 COMMISSION.—Not later than January 15 of a year
9 ending in the numeral one, the nonpartisan agency
10 established or designated under this subsection shall
11 provide the members of the independent redistricting
12 commission with initial training on their obligations
13 as members of the commission, including obligations
14 under the Voting Rights Act of 1965 and other ap-
15 plicable laws.

16 (4) REGULATIONS.—The nonpartisan agency
17 established or designated under this subsection shall
18 adopt and publish regulations, after notice and op-
19 portunity for comment, establishing the procedures
20 that the agency will follow in fulfilling its duties
21 under this subtitle, including the procedures to be
22 used in vetting the qualifications and political affili-
23 ation of applicants and in creating the selection
24 pools, the randomized process to be used in selecting
25 the initial members of the independent redistricting

1 commission, and the rules that the agency will apply
2 to ensure that the agency carries out its duties
3 under this subtitle in a maximally transparent, pub-
4 licly accessible, and impartial manner.

5 (5) DESIGNATION OF EXISTING AGENCY.—At
6 its option, a State may designate an existing agency
7 in the legislative branch of its government to appoint
8 the members of the independent redistricting com-
9 mission plan for the State under this subtitle, so
10 long as the agency meets the requirements for non-
11 partisanship under this subsection.

12 (6) TERMINATION OF AGENCY SPECIFICALLY
13 ESTABLISHED FOR REDISTRICTING.—If a State does
14 not designate an existing agency under paragraph
15 (5) but instead establishes a new agency to serve as
16 the nonpartisan agency under this section, the new
17 agency shall terminate upon the enactment into law
18 of the redistricting plan for the State.

19 (7) PRESERVATION OF RECORDS.—The State
20 shall ensure that the records of the nonpartisan
21 agency are retained in the appropriate State archive
22 in such manner as may be necessary to enable the
23 State to respond to any civil action brought with re-
24 spect to congressional redistricting in the State.

1 (8) DEADLINE.—The State shall meet the re-
2 quirements of this subsection not later than each
3 October 15 of a year ending in the numeral nine.

4 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
5 DISTRICTING.—

6 (1) IN GENERAL.—Each State shall appoint a
7 Select Committee on Redistricting to approve or dis-
8 approve a selection pool developed by the inde-
9 pendent redistricting commission for the State under
10 section 2412.

11 (2) APPOINTMENT.—The Select Committee on
12 Redistricting for a State under this subsection shall
13 consist of the following members:

14 (A) One member of the upper house of the
15 State legislature, who shall be appointed by the
16 leader of the party with the greatest number of
17 seats in the upper house.

18 (B) One member of the upper house of the
19 State legislature, who shall be appointed by the
20 leader of the party with the second greatest
21 number of seats in the upper house.

22 (C) One member of the lower house of the
23 State legislature, who shall be appointed by the
24 leader of the party with the greatest number of
25 seats in the lower house.

1 (D) One member of the lower house of the
2 State legislature, who shall be appointed by the
3 leader of the party with the second greatest
4 number of seats in the lower house.

5 (3) SPECIAL RULE FOR STATES WITH UNICAM-
6 ERAL LEGISLATURE.—In the case of a State with a
7 unicameral legislature, the Select Committee on Re-
8 districting for the State under this subsection shall
9 consist of the following members:

10 (A) Two members of the State legislature
11 appointed by the chair of the political party of
12 the State whose candidate received the highest
13 percentage of votes in the most recent statewide
14 election for Federal office held in the State.

15 (B) Two members of the State legislature
16 appointed by the chair of the political party
17 whose candidate received the second highest
18 percentage of votes in the most recent statewide
19 election for Federal office held in the State.

20 (4) DEADLINE.—The State shall meet the re-
21 quirements of this subsection not later than each
22 January 15 of a year ending in the numeral zero.

23 (5) RULE OF CONSTRUCTION.—Nothing in this
24 subsection may be construed to prohibit the leader

1 of any political party in a legislature from appoint-
2 ment to the Select Committee on Redistricting.

3 **SEC. 2415. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
4 **INDEPENDENT REDISTRICTING COMMIS-**
5 **SIONS.**

6 Not later than May 15 of a year ending in the nu-
7 meral one, the Comptroller General of the United States
8 shall submit to Congress a report on the extent to which
9 the memberships of independent redistricting commissions
10 for States established under this part with respect to the
11 immediately preceding year ending in the numeral zero
12 meet the diversity requirements as provided for in sections
13 2411(a)(2)(B) and 2412(b)(2).

14 **PART 3—ROLE OF COURTS IN DEVELOPMENT OF**
15 **REDISTRICTING PLANS**

16 **SEC. 2421. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**
17 **COURT.**

18 (a) DEVELOPMENT OF PLAN.—If any of the trig-
19 gering events described in subsection (f) occur with re-
20 spect to a State—

21 (1) not later than December 15 of the year in
22 which the triggering event occurs, the United States
23 district court for the applicable venue, acting
24 through a 3-judge Court convened pursuant to sec-
25 tion 2284 of title 28, United States Code, shall de-

1 velop and publish the congressional redistricting
2 plan for the State; and

3 (2) the final plan developed and published by
4 the Court under this section shall be deemed to be
5 enacted on the date on which the Court publishes
6 the final plan, as described in subsection (d).

7 (b) APPLICABLE VENUE DESCRIBED.—For purposes
8 of this section, the “applicable venue” with respect to a
9 State is the District of Columbia or the judicial district
10 in which the capital of the State is located, as selected
11 by the first party to file with the court sufficient evidence
12 of the occurrence of a triggering event described in sub-
13 section (f).

14 (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

15 (1) CRITERIA.—In developing a redistricting
16 plan for a State under this section, the Court shall
17 adhere to the same terms and conditions that ap-
18 plied (or that would have applied, as the case may
19 be) to the development of a plan by the independent
20 redistricting commission of the State under section
21 2403.

22 (2) ACCESS TO INFORMATION AND RECORDS OF
23 COMMISSION.—The Court shall have access to any
24 information, data, software, or other records and
25 material that was used (or that would have been

1 used, as the case may be) by the independent redistricting
2 commission of the State in carrying out its
3 duties under this subtitle.

4 (3) HEARING; PUBLIC PARTICIPATION.—In developing a redistricting plan for a State, the Court
5 shall—
6

7 (A) hold one or more evidentiary hearings
8 at which interested members of the public may
9 appear and be heard and present testimony, including expert testimony, in accordance with
10 the rules of the Court; and
11

12 (B) consider other submissions and comments by the public, including proposals for redistricting plans to cover the entire State or
13 any portion of the State.
14
15

16 (4) USE OF SPECIAL MASTER.—To assist in the
17 development and publication of a redistricting plan
18 for a State under this section, the Court may appoint a special master to make recommendations to
19 the Court on possible plans for the State.
20

21 (d) PUBLICATION OF PLAN.—

22 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—
23 Upon completing the development of one or more
24 initial redistricting plans, the Court shall make the
25 plans available to the public at no cost, and shall

1 also make available the underlying data used by the
2 Court to develop the plans and a written evaluation
3 of the plans against external metrics (as described in
4 section 2413(d)).

5 (2) PUBLICATION OF FINAL PLAN.—At any
6 time after the expiration of the 14-day period which
7 begins on the date the Court makes the plans avail-
8 able to the public under paragraph (1), and taking
9 into consideration any submissions and comments by
10 the public which are received during such period, the
11 Court shall develop and publish the final redistricting
12 plan for the State.

13 (e) USE OF INTERIM PLAN.—In the event that the
14 Court is not able to develop and publish a final redistricting
15 plan for the State with sufficient time for an upcoming
16 election to proceed, the Court may develop and
17 publish an interim redistricting plan which shall serve as
18 the redistricting plan for the State until the Court develops
19 and publishes a final plan in accordance with this section.
20 Nothing in this subsection may be construed to limit
21 or otherwise affect the authority or discretion of the Court
22 to develop and publish the final redistricting plan, including
23 but not limited to the discretion to make any changes
24 the Court deems necessary to an interim redistricting
25 plan.

1 (f) TRIGGERING EVENTS DESCRIBED.—The “trig-
2 gering events” described in this subsection are as follows:

3 (1) The failure of the State to establish or des-
4 ignate a nonpartisan agency of the State legislature
5 under section 2414(a) prior to the expiration of the
6 deadline set forth in section 2414(a)(5).

7 (2) The failure of the State to appoint a Select
8 Committee on Redistricting under section 2414(b)
9 prior to the expiration of the deadline set forth in
10 section 2414(b)(4).

11 (3) The failure of the Select Committee on Re-
12 districting to approve any selection pool under sec-
13 tion 2412 prior to the expiration of the deadline set
14 forth for the approval of the second replacement se-
15 lection pool in section 2412(d)(2).

16 (4) The failure of the independent redistricting
17 commission of the State to approve a final redis-
18 tricting plan for the State prior to the expiration of
19 the deadline set forth in section 2413(e).

20 **SEC. 2422. SPECIAL RULE FOR REDISTRICTING CON-**
21 **DUCTED UNDER ORDER OF FEDERAL COURT.**

22 If a Federal court requires a State to conduct redis-
23 tricting subsequent to an apportionment of Representa-
24 tives in the State in order to comply with the Constitution
25 or to enforce the Voting Rights Act of 1965, section 2413

1 shall apply with respect to the redistricting, except that
2 the court may revise any of the deadlines set forth in such
3 section if the court determines that a revision is appro-
4 priate in order to provide for a timely enactment of a new
5 redistricting plan for the State.

6 **PART 4—ADMINISTRATIVE AND MISCELLANEOUS**
7 **PROVISIONS**

8 **SEC. 2431. PAYMENTS TO STATES FOR CARRYING OUT RE-**
9 **DISTRICTING.**

10 (a) **AUTHORIZATION OF PAYMENTS.**—Subject to sub-
11 section (d), not later than 30 days after a State receives
12 a State apportionment notice, the Election Assistance
13 Commission shall, subject to the availability of appropria-
14 tions provided pursuant to subsection (e), make a payment
15 to the State in an amount equal to the product of—

16 (1) the number of Representatives to which the
17 State is entitled, as provided under the notice; and

18 (2) \$150,000.

19 (b) **USE OF FUNDS.**—A State shall use the payment
20 made under this section to establish and operate the
21 State’s independent redistricting commission, to imple-
22 ment the State redistricting plan, and to otherwise carry
23 out congressional redistricting in the State.

24 (c) **NO PAYMENT TO STATES WITH SINGLE MEM-**
25 **BER.**—The Election Assistance Commission shall not

1 make a payment under this section to any State which
2 is not entitled to more than one Representative under its
3 State apportionment notice.

4 (d) REQUIRING SUBMISSION OF SELECTION POOL AS
5 CONDITION OF PAYMENT.—

6 (1) REQUIREMENT.—Except as provided in
7 paragraph (2) and paragraph (3), the Election As-
8 sistance Commission may not make a payment to a
9 State under this section until the State certifies to
10 the Commission that the nonpartisan agency estab-
11 lished or designated by a State under section
12 2414(a) has, in accordance with section 2412(b)(1),
13 submitted a selection pool to the Select Committee
14 on Redistricting for the State established under sec-
15 tion 2414(b).

16 (2) EXCEPTION FOR STATES WITH EXISTING
17 COMMISSIONS.—In the case of a State which, pursu-
18 ant to section 2401(c), is exempt from the require-
19 ments of section 2401(a), the Commission may not
20 make a payment to the State under this section until
21 the State certifies to the Commission that its redis-
22 tricting commission meets the requirements of sec-
23 tion 2401(c).

24 (3) EXCEPTION FOR STATE OF IOWA.—In the
25 case of the State of Iowa, the Commission may not

1 make a payment to the State under this section until
2 the State certifies to the Commission that it will
3 carry out congressional redistricting pursuant to the
4 State’s apportionment notice in accordance with a
5 plan developed by the Iowa Legislative Services
6 Agency with the assistance of a Temporary Redistricting
7 Advisory Commission, as provided under the
8 law described in section 2401(d).

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as may be
11 necessary for payments under this section.

12 **SEC. 2432. CIVIL ENFORCEMENT.**

13 (a) CIVIL ENFORCEMENT.—

14 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
15 torney General may bring a civil action in an appro-
16 priate district court for such relief as may be appro-
17 priate to carry out this subtitle.

18 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
19 TION.—Any citizen of a State who is aggrieved by
20 the failure of the State to meet the requirements of
21 this subtitle may bring a civil action in the United
22 States district court for the applicable venue for
23 such relief as may be appropriate to remedy the fail-
24 ure. For purposes of this section, the “applicable
25 venue” is the District of Columbia or the judicial

1 district in which the capital of the State is located,
2 as selected by the person who brings the civil action.

3 (b) EXPEDITED CONSIDERATION.—In any action
4 brought forth under this section, the following rules shall
5 apply:

6 (1) The action shall be filed in the district court
7 of the United States for the District of Columbia or
8 for the judicial district in which the capital of the
9 State is located, as selected by the person bringing
10 the action.

11 (2) The action shall be heard by a 3-judge
12 court convened pursuant to section 2284 of title 28,
13 United States Code.

14 (3) The 3-judge court shall consolidate actions
15 brought for relief under subsection (b)(1) with re-
16 spect to the same State redistricting plan.

17 (4) A copy of the complaint shall be delivered
18 promptly to the Clerk of the House of Representa-
19 tives and the Secretary of the Senate.

20 (5) A final decision in the action shall be re-
21 viewable only by appeal directly to the Supreme
22 Court of the United States. Such appeal shall be
23 taken by the filing of a notice of appeal within 10
24 days, and the filing of a jurisdictional statement
25 within 30 days, of the entry of the final decision.

1 (6) It shall be the duty of the district court and
2 the Supreme Court of the United States to advance
3 on the docket and to expedite to the greatest pos-
4 sible extent the disposition of the action and appeal.

5 (c) REMEDIES.—

6 (1) ADOPTION OF REPLACEMENT PLAN.—

7 (A) IN GENERAL.—If the district court in
8 an action under this section finds that the con-
9 gressional redistricting plan of a State violates,
10 in whole or in part, the requirements of this
11 subtitle—

12 (i) the Court shall adopt a replace-
13 ment congressional redistricting plan for
14 the State in accordance with the process
15 set forth in section 2421; or

16 (ii) if circumstances warrant and no
17 delay to an upcoming regularly scheduled
18 election for the House of Representatives
19 in the State would result, the district court
20 may allow a State to develop and propose
21 a remedial congressional redistricting plan
22 for consideration by the court, and such
23 remedial plan may be developed by the
24 State by adopting such appropriate

1 changes to the State's enacted plan as may
2 be ordered by the court.

3 (B) SPECIAL RULE IN CASE FINAL ADJU-
4 DICATION NOT EXPECTED WITHIN 3 MONTHS
5 OF ELECTION.—If final adjudication of an ac-
6 tion under this section is not reasonably ex-
7 pected to be completed at least three months
8 prior to the next regularly scheduled election
9 for the House of Representatives in the State,
10 the district court shall, as the balance of equi-
11 ties warrant—

12 (i) order development, adoption, and
13 use of an interim congressional redis-
14 tricting plan in accordance with section
15 2421(e) to address any claims under this
16 title for which a party seeking relief has
17 demonstrated a substantial likelihood of
18 success; or

19 (ii) order adjustments to the timing of
20 primary elections for the House of Rep-
21 resentatives, as needed, to allow sufficient
22 opportunity for adjudication of the matter
23 and adoption of a remedial or replacement
24 plan for use in the next regularly sched-

1 uled general elections for the House of
2 Representatives.

3 (2) NO INJUNCTIVE RELIEF PERMITTED.—Any
4 remedial or replacement congressional redistricting
5 plan ordered under this subsection shall not be sub-
6 ject to temporary or preliminary injunctive relief
7 from any court unless the record establishes that a
8 writ of mandamus is warranted.

9 (3) NO STAY PENDING APPEAL.—Notwith-
10 standing the appeal of an order finding that a con-
11 gressional redistricting plan of a State violates, in
12 whole or in part, the requirements of this subtitle,
13 no stay shall issue which shall bar the development
14 or adoption of a replacement or remedial plan under
15 this subsection, as may be directed by the district
16 court, pending such appeal.

17 (d) ATTORNEY'S FEES.—In a civil action under this
18 section, the court may allow the prevailing party (other
19 than the United States) reasonable attorney fees, includ-
20 ing litigation expenses, and costs.

21 (e) RELATION TO OTHER LAWS.—

22 (1) RIGHTS AND REMEDIES ADDITIONAL TO
23 OTHER RIGHTS AND REMEDIES.—The rights and
24 remedies established by this section are in addition
25 to all other rights and remedies provided by law, and

1 neither the rights and remedies established by this
2 section nor any other provision of this subtitle shall
3 supersede, restrict, or limit the application of the
4 Voting Rights Act of 1965 (52 U.S.C. 10301 et
5 seq.).

6 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
7 this subtitle authorizes or requires conduct that is
8 prohibited by the Voting Rights Act of 1965 (52
9 U.S.C. 10301 et seq.).

10 (f) LEGISLATIVE PRIVILEGE.—No person, legisla-
11 ture, or State may claim legislative privilege under either
12 State or Federal law in a civil action brought under this
13 section or in any other legal challenge, under either State
14 or Federal law, to a redistricting plan enacted under this
15 subtitle.

16 **SEC. 2433. STATE APPORTIONMENT NOTICE DEFINED.**

17 In this subtitle, the “State apportionment notice”
18 means, with respect to a State, the notice sent to the State
19 from the Clerk of the House of Representatives under sec-
20 tion 22(b) of the Act entitled “An Act to provide for the
21 fifteenth and subsequent decennial censuses and to pro-
22 vide for an apportionment of Representatives in Con-
23 gress”, approved June 18, 1929 (2 U.S.C. 2a), of the
24 number of Representatives to which the State is entitled.

1 **SEC. 2434. NO EFFECT ON ELECTIONS FOR STATE AND**
2 **LOCAL OFFICE.**

3 Nothing in this subtitle or in any amendment made
4 by this subtitle may be construed to affect the manner
5 in which a State carries out elections for State or local
6 office, including the process by which a State establishes
7 the districts used in such elections.

8 **SEC. 2435. EFFECTIVE DATE.**

9 This subtitle and the amendments made by this sub-
10 title shall apply with respect to redistricting carried out
11 pursuant to the decennial census conducted during 2030
12 or any succeeding decennial census.

13 **PART 5—REQUIREMENTS FOR REDISTRICTING**
14 **CARRIED OUT PURSUANT TO 2020 CENSUS**
15 **Subpart A—Application of Certain Requirements for**
16 **Redistricting Carried Out Pursuant to 2020 Census**

17 **SEC. 2441. APPLICATION OF CERTAIN REQUIREMENTS FOR**
18 **REDISTRICTING CARRIED OUT PURSUANT TO**
19 **2020 CENSUS.**

20 Notwithstanding section 2435, parts 1, 3, and 4 of
21 this subtitle and the amendments made by such parts shall
22 apply with respect to congressional redistricting carried
23 out pursuant to the decennial census conducted during
24 2020 in the same manner as such parts and the amend-
25 ments made by such parts apply with respect to redis-

1 tricting carried out pursuant to the decennial census con-
2 ducted during 2030, except as follows:

3 (1) Except as provided in subsection (c) and
4 subsection (d) of section 2401, the redistricting shall
5 be conducted in accordance with—

6 (A) the redistricting plan developed and
7 enacted into law by the independent redis-
8 tricting commission established in the State in
9 accordance with subpart B; or

10 (B) if a plan developed by such commission
11 is not enacted into law, the redistricting plan
12 developed and enacted into law by a 3-judge
13 court in accordance with section 2421.

14 (2) If any of the triggering events described in
15 section 2442 occur with respect to the State, the
16 United States district court for the applicable venue
17 shall develop and publish the redistricting plan for
18 the State, in accordance with section 2421, not later
19 than December 15, 2021.

20 (3) For purposes of section 2431(d)(1), the
21 Election Assistance Commission may not make a
22 payment to a State under such section until the
23 State certifies to the Commission that the non-
24 partisan agency established or designated by a State
25 under section 2454(a) has, in accordance with sec-

1 tion 2452(b)(1), submitted a selection pool to the
2 Select Committee on Redistricting for the State es-
3 tablished under section 2454(b).

4 **SEC. 2442. TRIGGERING EVENTS.**

5 For purposes of the redistricting carried out pursuant
6 to the decennial census conducted during 2020, the trig-
7 gering events described in this section are as follows:

8 (1) The failure of the State to establish or des-
9 ignate a nonpartisan agency under section 2454(a)
10 prior to the expiration of the deadline under section
11 2454(a)(6).

12 (2) The failure of the State to appoint a Select
13 Committee on Redistricting under section 2454(b)
14 prior to the expiration of the deadline under section
15 2454(b)(4).

16 (3) The failure of the Select Committee on Re-
17 districting to approve a selection pool under section
18 2452(b) prior to the expiration of the deadline under
19 section 2452(b)(7).

20 (4) The failure of the independent redistricting
21 commission of the State to approve a final redis-
22 tricting plan for the State under section 2453 prior
23 to the expiration of the deadline under section
24 2453(e).

1 **Subpart B—Independent Redistricting Commissions**
2 **for Redistricting Carried Out Pursuant to 2020**
3 **Census**

4 **SEC. 2451. USE OF INDEPENDENT REDISTRICTING COMMIS-**
5 **SIONS FOR REDISTRICTING CARRIED OUT**
6 **PURSUANT TO 2020 CENSUS.**

7 (a) APPOINTMENT OF MEMBERS.—

8 (1) IN GENERAL.—The nonpartisan agency es-
9 tablished or designated by a State under section
10 2454(a) shall establish an independent redistricting
11 commission under this part for the State, which
12 shall consist of 15 members appointed by the agency
13 as follows:

14 (A) Not later than August 5, 2021, the
15 agency shall, at a public meeting held not ear-
16 lier than 15 days after notice of the meeting
17 has been given to the public, first appoint 6
18 members as follows:

19 (i) The agency shall appoint 2 mem-
20 bers on a random basis from the majority
21 category of the approved selection pool (as
22 described in section 2452(b)(1)(A)).

23 (ii) The agency shall appoint 2 mem-
24 bers on a random basis from the minority
25 category of the approved selection pool (as
26 described in section 2452(b)(1)(B)).

1 (iii) The agency shall appoint 2 mem-
2 bers on a random basis from the inde-
3 pendent category of the approved selection
4 pool (as described in section
5 2452(b)(1)(C)).

6 (B) Not later than August 15, 2021, the
7 members appointed by the agency under sub-
8 paragraph (A) shall, at a public meeting held
9 not earlier than 15 days after notice of the
10 meeting has been given to the public, then ap-
11 point 9 members as follows:

12 (i) The members shall appoint 3 mem-
13 bers from the majority category of the ap-
14 proved selection pool (as described in sec-
15 tion 2452(b)(1)(A)).

16 (ii) The members shall appoint 3
17 members from the minority category of the
18 approved selection pool (as described in
19 section 2452(b)(1)(B)).

20 (iii) The members shall appoint 3
21 members from the independent category of
22 the approved selection pool (as described in
23 section 2452(b)(1)(C)).

24 (2) RULES FOR APPOINTMENT OF MEMBERS
25 APPOINTED BY FIRST MEMBERS.—

1 (A) AFFIRMATIVE VOTE OF AT LEAST 4
2 MEMBERS.—The appointment of any of the 9
3 members of the independent redistricting com-
4 mission who are appointed by the first members
5 of the commission pursuant to subparagraph
6 (B) of paragraph (1) shall require the affirma-
7 tive vote of at least 4 of the members appointed
8 by the nonpartisan agency under subparagraph
9 (A) of paragraph (1), including at least one
10 member from each of the categories referred to
11 in such subparagraph.

12 (B) ENSURING DIVERSITY.—In appointing
13 the 9 members pursuant to subparagraph (B)
14 of paragraph (1), the first members of the inde-
15 pendent redistricting commission shall ensure
16 that the membership is representative of the de-
17 mographic groups (including racial, ethnic, eco-
18 nomic, and gender) and geographic regions of
19 the State, and provides racial, ethnic, and lan-
20 guage minorities protected under the Voting
21 Rights Act of 1965 with a meaningful oppor-
22 tunity to participate in the development of the
23 State’s redistricting plan.

24 (3) REMOVAL.—A member of the independent
25 redistricting commission may be removed by a ma-

1 jority vote of the remaining members of the commis-
2 sion if it is shown by a preponderance of the evi-
3 dence that the member is not eligible to serve on the
4 commission under section 2452(a).

5 (b) PROCEDURES FOR CONDUCTING COMMISSION
6 BUSINESS.—

7 (1) REQUIRING MAJORITY APPROVAL FOR AC-
8 TIONS.—The independent redistricting commission
9 of a State under this part may not publish and dis-
10 seminate any draft or final redistricting plan, or
11 take any other action, without the approval of at
12 least—

13 (A) a majority of the whole membership of
14 the commission; and

15 (B) at least one member of the commission
16 appointed from each of the categories of the ap-
17 proved selection pool described in section
18 2452(b)(1).

19 (2) QUORUM.—A majority of the members of
20 the commission shall constitute a quorum.

21 (c) STAFF; CONTRACTORS.—

22 (1) STAFF.—Under a public application process
23 in which all application materials are available for
24 public inspection, the independent redistricting com-
25 mission of a State under this part shall appoint and

1 set the pay of technical experts, legal counsel, con-
2 sultants, and such other staff as it considers appro-
3 priate, subject to State law.

4 (2) CONTRACTORS.—The independent redistricting
5 commission of a State may enter into such
6 contracts with vendors as it considers appropriate,
7 subject to State law, except that any such contract
8 shall be valid only if approved by the vote of a ma-
9 jority of the members of the commission, including
10 at least one member appointed from each of the cat-
11 egories of the approved selection pool described in
12 section 2452(b)(1).

13 (3) GOAL OF IMPARTIALITY.—The commission
14 shall take such steps as it considers appropriate to
15 ensure that any staff appointed under this sub-
16 section, and any vendor with whom the commission
17 enters into a contract under this subsection, will
18 work in an impartial manner.

19 (d) PRESERVATION OF RECORDS.—The State shall
20 ensure that the records of the independent redistricting
21 commission are retained in the appropriate State archive
22 in such manner as may be necessary to enable the State
23 to respond to any civil action brought with respect to con-
24 gressional redistricting in the State.

1 **SEC. 2452. ESTABLISHMENT OF SELECTION POOL OF INDI-**
2 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**
3 **OF COMMISSION.**

4 (a) **CRITERIA FOR ELIGIBILITY.—**

5 (1) **IN GENERAL.**—An individual is eligible to
6 serve as a member of an independent redistricting
7 commission under this part if the individual meets
8 each of the following criteria:

9 (A) As of the date of appointment, the in-
10 dividual is registered to vote in elections for
11 Federal office held in the State.

12 (B) During the 3-year period ending on
13 the date of the individual's appointment, the in-
14 dividual has been continuously registered to
15 vote with the same political party, or has not
16 been registered to vote with any political party.

17 (C) The individual submits to the non-
18 partisan agency established or designated by a
19 State under section 2453, at such time and in
20 such form as the agency may require, an appli-
21 cation for inclusion in the selection pool under
22 this section, and includes with the application a
23 written statement, with an attestation under
24 penalty of perjury, containing the following in-
25 formation and assurances:

1 (i) The full current name and any
2 former names of, and the contact informa-
3 tion for, the individual, including an elec-
4 tronic mail address, the address of the in-
5 dividual's residence, mailing address, and
6 telephone numbers.

7 (ii) The individual's race, ethnicity,
8 gender, age, date of birth, and household
9 income for the most recent taxable year.

10 (iii) The political party with which the
11 individual is affiliated, if any.

12 (iv) The reason or reasons the indi-
13 vidual desires to serve on the independent
14 redistricting commission, the individual's
15 qualifications, and information relevant to
16 the ability of the individual to be fair and
17 impartial, including, but not limited to—

18 (I) any involvement with, or fi-
19 nancial support of, professional, so-
20 cial, political, religious, or community
21 organizations or causes;

22 (II) the individual's employment
23 and educational history.

24 (v) An assurance that the individual
25 shall commit to carrying out the individ-

1 ual's duties under this subtitle in an hon-
2 est, independent, and impartial fashion,
3 and to upholding public confidence in the
4 integrity of the redistricting process.

5 (vi) An assurance that, during such
6 covered period as the State may establish
7 with respect to any of the subparagraphs
8 of paragraph (2), the individual has not
9 taken and will not take any action which
10 would disqualify the individual from serv-
11 ing as a member of the commission under
12 such paragraph.

13 (2) DISQUALIFICATIONS.—An individual is not
14 eligible to serve as a member of the commission if
15 any of the following applies with respect to such cov-
16 ered period as the State may establish:

17 (A) The individual or an immediate family
18 member of the individual holds public office or
19 is a candidate for election for public office.

20 (B) The individual or an immediate family
21 member of the individual serves as an officer of
22 a political party or as an officer, employee, or
23 paid consultant of a campaign committee of a
24 candidate for public office or of any political ac-

tion committee (as determined in accordance with the law of the State).

(C) The individual or an immediate family member of the individual holds a position as a registered lobbyist under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) or an equivalent State or local law.

(D) The individual or an immediate family member of the individual is an employee of an elected public official, a contractor with the government of the State, or a donor to the campaign of any candidate for public office or to any political action committee (other than a donor who, during any of such covered periods, gives an aggregate amount of \$1,000 or less to the campaigns of all candidates for all public offices and to all political action committees).

(E) The individual paid a civil money penalty or criminal fine, or was sentenced to a term of imprisonment, for violating any provision of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.).

(F) The individual or an immediate family member of the individual is an agent of a foreign principal under the Foreign Agents Reg-

1 istration Act of 1938, as amended (22 U.S.C.
2 611 et seq.).

3 (3) IMMEDIATE FAMILY MEMBER DEFINED.—In
4 this subsection, the term “immediate family mem-
5 ber” means, with respect to an individual, a father,
6 stepfather, mother, stepmother, son, stepson, daugh-
7 ter, stepdaughter, brother, stepbrother, sister, step-
8 sister, husband, wife, father-in-law, or mother-in-
9 law.

10 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
11 POOL.—

12 (1) IN GENERAL.—Not later than July 15,
13 2021, the nonpartisan agency established or des-
14 ignated by a State under section 2454(a) shall de-
15 velop and submit to the Select Committee on Redis-
16 tricting for the State established under section
17 2454(b) a selection pool of 36 individuals who are
18 eligible to serve as members of the independent re-
19 districting commission of the State under this part,
20 consisting of individuals in the following categories:

21 (A) A majority category, consisting of 12
22 individuals who are affiliated with the political
23 party whose candidate received the most votes
24 in the most recent Statewide election for Fed-
25 eral office held in the State.

1 (B) A minority category, consisting of 12
2 individuals who are affiliated with the political
3 party whose candidate received the second most
4 votes in the most recent Statewide election for
5 Federal office held in the State.

6 (C) An independent category, consisting of
7 12 individuals who are not affiliated with either
8 of the political parties described in subpara-
9 graph (A) or subparagraph (B).

10 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
11 OPING POOL.—In selecting individuals for the selec-
12 tion pool under this subsection, the nonpartisan
13 agency shall—

14 (A) ensure that the pool is representative
15 of the demographic groups (including racial,
16 ethnic, economic, and gender) and geographic
17 regions of the State, and includes applicants
18 who would allow racial, ethnic, and language
19 minorities protected under the Voting Rights
20 Act of 1965 a meaningful opportunity to par-
21 ticipate in the development of the State’s redis-
22 tricting plan; and

23 (B) take into consideration the analytical
24 skills of the individuals selected in relevant
25 fields (including mapping, data management,

1 law, community outreach, demography, and the
2 geography of the State) and their ability to
3 work on an impartial basis.

4 (3) DETERMINATION OF POLITICAL PARTY AF-
5 FILIATION OF INDIVIDUALS IN SELECTION POOL.—

6 For purposes of this section, an individual shall be
7 considered to be affiliated with a political party only
8 if the nonpartisan agency is able to verify (to the
9 greatest extent possible) the information the indi-
10 vidual provides in the application submitted under
11 subsection (a)(1)(C), including by considering addi-
12 tional information provided by other persons with
13 knowledge of the individual's history of political ac-
14 tivity.

15 (4) ENCOURAGING RESIDENTS TO APPLY FOR
16 INCLUSION IN POOL.—The nonpartisan agency shall
17 take such steps as may be necessary to ensure that
18 residents of the State across various geographic re-
19 gions and demographic groups are aware of the op-
20 portunity to serve on the independent redistricting
21 commission, including publicizing the role of the
22 panel and using newspapers, broadcast media, and
23 online sources, including ethnic media, to encourage
24 individuals to apply for inclusion in the selection
25 pool developed under this subsection.

1 (5) REPORT ON ESTABLISHMENT OF SELEC-
2 TION POOL.—At the time the nonpartisan agency
3 submits the selection pool to the Select Committee
4 on Redistricting under paragraph (1), it shall pub-
5 lish a report describing the process by which the
6 pool was developed, and shall include in the report
7 a description of how the individuals in the pool meet
8 the eligibility criteria of subsection (a) and of how
9 the pool reflects the factors the agency is required
10 to take into consideration under paragraph (2).

11 (6) PUBLIC COMMENT ON SELECTION POOL.—
12 During the 14-day period which begins on the date
13 the nonpartisan agency publishes the report under
14 paragraph (5), the agency shall accept comments
15 from the public on the individuals included in the se-
16 lection pool. The agency shall transmit all such com-
17 ments to the Select Committee on Redistricting im-
18 mediately upon the expiration of such period.

19 (7) ACTION BY SELECT COMMITTEE.—

20 (A) IN GENERAL.—Not later than August
21 1, 2021, the Select Committee on Redistricting
22 shall—

23 (i) approve the pool as submitted by
24 the nonpartisan agency, in which case the
25 pool shall be considered the approved selec-

tion pool for purposes of section
2451(a)(1); or

(ii) reject the pool, in which case the
redistricting plan for the State shall be de-
veloped and enacted in accordance with
part 3.

(B) INACTION DEEMED REJECTION.—If
the Select Committee on Redistricting fails to
approve or reject the pool within the deadline
set forth in subparagraph (A), the Select Com-
mittee shall be deemed to have rejected the pool
for purposes of such subparagraph.

**SEC. 2453. CRITERIA FOR REDISTRICTING PLAN; PUBLIC
NOTICE AND INPUT.**

(a) PUBLIC NOTICE AND INPUT.—

(1) USE OF OPEN AND TRANSPARENT PROC-
ESS.—The independent redistricting commission of a
State under this part shall hold each of its meetings
in public, shall solicit and take into consideration
comments from the public, including proposed maps,
throughout the process of developing the redis-
tricting plan for the State, and shall carry out its
duties in an open and transparent manner which
provides for the widest public dissemination reason-

1 ably possible of its proposed and final redistricting
2 plans.

3 (2) PUBLIC COMMENT PERIOD.—The commis-
4 sion shall solicit, accept, and consider comments
5 from the public with respect to its duties, activities,
6 and procedures at any time until 7 days before the
7 date of the meeting at which the commission shall
8 vote on approving the final redistricting plan for en-
9 actment into law under subsection (c)(2).

10 (3) MEETINGS AND HEARINGS IN VARIOUS GEO-
11 GRAPHIC LOCATIONS.—To the greatest extent prac-
12 ticable, the commission shall hold its meetings and
13 hearings in various geographic regions and locations
14 throughout the State.

15 (4) MULTIPLE LANGUAGE REQUIREMENTS FOR
16 ALL NOTICES.—The commission shall make each no-
17 tice which is required to be published under this sec-
18 tion available in any language in which the State (or
19 any jurisdiction in the State) is required to provide
20 election materials under section 203 of the Voting
21 Rights Act of 1965.

22 (b) DEVELOPMENT AND PUBLICATION OF PRELIMI-
23 NARY REDISTRICTING PLAN.—

24 (1) IN GENERAL.—Prior to developing and pub-
25 lishing a final redistricting plan under subsection

1 (c), the independent redistricting commission of a
2 State under this part shall develop and publish a
3 preliminary redistricting plan.

4 (2) MINIMUM PUBLIC HEARINGS AND OPPOR-
5 TUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

6 (A) 2 HEARINGS REQUIRED.—Prior to de-
7 veloping a preliminary redistricting plan under
8 this subsection, the commission shall hold not
9 fewer than 2 public hearings at which members
10 of the public may provide input and comments
11 regarding the potential contents of redistricting
12 plans for the State and the process by which
13 the commission will develop the preliminary
14 plan under this subsection.

15 (B) NOTICE PRIOR TO HEARINGS.—The
16 commission shall provide for the publication of
17 notices of each hearing held under this para-
18 graph, including in newspapers of general cir-
19 culation throughout the State. Each such notice
20 shall specify the date, time, and location of the
21 hearing.

22 (C) SUBMISSION OF PLANS AND MAPS BY
23 MEMBERS OF THE PUBLIC.—Any member of
24 the public may submit maps or portions of
25 maps for consideration by the commission.

1 (3) PUBLICATION OF PRELIMINARY PLAN.—The
2 commission shall provide for the publication of the
3 preliminary redistricting plan developed under this
4 subsection, including in newspapers of general cir-
5 culation throughout the State, and shall make pub-
6 licly available a report that includes the commis-
7 sion’s responses to any public comments received
8 under this subsection.

9 (4) PUBLIC COMMENT AFTER PUBLICATION.—
10 The commission shall accept and consider comments
11 from the public with respect to the preliminary re-
12 districting plan published under paragraph (3), in-
13 cluding proposed revisions to maps, until 14 days
14 before the date of the meeting under subsection
15 (c)(2) at which the members of the commission shall
16 vote on approving the final redistricting plan for en-
17 actment into law.

18 (5) POST-PUBLICATION HEARINGS.—

19 (A) 2 HEARINGS REQUIRED.—After pub-
20 lishing the preliminary redistricting plan under
21 paragraph (3), and not later than 14 days be-
22 fore the date of the meeting under subsection
23 (c)(2) at which the members of the commission
24 shall vote on approving the final redistricting
25 plan for enactment into law, the commission

1 shall hold not fewer than 2 public hearings in
2 different geographic areas of the State at which
3 members of the public may provide input and
4 comments regarding the preliminary plan.

5 (B) NOTICE PRIOR TO HEARINGS.—The
6 commission shall provide for the publication of
7 notices of each hearing held under this para-
8 graph, including in newspapers of general cir-
9 culation throughout the State. Each such notice
10 shall specify the date, time, and location of the
11 hearing.

12 (6) PERMITTING MULTIPLE PRELIMINARY
13 PLANS.—At the option of the commission, after de-
14 veloping and publishing the preliminary redistricting
15 plan under this subsection, the commission may de-
16 velop and publish subsequent preliminary redis-
17 tricting plans, so long as the process for the develop-
18 ment and publication of each such subsequent plan
19 meets the requirements set forth in this subsection
20 for the development and publication of the first pre-
21 liminary redistricting plan.

22 (c) PROCESS FOR ENACTMENT OF FINAL REDIS-
23 TRICTING PLAN.—

24 (1) IN GENERAL.—After taking into consider-
25 ation comments from the public on any preliminary

1 redistricting plan developed and published under
2 subsection (b), the independent redistricting commis-
3 sion of a State under this part shall develop and
4 publish a final redistricting plan for the State.

5 (2) MEETING; FINAL VOTE.—Not later than the
6 deadline specified in subsection (e), the commission
7 shall hold a public hearing at which the members of
8 the commission shall vote on approving the final
9 plan for enactment into law.

10 (3) PUBLICATION OF PLAN AND ACCOMPANYING
11 MATERIALS.—Not fewer than 14 days before the
12 date of the meeting under paragraph (2), the com-
13 mission shall make the following information to the
14 public, including through newspapers of general cir-
15 culation throughout the State:

16 (A) The final redistricting plan, including
17 all relevant maps.

18 (B) A report by the commission to accom-
19 pany the plan which provides the background
20 for the plan and the commission's reasons for
21 selecting the plan as the final redistricting plan,
22 including responses to the public comments re-
23 ceived on any preliminary redistricting plan de-
24 veloped and published under subsection (b).

1 (C) Any dissenting or additional views with
2 respect to the plan of individual members of the
3 commission.

4 (4) ENACTMENT.—The final redistricting plan
5 developed and published under this subsection shall
6 be deemed to be enacted into law upon the expira-
7 tion of the 45-day period which begins on the date
8 on which—

9 (A) such final plan is approved by a major-
10 ity of the whole membership of the commission;
11 and

12 (B) at least one member of the commission
13 appointed from each of the categories of the ap-
14 proved selection pool described in section
15 2452(b)(1) approves such final plan.

16 (d) WRITTEN EVALUATION OF PLAN AGAINST EX-
17 TERNAL METRICS.—The independent redistricting com-
18 mission of a State under this part shall include with each
19 redistricting plan developed and published under this sec-
20 tion a written evaluation that measures each such plan
21 against external metrics which cover the criteria set forth
22 section 2403(a), including the impact of the plan on the
23 ability of communities of color to elect candidates of
24 choice, measures of partisan fairness using multiple ac-

1 cepted methodologies, and the degree to which the plan
2 preserves or divides communities of interest.

3 (e) DEADLINE.—The independent redistricting com-
4 mission of a State under this part shall approve a final
5 redistricting plan for the State not later than November
6 15, 2021.

7 **SEC. 2454. ESTABLISHMENT OF RELATED ENTITIES.**

8 (a) ESTABLISHMENT OR DESIGNATION OF NON-
9 PARTISAN AGENCY OF STATE LEGISLATURE.—

10 (1) IN GENERAL.—Each State shall establish a
11 nonpartisan agency in the legislative branch of the
12 State government to appoint the members of the
13 independent redistricting commission for the State
14 under this part in accordance with section 2451.

15 (2) NONPARTISANSHIP DESCRIBED.—For pur-
16 poses of this subsection, an agency shall be consid-
17 ered to be nonpartisan if under law the agency—

18 (A) is required to provide services on a
19 nonpartisan basis;

20 (B) is required to maintain impartiality;
21 and

22 (C) is prohibited from advocating for the
23 adoption or rejection of any legislative proposal.

24 (3) DESIGNATION OF EXISTING AGENCY.—At
25 its option, a State may designate an existing agency

1 in the legislative branch of its government to appoint
2 the members of the independent redistricting com-
3 mission plan for the State under this subtitle, so
4 long as the agency meets the requirements for non-
5 partisanship under this subsection.

6 (4) TERMINATION OF AGENCY SPECIFICALLY
7 ESTABLISHED FOR REDISTRICTING.—If a State does
8 not designate an existing agency under paragraph
9 (3) but instead establishes a new agency to serve as
10 the nonpartisan agency under this section, the new
11 agency shall terminate upon the enactment into law
12 of the redistricting plan for the State.

13 (5) PRESERVATION OF RECORDS.—The State
14 shall ensure that the records of the nonpartisan
15 agency are retained in the appropriate State archive
16 in such manner as may be necessary to enable the
17 State to respond to any civil action brought with re-
18 spect to congressional redistricting in the State.

19 (6) DEADLINE.—The State shall meet the re-
20 quirements of this subsection not later than June 1,
21 2021.

22 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
23 DISTRICTING.—

24 (1) IN GENERAL.—Each State shall appoint a
25 Select Committee on Redistricting to approve or dis-

1 approve a selection pool developed by the inde-
2 pendent redistricting commission for the State under
3 this part under section 2452.

4 (2) APPOINTMENT.—The Select Committee on
5 Redistricting for a State under this subsection shall
6 consist of the following members:

7 (A) One member of the upper house of the
8 State legislature, who shall be appointed by the
9 leader of the party with the greatest number of
10 seats in the upper house.

11 (B) One member of the upper house of the
12 State legislature, who shall be appointed by the
13 leader of the party with the second greatest
14 number of seats in the upper house.

15 (C) One member of the lower house of the
16 State legislature, who shall be appointed by the
17 leader of the party with the greatest number of
18 seats in the lower house.

19 (D) One member of the lower house of the
20 State legislature, who shall be appointed by the
21 leader of the party with the second greatest
22 number of seats in the lower house.

23 (3) SPECIAL RULE FOR STATES WITH UNICAM-
24 ERAL LEGISLATURE.—In the case of a State with a
25 unicameral legislature, the Select Committee on Re-

1 districting for the State under this subsection shall
2 consist of the following members:

3 (A) Two members of the State legislature
4 appointed by the chair of the political party of
5 the State whose candidate received the highest
6 percentage of votes in the most recent State-
7 wide election for Federal office held in the
8 State.

9 (B) Two members of the State legislature
10 appointed by the chair of the political party
11 whose candidate received the second highest
12 percentage of votes in the most recent State-
13 wide election for Federal office held in the
14 State.

15 (4) DEADLINE.—The State shall meet the re-
16 quirements of this subsection not later than June
17 15, 2021.

18 (5) RULE OF CONSTRUCTION.—Nothing in this
19 subsection may be construed to prohibit the leader
20 of any political party in a legislature from appoint-
21 ment to the Select Committee on Redistricting.

1 **SEC. 2455. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
2 **INDEPENDENT REDISTRICTING COMMIS-**
3 **SIONS.**

4 Not later than November 15, 2021, the Comptroller
5 General of the United States shall submit to Congress a
6 report on the extent to which the memberships of inde-
7 pendent redistricting commissions for States established
8 under this part with respect to the immediately preceding
9 year ending in the numeral zero meet the diversity require-
10 ments as provided for in sections 2451(a)(2)(B) and
11 2452(b)(2).

12 **Subtitle F—Saving Eligible Voters**
13 **From Voter Purging**

14 **SEC. 2501. SHORT TITLE.**

15 This subtitle may be cited as the “Stop Automatically
16 Voiding Eligible Voters Off Their Enlisted Rolls in States
17 Act” or the “SAVE VOTERS Act”.

18 **SEC. 2502. CONDITIONS FOR REMOVAL OF VOTERS FROM**
19 **LIST OF REGISTERED VOTERS.**

20 (a) CONDITIONS DESCRIBED.—The National Voter
21 Registration Act of 1993 (52 U.S.C. 20501 et seq.) is
22 amended by inserting after section 8 the following new
23 section:

1 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**
2 **OFFICIAL LIST OF REGISTERED VOTERS.**

3 “(a) VERIFICATION ON BASIS OF OBJECTIVE AND
4 RELIABLE EVIDENCE OF INELIGIBILITY.—

5 “(1) REQUIRING VERIFICATION.—Notwith-
6 standing any other provision of this Act, a State
7 may not remove the name of any registrant from the
8 official list of voters eligible to vote in elections for
9 Federal office in the State unless the State verifies,
10 on the basis of objective and reliable evidence, that
11 the registrant is ineligible to vote in such elections.

12 “(2) FACTORS NOT CONSIDERED AS OBJECTIVE
13 AND RELIABLE EVIDENCE OF INELIGIBILITY.—For
14 purposes of paragraph (1), the following factors, or
15 any combination thereof, shall not be treated as ob-
16 jective and reliable evidence of a registrant’s ineligi-
17 bility to vote:

18 “(A) The failure of the registrant to vote
19 in any election.

20 “(B) The failure of the registrant to re-
21 spond to any notice sent under section 8(d), un-
22 less the notice has been returned as undeliver-
23 able.

24 “(C) The failure of the registrant to take
25 any other action with respect to voting in any

1 election or with respect to the registrant's sta-
2 tus as a registrant.

3 “(b) NOTICE AFTER REMOVAL.—

4 “(1) NOTICE TO INDIVIDUAL REMOVED.—

5 “(A) IN GENERAL.—Not later than 48
6 hours after a State removes the name of a reg-
7 istrant from the official list of eligible voters for
8 any reason (other than the death of the reg-
9 istrant), the State shall send notice of the re-
10 moval to the former registrant, and shall in-
11 clude in the notice the grounds for the removal
12 and information on how the former registrant
13 may contest the removal or be reinstated, in-
14 cluding a telephone number for the appropriate
15 election official.

16 “(B) EXCEPTIONS.—Subparagraph (A)
17 does not apply in the case of a registrant—

18 “(i) who sends written confirmation to
19 the State that the registrant is no longer
20 eligible to vote in the registrar's jurisdic-
21 tion in which the registrant was registered;
22 or

23 “(ii) who is removed from the official
24 list of eligible voters by reason of the death
25 of the registrant.

1 “(2) PUBLIC NOTICE.—Not later than 48 hours
2 after conducting any general program to remove the
3 names of ineligible voters from the official list of eli-
4 gible voters (as described in section 8(a)(4)), the
5 State shall disseminate a public notice through such
6 methods as may be reasonable to reach the general
7 public (including by publishing the notice in a news-
8 paper of wide circulation or posting the notice on the
9 websites of the appropriate election officials) that
10 list maintenance is taking place and that registrants
11 should check their registration status to ensure no
12 errors or mistakes have been made. The State shall
13 ensure that the public notice disseminated under this
14 paragraph is in a format that is reasonably conven-
15 ient and accessible to voters with disabilities, includ-
16 ing voters who have low vision or are blind.”.

17 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF
18 REMOVAL.—Section 8(d) of such Act (52 U.S.C.
19 20507(d)) is amended by adding at the end the following
20 new paragraph:

21 “(4) A State may not transmit a notice to a
22 registrant under this subsection unless the State ob-
23 tains objective and reliable evidence (in accordance
24 with the standards for such evidence which are de-
25 scribed in section 8A(a)(2)) that the registrant has

1 changed residence to a place outside the registrar's
2 jurisdiction in which the registrant is registered.”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) NATIONAL VOTER REGISTRATION ACT OF
5 1993.—Section 8(a) of such Act (52 U.S.C.
6 20507(a)) is amended—

7 (A) in paragraph (3), by striking “pro-
8 vide” and inserting “subject to section 8A, pro-
9 vide”; and

10 (B) in paragraph (4), by striking “con-
11 duct” and inserting “subject to section 8A, con-
12 duct”.

13 (2) HELP AMERICA VOTE ACT OF 2002.—Section
14 303(a)(4)(A) of the Help America Vote Act of 2002
15 (52 U.S.C. 21083(a)(4)(A)) is amended by striking
16 “, registrants” and inserting “, and subject to sec-
17 tion 8A of such Act, registrants”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the date of the enactment
20 of this Act.

1 **Subtitle G—No Effect on Authority**
 2 **of States To Provide Greater**
 3 **Opportunities for Voting**

4 **SEC. 2601. NO EFFECT ON AUTHORITY OF STATES TO PRO-**
 5 **VIDE GREATER OPPORTUNITIES FOR VOT-**
 6 **ING.**

7 Nothing in this title or the amendments made by this
 8 title may be construed to prohibit any State from enacting
 9 any law which provides greater opportunities for individ-
 10 uals to register to vote and to vote in elections for Federal
 11 office than are provided by this title and the amendments
 12 made by this title.

13 **Subtitle H—Residence of**
 14 **Incarcerated Individuals**

15 **SEC. 2701. RESIDENCE OF INCARCERATED INDIVIDUALS.**

16 Section 141 of title 13, United States Code, is
 17 amended—

18 (1) by redesignating subsection (g) as sub-
 19 section (h); and

20 (2) by inserting after subsection (f) the fol-
 21 lowing:

22 “(g)(1) Effective beginning with the 2020 decennial
 23 census of population, in taking any tabulation of total pop-
 24 ulation by States under subsection (a) for purposes of the
 25 apportionment of Representatives in Congress among the

1 several States, the Secretary shall, with respect to an indi-
2 vidual incarcerated in a State, Federal, county, or munic-
3 ipal correctional center as of the date on which such cen-
4 sus is taken, attribute such individual to such individual's
5 last place of residence before incarceration.

6 “(2) In carrying out this subsection, the Secretary
7 shall consult with each State department of corrections to
8 collect the information necessary to make the determina-
9 tion required under paragraph (1).”.

10 **Subtitle I—Findings Relating to** 11 **Youth Voting**

12 **SEC. 2801. FINDINGS RELATING TO YOUTH VOTING.**

13 Congress finds the following:

14 (1) The right to vote is a fundamental right of
15 citizens of the United States.

16 (2) The twenty-sixth amendment of the United
17 States Constitution guarantees that “The right of
18 citizens of the United States, who are eighteen years
19 of age or older, to vote shall not be denied or
20 abridged by the United States or by any State on
21 account of age.”.

22 (3) The twenty-sixth amendment of the United
23 States Constitution grants Congress the power to
24 enforce the amendment by appropriate legislation.

1 (4) The language of the twenty-sixth amend-
2 ment closely mirrors that of the fifteenth amend-
3 ment and the nineteenth amendment. Like those
4 amendments, the twenty-sixth amendment not only
5 prohibits denial of the right to vote but also pro-
6 hibits any actions that abridge the right to vote.

7 (5) Youth voter suppression undercuts partici-
8 pation in our democracy by introducing arduous ob-
9 stacles to new voters and discouraging a culture of
10 democratic engagement.

11 (6) Voting is habit forming, and allowing youth
12 voters unobstructed access to voting ensures that
13 more Americans will start a life-long habit of voting
14 as soon as possible.

15 (7) Youth voter suppression is a clear, per-
16 sistent, and growing problem. The actions of States
17 and political subdivisions resulting in at least four
18 findings of twenty-sixth amendment violations as
19 well as pending litigation demonstrate the need for
20 Congress to take action to enforce the twenty-sixth
21 amendment.

22 (8) In *League of Women Voters of Florida, Inc.*
23 *v. Detzner* (2018), the United States District Court
24 in the Northern District of Florida found that the
25 Secretary of State's actions that prevented in-person

1 early voting sites from being located on university
2 property revealed a stark pattern of discrimination
3 that was unexplainable on grounds other than age
4 and thus violated university students' twenty-sixth
5 Amendment rights.

6 (9) In 2019, Michigan agreed to a settlement to
7 enhance college-age voters' access after a twenty-
8 sixth amendment challenge was filed in federal
9 court. The challenge prompted the removal of a
10 Michigan voting law which required first time voters
11 who registered by mail or through a third-party
12 voter registration drive to vote in person for the first
13 time, as well as the removal of another law which re-
14 quired the address listed on a voter's driver license
15 to match the address listed on their voter registra-
16 tion card.

17 (10) Youth voter suppression tactics are often
18 linked to other tactics aimed at minority voters. For
19 example, students at Prairie View A&M University
20 (PVAMU), a historically black university in Texas,
21 have been the targets of voter suppression tactics for
22 decades. Before the 2018 election, PVAMU students
23 sued Waller County on the basis of both racial and
24 age discrimination over the County's failure to en-
25 sure equal early voting opportunities for students,

1 spurring the County to reverse course and expand
2 early voting access for students.

3 (11) The more than 25 million United States
4 citizens ages 18-24 deserve equal opportunity to par-
5 ticipate in the electoral process as guaranteed by the
6 twenty-sixth amendment.

7 **Subtitle J—Severability**

8 **SEC. 2901. SEVERABILITY.**

9 If any provision of this title or amendment made by
10 this title, or the application of a provision or amendment
11 to any person or circumstance, is held to be unconstitu-
12 tional, the remainder of this title and amendments made
13 by this title, and the application of the provisions and
14 amendment to any person or circumstance, shall not be
15 affected by the holding.

16 **TITLE III—ELECTION SECURITY**

Sec. 3000. Short title; sense of Congress.

Subtitle A—Financial Support for Election Infrastructure

PART 1—VOTING SYSTEM SECURITY IMPROVEMENT GRANTS

Sec. 3001. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.

Sec. 3002. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.

Sec. 3003. Incorporation of definitions.

PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

Sec. 3011. Grants to States for conducting risk-limiting audits of results of elections.

Sec. 3012. GAO analysis of effects of audits.

PART 3—ELECTION INFRASTRUCTURE INNOVATION GRANT PROGRAM

Sec. 3021. Election infrastructure innovation grant program.

Subtitle B—Security Measures

- Sec. 3101. Election infrastructure designation.
- Sec. 3102. Timely threat information.
- Sec. 3103. Security clearance assistance for election officials.
- Sec. 3104. Security risk and vulnerability assessments.
- Sec. 3105. Annual reports.
- Sec. 3106. Pre-election threat assessments.

Subtitle C—Enhancing Protections for United States Democratic Institutions

- Sec. 3201. National strategy to protect United States democratic institutions.
- Sec. 3202. National Commission to Protect United States Democratic Institutions.

Subtitle D—Promoting Cybersecurity Through Improvements in Election Administration

- Sec. 3301. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
- Sec. 3302. Treatment of electronic poll books as part of voting systems.
- Sec. 3303. Pre-election reports on voting system usage.
- Sec. 3304. Streamlining collection of election information.
- Sec. 3305. Exemption of cybersecurity assistance from limitations on amount of coordinated political party expenditures.

Subtitle E—Preventing Election Hacking

- Sec. 3401. Short title.
- Sec. 3402. Election Security Bug Bounty Program.

Subtitle F—Election Security Grants Advisory Committee

- Sec. 3501. Establishment of advisory committee.

Subtitle G—Miscellaneous Provisions

- Sec. 3601. Definitions.
- Sec. 3602. Initial report on adequacy of resources available for implementation.

Subtitle H—Use of Voting Machines Manufactured in the United States

- Sec. 3701. Use of voting machines manufactured in the United States.

Subtitle I—Study and Report on Bots

- Sec. 3801. Short title.
- Sec. 3802. Task Force.
- Sec. 3803. Study and Report.

Subtitle J—Severability

- Sec. 3901. Severability.

1 SEC. 3000. SHORT TITLE; SENSE OF CONGRESS.

- 2 (a) SHORT TITLE.**—This title may be cited as the
- 3 “Election Security Act”.**

1 (b) SENSE OF CONGRESS ON NEED TO IMPROVE
2 ELECTION INFRASTRUCTURE SECURITY.—It is the sense
3 of Congress that, in light of the lessons learned from Rus-
4 sian interference in the 2016 Presidential election, the
5 Federal Government should intensify its efforts to improve
6 the security of election infrastructure in the United States,
7 including through the use of individual, durable, paper
8 ballots marked by the voter by hand.

9 **Subtitle A—Financial Support for**
10 **Election Infrastructure**

11 **PART 1—VOTING SYSTEM SECURITY**

12 **IMPROVEMENT GRANTS**

13 **SEC. 3001. GRANTS FOR OBTAINING COMPLIANT PAPER**
14 **BALLOT VOTING SYSTEMS AND CARRYING**
15 **OUT VOTING SYSTEM SECURITY IMPROVE-**
16 **MENTS.**

17 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
18 II of the Help America Vote Act of 2002 (52 U.S.C.
19 21001 et seq.), as amended by section 1622(b), is amend-
20 ed by adding at the end the following new part:

1 **“PART 8—GRANTS FOR OBTAINING COMPLIANT**
2 **PAPER BALLOT VOTING SYSTEMS AND CAR-**
3 **RYING OUT VOTING SYSTEM SECURITY IM-**
4 **PROVEMENTS**

5 **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER**
6 **BALLOT VOTING SYSTEMS AND CARRYING**
7 **OUT VOTING SYSTEM SECURITY IMPROVE-**
8 **MENTS.**

9 “(a) AVAILABILITY AND USE OF GRANT.—The Com-
10 mission shall make a grant to each eligible State—

11 “(1) to replace a voting system—

12 “(A) which does not meet the requirements
13 which are first imposed on the State pursuant
14 to the amendments made by the Voter Con-
15 fidence and Increased Accessibility Act of 2021
16 with a voting system which does meet such re-
17 quirements, for use in the regularly scheduled
18 general elections for Federal office held in No-
19 vember 2022; or

20 “(B) which does meet such requirements
21 but which is not in compliance with the most
22 recent voluntary voting system guidelines issued
23 by the Commission prior to the regularly sched-
24 uled general election for Federal office held in
25 November 2022 with another system which does

1 meet such requirements and is in compliance
2 with such guidelines;

3 “(2) to carry out voting system security im-
4 provements described in section 298A with respect
5 to the regularly scheduled general elections for Fed-
6 eral office held in November 2022 and each suc-
7 ceeding election for Federal office; and

8 “(3) to implement and model best practices for
9 ballot design, ballot instructions, and the testing of
10 ballots.

11 “(b) AMOUNT OF GRANT.—The amount of a grant
12 made to a State under this section shall be such amount
13 as the Commission determines to be appropriate, except
14 that such amount may not be less than the product of
15 \$1 and the average of the number of individuals who cast
16 votes in any of the two most recent regularly scheduled
17 general elections for Federal office held in the State.

18 “(c) PRO RATA REDUCTIONS.—If the amount of
19 funds appropriated for grants under this part is insuffi-
20 cient to ensure that each State receives the amount of the
21 grant calculated under subsection (b), the Commission
22 shall make such pro rata reductions in such amounts as
23 may be necessary to ensure that the entire amount appro-
24 priated under this part is distributed to the States.

1 “(d) SURPLUS APPROPRIATIONS.—If the amount of
2 funds appropriated for grants authorized under section
3 298D(a)(2) exceed the amount necessary to meet the re-
4 quirements of subsection (b), the Commission shall con-
5 sider the following in making a determination to award
6 remaining funds to a State:

7 “(1) The record of the State in carrying out the
8 following with respect to the administration of elec-
9 tions for Federal office:

10 “(A) Providing voting machines that are
11 less than 10 years old.

12 “(B) Implementing strong chain of custody
13 procedures for the physical security of voting
14 equipment and paper records at all stages of
15 the process.

16 “(C) Conducting pre-election testing on
17 every voting machine and ensuring that paper
18 ballots are available wherever electronic ma-
19 chines are used.

20 “(D) Maintaining offline backups of voter
21 registration lists.

22 “(E) Providing a secure voter registration
23 database that logs requests submitted to the
24 database.

1 “(F) Publishing and enforcing a policy de-
2 tailing use limitations and security safeguards
3 to protect the personal information of voters in
4 the voter registration process.

5 “(G) Providing secure processes and proce-
6 dures for reporting vote tallies.

7 “(H) Providing a secure platform for dis-
8 seminating vote totals.

9 “(2) Evidence of established conditions of inno-
10 vation and reform in providing voting system secu-
11 rity and the proposed plan of the State for imple-
12 menting additional conditions.

13 “(3) Evidence of collaboration between relevant
14 stakeholders, including local election officials, in de-
15 veloping the grant implementation plan described in
16 section 298B.

17 “(4) The plan of the State to conduct a rig-
18 orous evaluation of the effectiveness of the activities
19 carried out with the grant.

20 “(e) ABILITY OF REPLACEMENT SYSTEMS TO AD-
21 MINISTER RANKED CHOICE ELECTIONS.—To the greatest
22 extent practicable, an eligible State which receives a grant
23 to replace a voting system under this section shall ensure
24 that the replacement system is capable of administering
25 a system of ranked choice voting under which each voter

1 shall rank the candidates for the office in the order of
2 the voter's preference.

3 **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS**
4 **DESCRIBED.**

5 “(a) PERMITTED USES.—A voting system security
6 improvement described in this section is any of the fol-
7 lowing:

8 “(1) The acquisition of goods and services from
9 qualified election infrastructure vendors by purchase,
10 lease, or such other arrangements as may be appro-
11 priate.

12 “(2) Cyber and risk mitigation training.

13 “(3) A security risk and vulnerability assess-
14 ment of the State's election infrastructure which is
15 carried out by a provider of cybersecurity services
16 under a contract entered into between the chief
17 State election official and the provider.

18 “(4) The maintenance of election infrastruc-
19 ture, including addressing risks and vulnerabilities
20 which are identified under either of the security risk
21 and vulnerability assessments described in para-
22 graph (3), except that none of the funds provided
23 under this part may be used to renovate or replace
24 a building or facility which is used primarily for pur-

1 poses other than the administration of elections for
2 public office.

3 “(5) Providing increased technical support for
4 any information technology infrastructure that the
5 chief State election official deems to be part of the
6 State’s election infrastructure or designates as crit-
7 ical to the operation of the State’s election infra-
8 structure.

9 “(6) Enhancing the cybersecurity and oper-
10 ations of the information technology infrastructure
11 described in paragraph (4).

12 “(7) Enhancing the cybersecurity of voter reg-
13 istration systems.

14 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
15 DORS DESCRIBED.—

16 “(1) IN GENERAL.—For purposes of this part,
17 a ‘qualified election infrastructure vendor’ is any
18 person who provides, supports, or maintains, or who
19 seeks to provide, support, or maintain, election in-
20 frastructure on behalf of a State, unit of local gov-
21 ernment, or election agency (as defined in section
22 3601 of the Election Security Act) who meets the
23 criteria described in paragraph (2).

24 “(2) CRITERIA.—The criteria described in this
25 paragraph are such criteria as the Chairman, in co-

1 ordination with the Secretary of Homeland Security,
2 shall establish and publish, and shall include each of
3 the following requirements:

4 “(A) The vendor must be owned and con-
5 trolled by a citizen or permanent resident of the
6 United States.

7 “(B) The vendor must disclose to the
8 Chairman and the Secretary, and to the chief
9 State election official of any State to which the
10 vendor provides any goods and services with
11 funds provided under this part, of any sourcing
12 outside the United States for parts of the elec-
13 tion infrastructure.

14 “(C) The vendor must disclose to the
15 Chairman and the Secretary, and to the chief
16 State election official of any State to which the
17 vendor provides any goods and services with
18 funds provided under this part, the identifica-
19 tion of any entity or individual with a more
20 than five percent ownership interest in the ven-
21 dor.

22 “(D) The vendor agrees to ensure that the
23 election infrastructure will be developed and
24 maintained in a manner that is consistent with

1 the cybersecurity best practices issued by the
2 Technical Guidelines Development Committee.

3 “(E) The vendor agrees to maintain its in-
4 formation technology infrastructure in a man-
5 ner that is consistent with the cybersecurity
6 best practices issued by the Technical Guide-
7 lines Development Committee.

8 “(F) The vendor agrees to ensure that the
9 election infrastructure will be developed and
10 maintained in a manner that is consistent with
11 the supply chain best practices issued by the
12 Technical Guidelines Development Committee.

13 “(G) The vendor agrees to ensure that it
14 has personnel policies and practices in place
15 that are consistent with personnel best prac-
16 tices, including cybersecurity training and back-
17 ground checks, issued by the Technical Guide-
18 lines Development Committee.

19 “(H) The vendor agrees to ensure that the
20 election infrastructure will be developed and
21 maintained in a manner that is consistent with
22 data integrity best practices, including require-
23 ments for encrypted transfers and validation,
24 testing and checking printed materials for accu-
25 racy, and disclosure of quality control incidents,

1 issued by the Technical Guidelines Development
2 Committee.

3 “(I) The vendor agrees to meet the re-
4 quirements of paragraph (3) with respect to
5 any known or suspected cybersecurity incidents
6 involving any of the goods and services provided
7 by the vendor pursuant to a grant under this
8 part.

9 “(J) The vendor agrees to permit inde-
10 pendent security testing by the Commission (in
11 accordance with section 231(a)) and by the Sec-
12 retary of the goods and services provided by the
13 vendor pursuant to a grant under this part.

14 “(3) CYBERSECURITY INCIDENT REPORTING
15 REQUIREMENTS.—

16 “(A) IN GENERAL.—A vendor meets the
17 requirements of this paragraph if, upon becom-
18 ing aware of the possibility that an election cy-
19 bersecurity incident has occurred involving any
20 of the goods and services provided by the ven-
21 dor pursuant to a grant under this part—

22 “(i) the vendor promptly assesses
23 whether or not such an incident occurred,
24 and submits a notification meeting the re-
25 quirements of subparagraph (B) to the

1 Secretary and the Chairman of the assess-
2 ment as soon as practicable (but in no case
3 later than 3 days after the vendor first be-
4 comes aware of the possibility that the in-
5 cident occurred);

6 “(ii) if the incident involves goods or
7 services provided to an election agency, the
8 vendor submits a notification meeting the
9 requirements of subparagraph (B) to the
10 agency as soon as practicable (but in no
11 case later than 3 days after the vendor
12 first becomes aware of the possibility that
13 the incident occurred), and cooperates with
14 the agency in providing any other nec-
15 essary notifications relating to the inci-
16 dent; and

17 “(iii) the vendor provides all necessary
18 updates to any notification submitted
19 under clause (i) or clause (ii).

20 “(B) CONTENTS OF NOTIFICATIONS.—

21 Each notification submitted under clause (i) or
22 clause (ii) of subparagraph (A) shall contain
23 the following information with respect to any
24 election cybersecurity incident covered by the
25 notification:

1 “(i) The date, time, and time zone
2 when the election cybersecurity incident
3 began, if known.

4 “(ii) The date, time, and time zone
5 when the election cybersecurity incident
6 was detected.

7 “(iii) The date, time, and duration of
8 the election cybersecurity incident.

9 “(iv) The circumstances of the elec-
10 tion cybersecurity incident, including the
11 specific election infrastructure systems be-
12 lieved to have been accessed and informa-
13 tion acquired, if any.

14 “(v) Any planned and implemented
15 technical measures to respond to and re-
16 cover from the incident.

17 “(vi) In the case of any notification
18 which is an update to a prior notification,
19 any additional material information relat-
20 ing to the incident, including technical
21 data, as it becomes available.

22 **“SEC. 298B. ELIGIBILITY OF STATES.**

23 “A State is eligible to receive a grant under this part
24 if the State submits to the Commission, at such time and

1 in such form as the Commission may require, an applica-
2 tion containing—

3 “(1) a description of how the State will use the
4 grant to carry out the activities authorized under
5 this part;

6 “(2) a certification and assurance that, not
7 later than 5 years after receiving the grant, the
8 State will carry out risk-limiting audits and will
9 carry out voting system security improvements, as
10 described in section 298A; and

11 “(3) such other information and assurances as
12 the Commission may require.

13 **“SEC. 298C. REPORTS TO CONGRESS.**

14 “Not later than 90 days after the end of each fiscal
15 year, the Commission shall submit a report to the appro-
16 priate congressional committees, including the Committees
17 on Homeland Security, House Administration, and the Ju-
18 diciary of the House of Representatives and the Commit-
19 tees on Homeland Security and Governmental Affairs, the
20 Judiciary, and Rules and Administration of the Senate,
21 on the activities carried out with the funds provided under
22 this part.

23 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) AUTHORIZATION.—There are authorized to be
25 appropriated for grants under this part—

1 “(1) \$1,000,000,000 for fiscal year 2021; and

2 “(2) \$175,000,000 for each of the fiscal years

3 2022, 2024, 2026, and 2028.

4 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any
5 amounts appropriated pursuant to the authorization of
6 this section shall remain available until expended.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 of such Act, as amended by section 1622(c), is amended
9 by adding at the end of the items relating to subtitle D
10 of title II the following:

“PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING
SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

“Sec. 298. Grants for obtaining compliant paper ballot voting systems and
carrying out voting system security improvements.

“Sec. 298A. Voting system security improvements described.

“Sec. 298B. Eligibility of States.

“Sec. 298C. Reports to Congress.

“Sec. 298D. Authorization of appropriations.”.

11 **SEC. 3002. COORDINATION OF VOTING SYSTEM SECURITY**
12 **ACTIVITIES WITH USE OF REQUIREMENTS**
13 **PAYMENTS AND ELECTION ADMINISTRATION**
14 **REQUIREMENTS UNDER HELP AMERICA**
15 **VOTE ACT OF 2002.**

16 (a) DUTIES OF ELECTION ASSISTANCE COMMIS-
17 SION.—Section 202 of the Help America Vote Act of 2002
18 (52 U.S.C. 20922) is amended—

19 (1) in the matter preceding paragraph (1), by
20 striking “by” and inserting “and the security of
21 election infrastructure by”; and

1 (2) by striking the semicolon at the end of
2 paragraph (1) and inserting the following: “, and the
3 development, maintenance and dissemination of cy-
4 bersecurity guidelines to identify vulnerabilities that
5 could lead to, protect against, detect, respond to and
6 recover from cybersecurity incidents;”.

7 (b) MEMBERSHIP OF SECRETARY OF HOMELAND SE-
8 curity ON BOARD OF ADVISORS OF ELECTION ASSIST-
9 ANCE COMMISSION.—Section 214(a) of such Act (52
10 U.S.C. 20944(a)) is amended—

11 (1) by striking “37 members” and inserting
12 “38 members”; and

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

15 “(17) The Secretary of Homeland Security or
16 the Secretary’s designee.”.

17 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-
18 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-
19 MENT COMMITTEE.—Section 221(c)(1) of such Act (52
20 U.S.C. 20961(c)(1)) is amended—

21 (1) by redesignating subparagraph (E) as sub-
22 paragraph (F); and

23 (2) by inserting after subparagraph (D) the fol-
24 lowing new subparagraph:

1 “(E) A representative of the Department
2 of Homeland Security.”.

3 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-
4 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY
5 OF HOMELAND SECURITY.—Section 241(a) of such Act
6 (52 U.S.C. 20981(a)) is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “the Commission shall” and inserting “the
9 Commission, in consultation with the Secretary of
10 Homeland Security (as appropriate), shall”;

11 (2) by striking “and” at the end of paragraph
12 (3);

13 (3) by redesignating paragraph (4) as para-
14 graph (5); and

15 (4) by inserting after paragraph (3) the fol-
16 lowing new paragraph:

17 “(4) will be secure against attempts to under-
18 mine the integrity of election systems by cyber or
19 other means; and”.

20 (e) REQUIREMENTS PAYMENTS.—

21 (1) USE OF PAYMENTS FOR VOTING SYSTEM
22 SECURITY IMPROVEMENTS.—Section 251(b) of such
23 Act (52 U.S.C. 21001(b)), as amended by section
24 1061(a)(2), is further amended by adding at the end
25 the following new paragraph:

1 “(5) PERMITTING USE OF PAYMENTS FOR VOT-
2 ING SYSTEM SECURITY IMPROVEMENTS.—A State
3 may use a requirements payment to carry out any
4 of the following activities:

5 “(A) Cyber and risk mitigation training.

6 “(B) Providing increased technical support
7 for any information technology infrastructure
8 that the chief State election official deems to be
9 part of the State’s election infrastructure or
10 designates as critical to the operation of the
11 State’s election infrastructure.

12 “(C) Enhancing the cybersecurity and op-
13 erations of the information technology infra-
14 structure described in subparagraph (B).

15 “(D) Enhancing the security of voter reg-
16 istration databases.”.

17 (2) INCORPORATION OF ELECTION INFRA-
18 STRUCTURE PROTECTION IN STATE PLANS FOR USE
19 OF PAYMENTS.—Section 254(a)(1) of such Act (52
20 U.S.C. 21004(a)(1)) is amended by striking the pe-
21 riod at the end and inserting “, including the protec-
22 tion of election infrastructure.”.

23 (3) COMPOSITION OF COMMITTEE RESPONSIBLE
24 FOR DEVELOPING STATE PLAN FOR USE OF PAY-

1 MENTS.—Section 255 of such Act (52 U.S.C.
2 21005) is amended—

3 (A) by redesignating subsection (b) as sub-
4 section (c); and

5 (B) by inserting after subsection (a) the
6 following new subsection:

7 “(b) GEOGRAPHIC REPRESENTATION.—The mem-
8 bers of the committee shall be a representative group of
9 individuals from the State’s counties, cities, towns, and
10 Indian tribes, and shall represent the needs of rural as
11 well as urban areas of the State, as the case may be.”.

12 (f) ENSURING PROTECTION OF COMPUTERIZED
13 STATEWIDE VOTER REGISTRATION LIST.—Section
14 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-
15 ed by striking the period at the end and inserting “, as
16 well as other measures to prevent and deter cybersecurity
17 incidents, as identified by the Commission, the Secretary
18 of Homeland Security, and the Technical Guidelines De-
19 velopment Committee.”.

20 (g) SENIOR CYBER POLICY ADVISOR.—Section
21 204(a) of such Act (52 U.S.C. 20924(a)) is amended—

22 (1) by redesignating paragraphs (5) and (6) as
23 paragraphs (6) and (7); and

24 (2) by inserting after paragraph (4) the fol-
25 lowing new paragraph:

1 “(5) SENIOR CYBER POLICY ADVISOR.—The
2 Commission shall have a Senior Cyber Policy Advi-
3 sor, who shall be appointed by the Commission and
4 who shall serve under the Executive Director, and
5 who shall be the primary policy advisor to the Com-
6 mission on matters of cybersecurity for Federal elec-
7 tions.”.

8 **SEC. 3003. INCORPORATION OF DEFINITIONS.**

9 (a) IN GENERAL.—Section 901 of the Help America
10 Vote Act of 2002 (52 U.S.C. 21141), as amended by sec-
11 tion 1921(b)(1), is amended to read as follows:

12 **“SEC. 901. DEFINITIONS.**

13 “In this Act, the following definitions apply:

14 “(1) The term ‘cybersecurity incident’ has the
15 meaning given the term ‘incident’ in section 227 of
16 the Homeland Security Act of 2002 (6 U.S.C. 148).

17 “(2) The term ‘election infrastructure’ has the
18 meaning given such term in section 3601 of the
19 Election Security Act.

20 “(3) The term ‘State’ means each of the several
21 States, the District of Columbia, the Commonwealth
22 of Puerto Rico, Guam, American Samoa, the United
23 States Virgin Islands, and the Commonwealth of the
24 Northern Mariana Islands.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 of such Act is amended by amending the item relating to
 3 section 901 to read as follows:

“Sec. 901. Definitions.”.

4 **PART 2—GRANTS FOR RISK-LIMITING AUDITS OF**
 5 **RESULTS OF ELECTIONS**

6 **SEC. 3011. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
 7 **ITING AUDITS OF RESULTS OF ELECTIONS.**

8 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
 9 II of the Help America Vote Act of 2002 (52 U.S.C.
 10 21001 et seq.), as amended by sections 1622(b) and
 11 3001(a), is amended by adding at the end the following
 12 new part:

13 **“PART 9—GRANTS FOR CONDUCTING RISK-**
 14 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
 15 **“SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
 16 **DITS OF RESULTS OF ELECTIONS.**

17 “(a) AVAILABILITY OF GRANTS.—The Commission
 18 shall make a grant to each eligible State to conduct risk-
 19 limiting audits as described in subsection (b) with respect
 20 to the regularly scheduled general elections for Federal of-
 21 fice held in November 2022 and each succeeding election
 22 for Federal office.

23 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
 24 part, a ‘risk-limiting audit’ is a post-election process—

1 “(1) which is conducted in accordance with
2 rules and procedures established by the chief State
3 election official of the State which meet the require-
4 ments of subsection (c); and

5 “(2) under which, if the reported outcome of
6 the election is incorrect, there is at least a predeter-
7 mined percentage chance that the audit will replace
8 the incorrect outcome with the correct outcome as
9 determined by a full, hand-to-eye tabulation of all
10 votes validly cast in that election that ascertains
11 voter intent manually and directly from voter-
12 verifiable paper records.

13 “(c) REQUIREMENTS FOR RULES AND PROCE-
14 DURES.—The rules and procedures established for con-
15 ducting a risk-limiting audit shall include the following
16 elements:

17 “(1) Rules for ensuring the security of ballots
18 and documenting that prescribed procedures were
19 followed.

20 “(2) Rules and procedures for ensuring the ac-
21 curacy of ballot manifests produced by election agen-
22 cies.

23 “(3) Rules and procedures for governing the
24 format of ballot manifests, cast vote records, and
25 other data involved in the audit.

1 “(4) Methods to ensure that any cast vote
2 records used in the audit are those used by the vot-
3 ing system to tally the election results sent to the
4 chief State election official and made public.

5 “(5) Procedures for the random selection of
6 ballots to be inspected manually during each audit.

7 “(6) Rules for the calculations and other meth-
8 ods to be used in the audit and to determine wheth-
9 er and when the audit of an election is complete.

10 “(7) Procedures and requirements for testing
11 any software used to conduct risk-limiting audits.

12 “(d) DEFINITIONS.—In this part, the following defi-
13 nitions apply:

14 “(1) The term ‘ballot manifest’ means a record
15 maintained by each election agency that meets each
16 of the following requirements:

17 “(A) The record is created without reliance
18 on any part of the voting system used to tab-
19 ulate votes.

20 “(B) The record functions as a sampling
21 frame for conducting a risk-limiting audit.

22 “(C) The record contains the following in-
23 formation with respect to the ballots cast and
24 counted in the election:

1 “(i) The total number of ballots cast
2 and counted by the agency (including
3 undervotes, overvotes, and other invalid
4 votes).

5 “(ii) The total number of ballots cast
6 in each election administered by the agency
7 (including undervotes, overvotes, and other
8 invalid votes).

9 “(iii) A precise description of the
10 manner in which the ballots are physically
11 stored, including the total number of phys-
12 ical groups of ballots, the numbering sys-
13 tem for each group, a unique label for each
14 group, and the number of ballots in each
15 such group.

16 “(2) The term ‘incorrect outcome’ means an
17 outcome that differs from the outcome that would be
18 determined by a full tabulation of all votes validly
19 cast in the election, determining voter intent manu-
20 ally, directly from voter-verifiable paper records.

21 “(3) The term ‘outcome’ means the winner of
22 an election, whether a candidate or a position.

23 “(4) The term ‘reported outcome’ means the
24 outcome of an election which is determined accord-
25 ing to the canvass and which will become the official,

1 certified outcome unless it is revised by an audit, re-
2 count, or other legal process.

3 **“SEC. 299A. ELIGIBILITY OF STATES.**

4 “A State is eligible to receive a grant under this part
5 if the State submits to the Commission, at such time and
6 in such form as the Commission may require, an applica-
7 tion containing—

8 “(1) a certification that, not later than 5 years
9 after receiving the grant, the State will conduct risk-
10 limiting audits of the results of elections for Federal
11 office held in the State as described in section 299;

12 “(2) a certification that, not later than one year
13 after the date of the enactment of this section, the
14 chief State election official of the State has estab-
15 lished or will establish the rules and procedures for
16 conducting the audits which meet the requirements
17 of section 299(c);

18 “(3) a certification that the audit shall be com-
19 pleted not later than the date on which the State
20 certifies the results of the election;

21 “(4) a certification that, after completing the
22 audit, the State shall publish a report on the results
23 of the audit, together with such information as nec-
24 essary to confirm that the audit was conducted prop-
25 erly;

1 “(5) a certification that, if a risk-limiting audit
 2 conducted under this part leads to a full manual
 3 tally of an election, State law requires that the State
 4 or election agency shall use the results of the full
 5 manual tally as the official results of the election;
 6 and

7 “(6) such other information and assurances as
 8 the Commission may require.

9 **“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.**

10 “There are authorized to be appropriated for grants
 11 under this part \$20,000,000 for fiscal year 2021, to re-
 12 main available until expended.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
 14 of such Act, as amended by sections 1622(c) and 3001(b),
 15 is further amended by adding at the end of the items relat-
 16 ing to subtitle D of title II the following:

“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
 OF ELECTIONS

“Sec. 299. Grants for conducting risk-limiting audits of results of elec-
 tions.

“Sec. 299A. Eligibility of States.

“Sec. 299B. Authorization of appropriations.”.

17 **SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.**

18 (a) ANALYSIS.—Not later than 6 months after the
 19 first election for Federal office is held after grants are
 20 first awarded to States for conducting risk-limiting audits
 21 under part 9 of subtitle D of title II of the Help America
 22 Vote Act of 2002 (as added by section 3011) for con-

ducting risk-limiting audits of elections for Federal office,
 the Comptroller General of the United States shall con-
 duct an analysis of the extent to which such audits have
 improved the administration of such elections and the se-
 curity of election infrastructure in the States receiving
 such grants.

(b) REPORT.—The Comptroller General of the
 United States shall submit a report on the analysis con-
 ducted under subsection (a) to the appropriate congres-
 sional committees.

PART 3—ELECTION INFRASTRUCTURE

INNOVATION GRANT PROGRAM

SEC. 3021. ELECTION INFRASTRUCTURE INNOVATION GRANT PROGRAM.

(a) IN GENERAL.—Title III of the Homeland Secu-
 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
 adding at the end the following new section:

“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION GRANT PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, acting
 through the Under Secretary for Science and Technology,
 in coordination with the Chairman of the Election Assist-
 ance Commission (established pursuant to the Help Amer-
 ica Vote Act of 2002) and in consultation with the Direc-
 tor of the National Science Foundation and the Director

1 of the National Institute of Standards and Technology,
2 shall establish a competitive grant program to award
3 grants to eligible entities, on a competitive basis, for pur-
4 poses of research and development that are determined to
5 have the potential to significantly improve the security (in-
6 cluding cybersecurity), quality, reliability, accuracy, acces-
7 sibility, and affordability of election infrastructure, and in-
8 crease voter participation.

9 “(b) REPORT TO CONGRESS.—Not later than 90 days
10 after the conclusion of each fiscal year for which grants
11 are awarded under this section, the Secretary shall submit
12 to the Committee on Homeland Security and the Com-
13 mittee on House Administration of the House of Rep-
14 resentatives and the Committee on Homeland Security
15 and Governmental Affairs and the Committee on Rules
16 and Administration of the Senate a report describing such
17 grants and analyzing the impact, if any, of such grants
18 on the security and operation of election infrastructure,
19 and on voter participation.

20 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to the Secretary
22 \$20,000,000 for each of fiscal years 2021 through 2029
23 for purposes of carrying out this section.

24 “(d) ELIGIBLE ENTITY DEFINED.—In this section,
25 the term ‘eligible entity’ means—

1 “(1) an institution of higher education (as such
2 term is defined in section 101(a) of the Higher Edu-
3 cation Act of 1965 (20 U.S.C. 1001(a)), including
4 an institution of higher education that is a histori-
5 cally Black college or university (which has the
6 meaning given the term “part B institution” in sec-
7 tion 322 of such Act (20 U.S.C. 1061)) or other mi-
8 nority-serving institution listed in section 371(a) of
9 such Act (20 U.S.C. 1067q(a));

10 “(2) an organization described in section
11 501(c)(3) of the Internal Revenue Code of 1986 and
12 exempt from tax under section 501(a) of such Code;
13 or

14 “(3) an organization, association, or a for-profit
15 company, including a small business concern (as
16 such term is described in section 3 of the Small
17 Business Act (15 U.S.C. 632)), including a small
18 business concern owned and controlled by socially
19 and economically disadvantaged individuals (as such
20 term is defined in section 8(d)(3)(C) of the Small
21 Business Act (15 U.S.C. 637(d)(3)(C))).”.

22 (b) DEFINITION.—Section 2 of the Homeland Secu-
23 rity Act of 2002 (6 U.S.C. 101) is amended—

1 (1) by redesignating paragraphs (6) through
2 (20) as paragraphs (7) through (21), respectively;
3 and

4 (2) by inserting after paragraph (5) the fol-
5 lowing new paragraph:

6 “(6) ELECTION INFRASTRUCTURE.—The term
7 ‘election infrastructure’ means storage facilities,
8 polling places, and centralized vote tabulation loca-
9 tions used to support the administration of elections
10 for public office, as well as related information and
11 communications technology, including voter registra-
12 tion databases, voting machines, electronic mail and
13 other communications systems (including electronic
14 mail and other systems of vendors who have entered
15 into contracts with election agencies to support the
16 administration of elections, manage the election
17 process, and report and display election results), and
18 other systems used to manage the election process
19 and to report and display election results on behalf
20 of an election agency.”.

21 (c) CLERICAL AMENDMENT.—The table of contents
22 in section 1(b) of the Homeland Security Act of 2002 is
23 amended by inserting after the item relating to section
24 320 the following new item:

“Sec. 321. Election infrastructure innovation grant program.”.

1 **Subtitle B—Security Measures**

2 **SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.**

3 Subparagraph (J) of section 2001(3) of the Home-
4 land Security Act of 2002 (6 U.S.C. 601(3)) is amended
5 by inserting “, including election infrastructure” before
6 the period at the end.

7 **SEC. 3102. TIMELY THREAT INFORMATION.**

8 Subsection (d) of section 201 of the Homeland Secu-
9 rity Act of 2002 (6 U.S.C. 121) is amended by adding
10 at the end the following new paragraph:

11 “(24) To provide timely threat information re-
12 garding election infrastructure to the chief State
13 election official of the State with respect to which
14 such information pertains.”.

15 **SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELEC-** 16 **TION OFFICIALS.**

17 In order to promote the timely sharing of information
18 on threats to election infrastructure, the Secretary may—

19 (1) help expedite a security clearance for the
20 chief State election official and other appropriate
21 State personnel involved in the administration of
22 elections, as designated by the chief State election
23 official;

24 (2) sponsor a security clearance for the chief
25 State election official and other appropriate State

1 personnel involved in the administration of elections,
2 as designated by the chief State election official; and

3 (3) facilitate the issuance of a temporary clear-
4 ance to the chief State election official and other ap-
5 propriate State personnel involved in the administra-
6 tion of elections, as designated by the chief State
7 election official, if the Secretary determines classi-
8 fied information to be timely and relevant to the
9 election infrastructure of the State at issue.

10 **SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESS-**
11 **MENTS.**

12 (a) IN GENERAL.—Paragraph (6) of section 2209(c)
13 of the Homeland Security Act of 2002 (6 U.S.C. 659(c))
14 is amended by inserting “(including by carrying out a se-
15 curity risk and vulnerability assessment)” after “risk
16 management support”.

17 (b) PRIORITIZATION TO ENHANCE ELECTION SECU-
18 RITY.—

19 (1) IN GENERAL.—Not later than 90 days after
20 receiving a written request from a chief State elec-
21 tion official, the Secretary shall, to the extent prac-
22 ticable, commence a security risk and vulnerability
23 assessment (pursuant to paragraph (6) of section
24 2209(c) of the Homeland Security Act of 2002, as

1 amended by subsection (a)) on election infrastruc-
2 ture in the State at issue.

3 (2) NOTIFICATION.—If the Secretary, upon re-
4 ceipt of a request described in paragraph (1), deter-
5 mines that a security risk and vulnerability assess-
6 ment referred to in such paragraph cannot be com-
7 menced within 90 days, the Secretary shall expedi-
8 tiously notify the chief State election official who
9 submitted such request.

10 **SEC. 3105. ANNUAL REPORTS.**

11 (a) REPORTS ON ASSISTANCE AND ASSESSMENTS.—
12 Not later than 1 year after the date of the enactment of
13 this Act and annually thereafter through 2028, the Sec-
14 retary shall submit to the appropriate congressional com-
15 mittees—

16 (1) efforts to carry out section 3103 during the
17 prior year, including specific information regarding
18 which States were helped, how many officials have
19 been helped in each State, how many security clear-
20 ances have been sponsored in each State, and how
21 many temporary clearances have been issued in each
22 State; and

23 (2) efforts to carry out section 3104 during the
24 prior year, including specific information regarding
25 which States were helped, the dates on which the

1 Secretary received a request for a security risk and
2 vulnerability assessment referred to in such section,
3 the dates on which the Secretary commenced each
4 such request, and the dates on which the Secretary
5 transmitted a notification in accordance with sub-
6 section (b)(2) of such section.

7 (b) REPORTS ON FOREIGN THREATS.—Not later
8 than 90 days after the end of each fiscal year (beginning
9 with fiscal year 2021), the Secretary and the Director of
10 National Intelligence, in coordination with the heads of
11 appropriate offices of the Federal Government, shall sub-
12 mit to the appropriate congressional committees a joint
13 report on foreign threats, including physical and cyberse-
14 curity threats, to elections in the United States.

15 (c) INFORMATION FROM STATES.—For purposes of
16 preparing the reports required under this section, the Sec-
17 retary shall solicit and consider information and comments
18 from States and election agencies, except that the provi-
19 sion of such information and comments by a State or elec-
20 tion agency shall be voluntary and at the discretion of the
21 State or election agency.

22 **SEC. 3106. PRE-ELECTION THREAT ASSESSMENTS.**

23 (a) SUBMISSION OF ASSESSMENT BY DNI.—Not
24 later than 180 days before the date of each regularly
25 scheduled general election for Federal office, the Director

1 of National Intelligence shall submit an assessment of the
2 full scope of threats, including cybersecurity threats posed
3 by state actors and terrorist groups, to election infrastruc-
4 ture and recommendations to address or mitigate such
5 threats, as developed by the Secretary and Chairman, to—

6 (1) the chief State election official of each
7 State;

8 (2) the appropriate congressional committees;
9 and

10 (3) any other relevant congressional commit-
11 tees.

12 (b) UPDATES TO INITIAL ASSESSMENTS.—If, at any
13 time after submitting an assessment with respect to an
14 election under subsection (a), the Director of National In-
15 telligence determines that the assessment should be up-
16 dated to reflect new information regarding the threats in-
17 volved, the Director shall submit a revised assessment
18 under such subsection.

19 (c) DEFINITIONS.—In this section:

20 (1) The term “Chairman” means the chair of
21 the Election Assistance Commission.

22 (2) The term “chief State election official”
23 means, with respect to a State, the individual des-
24 ignated by the State under section 10 of the Na-
25 tional Voter Registration Act of 1993 (52 U.S.C.

1 20509) to be responsible for coordination of the
2 State’s responsibilities under such Act.

3 (3) The term “election infrastructure” means
4 storage facilities, polling places, and centralized vote
5 tabulation locations used to support the administra-
6 tion of elections for public office, as well as related
7 information and communications technology, includ-
8 ing voter registration databases, voting machines,
9 electronic mail and other communications systems
10 (including electronic mail and other systems of ven-
11 dors who have entered into contracts with election
12 agencies to support the administration of elections,
13 manage the election process, and report and display
14 election results), and other systems used to manage
15 the election process and to report and display elec-
16 tion results on behalf of an election agency.

17 (4) The term “Secretary” means the Secretary
18 of Homeland Security.

19 (5) The term “State” has the meaning given
20 such term in section 901 of the Help America Vote
21 Act of 2002 (52 U.S.C. 21141).

22 (d) EFFECTIVE DATE.—This subtitle shall apply with
23 respect to the regularly scheduled general election for Fed-
24 eral office held in November 2022 and each succeeding
25 regularly scheduled general election for Federal office.

1 **Subtitle C—Enhancing Protections**
2 **for United States Democratic In-**
3 **stitutions**

4 **SEC. 3201. NATIONAL STRATEGY TO PROTECT UNITED**
5 **STATES DEMOCRATIC INSTITUTIONS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of the enactment of this Act, the President, acting
8 through the Secretary, in consultation with the Chairman,
9 the Secretary of Defense, the Secretary of State, the At-
10 torney General, the Secretary of Education, the Director
11 of National Intelligence, the Chairman of the Federal
12 Election Commission, and the heads of any other appro-
13 priate Federal agencies, shall issue a national strategy to
14 protect against cyber attacks, influence operations,
15 disinformation campaigns, and other activities that could
16 undermine the security and integrity of United States
17 democratic institutions.

18 (b) CONSIDERATIONS.—The national strategy re-
19 quired under subsection (a) shall include consideration of
20 the following:

21 (1) The threat of a foreign state actor, foreign
22 terrorist organization (as designated pursuant to
23 section 219 of the Immigration and Nationality Act
24 (8 U.S.C. 1189)), or a domestic actor carrying out
25 a cyber attack, influence operation, disinformation

1 campaign, or other activity aimed at undermining
2 the security and integrity of United States demo-
3 cratic institutions.

4 (2) The extent to which United States demo-
5 cratic institutions are vulnerable to a cyber attack,
6 influence operation, disinformation campaign, or
7 other activity aimed at undermining the security and
8 integrity of such democratic institutions.

9 (3) Potential consequences, such as an erosion
10 of public trust or an undermining of the rule of law,
11 that could result from a successful cyber attack, in-
12 fluence operation, disinformation campaign, or other
13 activity aimed at undermining the security and in-
14 tegrity of United States democratic institutions.

15 (4) Lessons learned from other governments the
16 institutions of which were subject to a cyber attack,
17 influence operation, disinformation campaign, or
18 other activity aimed at undermining the security and
19 integrity of such institutions, as well as actions that
20 could be taken by the United States Government to
21 bolster collaboration with foreign partners to detect,
22 deter, prevent, and counter such activities.

23 (5) Potential impacts, such as an erosion of
24 public trust in democratic institutions, as could be

1 associated with a successful cyber breach or other
2 activity negatively affecting election infrastructure.

3 (6) Roles and responsibilities of the Secretary,
4 the Chairman, and the heads of other Federal enti-
5 ties and non-Federal entities, including chief State
6 election officials and representatives of multi-state
7 information sharing and analysis centers.

8 (7) Any findings, conclusions, and recommenda-
9 tions to strengthen protections for United States
10 democratic institutions that have been agreed to by
11 a majority of Commission members on the National
12 Commission to Protect United States Democratic
13 Institutions, authorized pursuant to section 3202.

14 (c) IMPLEMENTATION PLAN.—Not later than 90
15 days after the issuance of the national strategy required
16 under subsection (a), the President, acting through the
17 Secretary, in coordination with the Chairman, shall issue
18 an implementation plan for Federal efforts to implement
19 such strategy that includes the following:

20 (1) Strategic objectives and corresponding
21 tasks.

22 (2) Projected timelines and costs for the tasks
23 referred to in paragraph (1).

24 (3) Metrics to evaluate performance of such
25 tasks.

1 (d) CLASSIFICATION.—The national strategy re-
2 quired under subsection (a) shall be in unclassified form.

3 (e) CIVIL RIGHTS REVIEW.—Not later than 60 days
4 after the issuance of the national strategy required under
5 subsection (a), and not later than 60 days after the
6 issuance of the implementation plan required under sub-
7 section (c), the Privacy and Civil Liberties Oversight
8 Board (established under section 1061 of the Intelligence
9 Reform and Terrorism Prevention Act of 2004 (42 U.S.C.
10 2000ee)) shall submit to Congress a report on any poten-
11 tial privacy and civil liberties impacts of such strategy and
12 implementation plan, respectively.

13 **SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED**
14 **STATES DEMOCRATIC INSTITUTIONS.**

15 (a) ESTABLISHMENT.—There is established within
16 the legislative branch the National Commission to Protect
17 United States Democratic Institutions (in this section re-
18 ferred to as the “Commission”).

19 (b) PURPOSE.—The purpose of the Commission is to
20 counter efforts to undermine democratic institutions with-
21 in the United States.

22 (c) COMPOSITION.—

23 (1) MEMBERSHIP.—The Commission shall be
24 composed of 10 members appointed for the life of
25 the Commission as follows:

1 (A) One member shall be appointed by the
2 Secretary.

3 (B) One member shall be appointed by the
4 Chairman.

5 (C) Two members shall be appointed by
6 the majority leader of the Senate, in consulta-
7 tion with the Chairman of the Committee on
8 Homeland Security and Governmental Affairs,
9 the Chairman of the Committee on the Judici-
10 ary, and the Chairman of the Committee on
11 Rules and Administration.

12 (D) Two members shall be appointed by
13 the minority leader of the Senate, in consulta-
14 tion with the ranking minority member of the
15 Committee on Homeland Security and Govern-
16 mental Affairs, the ranking minority member of
17 the Committee on the Judiciary, and the rank-
18 ing minority member of the Committee on
19 Rules and Administration.

20 (E) Two members shall be appointed by
21 the Speaker of the House of Representatives, in
22 consultation with the Chairman of the Com-
23 mittee on Homeland Security, the Chairman of
24 the Committee on House Administration, and

1 the Chairman of the Committee on the Judici-
2 ary.

3 (F) Two members shall be appointed by
4 the minority leader of the House of Representa-
5 tives, in consultation with the ranking minority
6 member of the Committee on Homeland Secu-
7 rity, the ranking minority member of the Com-
8 mittee on the Judiciary, and the ranking minor-
9 ity member of the Committee on House Admin-
10 istration.

11 (2) QUALIFICATIONS.—Individuals shall be se-
12 lected for appointment to the Commission solely on
13 the basis of their professional qualifications, achieve-
14 ments, public stature, experience, and expertise in
15 relevant fields, including cybersecurity, national se-
16 curity, and the Constitution of the United States.

17 (3) NO COMPENSATION FOR SERVICE.—Mem-
18 bers may not receive compensation for service on the
19 Commission, but shall receive travel expenses, in-
20 cluding per diem in lieu of subsistence, in accord-
21 ance with chapter 57 of title 5, United States Code.

22 (4) DEADLINE FOR APPOINTMENT.—All mem-
23 bers of the Commission shall be appointed not later
24 than 60 days after the date of the enactment of this
25 Act.

1 (5) VACANCIES.—A vacancy on the Commission
2 shall not affect its powers and shall be filled in the
3 manner in which the original appointment was
4 made. The appointment of the replacement member
5 shall be made not later than 60 days after the date
6 on which the vacancy occurs.

7 (d) CHAIR AND VICE CHAIR.—The Commission shall
8 elect a Chair and Vice Chair from among its members.

9 (e) QUORUM AND MEETINGS.—

10 (1) QUORUM.—The Commission shall meet and
11 begin the operations of the Commission not later
12 than 30 days after the date on which all members
13 have been appointed or, if such meeting cannot be
14 mutually agreed upon, on a date designated by the
15 Speaker of the House of Representatives and the
16 President pro Tempore of the Senate. Each subse-
17 quent meeting shall occur upon the call of the Chair
18 or a majority of its members. A majority of the
19 members of the Commission shall constitute a
20 quorum, but a lesser number may hold meetings.

21 (2) AUTHORITY OF INDIVIDUALS TO ACT FOR
22 COMMISSION.—Any member of the Commission may,
23 if authorized by the Commission, take any action
24 that the Commission is authorized to take under this
25 section.

1 (f) POWERS.—

2 (1) HEARINGS AND EVIDENCE.—The Commis-
3 sion (or, on the authority of the Commission, any
4 subcommittee or member thereof) may, for the pur-
5 pose of carrying out this section, hold hearings and
6 sit and act at such times and places, take such testi-
7 mony, receive such evidence, and administer such
8 oaths as the Commission considers advisable to
9 carry out its duties.

10 (2) CONTRACTING.—The Commission may, to
11 such extent and in such amounts as are provided in
12 appropriation Acts, enter into contracts to enable
13 the Commission to discharge its duties under this
14 section.

15 (g) ASSISTANCE FROM FEDERAL AGENCIES.—

16 (1) GENERAL SERVICES ADMINISTRATION.—
17 The Administrator of General Services shall provide
18 to the Commission on a reimbursable basis adminis-
19 trative support and other services for the perform-
20 ance of the Commission's functions.

21 (2) OTHER DEPARTMENTS AND AGENCIES.—In
22 addition to the assistance provided under paragraph
23 (1), the Department of Homeland Security, the
24 Election Assistance Commission, and other appro-
25 priate departments and agencies of the United

1 States shall provide to the Commission such serv-
2 ices, funds, facilities, and staff as they may deter-
3 mine advisable and as may be authorized by law.

4 (h) PUBLIC MEETINGS.—Any public meetings of the
5 Commission shall be conducted in a manner consistent
6 with the protection of information provided to or developed
7 for or by the Commission as required by any applicable
8 statute, regulation, or Executive order.

9 (i) SECURITY CLEARANCES.—

10 (1) IN GENERAL.—The heads of appropriate
11 departments and agencies of the executive branch
12 shall cooperate with the Commission to expeditiously
13 provide Commission members and staff with appro-
14 priate security clearances to the extent possible
15 under applicable procedures and requirements.

16 (2) PREFERENCES.—In appointing staff, ob-
17 taining detailees, and entering into contracts for the
18 provision of services for the Commission, the Com-
19 mission shall give preference to individuals who have
20 active security clearances.

21 (j) REPORTS.—

22 (1) INTERIM REPORTS.—At any time prior to
23 the submission of the final report under paragraph
24 (2), the Commission may submit interim reports to
25 the President and Congress containing such find-

1 ings, conclusions, and recommendations to strength-
2 en protections for democratic institutions in the
3 United States as have been agreed to by a majority
4 of the members of the Commission.

5 (2) FINAL REPORT.—Not later than 18 months
6 after the date of the first meeting of the Commis-
7 sion, the Commission shall submit to the President
8 and Congress a final report containing such find-
9 ings, conclusions, and recommendations to strength-
10 en protections for democratic institutions in the
11 United States as have been agreed to by a majority
12 of the members of the Commission.

13 (k) TERMINATION.—

14 (1) IN GENERAL.—The Commission shall termi-
15 nate upon the expiration of the 60-day period which
16 begins on the date on which the Commission submits
17 the final report required under subsection (j)(2).

18 (2) ADMINISTRATIVE ACTIVITIES PRIOR TO
19 TERMINATION.—During the 60-day period referred
20 to in paragraph (1), the Commission may carry out
21 such administrative activities as may be required to
22 conclude its work, including providing testimony to
23 committees of Congress concerning the final report
24 and disseminating the final report.

1 **Subtitle D—Promoting Cybersecu-**
2 **rity Through Improvements in**
3 **Election Administration**

4 **SEC. 3301. TESTING OF EXISTING VOTING SYSTEMS TO EN-**
5 **SURE COMPLIANCE WITH ELECTION CYBER-**
6 **SECURITY GUIDELINES AND OTHER GUIDE-**
7 **LINES.**

8 (a) REQUIRING TESTING OF EXISTING VOTING SYS-
9 TEMS.—

10 (1) IN GENERAL.—Section 231(a) of the Help
11 America Vote Act of 2002 (52 U.S.C. 20971(a)) is
12 amended by adding at the end the following new
13 paragraph:

14 “(3) TESTING TO ENSURE COMPLIANCE WITH
15 GUIDELINES.—

16 “(A) TESTING.—Not later than 9 months
17 before the date of each regularly scheduled gen-
18 eral election for Federal office, the Commission
19 shall provide for the testing by accredited lab-
20 oratories under this section of the voting system
21 hardware and software which was certified for
22 use in the most recent such election, on the
23 basis of the most recent voting system guide-
24 lines applicable to such hardware or software

1 (including election cybersecurity guidelines)
2 issued under this Act.

3 “(B) DECERTIFICATION OF HARDWARE OR
4 SOFTWARE FAILING TO MEET GUIDELINES.—If,
5 on the basis of the testing described in subpara-
6 graph (A), the Commission determines that any
7 voting system hardware or software does not
8 meet the most recent guidelines applicable to
9 such hardware or software issued under this
10 Act, the Commission shall decertify such hard-
11 ware or software.”.

12 (2) EFFECTIVE DATE.—The amendment made
13 by paragraph (1) shall apply with respect to the reg-
14 ularly scheduled general election for Federal office
15 held in November 2022 and each succeeding regu-
16 larly scheduled general election for Federal office.

17 (b) ISSUANCE OF CYBERSECURITY GUIDELINES BY
18 TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—
19 Section 221(b) of the Help America Vote Act of 2002 (52
20 U.S.C. 20961(b)) is amended by adding at the end the
21 following new paragraph:

22 “(3) ELECTION CYBERSECURITY GUIDE-
23 LINES.—Not later than 6 months after the date of
24 the enactment of this paragraph, the Development
25 Committee shall issue election cybersecurity guide-

1 lines, including standards and best practices for pro-
2 curing, maintaining, testing, operating, and updat-
3 ing election systems to prevent and deter cybersecu-
4 rity incidents.”.

5 (c) BLOCKCHAIN TECHNOLOGY STUDY AND RE-
6 PORT.—

7 (1) IN GENERAL.—The Election Assistance
8 Commission shall conduct a study with respect to
9 the use of blockchain technology to enhance voter se-
10 curity in an election for Federal office.

11 (2) REPORT.—Not later than 90 days after the
12 date of enactment of this Act, the Commission shall
13 submit to Congress a report on the study conducted
14 under paragraph (1).

15 **SEC. 3302. TREATMENT OF ELECTRONIC POLL BOOKS AS**
16 **PART OF VOTING SYSTEMS.**

17 (a) INCLUSION IN DEFINITION OF VOTING SYS-
18 TEM.—Section 301(b) of the Help America Vote Act of
19 2002 (52 U.S.C. 21081(b)) is amended—

20 (1) in the matter preceding paragraph (1), by
21 striking “this section” and inserting “this Act”;

22 (2) by striking “and” at the end of paragraph
23 (1);

24 (3) by redesignating paragraph (2) as para-
25 graph (3); and

1 (4) by inserting after paragraph (1) the fol-
2 lowing new paragraph:

3 “(2) any electronic poll book used with respect
4 to the election; and”.

5 (b) DEFINITION.—Section 301 of such Act (52
6 U.S.C. 21081) is amended—

7 (1) by redesignating subsections (d) and (d) as
8 subsections (d) and (e); and

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection:

11 “(c) ELECTRONIC POLL BOOK DEFINED.—In this
12 Act, the term ‘electronic poll book’ means the total com-
13 bination of mechanical, electromechanical, or electronic
14 equipment (including the software, firmware, and docu-
15 mentation required to program, control, and support the
16 equipment) that is used—

17 “(1) to retain the list of registered voters at a
18 polling location, or vote center, or other location at
19 which voters cast votes in an election for Federal of-
20 fice; and

21 “(2) to identify registered voters who are eligi-
22 ble to vote in an election.”.

23 (c) EFFECTIVE DATE.—Section 301(e) of such Act
24 (52 U.S.C. 21081(e)), as redesignated by subsection (b),
25 is amended by striking the period at the end and inserting

1 the following: “, or, with respect to any requirements re-
2 lating to electronic poll books, on and after January 1,
3 2022.”.

4 **SEC. 3303. PRE-ELECTION REPORTS ON VOTING SYSTEM**
5 **USAGE.**

6 (a) **REQUIRING STATES TO SUBMIT REPORTS.**—Title
7 III of the Help America Vote Act of 2002 (52 U.S.C.
8 21081 et seq.) is amended by inserting after section 301
9 the following new section:

10 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**
11 **USAGE.**

12 “(a) **REQUIRING STATES TO SUBMIT REPORTS.**—
13 Not later than 120 days before the date of each regularly
14 scheduled general election for Federal office, the chief
15 State election official of a State shall submit a report to
16 the Commission containing a detailed voting system usage
17 plan for each jurisdiction in the State which will admin-
18 ister the election, including a detailed plan for the usage
19 of electronic poll books and other equipment and compo-
20 nents of such system.

21 “(b) **EFFECTIVE DATE.**—Subsection (a) shall apply
22 with respect to the regularly scheduled general election for
23 Federal office held in November 2022 and each succeeding
24 regularly scheduled general election for Federal office.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 of such Act is amended by inserting after the item relating
 3 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

4 **SEC. 3304. STREAMLINING COLLECTION OF ELECTION IN-**
 5 **FORMATION.**

6 Section 202 of the Help America Vote Act of 2002
 7 (52 U.S.C. 20922) is amended—

8 (1) by striking “The Commission” and insert-
 9 ing “(a) IN GENERAL.—The Commission”; and

10 (2) by adding at the end the following new sub-
 11 section:

12 “(b) WAIVER OF CERTAIN REQUIREMENTS.—Sub-
 13 chapter I of chapter 35 of title 44, United States Code,
 14 shall not apply to the collection of information for pur-
 15 poses of maintaining the clearinghouse described in para-
 16 graph (1) of subsection (a).”.

17 **SEC. 3305. EXEMPTION OF CYBERSECURITY ASSISTANCE**
 18 **FROM LIMITATIONS ON AMOUNT OF COORDI-**
 19 **NATED POLITICAL PARTY EXPENDITURES.**

20 (a) EXEMPTION.—Section 315(d)(5) of the Federal
 21 Election Campaign Act of 1971 (52 U.S.C. 30116(d)(5))
 22 is amended—

23 (1) by striking “(5)” and inserting “(5)(A)”;

24 (2) by striking the period at the end and insert-
 25 ing “, or to expenditures (whether provided as funds

1 or provided as in-kind services) for secure informa-
2 tion communications technology or for a cybersecu-
3 rity product or service or for any other product or
4 service which assists in responding to threats or har-
5 assment online.”; and

6 (3) by adding at the end the following new sub-
7 paragraph:

8 “(B) In subparagraph (A)—

9 “(i) the term ‘secure information communica-
10 tions technology’ means a commercial-off-the-shelf
11 computing device which has been configured to re-
12 strict unauthorized access and uses publicly-available
13 baseline configurations; and

14 “(ii) the term ‘cybersecurity product or service’
15 means a product or service which helps an organiza-
16 tion to achieve the set of standards, guidelines, best
17 practices, methodologies, procedures, and processes
18 to cost-effectively identify, detect, protect, respond
19 to, and recover from cyber risks as developed by the
20 National Institute of Standards and Technology pur-
21 suant to subsections (c)(15) and (e) of section 2 of
22 the National Institute of Standards and Technology
23 Act (15 U.S.C. 272).”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to expenditures
3 made on or after the date of the enactment of this Act.

4 **Subtitle E—Preventing Election**
5 **Hacking**

6 **SEC. 3401. SHORT TITLE.**

7 This subtitle may be cited as the “Prevent Election
8 Hacking Act of 2021”.

9 **SEC. 3402. ELECTION SECURITY BUG BOUNTY PROGRAM.**

10 (a) ESTABLISHMENT.—Not later than 1 year after
11 the date of the enactment of this Act, the Secretary shall
12 establish a program to be known as the “Election Security
13 Bug Bounty Program” (in this subtitle referred to as the
14 “Program”) to improve the cybersecurity of the systems
15 used to administer elections for Federal office by facili-
16 tating and encouraging assessments by independent tech-
17 nical experts, in cooperation with State and local election
18 officials and election service providers, to identify and re-
19 port election cybersecurity vulnerabilities.

20 (b) VOLUNTARY PARTICIPATION BY ELECTION OFFI-
21 CIALS AND ELECTION SERVICE PROVIDERS.—

22 (1) NO REQUIREMENT TO PARTICIPATE IN PRO-
23 GRAM.—Participation in the Program shall be en-
24 tirely voluntary for State and local election officials
25 and election service providers.

1 (2) ENCOURAGING PARTICIPATION AND INPUT
2 FROM ELECTION OFFICIALS.—In developing the Pro-
3 gram, the Secretary shall solicit input from, and en-
4 courage participation by, State and local election of-
5 ficials.

6 (c) ACTIVITIES FUNDED.—In establishing and car-
7 rying out the Program, the Secretary shall—

8 (1) establish a process for State and local elec-
9 tion officials and election service providers to volun-
10 tarily participate in the Program;

11 (2) designate appropriate information systems
12 to be included in the Program;

13 (3) provide compensation to eligible individuals,
14 organizations, and companies for reports of pre-
15 viously unidentified security vulnerabilities within
16 the information systems designated under paragraph
17 (2) and establish criteria for individuals, organiza-
18 tions, and companies to be considered eligible for
19 such compensation in compliance with Federal laws;

20 (4) consult with the Attorney General on how
21 to ensure that approved individuals, organizations,
22 and companies that comply with the requirements of
23 the Program are protected from prosecution under
24 section 1030 of title 18, United States Code, and
25 similar provisions of law, and from liability under

1 civil actions for specific activities authorized under
2 the Program;

3 (5) consult with the Secretary of Defense and
4 the heads of other departments and agencies that
5 have implemented programs to provide compensation
6 for reports of previously undisclosed vulnerabilities
7 in information systems, regarding lessons that may
8 be applied from such programs;

9 (6) develop an expeditious process by which an
10 individual, organization, or company can register
11 with the Department, submit to a background check
12 as determined by the Department, and receive a de-
13 termination regarding eligibility for participation in
14 the Program; and

15 (7) engage qualified interested persons, includ-
16 ing representatives of private entities, about the
17 structure of the Program and, to the extent prac-
18 ticable, establish a recurring competition for inde-
19 pendent technical experts to assess election systems
20 for the purpose of identifying and reporting election
21 cybersecurity vulnerabilities.

22 (d) USE OF SERVICE PROVIDERS.—The Secretary
23 may award competitive contracts as necessary to manage
24 the Program.

25 (e) DEFINITIONS.—In this section:

1 (1) The term “Department” means the Depart-
2 ment of Homeland Security.

3 (2) The terms “election” and “Federal office”
4 have the meanings given such terms in section 301
5 of the Federal Election Campaign Act of 1971 (52
6 U.S.C. 30101).

7 (3) The term “election cybersecurity vulner-
8 ability” means any security vulnerability that affects
9 an election system.

10 (4) The term “election infrastructure” has the
11 meaning given such term in paragraph (6) of section
12 2 of the Homeland Security Act of 2002 (6 U.S.C.
13 101), as added by section 3021 of this title.

14 (5) The term “election service provider” means
15 any person providing, supporting, or maintaining an
16 election system on behalf of a State or local election
17 official, such as a contractor or vendor.

18 (6) The term “election system” means any in-
19 formation system which is part of an election infra-
20 structure.

21 (7) The term “information system” has the
22 meaning given such term in section 3502 of title 44,
23 United States Code.

24 (8) The term “Secretary” means the Secretary
25 of Homeland Security, or, upon designation by the

1 Secretary of Homeland Security, the Deputy Sec-
2 retary of Homeland Security, the Director of Cyber-
3 security and Infrastructure Security of the Cyberse-
4 curity and Infrastructure Security Agency of the De-
5 partment of Homeland Security, or a Senate-con-
6 firmed official who reports to the Director.

7 (9) The term “security vulnerability” has the
8 meaning given such term in section 102 of the Cy-
9 bersecurity Information Sharing Act of 2015 (6
10 U.S.C. 1501).

11 (10) The term “State” means each of the sev-
12 eral States, the District of Columbia, the Common-
13 wealth of Puerto Rico, Guam, American Samoa, the
14 Commonwealth of Northern Mariana Islands, and
15 the United States Virgin Islands.

16 (11) The term “voting system” has the mean-
17 ing given such term in section 301(b) of the Help
18 America Vote Act of 2002 (52 U.S.C. 21081(b)).

19 **Subtitle F—Election Security**

20 **Grants Advisory Committee**

21 **SEC. 3501. ESTABLISHMENT OF ADVISORY COMMITTEE.**

22 (a) IN GENERAL.—Subtitle A of title II of the Help
23 America Vote Act of 2002 (52 U.S.C. 20921 et seq.) is
24 amended by adding at the end the following:

1 **“PART 4—ELECTION SECURITY GRANTS**

2 **ADVISORY COMMITTEE**

3 **“SEC. 225. ELECTION SECURITY GRANTS ADVISORY COM-**
4 **MITTEE.**

5 “(a) ESTABLISHMENT.—There is hereby established
6 an advisory committee (hereinafter in this part referred
7 to as the ‘Committee’) to assist the Commission with re-
8 spect to the award of grants to States under this Act for
9 the purpose of election security.

10 “(b) DUTIES.—

11 “(1) IN GENERAL.—The Committee shall, with
12 respect to an application for a grant received by the
13 Commission—

14 “(A) review such application; and

15 “(B) recommend to the Commission
16 whether to award the grant to the applicant.

17 “(2) CONSIDERATIONS.—In reviewing an appli-
18 cation pursuant to paragraph (1)(A), the Committee
19 shall consider—

20 “(A) the record of the applicant with re-
21 spect to—

22 “(i) compliance of the applicant with
23 the requirements under subtitle A of title
24 III; and

1 “(ii) adoption of voluntary guidelines
2 issued by the Commission under subtitle B
3 of title III; and

4 “(B) the goals and requirements of elec-
5 tion security as described in title III of the For
6 the People Act.

7 “(c) MEMBERSHIP.—The Committee shall be com-
8 posed of 15 individuals appointed by the Executive Direc-
9 tor of the Commission with experience and expertise in
10 election security.

11 “(d) NO COMPENSATION FOR SERVICE.—Members of
12 the Committee shall not receive any compensation for
13 their service, but shall be paid travel expenses, including
14 per diem in lieu of subsistence, at rates authorized for em-
15 ployees of agencies under subchapter I of chapter 57 of
16 title 5, United States Code, while away from their homes
17 or regular places of business in the performance of services
18 for the Committee.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect 1 year after the date of enact-
21 ment of this Act.

Subtitle G—Miscellaneous Provisions

3 SEC. 3601. DEFINITIONS.

4 Except as provided in section 3402, in this title, the
5 following definitions apply:

6 (1) The term “Chairman” means the chair of
7 the Election Assistance Commission.

8 (2) The term “appropriate congressional com-
9 mittees” means the Committees on Homeland Secu-
10 rity and House Administration of the House of Rep-
11 resentatives and the Committees on Homeland Secu-
12 rity and Governmental Affairs and Rules and Ad-
13 ministration of the Senate.

14 (3) The term “chief State election official”
15 means, with respect to a State, the individual des-
16 ignated by the State under section 10 of the Na-
17 tional Voter Registration Act of 1993 (52 U.S.C.
18 20509) to be responsible for coordination of the
19 State’s responsibilities under such Act.

20 (4) The term “Commission” means the Election
21 Assistance Commission.

22 (5) The term “democratic institutions” means
23 the diverse range of institutions that are essential to
24 ensuring an independent judiciary, free and fair elec-
25 tions, and rule of law.

1 (6) The term “election agency” means any com-
2 ponent of a State, or any component of a unit of
3 local government in a State, which is responsible for
4 the administration of elections for Federal office in
5 the State.

6 (7) The term “election infrastructure” means
7 storage facilities, polling places, and centralized vote
8 tabulation locations used to support the administra-
9 tion of elections for public office, as well as related
10 information and communications technology, includ-
11 ing voter registration databases, voting machines,
12 electronic mail and other communications systems
13 (including electronic mail and other systems of ven-
14 dors who have entered into contracts with election
15 agencies to support the administration of elections,
16 manage the election process, and report and display
17 election results), and other systems used to manage
18 the election process and to report and display elec-
19 tion results on behalf of an election agency.

20 (8) The term “Secretary” means the Secretary
21 of Homeland Security.

22 (9) The term “State” has the meaning given
23 such term in section 901 of the Help America Vote
24 Act of 2002 (52 U.S.C. 21141).

1 **SEC. 3602. INITIAL REPORT ON ADEQUACY OF RESOURCES**
2 **AVAILABLE FOR IMPLEMENTATION.**

3 Not later than 120 days after enactment of this Act,
4 the Chairman and the Secretary shall submit a report to
5 the appropriate committees of Congress, including the
6 Committees on Homeland Security and House Adminis-
7 tration of the House of Representatives and the Com-
8 mittee on Homeland Security and Governmental Affairs
9 of the Senate, analyzing the adequacy of the funding, re-
10 sources, and personnel available to carry out this title and
11 the amendments made by this title.

12 **Subtitle H—Use of Voting Machines**
13 **Manufactured in the United States**

14 **SEC. 3701. USE OF VOTING MACHINES MANUFACTURED IN**
15 **THE UNITED STATES.**

16 (a) REQUIREMENT.—Section 301(a) of the Help
17 America Vote Act of 2002 (52 U.S.C. 21081(a)), as
18 amended by section 1504, section 1505, and section 1507,
19 is further amended by adding at the end the following new
20 paragraph:

21 “(10) VOTING MACHINE REQUIREMENTS.—By
22 not later than the date of the regularly scheduled
23 general election for Federal office occurring in No-
24 vember 2024, each State shall seek to ensure that
25 any voting machine used in such election and in any

1 subsequent election for Federal office is manufac-
2 tured in the United States.”.

3 (b) CONFORMING AMENDMENT RELATING TO EF-
4 FECTIVE DATE.—Section 301(d)(1) of such Act (52
5 U.S.C. 21081(d)(1)), as amended by section 1508, is
6 amended by striking “paragraph (2)” and inserting “sub-
7 section (a)(10) and paragraph (2)”.

8 **Subtitle I—Study and Report on**
9 **Bots**

10 **SEC. 3801. SHORT TITLE.**

11 This subtitle may be cited as the “Bots Research
12 Act”.

13 **SEC. 3802. TASK FORCE.**

14 (a) ESTABLISHMENT.—Not later than 90 days after
15 the date of enactment of this Act, the Election Assistance
16 Commission, in consultation with the Cybersecurity and
17 Infrastructure Security Agency, shall establish a task
18 force to carry out the study and report required under
19 section 3803.

20 (b) NUMBER AND APPOINTMENT.—The task force
21 shall be comprised of the following:

22 (1) At least 1 expert representing the Govern-
23 ment.

24 (2) At least 1 expert representing academia.

1 (3) At least 1 expert representing non-profit or-
2 ganizations.

3 (4) At least 1 expert representing the social
4 media industry.

5 (5) At least 1 election official.

6 (6) Any other expert that the Commission de-
7 termines appropriate.

8 (c) QUALIFICATIONS.—The Commission shall select
9 task force members to serve by virtue of their expertise
10 in automation technology.

11 (d) DEADLINE FOR APPOINTMENT.—Not later than
12 90 days after the date of enactment of this Act, the Com-
13 mission shall appoint the members of the task force.

14 (e) COMPENSATION.—Members of the task force shall
15 serve without pay and shall not receive travel expenses.

16 (f) TASK FORCE SUPPORT.—The Commission shall
17 ensure appropriate staff and officials of the Commission
18 are available to support any task force-related work.

19 **SEC. 3803. STUDY AND REPORT.**

20 (a) STUDY.—The task force established in this sub-
21 title shall conduct a study of the impact of automated ac-
22 counts on social media, public discourse, and elections.
23 Such study shall include an assessment of—

24 (1) what qualifies as a bot or automated ac-
25 count;

1 (2) the extent to which automated accounts are
2 used;

3 (3) how the automated accounts are used; and

4 (4) how to most effectively combat any use of
5 automated accounts that negatively effects social
6 media, public discourse, and elections while con-
7 tinuing to promote the protection of the First
8 Amendment on the internet.

9 (b) TASK FORCE CONSIDERATIONS.—In carrying out
10 the requirements of this section, the task force shall con-
11 sider, at a minimum—

12 (1) the promotion of technological innovation;

13 (2) the protection of First Amendment and
14 other constitutional rights of social media users;

15 (3) the need to improve cybersecurity to ensure
16 the integrity of elections; and

17 (4) the importance of continuously reviewing
18 relevant regulations to ensure that such regulations
19 respond effectively to changes in technology.

20 (c) REPORT.—Not later than 1 year after the estab-
21 lishment of the task force, the task force shall develop and
22 submit to Congress and relevant Federal agencies the re-
23 sults and conclusions of the study conducted under sub-
24 section (a).

1 **Subtitle J—Severability**

2 **SEC. 3901. SEVERABILITY.**

3 If any provision of this title or amendment made by
 4 this title, or the application of a provision or amendment
 5 to any person or circumstance, is held to be unconstitu-
 6 tional, the remainder of this title and amendments made
 7 by this title, and the application of the provisions and
 8 amendment to any person or circumstance, shall not be
 9 affected by the holding.

10 **DIVISION B—CAMPAIGN** 11 **FINANCE**

12 **TITLE IV—CAMPAIGN FINANCE** 13 **TRANSPARENCY**

Subtitle A—Establishing Duty To Report Foreign Election Interference

Sec. 4001. Findings relating to illicit money undermining our democracy.
 Sec. 4002. Federal campaign reporting of foreign contacts.
 Sec. 4003. Federal campaign foreign contact reporting compliance system.
 Sec. 4004. Criminal penalties.
 Sec. 4005. Report to congressional intelligence committees.
 Sec. 4006. Rule of construction.

Subtitle B—DISCLOSE Act

Sec. 4100. Short title.

PART 1—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN NATIONALS IN ELECTIONS

Sec. 4101. Clarification of prohibition on participation by foreign nationals in
election-related activities.
 Sec. 4102. Clarification of application of foreign money ban to certain disburse-
ments and activities.
 Sec. 4103. Audit and report on illicit foreign money in Federal elections.
 Sec. 4104. Prohibition on contributions and donations by foreign nationals in
connections with ballot initiatives and referenda.
 Sec. 4105. Disbursements and activities subject to foreign money ban.
 Sec. 4106. Prohibiting establishment of corporation to conceal election con-
tributions and donations by foreign nationals.

PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

- Sec. 4111. Reporting of campaign-related disbursements.
- Sec. 4112. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.
- Sec. 4113. Effective date.

PART 3—OTHER ADMINISTRATIVE REFORMS

- Sec. 4121. Petition for certiorari.
- Sec. 4122. Judicial review of actions related to campaign finance laws.

PART 4—DISCLOSURE OF CONTRIBUTIONS TO POLITICAL COMMITTEES IMMEDIATELY PRIOR TO ELECTION

- Sec. 4131. Disclosure of contributions to political committees immediately prior to election.

Subtitle C—Strengthening Oversight of Online Political Advertising

- Sec. 4201. Short title.
- Sec. 4202. Purpose.
- Sec. 4203. Findings.
- Sec. 4204. Sense of Congress.
- Sec. 4205. Expansion of definition of public communication.
- Sec. 4206. Expansion of definition of electioneering communication.
- Sec. 4207. Application of disclaimer statements to online communications.
- Sec. 4208. Political record requirements for online platforms.
- Sec. 4209. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.
- Sec. 4210. Independent study on media literacy and online political content consumption.
- Sec. 4211. Requiring online platforms to display notices identifying sponsors of political advertisements and to ensure notices continue to be present when advertisements are shared.

Subtitle D—Stand By Every Ad

- Sec. 4301. Short title.
- Sec. 4302. Stand by every ad.
- Sec. 4303. Disclaimer requirements for communications made through prerecorded telephone calls.
- Sec. 4304. No expansion of persons subject to disclaimer requirements on internet communications.
- Sec. 4305. Effective date.

Subtitle E—Deterring Foreign Interference in Elections

PART 1—DETERRENCE UNDER FEDERAL ELECTION CAMPAIGN ACT OF 1971

- Sec. 4401. Restrictions on exchange of campaign information between candidates and foreign powers.
- Sec. 4402. Clarification of standard for determining existence of coordination between campaigns and outside interests.
- Sec. 4403. Prohibition on provision of substantial assistance relating to contribution or donation by foreign nationals.
- Sec. 4404. Clarification of application of foreign money ban.

PART 2—NOTIFYING STATES OF DISINFORMATION CAMPAIGNS BY FOREIGN NATIONALS

Sec. 4411. Notifying States of disinformation campaigns by foreign nationals.

PART 3—PROHIBITING USE OF DEEPPAKES IN ELECTION CAMPAIGNS

Sec. 4421. Prohibition on distribution of materially deceptive audio or visual media prior to election.

PART 4—ASSESSMENT OF EXEMPTION OF REGISTRATION REQUIREMENTS UNDER FARA FOR REGISTERED LOBBYISTS

Sec. 4431. Assessment of exemption of registration requirements under FARA for registered lobbyists.

Subtitle F—Secret Money Transparency

Sec. 4501. Repeal of restriction of use of funds by Internal Revenue Service to bring transparency to political activity of certain nonprofit organizations.

Sec. 4502. Repeal of regulations.

Subtitle G—Shareholder Right-to-Know

Sec. 4601. Repeal of restriction on use of funds by Securities and Exchange Commission to ensure shareholders of corporations have knowledge of corporation political activity.

Sec. 4602. Assessment of shareholder preferences for disbursements for political purposes.

Sec. 4603. Governance and operations of corporate PACs.

Subtitle H—Disclosure of Political Spending by Government Contractors

Sec. 4701. Repeal of restriction on use of funds to require disclosure of political spending by government contractors.

Subtitle I—Limitation and Disclosure Requirements for Presidential Inaugural Committees

Sec. 4801. Short title.

Sec. 4802. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.

Subtitle J—Miscellaneous Provisions

Sec. 4901. Effective dates of provisions.

Sec. 4902. Severability.

1 **Subtitle A—Establishing Duty To**
2 **Report Foreign Election Inter-**
3 **ference**

4 **SEC. 4001. FINDINGS RELATING TO ILLICIT MONEY UNDER-**
5 **MINING OUR DEMOCRACY.**

6 Congress finds the following:

7 (1) Criminals, terrorists, and corrupt govern-
8 ment officials frequently abuse anonymously held
9 Limited Liability Companies (LLCs), also known as
10 “shell companies,” to hide, move, and launder the
11 dirty money derived from illicit activities such as
12 trafficking, bribery, exploitation, and embezzlement.
13 Ownership and control of the finances that run
14 through shell companies are obscured to regulators
15 and law enforcement because little information is re-
16 quired and collected when establishing these entities.

17 (2) The public release of the “Panama Papers”
18 in 2016 and the “Paradise Papers” in 2017 revealed
19 that these shell companies often purchase and sell
20 United States real estate. United States anti-money
21 laundering laws do not apply to cash transactions in-
22 volving real estate effectively concealing the bene-
23 ficiaries and transactions from regulators and law
24 enforcement.

1 (3) Since the Supreme Court’s decisions in Citi-
2 zens United v. Federal Election Commission, 558
3 U.S. 310 (2010), millions of dollars have flowed into
4 super PACs through LLCs whose funders are anon-
5 ymous or intentionally obscured. Criminal investiga-
6 tions have uncovered LLCs that were used to hide
7 illegal campaign contributions from foreign criminal
8 fugitives, to advance international influence-buying
9 schemes, and to conceal contributions from donors
10 who were already under investigation for bribery and
11 racketeering. Voters have no way to know the true
12 sources of the money being routed through these
13 LLCs to influence elections, including whether any
14 of the funds come from foreign or other illicit
15 sources.

16 (4) Congress should curb the use of anonymous
17 shell companies for illicit purposes by requiring
18 United States companies to disclose their beneficial
19 owners, strengthening anti-money laundering and
20 counter-terrorism finance laws.

21 (5) Congress should examine the money laun-
22 dering and terrorist financing risks in the real estate
23 market, including the role of anonymous parties, and
24 review legislation to address any vulnerabilities iden-
25 tified in this sector.

1 (6) Congress should examine the methods by
2 which corruption flourishes and the means to detect
3 and deter the financial misconduct that fuels this
4 driver of global instability. Congress should monitor
5 government efforts to enforce United States anti-
6 corruption laws and regulations.

7 **SEC. 4002. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
8 **CONTACTS.**

9 (a) INITIAL NOTICE.—

10 (1) IN GENERAL.—Section 304 of the Federal
11 Election Campaign Act of 1971 (52 U.S.C. 30104)
12 is amended by adding at the end the following new
13 subsection:

14 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-
15 TACTS.—

16 “(1) COMMITTEE OBLIGATION TO NOTIFY.—

17 Not later than 1 week after a reportable foreign con-
18 tact, each political committee shall notify the Fed-
19 eral Bureau of Investigation and the Commission of
20 the reportable foreign contact and provide a sum-
21 mary of the circumstances with respect to such re-
22 portable foreign contact. The Federal Bureau of In-
23 vestigation, not later than 1 week after receiving a
24 notification from a political committee under this
25 paragraph, shall submit to the political committee,

1 the Permanent Select Committee on Intelligence of
2 the House of Representatives, and the Select Com-
3 mittee on Intelligence of the Senate written or elec-
4 tronic confirmation of receipt of the notification.

5 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—
6 Not later than 3 days after a reportable foreign con-
7 tact—

8 “(A) each candidate and each immediate
9 family member of a candidate shall notify the
10 treasurer or other designated official of the
11 principal campaign committee of such candidate
12 of the reportable foreign contact and provide a
13 summary of the circumstances with respect to
14 such reportable foreign contact; and

15 “(B) each official, employee, or agent of a
16 political committee shall notify the treasurer or
17 other designated official of the committee of the
18 reportable foreign contact and provide a sum-
19 mary of the circumstances with respect to such
20 reportable foreign contact.

21 “(3) REPORTABLE FOREIGN CONTACT.—In this
22 subsection:

23 “(A) IN GENERAL.—The term ‘reportable
24 foreign contact’ means any direct or indirect
25 contact or communication that—

1 “(i) is between—

2 “(I) a candidate, an immediate
3 family member of the candidate, a po-
4 litical committee, or any official, em-
5 ployee, or agent of such committee;
6 and

7 “(II) an individual that the per-
8 son described in subclause (I) knows,
9 has reason to know, or reasonably be-
10 lieves is a covered foreign national;
11 and

12 “(ii) the person described in clause
13 (i)(I) knows, has reason to know, or rea-
14 sonably believes involves—

15 “(I) an offer or other proposal
16 for a contribution, donation, expendi-
17 ture, disbursement, or solicitation de-
18 scribed in section 319; or

19 “(II) coordination or collabora-
20 tion with, an offer or provision of in-
21 formation or services to or from, or
22 persistent and repeated contact with,
23 a covered foreign national in connec-
24 tion with an election.

25 “(B) EXCEPTIONS.—

1 “(i) CONTACTS IN OFFICIAL CAPACITY
2 AS ELECTED OFFICIAL.—The term ‘report-
3 able foreign contact’ shall not include any
4 contact or communication with a covered
5 foreign national by an elected official or an
6 employee of an elected official solely in an
7 official capacity as such an official or em-
8 ployee.

9 “(ii) CONTACTS FOR PURPOSES OF
10 ENABLING OBSERVATION OF ELECTIONS
11 BY INTERNATIONAL OBSERVERS.—The
12 term ‘reportable foreign contact’ shall not
13 include any contact or communication with
14 a covered foreign national by any person
15 which is made for purposes of enabling the
16 observation of elections in the United
17 States by a foreign national or the obser-
18 vation of elections outside of the United
19 States by a candidate, political committee,
20 or any official, employee, or agent of such
21 committee.

22 “(iii) EXCEPTIONS NOT APPLICABLE
23 IF CONTACTS OR COMMUNICATIONS IN-
24 VOLVE PROHIBITED DISBURSEMENTS.—A
25 contact or communication by an elected of-

1 ficial or an employee of an elected official
2 shall not be considered to be made solely
3 in an official capacity for purposes of
4 clause (i), and a contact or communication
5 shall not be considered to be made for pur-
6 poses of enabling the observation of elec-
7 tions for purposes of clause (ii), if the con-
8 tact or communication involves a contribu-
9 tion, donation, expenditure, disbursement,
10 or solicitation described in section 319.

11 “(C) COVERED FOREIGN NATIONAL DE-
12 FINED.—

13 “(i) IN GENERAL.—In this paragraph,
14 the term ‘covered foreign national’
15 means—

16 “(I) a foreign principal (as de-
17 fined in section 1(b) of the Foreign
18 Agents Registration Act of 1938 (22
19 U.S.C. 611(b))) that is a government
20 of a foreign country or a foreign polit-
21 ical party;

22 “(II) any person who acts as an
23 agent, representative, employee, or
24 servant, or any person who acts in
25 any other capacity at the order, re-

1 quest, or under the direction or con-
2 trol, of a foreign principal described in
3 subclause (I) or of a person any of
4 whose activities are directly or indi-
5 rectly supervised, directed, controlled,
6 financed, or subsidized in whole or in
7 major part by a foreign principal de-
8 scribed in subclause (I); or

9 “(III) any person included in the
10 list of specially designated nationals
11 and blocked persons maintained by
12 the Office of Foreign Assets Control
13 of the Department of the Treasury
14 pursuant to authorities relating to the
15 imposition of sanctions relating to the
16 conduct of a foreign principal de-
17 scribed in subclause (I).

18 “(ii) CLARIFICATION REGARDING AP-
19 PLICATION TO CITIZENS OF THE UNITED
20 STATES.—In the case of a citizen of the
21 United States, subclause (II) of clause (i)
22 applies only to the extent that the person
23 involved acts within the scope of that per-
24 son’s status as the agent of a foreign prin-

1 cipal described in subclause (I) of clause
2 (i).

3 “(4) IMMEDIATE FAMILY MEMBER.—In this
4 subsection, the term ‘immediate family member’
5 means, with respect to a candidate, a parent, parent-
6 in-law, spouse, adult child, or sibling.”.

7 (2) EFFECTIVE DATE.—The amendment made
8 by paragraph (1) shall apply with respect to report-
9 able foreign contacts which occur on or after the
10 date of the enactment of this Act.

11 (b) INFORMATION INCLUDED ON REPORT.—

12 (1) IN GENERAL.—Section 304(b) of such Act
13 (52 U.S.C. 30104(b)) is amended—

14 (A) by striking “and” at the end of para-
15 graph (7);

16 (B) by striking the period at the end of
17 paragraph (8) and inserting “; and”; and

18 (C) by adding at the end the following new
19 paragraph:

20 “(9) for any reportable foreign contact (as de-
21 fined in subsection (j)(3))—

22 “(A) the date, time, and location of the
23 contact;

1 “(B) the date and time of when a des-
 2 ignated official of the committee was notified of
 3 the contact;

4 “(C) the identity of individuals involved;
 5 and

6 “(D) a description of the contact, including
 7 the nature of any contribution, donation, ex-
 8 penditure, disbursement, or solicitation involved
 9 and the nature of any activity described in sub-
 10 section (j)(3)(A)(ii)(II) involved.”.

11 (2) EFFECTIVE DATE.—The amendment made
 12 by paragraph (1) shall apply with respect to reports
 13 filed on or after the expiration of the 60-day period
 14 which begins on the date of the enactment of this
 15 Act.

16 **SEC. 4003. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
 17 **PORTING COMPLIANCE SYSTEM.**

18 (a) IN GENERAL.—Section 302 of the Federal Elec-
 19 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
 20 by adding at the end the following new subsection:

21 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE
 22 POLICY.—

23 “(1) REPORTING.—Each political committee
 24 shall establish a policy that requires all officials, em-
 25 ployees, and agents of such committee (and, in the

1 case of an authorized committee, the candidate and
2 each immediate family member of the candidate) to
3 notify the treasurer or other appropriate designated
4 official of the committee of any reportable foreign
5 contact (as defined in section 304(j)) not later than
6 3 days after such contact was made.

7 “(2) RETENTION AND PRESERVATION OF
8 RECORDS.—Each political committee shall establish
9 a policy that provides for the retention and preserva-
10 tion of records and information related to reportable
11 foreign contacts (as so defined) for a period of not
12 less than 3 years.

13 “(3) CERTIFICATION.—

14 “(A) IN GENERAL.—Upon filing its state-
15 ment of organization under section 303(a), and
16 with each report filed under section 304(a), the
17 treasurer of each political committee (other
18 than an authorized committee) shall certify
19 that—

20 “(i) the committee has in place poli-
21 cies that meet the requirements of para-
22 graphs (1) and (2);

23 “(ii) the committee has designated an
24 official to monitor compliance with such
25 policies; and

1 “(iii) not later than 1 week after the
2 beginning of any formal or informal affili-
3 ation with the committee, all officials, em-
4 ployees, and agents of such committee
5 will—

6 “(I) receive notice of such poli-
7 cies;

8 “(II) be informed of the prohibi-
9 tions under section 319; and

10 “(III) sign a certification affirm-
11 ing their understanding of such poli-
12 cies and prohibitions.

13 “(B) AUTHORIZED COMMITTEES.—With
14 respect to an authorized committee, the can-
15 didate shall make the certification required
16 under subparagraph (A).”.

17 (b) EFFECTIVE DATE.—

18 (1) IN GENERAL.—The amendment made by
19 subsection (a) shall apply with respect to political
20 committees which file a statement of organization
21 under section 303(a) of the Federal Election Cam-
22 paign Act of 1971 (52 U.S.C. 30103(a)) on or after
23 the date of the enactment of this Act.

24 (2) TRANSITION RULE FOR EXISTING COMMIT-
25 TEES.—Not later than 30 days after the date of the

1 enactment of this Act, each political committee
2 under the Federal Election Campaign Act of 1971
3 shall file a certification with the Federal Election
4 Commission that the committee is in compliance
5 with the requirements of section 302(j) of such Act
6 (as added by subsection (a)).

7 **SEC. 4004. CRIMINAL PENALTIES.**

8 Section 309(d)(1) of the Federal Election Campaign
9 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-
10 ing at the end the following new subparagraphs:

11 “(E) Any person who knowingly and willfully com-
12 mits a violation of subsection (j) or (b)(9) of section 304
13 or section 302(j) shall be fined not more than \$500,000,
14 imprisoned not more than 5 years, or both.

15 “(F) Any person who knowingly and willfully conceals
16 or destroys any materials relating to a reportable foreign
17 contact (as defined in section 304(j)) shall be fined not
18 more than \$1,000,000, imprisoned not more than 5 years,
19 or both.”.

20 **SEC. 4005. REPORT TO CONGRESSIONAL INTELLIGENCE**
21 **COMMITTEES.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, and annually thereafter,
24 the Director of the Federal Bureau of Investigation shall
25 submit to the congressional intelligence committees a re-

1 port relating to notifications received by the Federal Bu-
2 reau of Investigation under section 304(j)(1) of the Fed-
3 eral Election Campaign Act of 1971 (as added by section
4 4002(a) of this Act).

5 (b) ELEMENTS.—Each report under subsection (a)
6 shall include, at a minimum, the following with respect
7 to notifications described in subsection (a):

8 (1) The number of such notifications received
9 from political committees during the year covered by
10 the report.

11 (2) A description of protocols and procedures
12 developed by the Federal Bureau of Investigation re-
13 lating to receipt and maintenance of records relating
14 to such notifications.

15 (3) With respect to such notifications received
16 during the year covered by the report, a description
17 of any subsequent actions taken by the Director re-
18 sulting from the receipt of such notifications.

19 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
20 DEFINED.—In this section, the term “congressional intel-
21 ligence committees” has the meaning given that term in
22 section 3 of the National Security Act of 1947 (50 U.S.C.
23 3003).

1 **SEC. 4006. RULE OF CONSTRUCTION.**

2 Nothing in this subtitle or the amendments made by
3 this subtitle shall be construed—

4 (1) to impede legitimate journalistic activities;

5 or

6 (2) to impose any additional limitation on the
7 right to express political views or to participate in
8 public discourse of any individual who—

9 (A) resides in the United States;

10 (B) is not a citizen of the United States or
11 a national of the United States, as defined in
12 section 101(a)(22) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1101(a)(22)); and

14 (C) is not lawfully admitted for permanent
15 residence, as defined by section 101(a)(20) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1101(a)(20)).

18 **Subtitle B—DISCLOSE Act**

19 **SEC. 4100. SHORT TITLE.**

20 This subtitle may be cited as the “Democracy Is
21 Strengthened by Casting Light On Spending in Elections
22 Act of 2021” or the “DISCLOSE Act of 2021”.

1 **PART 1—CLOSING LOOPHOLES ALLOWING**
2 **SPENDING BY FOREIGN NATIONALS IN ELEC-**
3 **TIONS**

4 **SEC. 4101. CLARIFICATION OF PROHIBITION ON PARTICI-**
5 **PATION BY FOREIGN NATIONALS IN ELEC-**
6 **TION-RELATED ACTIVITIES.**

7 (a) CLARIFICATION OF PROHIBITION.—Section
8 319(a) of the Federal Election Campaign Act of 1971 (52
9 U.S.C. 30121(a)) is amended—

10 (1) by striking “or” at the end of paragraph
11 (1);

12 (2) by striking the period at the end of para-
13 graph (2) and inserting “; or”; and

14 (3) by adding at the end the following new
15 paragraph:

16 “(3) a foreign national to direct, dictate, con-
17 trol, or directly or indirectly participate in the deci-
18 sion making process of any person (including a cor-
19 poration, labor organization, political committee, or
20 political organization) with regard to such person’s
21 Federal or non-Federal election-related activity, in-
22 cluding any decision concerning the making of con-
23 tributions, donations, expenditures, or disbursements
24 in connection with an election for any Federal,
25 State, or local office or any decision concerning the
26 administration of a political committee.”.

1 (b) CERTIFICATION OF COMPLIANCE.—Section 319
2 of such Act (52 U.S.C. 30121) is amended by adding at
3 the end the following new subsection:

4 “(c) CERTIFICATION OF COMPLIANCE REQUIRED
5 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
6 ing in connection with an election for Federal office of any
7 contribution, donation, expenditure, independent expendi-
8 ture, or disbursement for an electioneering communication
9 by a corporation, labor organization (as defined in section
10 316(b)), limited liability corporation, or partnership dur-
11 ing a year, the chief executive officer of the corporation,
12 labor organization, limited liability corporation, or part-
13 nership (or, if the corporation, labor organization, limited
14 liability corporation, or partnership does not have a chief
15 executive officer, the highest ranking official of the cor-
16 poration, labor organization, limited liability corporation,
17 or partnership), shall file a certification with the Commis-
18 sion, under penalty of perjury, that a foreign national did
19 not direct, dictate, control, or directly or indirectly partici-
20 pate in the decision making process relating to such activ-
21 ity in violation of subsection (a)(3), unless the chief execu-
22 tive officer has previously filed such a certification during
23 that calendar year.”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect upon the expiration of the

1 180-day period which begins on the date of the enactment
2 of this Act, and shall take effect without regard to whether
3 or not the Federal Election Commission has promulgated
4 regulations to carry out such amendments.

5 **SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN**
6 **MONEY BAN TO CERTAIN DISBURSEMENTS**
7 **AND ACTIVITIES.**

8 (a) APPLICATION TO DISBURSEMENTS TO SUPER
9 PACS AND OTHER PERSONS.—Section 319(a)(1)(A) of
10 the Federal Election Campaign Act of 1971 (52 U.S.C.
11 30121(a)(1)(A)) is amended by striking the semicolon and
12 inserting the following: “, including any disbursement to
13 a political committee which accepts donations or contribu-
14 tions that do not comply with any of the limitations, prohi-
15 bitions, and reporting requirements of this Act (or any dis-
16 bursement to or on behalf of any account of a political
17 committee which is established for the purpose of accept-
18 ing such donations or contributions), or to any other per-
19 son for the purpose of funding an expenditure, inde-
20 pendent expenditure, or electioneering communication (as
21 defined in section 304(f)(3));”.

22 (b) CONDITIONS UNDER WHICH CORPORATE PACS
23 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-
24 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended
25 by adding at the end the following new paragraph:

1 “(8) A separate segregated fund established by a cor-
2 poration may not make a contribution or expenditure dur-
3 ing a year unless the fund has certified to the Commission
4 the following during the year:

5 “(A) Each individual who manages the fund,
6 and who is responsible for exercising decisionmaking
7 authority for the fund, is a citizen of the United
8 States or is lawfully admitted for permanent resi-
9 dence in the United States.

10 “(B) No foreign national under section 319
11 participates in any way in the decisionmaking proc-
12 esses of the fund with regard to contributions or ex-
13 penditures under this Act.

14 “(C) The fund does not solicit or accept rec-
15 ommendations from any foreign national under sec-
16 tion 319 with respect to the contributions or expend-
17 itures made by the fund.

18 “(D) Any member of the board of directors of
19 the corporation who is a foreign national under sec-
20 tion 319 abstains from voting on matters concerning
21 the fund or its activities.”.

22 **SEC. 4103. AUDIT AND REPORT ON ILLICIT FOREIGN**
23 **MONEY IN FEDERAL ELECTIONS.**

24 (a) IN GENERAL.—Title III of the Federal Election
25 Campaign Act of 1971 (52 U.S.C. 30101 et seq.), as

1 amended by section 1821, is further amended by inserting
2 after section 319A the following new section:

3 **“SEC. 319B. AUDIT AND REPORT ON DISBURSEMENTS BY**
4 **FOREIGN NATIONALS.**

5 “(a) AUDIT.—

6 “(1) IN GENERAL.—The Commission shall con-
7 duct an audit after each Federal election cycle to de-
8 termine the incidence of illicit foreign money in such
9 Federal election cycle.

10 “(2) PROCEDURES.—In carrying out paragraph
11 (1), the Commission shall conduct random audits of
12 any disbursements required to be reported under
13 this Act, in accordance with procedures established
14 by the Commission.

15 “(b) REPORT.—Not later than 180 days after the end
16 of each Federal election cycle, the Commission shall sub-
17 mit to Congress a report containing—

18 “(1) results of the audit required by subsection
19 (a)(1);

20 “(2) an analysis of the extent to which illicit
21 foreign money was used to carry out disinformation
22 and propaganda campaigns focused on depressing
23 turnout among rural communities and the success or
24 failure of these efforts, together with recommenda-
25 tions to address these efforts in future elections;

1 “(3) an analysis of the extent to which illicit
2 foreign money was used to carry out disinformation
3 and propaganda campaigns focused on depressing
4 turnout among African-American and other minority
5 communities and the success or failure of these ef-
6 forts, together with recommendations to address
7 these efforts in future elections;

8 “(4) an analysis of the extent to which illicit
9 foreign money was used to carry out disinformation
10 and propaganda campaigns focused on influencing
11 military and veteran communities and the success or
12 failure of these efforts, together with recommenda-
13 tions to address these efforts in future elections; and

14 “(5) recommendations to address the presence
15 of illicit foreign money in elections, as appropriate.

16 “(c) DEFINITIONS.—As used in this section:

17 “(1) The term ‘Federal election cycle’ means
18 the period which begins on the day after the date of
19 a regularly scheduled general election for Federal of-
20 fice and which ends on the date of the first regularly
21 scheduled general election for Federal office held
22 after such date.

23 “(2) The term ‘illicit foreign money’ means any
24 disbursement by a foreign national (as defined in
25 section 319(b)) prohibited under such section.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to the Federal elec-
3 tion cycle that began during November 2020, and each
4 succeeding Federal election cycle.

5 **SEC. 4104. PROHIBITION ON CONTRIBUTIONS AND DONA-**
6 **TIONS BY FOREIGN NATIONALS IN CONNEC-**
7 **TIONS WITH BALLOT INITIATIVES AND**
8 **REFERENDA.**

9 (a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-
10 eral Election Campaign Act of 1971 (52 U.S.C.
11 30121(a)(1)(A)) is amended by striking “State, or local
12 election” and inserting the following: “State, or local elec-
13 tion, including a State or local ballot initiative or ref-
14 erendum”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 this section shall apply with respect to elections held in
17 2022 or any succeeding year.

18 **SEC. 4105. DISBURSEMENTS AND ACTIVITIES SUBJECT TO**
19 **FOREIGN MONEY BAN.**

20 (a) DISBURSEMENTS DESCRIBED.—Section
21 319(a)(1) of the Federal Election Campaign Act of 1971
22 (52 U.S.C. 30121(a)(1)) is amended—

23 (1) by striking “or” at the end of subparagraph
24 (B); and

1 (2) by striking subparagraph (C) and inserting
2 the following:

3 “(C) an expenditure;

4 “(D) an independent expenditure;

5 “(E) a disbursement for an electioneering
6 communication (within the meaning of section
7 304(f)(3));

8 “(F) a disbursement for a communication
9 which is placed or promoted for a fee on a
10 website, web application, or digital application
11 that refers to a clearly identified candidate for
12 election for Federal office and is disseminated
13 within 60 days before a general, special, or run-
14 off election for the office sought by the can-
15 didate or 30 days before a primary or pref-
16 erence election, or a convention or caucus of a
17 political party that has authority to nominate a
18 candidate for the office sought by the can-
19 didate;

20 “(G) a disbursement for a broadcast, cable
21 or satellite communication, or for a communica-
22 tion which is placed or promoted for a fee on
23 a website, web application, or digital applica-
24 tion, that promotes, supports, attacks, or op-
25 poses the election of a clearly identified can-

1 didate for Federal, State, or local office (re-
2 gardless of whether the communication contains
3 express advocacy or the functional equivalent of
4 express advocacy);

5 “(H) a disbursement for a broadcast,
6 cable, or satellite communication, or for any
7 communication which is placed or promoted for
8 a fee on an online platform (as defined in sec-
9 tion 304(k)(3)), that discusses a national legis-
10 lative issue of public importance in a year in
11 which a regularly scheduled general election for
12 Federal office is held, but only if the disburse-
13 ment is made by a covered foreign national de-
14 scribed in section 304(j)(3)(C);

15 “(I) a disbursement by a covered foreign
16 national described in section 304(j)(3)(C) to
17 compensate any person for internet activity that
18 promotes, supports, attacks, or opposes the
19 election of a clearly identified candidate for
20 Federal, State, or local office (regardless of
21 whether the activity contains express advocacy
22 or the functional equivalent of express advo-
23 cacy); and

1 “(J) a disbursement for a Federal judicial
2 nomination communication (as defined in sec-
3 tion 324(d)(2)).”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to disbursements
6 made on or after the date of the enactment of this Act.

7 **SEC. 4106. PROHIBITING ESTABLISHMENT OF CORPORA-**
8 **TION TO CONCEAL ELECTION CONTRIBU-**
9 **TIONS AND DONATIONS BY FOREIGN NATION-**
10 **ALS.**

11 (a) PROHIBITION.—Chapter 29 of title 18, United
12 States Code, as amended by section 1071(a) and section
13 1201(a), is amended by adding at the end the following:

14 **“§ 614. Establishment of corporation to conceal elec-**
15 **tion contributions and donations by for-**
16 **eign nationals**

17 “(a) OFFENSE.—It shall be unlawful for an owner,
18 officer, attorney, or incorporation agent of a corporation,
19 company, or other entity to establish or use the corpora-
20 tion, company, or other entity with the intent to conceal
21 an activity of a foreign national (as defined in section 319
22 of the Federal Election Campaign Act of 1971 (52 U.S.C.
23 30121)) prohibited under such section 319.

1 “(b) PENALTY.—Any person who violates subsection
 2 (a) shall be imprisoned for not more than 5 years, fined
 3 under this title, or both.”.

4 (b) TABLE OF SECTIONS.—The table of sections for
 5 chapter 29 of title 18, United States Code, as amended
 6 by section 1071(b) and section 1201(b), is amended by
 7 inserting after the item relating to section 613 the fol-
 8 lowing:

“614. Establishment of corporation to conceal election contributions and dona-
 tions by foreign nationals.”.

9 **PART 2—REPORTING OF CAMPAIGN-RELATED**
 10 **DISBURSEMENTS**

11 **SEC. 4111. REPORTING OF CAMPAIGN-RELATED DISBURSE-**
 12 **MENTS.**

13 (a) DISCLOSURE REQUIREMENTS FOR CORPORA-
 14 TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER
 15 ENTITIES.—

16 (1) IN GENERAL.—Section 324 of the Federal
 17 Election Campaign Act of 1971 (52 U.S.C. 30126)
 18 is amended to read as follows:

19 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
 20 **MENTS BY COVERED ORGANIZATIONS.**

21 “(a) DISCLOSURE STATEMENT.—

22 “(1) IN GENERAL.—Any covered organization
 23 that makes campaign-related disbursements aggre-
 24 gating more than \$10,000 in an election reporting

1 cycle shall, not later than 24 hours after each disclo-
2 sure date, file a statement with the Commission
3 made under penalty of perjury that contains the in-
4 formation described in paragraph (2)—

5 “(A) in the case of the first statement filed
6 under this subsection, for the period beginning
7 on the first day of the election reporting cycle
8 (or, if earlier, the period beginning one year be-
9 fore the first such disclosure date) and ending
10 on the first such disclosure date; and

11 “(B) in the case of any subsequent state-
12 ment filed under this subsection, for the period
13 beginning on the previous disclosure date and
14 ending on such disclosure date.

15 “(2) INFORMATION DESCRIBED.—The informa-
16 tion described in this paragraph is as follows:

17 “(A) The name of the covered organization
18 and the principal place of business of such or-
19 ganization and, in the case of a covered organi-
20 zation that is a corporation (other than a busi-
21 ness concern that is an issuer of a class of secu-
22 rities registered under section 12 of the Securi-
23 ties Exchange Act of 1934 (15 U.S.C. 78l) or
24 that is required to file reports under section
25 15(d) of that Act (15 U.S.C. 78o(d))) or an en-

1 tity described in subsection (e)(2), a list of the
2 beneficial owners (as defined in paragraph
3 (4)(A)) of the entity that—

4 “(i) identifies each beneficial owner by
5 name and current residential or business
6 street address; and

7 “(ii) if any beneficial owner exercises
8 control over the entity through another
9 legal entity, such as a corporation, partner-
10 ship, limited liability company, or trust,
11 identifies each such other legal entity and
12 each such beneficial owner who will use
13 that other entity to exercise control over
14 the entity.

15 “(B) The amount of each campaign-related
16 disbursement made by such organization during
17 the period covered by the statement of more
18 than \$1,000, and the name and address of the
19 person to whom the disbursement was made.

20 “(C) In the case of a campaign-related dis-
21 bursement that is not a covered transfer, the
22 election to which the campaign-related disburse-
23 ment pertains and if the disbursement is made
24 for a public communication, the name of any
25 candidate identified in such communication and

1 whether such communication is in support of or
2 in opposition to a candidate.

3 “(D) A certification by the chief executive
4 officer or person who is the head of the covered
5 organization that the campaign-related dis-
6 bursement is not made in cooperation, consulta-
7 tion, or concert with or at the request or sug-
8 gestion of a candidate, authorized committee, or
9 agent of a candidate, political party, or agent of
10 a political party.

11 “(E)(i) If the covered organization makes
12 campaign-related disbursements using exclu-
13 sively funds in a segregated bank account con-
14 sisting of funds that were paid directly to such
15 account by persons other than the covered orga-
16 nization that controls the account, for each
17 such payment to the account—

18 “(I) the name and address of each
19 person who made such payment during the
20 period covered by the statement;

21 “(II) the date and amount of such
22 payment; and

23 “(III) the aggregate amount of all
24 such payments made by the person during
25 the period beginning on the first day of the

1 election reporting cycle (or, if earlier, the
2 period beginning one year before the dis-
3 closure date) and ending on the disclosure
4 date,

5 but only if such payment was made by a person
6 who made payments to the account in an aggre-
7 gate amount of \$10,000 or more during the pe-
8 riod beginning on the first day of the election
9 reporting cycle (or, if earlier, the period begin-
10 ning one year before the disclosure date) and
11 ending on the disclosure date.

12 “(ii) In any calendar year after 2022, sec-
13 tion 315(c)(1)(B) shall apply to the amount de-
14 scribed in clause (i) in the same manner as
15 such section applies to the limitations estab-
16 lished under subsections (a)(1)(A), (a)(1)(B),
17 (a)(3), and (h) of such section, except that for
18 purposes of applying such section to the
19 amounts described in subsection (b), the ‘base
20 period’ shall be 2022.

21 “(F)(i) If the covered organization makes
22 campaign-related disbursements using funds
23 other than funds in a segregated bank account
24 described in subparagraph (E), for each pay-
25 ment to the covered organization—

1 “(I) the name and address of each
2 person who made such payment during the
3 period covered by the statement;

4 “(II) the date and amount of such
5 payment; and

6 “(III) the aggregate amount of all
7 such payments made by the person during
8 the period beginning on the first day of the
9 election reporting cycle (or, if earlier, the
10 period beginning one year before the dis-
11 closure date) and ending on the disclosure
12 date,

13 but only if such payment was made by a person
14 who made payments to the covered organization
15 in an aggregate amount of \$10,000 or more
16 during the period beginning on the first day of
17 the election reporting cycle (or, if earlier, the
18 period beginning one year before the disclosure
19 date) and ending on the disclosure date.

20 “(ii) In any calendar year after 2022, sec-
21 tion 315(c)(1)(B) shall apply to the amount de-
22 scribed in clause (i) in the same manner as
23 such section applies to the limitations estab-
24 lished under subsections (a)(1)(A), (a)(1)(B),
25 (a)(3), and (h) of such section, except that for

1 purposes of applying such section to the
2 amounts described in subsection (b), the ‘base
3 period’ shall be 2022.

4 “(G) Such other information as required in
5 rules established by the Commission to promote
6 the purposes of this section.

7 “(3) EXCEPTIONS.—

8 “(A) AMOUNTS RECEIVED IN ORDINARY
9 COURSE OF BUSINESS.—The requirement to in-
10 clude in a statement filed under paragraph (1)
11 the information described in paragraph (2)
12 shall not apply to amounts received by the cov-
13 ered organization in commercial transactions in
14 the ordinary course of any trade or business
15 conducted by the covered organization or in the
16 form of investments (other than investments by
17 the principal shareholder in a limited liability
18 corporation) in the covered organization. For
19 purposes of this subparagraph, amounts re-
20 ceived by a covered organization as remittances
21 from an employee to the employee’s collective
22 bargaining representative shall be treated as
23 amounts received in commercial transactions in
24 the ordinary course of the business conducted
25 by the covered organization.

1 “(B) DONOR RESTRICTION ON USE OF
2 FUNDS.—The requirement to include in a state-
3 ment submitted under paragraph (1) the infor-
4 mation described in subparagraph (F) of para-
5 graph (2) shall not apply if—

6 “(i) the person described in such sub-
7 paragraph prohibited, in writing, the use of
8 the payment made by such person for cam-
9 paign-related disbursements; and

10 “(ii) the covered organization agreed
11 to follow the prohibition and deposited the
12 payment in an account which is segregated
13 from any account used to make campaign-
14 related disbursements.

15 “(C) THREAT OF HARASSMENT OR RE-
16 PRISAL.—The requirement to include any infor-
17 mation relating to the name or address of any
18 person (other than a candidate) in a statement
19 submitted under paragraph (1) shall not apply
20 if the inclusion of the information would subject
21 the person to serious threats, harassment, or
22 reprisals.

23 “(4) OTHER DEFINITIONS.—For purposes of
24 this section:

25 “(A) BENEFICIAL OWNER DEFINED.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), the term ‘beneficial
3 owner’ means, with respect to any entity,
4 a natural person who, directly or indi-
5 rectly—

6 “(I) exercises substantial control
7 over an entity through ownership, vot-
8 ing rights, agreement, or otherwise; or

9 “(II) has a substantial interest in
10 or receives substantial economic bene-
11 fits from the assets of an entity.

12 “(ii) EXCEPTIONS.—The term ‘bene-
13 ficial owner’ shall not include—

14 “(I) a minor child;

15 “(II) a person acting as a nomi-
16 nee, intermediary, custodian, or agent
17 on behalf of another person;

18 “(III) a person acting solely as
19 an employee of an entity and whose
20 control over or economic benefits from
21 the entity derives solely from the em-
22 ployment status of the person;

23 “(IV) a person whose only inter-
24 est in an entity is through a right of
25 inheritance, unless the person also

1 meets the requirements of clause (i);
2 or

3 “(V) a creditor of an entity, un-
4 less the creditor also meets the re-
5 quirements of clause (i).

6 “(iii) ANTI-ABUSE RULE.—The excep-
7 tions under clause (ii) shall not apply if
8 used for the purpose of evading, circum-
9 venting, or abusing the provisions of clause
10 (i) or paragraph (2)(A).

11 “(B) DISCLOSURE DATE.—The term ‘dis-
12 closure date’ means—

13 “(i) the first date during any election
14 reporting cycle by which a person has
15 made campaign-related disbursements ag-
16 gregating more than \$10,000; and

17 “(ii) any other date during such elec-
18 tion reporting cycle by which a person has
19 made campaign-related disbursements ag-
20 gregating more than \$10,000 since the
21 most recent disclosure date for such elec-
22 tion reporting cycle.

23 “(C) ELECTION REPORTING CYCLE.—The
24 term ‘election reporting cycle’ means the 2-year
25 period beginning on the date of the most recent

1 general election for Federal office, except that
2 in the case of a campaign-related disbursement
3 for a Federal judicial nomination communica-
4 tion, such term means any calendar year in
5 which the campaign-related disbursement is
6 made.

7 “(D) PAYMENT.—The term ‘payment’ in-
8 cludes any contribution, donation, transfer, pay-
9 ment of dues, or other payment.

10 “(b) COORDINATION WITH OTHER PROVISIONS.—

11 “(1) OTHER REPORTS FILED WITH THE COM-
12 MISSION.—Information included in a statement filed
13 under this section may be excluded from statements
14 and reports filed under section 304.

15 “(2) TREATMENT AS SEPARATE SEGREGATED
16 FUND.—A segregated bank account referred to in
17 subsection (a)(2)(E) may be treated as a separate
18 segregated fund for purposes of section 527(f)(3) of
19 the Internal Revenue Code of 1986.

20 “(c) FILING.—Statements required to be filed under
21 subsection (a) shall be subject to the requirements of sec-
22 tion 304(d) to the same extent and in the same manner
23 as if such reports had been required under subsection (c)
24 or (g) of section 304.

1 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
2 FINED.—

3 “(1) IN GENERAL.—In this section, the term
4 ‘campaign-related disbursement’ means a disburse-
5 ment by a covered organization for any of the fol-
6 lowing:

7 “(A) An independent expenditure which ex-
8 pressly advocates the election or defeat of a
9 clearly identified candidate for election for Fed-
10 eral office, or is the functional equivalent of ex-
11 press advocacy because, when taken as a whole,
12 it can be interpreted by a reasonable person
13 only as advocating the election or defeat of a
14 candidate for election for Federal office.

15 “(B) Any public communication which re-
16 fers to a clearly identified candidate for election
17 for Federal office and which promotes or sup-
18 ports the election of a candidate for that office,
19 or attacks or opposes the election of a candidate
20 for that office, without regard to whether the
21 communication expressly advocates a vote for or
22 against a candidate for that office.

23 “(C) An electioneering communication, as
24 defined in section 304(f)(3).

1 “(D) A Federal judicial nomination com-
2 munication.

3 “(E) A covered transfer.

4 “(2) FEDERAL JUDICIAL NOMINATION COMMU-
5 NICATION.—

6 “(A) IN GENERAL.—The term ‘Federal ju-
7 dicial nomination communication’ means any
8 communication—

9 “(i) that is by means of any broad-
10 cast, cable, or satellite, paid internet, or
11 paid digital communication, paid pro-
12 motion, newspaper, magazine, outdoor ad-
13 vertising facility, mass mailing, telephone
14 bank, telephone messaging effort of more
15 than 500 substantially similar calls or elec-
16 tronic messages within a 30-day period, or
17 any other form of general public political
18 advertising; and

19 “(ii) which promotes, supports, at-
20 tacks, or opposes the nomination or Senate
21 confirmation of an individual as a Federal
22 judge or justice.

23 “(B) EXCEPTION.—Such term shall not in-
24 clude any news story, commentary, or editorial
25 distributed through the facilities of any broad-

1 casting station or any print, online, or digital
2 newspaper, magazine, publication, or periodical,
3 unless such facilities are owned or controlled by
4 any political party, political committee, or can-
5 didate.

6 “(3) EXCEPTION.—The term ‘campaign-related
7 disbursement’ does not include any news story, com-
8 mentary, or editorial distributed through the facili-
9 ties of any broadcasting station or any print, online,
10 or digital newspaper, magazine, publication, or peri-
11 odical, unless such facilities are owned or controlled
12 by any political party, political committee, or can-
13 didate.

14 “(4) INTENT NOT REQUIRED.—A disbursement
15 for an item described in subparagraph (A), (B), (C),
16 (D), or (E) of paragraph (1) shall be treated as a
17 campaign-related disbursement regardless of the in-
18 tent of the person making the disbursement.

19 “(e) COVERED ORGANIZATION DEFINED.—In this
20 section, the term ‘covered organization’ means any of the
21 following:

22 “(1) A corporation (other than an organization
23 described in section 501(c)(3) of the Internal Rev-
24 enue Code of 1986).

1 “(2) A limited liability corporation that is not
2 otherwise treated as a corporation for purposes of
3 this Act (other than an organization described in
4 section 501(c)(3) of the Internal Revenue Code of
5 1986).

6 “(3) An organization described in section
7 501(c) of such Code and exempt from taxation
8 under section 501(a) of such Code (other than an
9 organization described in section 501(c)(3) of such
10 Code).

11 “(4) A labor organization (as defined in section
12 316(b)).

13 “(5) Any political organization under section
14 527 of the Internal Revenue Code of 1986, other
15 than a political committee under this Act (except as
16 provided in paragraph (6)).

17 “(6) A political committee with an account that
18 accepts donations or contributions that do not com-
19 ply with the contribution limits or source prohibi-
20 tions under this Act, but only with respect to such
21 accounts.

22 “(f) COVERED TRANSFER DEFINED.—

23 “(1) IN GENERAL.—In this section, the term
24 ‘covered transfer’ means any transfer or payment of

1 funds by a covered organization to another person if
2 the covered organization—

3 “(A) designates, requests, or suggests that
4 the amounts be used for—

5 “(i) campaign-related disbursements
6 (other than covered transfers); or

7 “(ii) making a transfer to another
8 person for the purpose of making or pay-
9 ing for such campaign-related disburse-
10 ments;

11 “(B) made such transfer or payment in re-
12 sponse to a solicitation or other request for a
13 donation or payment for—

14 “(i) the making of or paying for cam-
15 paign-related disbursements (other than
16 covered transfers); or

17 “(ii) making a transfer to another
18 person for the purpose of making or pay-
19 ing for such campaign-related disburse-
20 ments;

21 “(C) engaged in discussions with the re-
22 cipient of the transfer or payment regarding—

23 “(i) the making of or paying for cam-
24 paign-related disbursements (other than
25 covered transfers); or

1 “(ii) donating or transferring any
2 amount of such transfer or payment to an-
3 other person for the purpose of making or
4 paying for such campaign-related disburse-
5 ments;

6 “(D) made campaign-related disburse-
7 ments (other than a covered transfer) in an ag-
8 gregate amount of \$50,000 or more during the
9 2-year period ending on the date of the transfer
10 or payment, or knew or had reason to know
11 that the person receiving the transfer or pay-
12 ment made such disbursements in such an ag-
13 gregate amount during that 2-year period; or

14 “(E) knew or had reason to know that the
15 person receiving the transfer or payment would
16 make campaign-related disbursements in an ag-
17 gregate amount of \$50,000 or more during the
18 2-year period beginning on the date of the
19 transfer or payment.

20 “(2) EXCLUSIONS.—The term ‘covered transfer’
21 does not include any of the following:

22 “(A) A disbursement made by a covered
23 organization in a commercial transaction in the
24 ordinary course of any trade or business con-
25 ducted by the covered organization or in the

1 form of investments made by the covered orga-
2 nization.

3 “(B) A disbursement made by a covered
4 organization if—

5 “(i) the covered organization prohib-
6 ited, in writing, the use of such disburse-
7 ment for campaign-related disbursements;
8 and

9 “(ii) the recipient of the disbursement
10 agreed to follow the prohibition and depos-
11 ited the disbursement in an account which
12 is segregated from any account used to
13 make campaign-related disbursements.

14 “(3) SPECIAL RULE REGARDING TRANSFERS
15 AMONG AFFILIATES.—

16 “(A) SPECIAL RULE.—A transfer of an
17 amount by one covered organization to another
18 covered organization which is treated as a
19 transfer between affiliates under subparagraph
20 (C) shall be considered a covered transfer by
21 the covered organization which transfers the
22 amount only if the aggregate amount trans-
23 ferred during the year by such covered organi-
24 zation to that same covered organization is
25 equal to or greater than \$50,000.

1 “(B) DETERMINATION OF AMOUNT OF
2 CERTAIN PAYMENTS AMONG AFFILIATES.—In
3 determining the amount of a transfer between
4 affiliates for purposes of subparagraph (A), to
5 the extent that the transfer consists of funds
6 attributable to dues, fees, or assessments which
7 are paid by individuals on a regular, periodic
8 basis in accordance with a per-individual cal-
9 culation which is made on a regular basis, the
10 transfer shall be attributed to the individuals
11 paying the dues, fees, or assessments and shall
12 not be attributed to the covered organization.

13 “(C) DESCRIPTION OF TRANSFERS BE-
14 TWEEN AFFILIATES.—A transfer of amounts
15 from one covered organization to another cov-
16 ered organization shall be treated as a transfer
17 between affiliates if—

18 “(i) one of the organizations is an af-
19 filiate of the other organization; or

20 “(ii) each of the organizations is an
21 affiliate of the same organization,

22 except that the transfer shall not be treated as
23 a transfer between affiliates if one of the orga-
24 nizations is established for the purpose of mak-
25 ing campaign-related disbursements.

1 “(D) DETERMINATION OF AFFILIATE STA-
2 TUS.—For purposes of subparagraph (C), a
3 covered organization is an affiliate of another
4 covered organization if—

5 “(i) the governing instrument of the
6 organization requires it to be bound by de-
7 cisions of the other organization;

8 “(ii) the governing board of the orga-
9 nization includes persons who are specifi-
10 cally designated representatives of the
11 other organization or are members of the
12 governing board, officers, or paid executive
13 staff members of the other organization, or
14 whose service on the governing board is
15 contingent upon the approval of the other
16 organization; or

17 “(iii) the organization is chartered by
18 the other organization.

19 “(E) COVERAGE OF TRANSFERS TO AF-
20 FILATED SECTION 501(c)(3) ORGANIZA-
21 TIONS.—This paragraph shall apply with re-
22 spect to an amount transferred by a covered or-
23 ganization to an organization described in para-
24 graph (3) of section 501(c) of the Internal Rev-
25 enue Code of 1986 and exempt from tax under

1 section 501(a) of such Code in the same man-
2 ner as this paragraph applies to an amount
3 transferred by a covered organization to an-
4 other covered organization.

5 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-
6 MENTS.—Nothing in this section shall be construed to
7 waive or otherwise affect any other requirement of this
8 Act which relates to the reporting of campaign-related dis-
9 bursements.”.

10 (2) CONFORMING AMENDMENT.—Section
11 304(f)(6) of such Act (52 U.S.C. 30104) is amended
12 by striking “Any requirement” and inserting “Ex-
13 cept as provided in section 324(b), any require-
14 ment”.

15 (b) COORDINATION WITH FINCEN.—

16 (1) IN GENERAL.—The Director of the Finan-
17 cial Crimes Enforcement Network of the Depart-
18 ment of the Treasury shall provide the Federal Elec-
19 tion Commission with such information as necessary
20 to assist in administering and enforcing section 324
21 of the Federal Election Campaign Act of 1971, as
22 added by this section.

23 (2) REPORT.—Not later than 6 months after
24 the date of the enactment of this Act, the Chairman
25 of the Federal Election Commission, in consultation

1 with the Director of the Financial Crimes Enforce-
2 ment Network of the Department of the Treasury,
3 shall submit to Congress a report with recommenda-
4 tions for providing further legislative authority to as-
5 sist in the administration and enforcement of such
6 section 324.

7 **SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
8 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
9 **BURSEMENTS CONSISTING OF COVERED**
10 **TRANSFERS.**

11 Section 319(a)(1)(A) of the Federal Election Cam-
12 paign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amend-
13 ed by section 4102, is amended by striking the semicolon
14 at the end and inserting the following: “, and any dis-
15 bursement, other than an disbursement described in sec-
16 tion 324(a)(3)(A), to another person who made a cam-
17 paign-related disbursement consisting of a covered trans-
18 fer (as described in section 324) during the 2-year period
19 ending on the date of the disbursement;”.

20 **SEC. 4113. EFFECTIVE DATE.**

21 The amendments made by this part shall apply with
22 respect to disbursements made on or after January 1,
23 2022, and shall take effect without regard to whether or
24 not the Federal Election Commission has promulgated
25 regulations to carry out such amendments.

1 **PART 3—OTHER ADMINISTRATIVE REFORMS**

2 **SEC. 4121. PETITION FOR CERTIORARI.**

3 Section 307(a)(6) of the Federal Election Campaign
4 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
5 serting “(including a proceeding before the Supreme
6 Court on certiorari)” after “appeal”.

7 **SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO**
8 **CAMPAIGN FINANCE LAWS.**

9 (a) IN GENERAL.—Title IV of the Federal Election
10 Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is
11 amended by inserting after section 406 the following new
12 section:

13 **“SEC. 407. JUDICIAL REVIEW.**

14 “(a) IN GENERAL.—Notwithstanding section 373(f),
15 if any action is brought for declaratory or injunctive relief
16 to challenge, whether facially or as-applied, the constitu-
17 tionality or lawfulness of any provision of this Act or of
18 chapter 95 or 96 of the Internal Revenue Code of 1986,
19 or is brought to with respect to any action of the Commis-
20 sion under chapter 95 or 96 of the Internal Revenue Code
21 of 1986, the following rules shall apply:

22 “(1) The action shall be filed in the United
23 States District Court for the District of Columbia
24 and an appeal from the decision of the district court
25 may be taken to the Court of Appeals for the Dis-
26 trict of Columbia Circuit.

1 “(2) In the case of an action relating to declar-
2 atory or injunctive relief to challenge the constitu-
3 tionality of a provision, the party filing the action
4 shall concurrently deliver a copy the complaint to
5 the Clerk of the House of Representatives and the
6 Secretary of the Senate.

7 “(3) It shall be the duty of the United States
8 District Court for the District of Columbia and the
9 Court of Appeals for the District of Columbia Cir-
10 cuit to advance on the docket and to expedite to the
11 greatest possible extent the disposition of the action
12 and appeal.

13 “(b) CLARIFYING SCOPE OF JURISDICTION.—If an
14 action at the time of its commencement is not subject to
15 subsection (a), but an amendment, counterclaim, cross-
16 claim, affirmative defense, or any other pleading or motion
17 is filed challenging, whether facially or as-applied, the con-
18 stitutionality or lawfulness of this Act or of chapter 95
19 or 96 of the Internal Revenue Code of 1986, or is brought
20 to with respect to any action of the Commission under
21 chapter 95 or 96 of the Internal Revenue Code of 1986,
22 the district court shall transfer the action to the District
23 Court for the District of Columbia, and the action shall
24 thereafter be conducted pursuant to subsection (a).

1 “(c) INTERVENTION BY MEMBERS OF CONGRESS.—

2 In any action described in subsection (a) relating to de-
3 claratory or injunctive relief to challenge the constitu-
4 tionality of a provision, any Member of the House of Rep-
5 resentatives (including a Delegate or Resident Commis-
6 sioner to the Congress) or Senate shall have the right to
7 intervene either in support of or opposition to the position
8 of a party to the case regarding the constitutionality of
9 the provision. To avoid duplication of efforts and reduce
10 the burdens placed on the parties to the action, the court
11 in any such action may make such orders as it considers
12 necessary, including orders to require interveners taking
13 similar positions to file joint papers or to be represented
14 by a single attorney at oral argument.

15 “(d) CHALLENGE BY MEMBERS OF CONGRESS.—Any
16 Member of Congress may bring an action, subject to the
17 special rules described in subsection (a), for declaratory
18 or injunctive relief to challenge, whether facially or as-ap-
19 plied, the constitutionality of any provision of this Act or
20 chapter 95 or 96 of the Internal Revenue Code of 1986.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 9011 of the Internal Revenue Code
23 of 1986 is amended to read as follows:

1 **“SEC. 9011. JUDICIAL REVIEW.**

2 “For provisions relating to judicial review of certifi-
3 cations, determinations, and actions by the Commission
4 under this chapter, see section 407 of the Federal Election
5 Campaign Act of 1971.”.

6 (2) Section 9041 of the Internal Revenue Code
7 of 1986 is amended to read as follows:

8 **“SEC. 9041. JUDICIAL REVIEW.**

9 “For provisions relating to judicial review of actions
10 by the Commission under this chapter, see section 407 of
11 the Federal Election Campaign Act of 1971.”.

12 (3) Section 310 of the Federal Election Cam-
13 paign Act of 1971 (52 U.S.C. 30110) is repealed.

14 (4) Section 403 of the Bipartisan Campaign
15 Reform Act of 2002 (52 U.S.C. 30110 note) is re-
16 pealed.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to actions brought on or after Jan-
19 uary 1, 2021.

1 **PART 4—DISCLOSURE OF CONTRIBUTIONS TO**
2 **POLITICAL COMMITTEES IMMEDIATELY**
3 **PRIOR TO ELECTION**

4 **SEC. 4131. DISCLOSURE OF CONTRIBUTIONS TO POLITICAL**
5 **COMMITTEES IMMEDIATELY PRIOR TO ELEC-**
6 **TION.**

7 (a) DISCLOSURE.—Section 304(a)(6) of the Federal
8 Election Campaign Act of 1971 (52 U.S.C. 30104(a)(6))
9 is amended—

10 (1) by redesignating subparagraphs (D) and
11 (E) as subparagraphs (E) and (F); and

12 (2) by inserting after subparagraph (C) the fol-
13 lowing new subparagraph:

14 “(D)(i) A political committee, including a super PAC,
15 shall notify the Commission of any contribution or dona-
16 tion of more than \$5,000 received by the committee during
17 the period beginning on the 20th day before any election
18 in connection with which the committee makes a contribu-
19 tion or expenditure and ending 48 hours before such an
20 election.

21 “(ii) The committee shall make the notification under
22 clause (i) not later than 48 hours after the receipt of the
23 contribution or donation involved, and shall include the
24 name of the committee, the name of the person making
25 the contribution or donation, and the date and amount
26 of the contribution or donation.

1 “(iii) For purposes of this subparagraph, a pledge,
 2 promise, understanding, or agreement to make a contribu-
 3 tion or expenditure with respect to an election shall be
 4 treated as the making of a contribution or expenditure
 5 with respect to the election.

6 “(iv) This subparagraph does not apply to an author-
 7 ized committee of a candidate or any committee of a polit-
 8 ical party.

9 “(v) In this subparagraph, the term ‘super PAC’
 10 means a political committee which accepts donations or
 11 contributions that do not comply with the limitations, pro-
 12 hibitions, and reporting requirements of this Act, and in-
 13 cludes an account of such a committee which is established
 14 for the purpose of accepting such donations or contribu-
 15 tions.”.

16 (b) EFFECTIVE DATE.—The amendment made by
 17 subsection (a) shall apply with respect to elections occur-
 18 ring during 2022 or any succeeding year.

19 **Subtitle C—Strengthening Over-**
 20 **sight of Online Political Adver-**
 21 **tising**

22 **SEC. 4201. SHORT TITLE.**

23 This subtitle may be cited as the “Honest Ads Act”.

1 **SEC. 4202. PURPOSE.**

2 The purpose of this subtitle is to enhance the integ-
3 rity of American democracy and national security by im-
4 proving disclosure requirements for online political adver-
5 tisements in order to uphold the Supreme Court’s well-
6 established standard that the electorate bears the right to
7 be fully informed.

8 **SEC. 4203. FINDINGS.**

9 Congress makes the following findings:

10 (1) On January 6, 2017, the Office of the Di-
11 rector of National Intelligence published a report ti-
12 tled “Assessing Russian Activities and Intentions in
13 Recent U.S. Elections”, noting that “Russian Presi-
14 dent Vladimir Putin ordered an influence campaign
15 in 2016 aimed at the US presidential election * *
16 *”. Moscow’s influence campaign followed a Russian
17 messaging strategy that blends covert intelligence
18 operation—such as cyber activity—with overt efforts
19 by Russian Government agencies, state-funded
20 media, third-party intermediaries, and paid social
21 media users or “trolls”.

22 (2) On November 24, 2016, The Washington
23 Post reported findings from 2 teams of independent
24 researchers that concluded Russians “exploited
25 American-made technology platforms to attack U.S.
26 democracy at a particularly vulnerable moment * *

1 * as part of a broadly effective strategy of sowing
2 distrust in U.S. democracy and its leaders.”.

3 (3) Findings from a 2017 study on the manipu-
4 lation of public opinion through social media con-
5 ducted by the Computational Propaganda Research
6 Project at the Oxford Internet Institute found that
7 the Kremlin is using pro-Russian bots to manipulate
8 public discourse to a highly targeted audience. With
9 a sample of nearly 1,300,000 tweets, researchers
10 found that in the 2016 election’s 3 decisive States,
11 propaganda constituted 40 percent of the sampled
12 election-related tweets that went to Pennsylvanians,
13 34 percent to Michigan voters, and 30 percent to
14 those in Wisconsin. In other swing States, the figure
15 reached 42 percent in Missouri, 41 percent in Flor-
16 ida, 40 percent in North Carolina, 38 percent in
17 Colorado, and 35 percent in Ohio.

18 (4) On September 6, 2017, the Nation’s largest
19 social media platform disclosed that between June
20 2015 and May 2017, Russian entities purchased
21 \$100,000 in political advertisements, publishing
22 roughly 3,000 ads linked to fake accounts associated
23 with the Internet Research Agency, a pro-Kremlin
24 organization. According to the company, the ads

1 purchased focused “on amplifying divisive social and
2 political messages * * *”.

3 (5) In 2002, the Bipartisan Campaign Reform
4 Act became law, establishing disclosure requirements
5 for political advertisements distributed from a tele-
6 vision or radio broadcast station or provider of cable
7 or satellite television. In 2003, the Supreme Court
8 upheld regulations on electioneering communications
9 established under the Act, noting that such require-
10 ments “provide the electorate with information and
11 insure that the voters are fully informed about the
12 person or group who is speaking.”.

13 (6) According to a study from Borrell Associ-
14 ates, in 2016, \$1,415,000,000 was spent on online
15 advertising, more than quadruple the amount in
16 2012.

17 (7) The reach of a few large internet plat-
18 forms—larger than any broadcast, satellite, or cable
19 provider—has greatly facilitated the scope and effec-
20 tiveness of disinformation campaigns. For instance,
21 the largest platform has over 210,000,000 Ameri-
22 cans users—over 160,000,000 of them on a daily
23 basis. By contrast, the largest cable television pro-
24 vider has 22,430,000 subscribers, while the largest
25 satellite television provider has 21,000,000 sub-

1 scribers. And the most-watched television broadcast
2 in United States history had 118,000,000 viewers.

3 (8) The public nature of broadcast television,
4 radio, and satellite ensures a level of publicity for
5 any political advertisement. These communications
6 are accessible to the press, fact-checkers, and polit-
7 ical opponents; this creates strong disincentives for
8 a candidate to disseminate materially false, inflam-
9 matory, or contradictory messages to the public. So-
10 cial media platforms, in contrast, can target portions
11 of the electorate with direct, ephemeral advertise-
12 ments often on the basis of private information the
13 platform has on individuals, enabling political adver-
14 tisements that are contradictory, racially or socially
15 inflammatory, or materially false.

16 (9) According to comScore, 2 companies own 8
17 of the 10 most popular smart phone applications as
18 of June 2017, including the most popular social
19 media and email services—which deliver information
20 and news to users without requiring proactivity by
21 the user. Those same 2 companies accounted for 99
22 percent of revenue growth from digital advertising in
23 2016, including 77 percent of gross spending. 79
24 percent of online Americans—representing 68 per-
25 cent of all Americans—use the single largest social

1 network, while 66 percent of these users are most
2 likely to get their news from that site.

3 (10) In its 2006 rulemaking, the Federal Elec-
4 tion Commission noted that only 18 percent of all
5 Americans cited the internet as their leading source
6 of news about the 2004 Presidential election; by con-
7 trast, the Pew Research Center found that 65 per-
8 cent of Americans identified an internet-based
9 source as their leading source of information for the
10 2016 election.

11 (11) The Federal Election Commission, the
12 independent Federal agency charged with protecting
13 the integrity of the Federal campaign finance proc-
14 ess by providing transparency and administering
15 campaign finance laws, has failed to take action to
16 address online political advertisements.

17 (12) In testimony before the Senate Select
18 Committee on Intelligence titled, “Disinformation: A
19 Primer in Russian Active Measures and Influence
20 Campaigns”, multiple expert witnesses testified that
21 while the disinformation tactics of foreign adver-
22 saries have not necessarily changed, social media
23 services now provide “platform[s] practically pur-
24 pose-built for active measures[.]” Similarly, as Gen.
25 Keith B. Alexander (RET.), the former Director of

1 the National Security Agency, testified, during the
2 Cold War “if the Soviet Union sought to manipulate
3 information flow, it would have to do so principally
4 through its own propaganda outlets or through ac-
5 tive measures that would generate specific news:
6 planting of leaflets, inciting of violence, creation of
7 other false materials and narratives. But the news
8 itself was hard to manipulate because it would have
9 required actual control of the organs of media, which
10 took long-term efforts to penetrate. Today, however,
11 because the clear majority of the information on so-
12 cial media sites is uncensored and there is a rapid
13 proliferation of information sources and other sites
14 that can reinforce information, there is an increasing
15 likelihood that the information available to average
16 consumers may be inaccurate (whether intentionally
17 or otherwise) and may be more easily manipulable
18 than in prior eras.”.

19 (13) Current regulations on political advertise-
20 ments do not provide sufficient transparency to up-
21 hold the public’s right to be fully informed about po-
22 litical advertisements made online.

23 **SEC. 4204. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1 (1) the dramatic increase in digital political ad-
2 vertisements, and the growing centrality of online
3 platforms in the lives of Americans, requires the
4 Congress and the Federal Election Commission to
5 take meaningful action to ensure that laws and reg-
6 ulations provide the accountability and transparency
7 that is fundamental to our democracy;

8 (2) free and fair elections require both trans-
9 parency and accountability which give the public a
10 right to know the true sources of funding for polit-
11 ical advertisements in order to make informed polit-
12 ical choices and hold elected officials accountable;
13 and

14 (3) transparency of funding for political adver-
15 tisements is essential to enforce other campaign fi-
16 nance laws, including the prohibition on campaign
17 spending by foreign nationals.

18 **SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
19 **NICATION.**

20 (a) IN GENERAL.—Paragraph (22) of section 301 of
21 the Federal Election Campaign Act of 1971 (52 U.S.C.
22 30101(22)) is amended by striking “or satellite commu-
23 nication” and inserting “satellite, paid internet, or paid
24 digital communication”.

1 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
2 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
3 amended—

4 (1) in paragraph (8)(B)(v), by striking “on
5 broadcasting stations, or in newspapers, magazines,
6 or similar types of general public political adver-
7 tising” and inserting “in any public communica-
8 tion”; and

9 (2) in paragraph (9)(B)—

10 (A) by amending clause (i) to read as fol-
11 lows:

12 “(i) any news story, commentary, or
13 editorial distributed through the facilities
14 of any broadcasting station or any print,
15 online, or digital newspaper, magazine,
16 blog, publication, or periodical, unless such
17 broadcasting, print, online, or digital facili-
18 ties are owned or controlled by any polit-
19 ical party, political committee, or can-
20 didate;” and

21 (B) in clause (iv), by striking “on broad-
22 casting stations, or in newspapers, magazines,
23 or similar types of general public political ad-
24 vertising” and inserting “in any public commu-
25 nication”.

1 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
2 Subsection (a) of section 318 of such Act (52 U.S.C.
3 30120) is amended—

4 (1) by striking “financing any communication
5 through any broadcasting station, newspaper, maga-
6 zine, outdoor advertising facility, mailing, or any
7 other type of general public political advertising”
8 and inserting “financing any public communication”;
9 and

10 (2) by striking “solicits any contribution
11 through any broadcasting station, newspaper, maga-
12 zine, outdoor advertising facility, mailing, or any
13 other type of general public political advertising”
14 and inserting “solicits any contribution through any
15 public communication”.

16 **SEC. 4206. EXPANSION OF DEFINITION OF ELECTION-**
17 **EERING COMMUNICATION.**

18 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

19 (1) APPLICATION TO QUALIFIED INTERNET AND
20 DIGITAL COMMUNICATIONS.—

21 (A) IN GENERAL.—Subparagraph (A) of
22 section 304(f)(3) of the Federal Election Cam-
23 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
24 is amended by striking “or satellite communica-
25 tion” each place it appears in clauses (i) and

(ii) and inserting “satellite, or qualified internet or digital communication”.

(B) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—Paragraph (3) of section 304(f) of such Act (52 U.S.C. 30104(f)) is amended by adding at the end the following new subparagraph:

“(D) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—The term ‘qualified internet or digital communication’ means any communication which is placed or promoted for a fee on an online platform (as defined in subsection (k)(3)).”.

(2) NONAPPLICATION OF RELEVANT ELECTORATE TO ONLINE COMMUNICATIONS.—Section 304(f)(3)(A)(i)(III) of such Act (52 U.S.C. 30104(f)(3)(A)(i)(III)) is amended by inserting “any broadcast, cable, or satellite” before “communication”.

(3) NEWS EXEMPTION.—Section 304(f)(3)(B)(i) of such Act (52 U.S.C. 30104(f)(3)(B)(i)) is amended to read as follows:

“(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any

1 broadcasting station or any online or dig-
2 ital newspaper, magazine, blog, publica-
3 tion, or periodical, unless such broad-
4 casting, online, or digital facilities are
5 owned or controlled by any political party,
6 political committee, or candidate;”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to communications
9 made on or after January 1, 2022.

10 **SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO**
11 **ONLINE COMMUNICATIONS.**

12 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
13 MENT.—Subsection (a) of section 318 of the Federal Elec-
14 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
15 amended—

16 (1) by striking “shall clearly state” each place
17 it appears in paragraphs (1), (2), and (3) and in-
18 serting “shall state in a clear and conspicuous man-
19 ner”; and

20 (2) by adding at the end the following flush
21 sentence: “For purposes of this section, a commu-
22 nication does not make a statement in a clear and
23 conspicuous manner if it is difficult to read or hear
24 or if the placement is easily overlooked.”.

1 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
2 DIGITAL COMMUNICATIONS.—

3 (1) IN GENERAL.—Section 318 of such Act (52
4 U.S.C. 30120) is amended by adding at the end the
5 following new subsection:

6 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
7 DIGITAL COMMUNICATIONS.—

8 “(1) SPECIAL RULES WITH RESPECT TO STATE-
9 MENTS.—In the case of any qualified internet or
10 digital communication (as defined in section
11 304(f)(3)(D)) which is disseminated through a me-
12 dium in which the provision of all of the information
13 specified in this section is not possible, the commu-
14 nication shall, in a clear and conspicuous manner—

15 “(A) state the name of the person who
16 paid for the communication; and

17 “(B) provide a means for the recipient of
18 the communication to obtain the remainder of
19 the information required under this section with
20 minimal effort and without receiving or viewing
21 any additional material other than such re-
22 quired information.

23 “(2) SAFE HARBOR FOR DETERMINING CLEAR
24 AND CONSPICUOUS MANNER.—A statement in quali-
25 fied internet or digital communication (as defined in

1 section 304(f)(3)(D)) shall be considered to be made
2 in a clear and conspicuous manner as provided in
3 subsection (a) if the communication meets the fol-
4 lowing requirements:

5 “(A) TEXT OR GRAPHIC COMMUNICA-
6 TIONS.—In the case of a text or graphic com-
7 munication, the statement—

8 “(i) appears in letters at least as large
9 as the majority of the text in the commu-
10 nication; and

11 “(ii) meets the requirements of para-
12 graphs (2) and (3) of subsection (c).

13 “(B) AUDIO COMMUNICATIONS.—In the
14 case of an audio communication, the statement
15 is spoken in a clearly audible and intelligible
16 manner at the beginning or end of the commu-
17 nication and lasts at least 3 seconds.

18 “(C) VIDEO COMMUNICATIONS.—In the
19 case of a video communication which also in-
20 cludes audio, the statement—

21 “(i) is included at either the beginning
22 or the end of the communication; and

23 “(ii) is made both in—

24 “(I) a written format that meets
25 the requirements of subparagraph (A)

1 and appears for at least 4 seconds;

2 and

3 “(II) an audible format that
4 meets the requirements of subpara-
5 graph (B).

6 “(D) OTHER COMMUNICATIONS.—In the
7 case of any other type of communication, the
8 statement is at least as clear and conspicuous
9 as the statement specified in subparagraph (A),
10 (B), or (C).”.

11 (2) NONAPPLICATION OF CERTAIN EXCEP-
12 TIONS.—The exceptions provided in section
13 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
14 Regulations, or any successor to such rules, shall
15 have no application to qualified internet or digital
16 communications (as defined in section 304(f)(3)(D)
17 of the Federal Election Campaign Act of 1971).

18 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
19 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
20 Act (52 U.S.C. 30120(d)) is amended—

21 (1) in paragraph (1)(A)—

22 (A) by striking “which is transmitted
23 through radio” and inserting “which is in an
24 audio format”; and

1 (B) by striking “BY RADIO” in the heading
2 and inserting “AUDIO FORMAT”;

3 (2) in paragraph (1)(B)—

4 (A) by striking “which is transmitted
5 through television” and inserting “which is in
6 video format”; and

7 (B) by striking “BY TELEVISION” in the
8 heading and inserting “VIDEO FORMAT”; and
9 (3) in paragraph (2)—

10 (A) by striking “transmitted through radio
11 or television” and inserting “made in audio or
12 video format”; and

13 (B) by striking “through television” in the
14 second sentence and inserting “in video for-
15 mat”.

16 **SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ON-**
17 **LINE PLATFORMS.**

18 (a) IN GENERAL.—Section 304 of the Federal Elec-
19 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
20 ed by section 4002, is amended by adding at the end the
21 following new subsection:

22 “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
23 MENTS.—

24 “(1) IN GENERAL.—

1 “(A) REQUIREMENTS FOR ONLINE PLAT-
2 FORMS.—An online platform shall maintain,
3 and make available for online public inspection
4 in machine readable format, a complete record
5 of any request to purchase on such online plat-
6 form a qualified political advertisement which is
7 made by a person whose aggregate requests to
8 purchase qualified political advertisements on
9 such online platform during the calendar year
10 exceeds \$500.

11 “(B) REQUIREMENTS FOR ADVER-
12 TISERS.—Any person who requests to purchase
13 a qualified political advertisement on an online
14 platform shall provide the online platform with
15 such information as is necessary for the online
16 platform to comply with the requirements of
17 subparagraph (A).

18 “(2) CONTENTS OF RECORD.—A record main-
19 tained under paragraph (1)(A) shall contain—

20 “(A) a digital copy of the qualified political
21 advertisement;

22 “(B) a description of the audience targeted
23 by the advertisement, the number of views gen-
24 erated from the advertisement, the number of
25 views by unique individuals generated by the

1 advertisement, the number of times the adver-
2 tisement was shared, and the date and time
3 that the advertisement is first displayed and
4 last displayed; and

5 “(C) information regarding—

6 “(i) the average rate charged for the
7 advertisement;

8 “(ii) the name of the candidate to
9 which the advertisement refers and the of-
10 fice to which the candidate is seeking elec-
11 tion, the election to which the advertise-
12 ment refers, or the national legislative
13 issue to which the advertisement refers (as
14 applicable);

15 “(iii) in the case of a request made
16 by, or on behalf of, a candidate, the name
17 of the candidate, the authorized committee
18 of the candidate, and the treasurer of such
19 committee; and

20 “(iv) in the case of any request not
21 described in clause (iii), the name of the
22 person purchasing the advertisement, the
23 name and address of a contact person for
24 such person, and a list of the chief execu-
25 tive officers or members of the executive

1 committee or of the board of directors of
2 such person, and, if the person purchasing
3 the advertisement is acting as the agent of
4 a foreign principal under the Foreign
5 Agents Registration Act of 1938, as
6 amended (22 U.S.C. 611 et seq.), a state-
7 ment that the person is acting as the agent
8 of a foreign principal and the identification
9 of the foreign principal involved.

10 “(3) ONLINE PLATFORM.—For purposes of this
11 subsection, the term ‘online platform’ means any
12 public-facing website, web application, or digital ap-
13 plication (including a social network, ad network, or
14 search engine) which—

15 “(A) sells qualified political advertise-
16 ments; and

17 “(B) has 50,000,000 or more unique
18 monthly United States visitors or users for a
19 majority of months during the preceding 12
20 months.

21 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—
22 For purposes of this subsection, the term ‘qualified
23 political advertisement’ means any advertisement
24 (including search engine marketing, display adver-

1 tisements, video advertisements, native advertise-
2 ments, and sponsorships) that—

3 “(A) is made by or on behalf of a can-
4 didate; or

5 “(B) communicates a message relating to
6 any political matter of national importance, in-
7 cluding—

8 “(i) a candidate;

9 “(ii) any election to Federal office; or

10 “(iii) a national legislative issue of
11 public importance.

12 “(5) TIME TO MAINTAIN FILE.—The informa-
13 tion required under this subsection shall be made
14 available as soon as possible and shall be retained by
15 the online platform for a period of not less than 4
16 years.

17 “(6) SAFE HARBOR FOR PLATFORMS MAKING
18 BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE
19 SUBJECT TO RECORD MAINTENANCE REQUIRE-
20 MENTS.—In accordance with rules established by the
21 Commission, if an online platform shows that the
22 platform used best efforts to determine whether or
23 not a request to purchase a qualified political adver-
24 tisement was subject to the requirements of this sub-

1 section, the online platform shall not be considered
2 to be in violation of such requirements.

3 “(7) PENALTIES.—For penalties for failure by
4 online platforms, and persons requesting to purchase
5 a qualified political advertisement on online plat-
6 forms, to comply with the requirements of this sub-
7 section, see section 309.”.

8 (b) RULEMAKING.—Not later than 120 days after the
9 date of the enactment of this Act, the Federal Election
10 Commission shall establish rules—

11 (1) requiring common data formats for the
12 record required to be maintained under section
13 304(k) of the Federal Election Campaign Act of
14 1971 (as added by subsection (a)) so that all online
15 platforms submit and maintain data online in a com-
16 mon, machine-readable and publicly accessible for-
17 mat;

18 (2) establishing search interface requirements
19 relating to such record, including searches by can-
20 didate name, issue, purchaser, and date; and

21 (3) establishing the criteria for the safe harbor
22 exception provided under paragraph (6) of section
23 304(k) of such Act (as added by subsection (a)).

24 (c) REPORTING.—Not later than 2 years after the
25 date of the enactment of this Act, and biannually there-

1 after, the Chairman of the Federal Election Commission
2 shall submit a report to Congress on—

3 (1) matters relating to compliance with and the
4 enforcement of the requirements of section 304(k) of
5 the Federal Election Campaign Act of 1971, as
6 added by subsection (a);

7 (2) recommendations for any modifications to
8 such section to assist in carrying out its purposes;
9 and

10 (3) identifying ways to bring transparency and
11 accountability to political advertisements distributed
12 online for free.

13 **SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
14 **INDEPENDENT EXPENDITURES, AND DIS-**
15 **BURSEMENTS FOR ELECTIONEERING COM-**
16 **MUNICATIONS BY FOREIGN NATIONALS IN**
17 **THE FORM OF ONLINE ADVERTISING.**

18 Section 319 of the Federal Election Campaign Act
19 of 1971 (52 U.S.C. 30121), as amended by section
20 4101(b), is further amended by adding at the end the fol-
21 lowing new subsection:

22 “(d) RESPONSIBILITIES OF BROADCAST STATIONS,
23 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
24 ONLINE PLATFORMS.—

1 “(1) RESPONSIBILITIES DESCRIBED.—Each tel-
2 evision or radio broadcast station, provider of cable
3 or satellite television, or online platform (as defined
4 in section 304(k)(3)) shall make reasonable efforts
5 to ensure that communications described in section
6 318(a) and made available by such station, provider,
7 or platform are not purchased by a foreign national,
8 directly or indirectly. For purposes of the previous
9 sentence, a station, provider, or online platform shall
10 not be considered to have made reasonable efforts
11 under this paragraph in the case of the availability
12 of a communication unless the station, provider, or
13 online platform directly inquires from the individual
14 or entity making such purchase whether the pur-
15 chase is to be made by a foreign national, directly
16 or indirectly.

17 “(2) SPECIAL RULES FOR DISBURSEMENT PAID
18 WITH CREDIT CARD.—For purposes of paragraph
19 (1), a television or radio broadcast station, provider
20 of cable or satellite television, or online platform
21 shall be considered to have made reasonable efforts
22 under such paragraph in the case of a purchase of
23 the availability of a communication which is made
24 with a credit card if—

1 “(A) the individual or entity making such
2 purchase is required, at the time of making
3 such purchase, to disclose the credit verification
4 value of such credit card; and

5 “(B) the billing address associated with
6 such credit card is located in the United States
7 or, in the case of a purchase made by an indi-
8 vidual who is a United States citizen living out-
9 side of the United States, the individual pro-
10 vides the television or radio broadcast station,
11 provider of cable or satellite television, or online
12 platform with the United States mailing ad-
13 dress the individual uses for voter registration
14 purposes.”.

15 **SEC. 4210. INDEPENDENT STUDY ON MEDIA LITERACY AND**
16 **ONLINE POLITICAL CONTENT CONSUMPTION.**

17 (a) INDEPENDENT STUDY.—Not later than 30 days
18 after the date of enactment of this Act, the Federal Elec-
19 tion Commission shall commission an independent study
20 and report on media literacy with respect to online polit-
21 ical content consumption among voting-age Americans.

22 (b) ELEMENTS.—The study and report under sub-
23 section (a) shall include the following:

24 (1) An evaluation of media literacy skills, such
25 as the ability to evaluate sources, synthesize multiple

1 accounts into a coherent understanding of an issue,
2 understand the context of communications, and re-
3 sponsibly create and share information, among vot-
4 ing-age Americans.

5 (2) An analysis of the effects of media literacy
6 education and particular media literacy skills on the
7 ability to critically consume online political content,
8 including political advertising.

9 (3) Recommendations for improving voting-age
10 Americans' ability to critically consume online polit-
11 ical content, including political advertising.

12 (c) DEADLINE.—Not later than 270 days after the
13 date of enactment of this Act, the entity conducting the
14 study and report under subsection (a) shall submit the re-
15 port to the Commission.

16 (d) SUBMISSION TO CONGRESS.—Not later than 30
17 days after receiving the report under subsection (c), the
18 Commission shall submit the report to the Committee on
19 House Administration of the House of Representatives
20 and the Committee on Rules and Administration of the
21 Senate, together with such comments on the report as the
22 Commission considers appropriate.

23 (e) DEFINITION OF MEDIA LITERACY.—The term
24 “media literacy” means the ability to—

- 1 (1) access relevant and accurate information
- 2 through media;
- 3 (2) critically analyze media content and the in-
- 4 fluences of media;
- 5 (3) evaluate the comprehensiveness, relevance,
- 6 credibility, authority, and accuracy of information;
- 7 (4) make educated decisions based on informa-
- 8 tion obtained from media and digital sources;
- 9 (5) operate various forms of technology and
- 10 digital tools; and
- 11 (6) reflect on how the use of media and tech-
- 12 nology may affect private and public life.

13 **SEC. 4211. REQUIRING ONLINE PLATFORMS TO DISPLAY**
14 **NOTICES IDENTIFYING SPONSORS OF POLIT-**
15 **ICAL ADVERTISEMENTS AND TO ENSURE NO-**
16 **TICES CONTINUE TO BE PRESENT WHEN AD-**
17 **VERTISEMENTS ARE SHARED.**

18 (a) REQUIREMENT.—Section 304 of the Federal
19 Election Campaign Act of 1971 (52 U.S.C. 30104), as
20 amended by section 4002 and section 4208(a), is amended
21 by adding at the end the following new subsection:

22 “(l) ENSURING DISPLAY AND SHARING OF SPONSOR
23 IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-
24 MENTS.—

1 “(1) REQUIREMENT.— An online platform dis-
2 playing a qualified political advertisement shall—

3 “(A) display with the advertisement a visi-
4 ble notice identifying the sponsor of the adver-
5 tisement (or, if it is not practical for the plat-
6 form to display such a notice, a notice that the
7 advertisement is sponsored by a person other
8 than the platform); and

9 “(B) ensure that the notice will continue to
10 be displayed if a viewer of the advertisement
11 shares the advertisement with others on that
12 platform.

13 “(2) DEFINITIONS.—In this subsection,—

14 “(A) the term ‘online platform’ has the
15 meaning given such term in subsection (k)(3);
16 and

17 “(B) the term ‘qualified political advertise-
18 ment’ has the meaning given such term in sub-
19 section (k)(4).”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply with respect to advertisements
22 displayed on or after the 120-day period which begins on
23 the date of the enactment of this Act.

1 **Subtitle D—Stand By Every Ad**

2 **SEC. 4301. SHORT TITLE.**

3 This subtitle may be cited as the “Stand By Every
4 Ad Act”.

5 **SEC. 4302. STAND BY EVERY AD.**

6 (a) EXPANDED DISCLAIMER REQUIREMENTS FOR
7 CERTAIN COMMUNICATIONS.—Section 318 of the Federal
8 Election Campaign Act of 1971 (52 U.S.C. 30120), as
9 amended by section 4207(b)(1), is further amended—

10 (1) by redesignating subsection (e) as sub-
11 section (f); and

12 (2) by inserting after subsection (d) the fol-
13 lowing new subsection:

14 “(e) EXPANDED DISCLAIMER REQUIREMENTS FOR
15 COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR
16 COMMITTEES.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (6), any communication described in para-
19 graph (3) of subsection (a) which is transmitted in
20 an audio or video format (including an Internet or
21 digital communication), or which is an Internet or
22 digital communication transmitted in a text or
23 graphic format, shall include, in addition to the re-
24 quirements of paragraph (3) of subsection (a), the
25 following:

1 “(A) The individual disclosure statement
2 described in paragraph (2)(A) (if the person
3 paying for the communication is an individual)
4 or the organizational disclosure statement de-
5 scribed in paragraph (2)(B) (if the person pay-
6 ing for the communication is not an individual).

7 “(B) If the communication is transmitted
8 in a video format, or is an Internet or digital
9 communication which is transmitted in a text or
10 graphic format, and is paid for in whole or in
11 part with a payment which is treated as a cam-
12 paign-related disbursement under section 324—

13 “(i) the Top Five Funders list (if ap-
14 plicable); or

15 “(ii) in the case of a communication
16 which, as determined on the basis of cri-
17 teria established in regulations issued by
18 the Commission, is of such short duration
19 that including the Top Five Funders list in
20 the communication would constitute a
21 hardship to the person paying for the com-
22 munication by requiring a disproportionate
23 amount of the content of the communica-
24 tion to consist of the Top Five Funders
25 list, the name of a website which contains

1 the Top Five Funders list (if applicable)
2 or, in the case of an Internet or digital
3 communication, a hyperlink to such
4 website.

5 “(C) If the communication is transmitted
6 in an audio format and is paid for in whole or
7 in part with a payment which is treated as a
8 campaign-related disbursement under section
9 324—

10 “(i) the Top Two Funders list (if ap-
11 plicable); or

12 “(ii) in the case of a communication
13 which, as determined on the basis of cri-
14 teria established in regulations issued by
15 the Commission, is of such short duration
16 that including the Top Two Funders list in
17 the communication would constitute a
18 hardship to the person paying for the com-
19 munication by requiring a disproportionate
20 amount of the content of the communica-
21 tion to consist of the Top Two Funders
22 list, the name of a website which contains
23 the Top Two Funders list (if applicable).

24 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

1 “(A) INDIVIDUAL DISCLOSURE STATE-
2 MENTS.—The individual disclosure statement
3 described in this subparagraph is the following:
4 ‘I am _____, and I approve this
5 message.’, with the blank filled in with the
6 name of the applicable individual.

7 “(B) ORGANIZATIONAL DISCLOSURE
8 STATEMENTS.—The organizational disclosure
9 statement described in this subparagraph is the
10 following: ‘I am _____, the
11 _____ of _____, and
12 _____ approves this message.’,
13 with—

14 “(i) the first blank to be filled in with
15 the name of the applicable individual;

16 “(ii) the second blank to be filled in
17 with the title of the applicable individual;
18 and

19 “(iii) the third and fourth blank each
20 to be filled in with the name of the organi-
21 zation or other person paying for the com-
22 munication.

23 “(3) METHOD OF CONVEYANCE OF STATE-
24 MENT.—

1 “(A) COMMUNICATIONS IN TEXT OR
2 GRAPHIC FORMAT.—In the case of a commu-
3 nication to which this subsection applies which
4 is transmitted in a text or graphic format, the
5 disclosure statements required under paragraph
6 (1) shall appear in letters at least as large as
7 the majority of the text in the communication.

8 “(B) COMMUNICATIONS TRANSMITTED IN
9 AUDIO FORMAT.—In the case of a communica-
10 tion to which this subsection applies which is
11 transmitted in an audio format, the disclosure
12 statements required under paragraph (1) shall
13 be made by audio by the applicable individual
14 in a clear and conspicuous manner.

15 “(C) COMMUNICATIONS TRANSMITTED IN
16 VIDEO FORMAT.—In the case of a communica-
17 tion to which this subsection applies which is
18 transmitted in a video format, the information
19 required under paragraph (1)—

20 “(i) shall appear in writing at the end
21 of the communication or in a crawl along
22 the bottom of the communication in a clear
23 and conspicuous manner, with a reasonable
24 degree of color contrast between the back-

1 ground and the printed statement, for a
2 period of at least 6 seconds; and

3 “(ii) shall also be conveyed by an
4 unobscured, full-screen view of the applica-
5 ble individual or by the applicable indi-
6 vidual making the statement in voice-over
7 accompanied by a clearly identifiable pho-
8 tograph or similar image of the individual,
9 except in the case of a Top Five Funders
10 list.

11 “(4) APPLICABLE INDIVIDUAL DEFINED.—The
12 term ‘applicable individual’ means, with respect to a
13 communication to which this subsection applies—

14 “(A) if the communication is paid for by
15 an individual, the individual involved;

16 “(B) if the communication is paid for by a
17 corporation, the chief executive officer of the
18 corporation (or, if the corporation does not have
19 a chief executive officer, the highest ranking of-
20 ficial of the corporation);

21 “(C) if the communication is paid for by a
22 labor organization, the highest ranking officer
23 of the labor organization; and

1 “(D) if the communication is paid for by
2 any other person, the highest ranking official of
3 such person.

4 “(5) TOP FIVE FUNDERS LIST AND TOP TWO
5 FUNDERS LIST DEFINED.—

6 “(A) TOP FIVE FUNDERS LIST.—The term
7 ‘Top Five Funders list’ means, with respect to
8 a communication which is paid for in whole or
9 in part with a campaign-related disbursement
10 (as defined in section 324), a list of the five
11 persons who, during the 12-month period end-
12 ing on the date of the disbursement, provided
13 the largest payments of any type in an aggre-
14 gate amount equal to or exceeding \$10,000 to
15 the person who is paying for the communication
16 and the amount of the payments each such per-
17 son provided. If two or more people provided
18 the fifth largest of such payments, the person
19 paying for the communication shall select one of
20 those persons to be included on the Top Five
21 Funders list.

22 “(B) TOP TWO FUNDERS LIST.—The term
23 ‘Top Two Funders list’ means, with respect to
24 a communication which is paid for in whole or
25 in part with a campaign-related disbursement

(as defined in section 324), a list of the persons who, during the 12-month period ending on the date of the disbursement, provided the largest and the second largest payments of any type in an aggregate amount equal to or exceeding \$10,000 to the person who is paying for the communication and the amount of the payments each such person provided. If two or more persons provided the second largest of such payments, the person paying for the communication shall select one of those persons to be included on the Top Two Funders list.

“(C) EXCLUSION OF CERTAIN PAYMENTS.—For purposes of subparagraphs (A) and (B), in determining the amount of payments made by a person to a person paying for a communication, there shall be excluded the following:

“(i) Any amounts provided in the ordinary course of any trade or business conducted by the person paying for the communication or in the form of investments in the person paying for the communication.

1 “(ii) Any payment which the person
2 prohibited, in writing, from being used for
3 campaign-related disbursements, but only
4 if the person paying for the communication
5 agreed to follow the prohibition and depos-
6 ited the payment in an account which is
7 segregated from any account used to make
8 campaign-related disbursements.

9 “(6) SPECIAL RULES FOR CERTAIN COMMU-
10 NICATIONS.—

11 “(A) EXCEPTION FOR COMMUNICATIONS
12 PAID FOR BY POLITICAL PARTIES AND CERTAIN
13 POLITICAL COMMITTEES.—This subsection does
14 not apply to any communication to which sub-
15 section (d)(2) applies.

16 “(B) TREATMENT OF VIDEO COMMUNICA-
17 TIONS LASTING 10 SECONDS OR LESS.—In the
18 case of a communication to which this sub-
19 section applies which is transmitted in a video
20 format, or is an Internet or digital communica-
21 tion which is transmitted in a text or graphic
22 format, the communication shall meet the fol-
23 lowing requirements:

24 “(i) The communication shall include
25 the individual disclosure statement de-

1 scribed in paragraph (2)(A) (if the person
2 paying for the communication is an indi-
3 vidual) or the organizational disclosure
4 statement described in paragraph (2)(B)
5 (if the person paying for the communica-
6 tion is not an individual).

7 “(ii) The statement described in
8 clause (i) shall appear in writing at the
9 end of the communication, or in a crawl
10 along the bottom of the communication, in
11 a clear and conspicuous manner, with a
12 reasonable degree of color contrast between
13 the background and the printed statement,
14 for a period of at least 4 seconds.

15 “(iii) The communication shall in-
16 clude, in a clear and conspicuous manner,
17 a website address with a landing page
18 which will provide all of the information
19 described in paragraph (1) with respect to
20 the communication. Such address shall ap-
21 pear for the full duration of the commu-
22 nication.

23 “(iv) To the extent that the format in
24 which the communication is made permits
25 the use of a hyperlink, the communication

1 shall include a hyperlink to the website ad-
2 dress described in clause (iii).”.

3 (b) APPLICATION OF EXPANDED REQUIREMENTS TO
4 PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-
5 RELATED DISBURSEMENTS.—

6 (1) IN GENERAL.—Section 318(a) of such Act
7 (52 U.S.C. 30120(a)) is amended by striking “for
8 the purpose of financing communications expressly
9 advocating the election or defeat of a clearly identi-
10 fied candidate” and inserting “for a campaign-re-
11 lated disbursement, as defined in section 324, con-
12 sisting of a public communication”.

13 (2) CLARIFICATION OF EXEMPTION FROM IN-
14 CLUSION OF CANDIDATE DISCLAIMER STATEMENT IN
15 FEDERAL JUDICIAL NOMINATION COMMUNICA-
16 TIONS.—Section 318(a)(3) of such Act (52 U.S.C.
17 30120(a)(3)) is amended by striking “shall state”
18 and inserting “shall (except in the case of a Federal
19 judicial nomination communication, as defined in
20 section 324(d)(2)) state”.

21 (c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY
22 POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-
23 TEES.—Section 318(d)(2) of such Act (52 U.S.C.
24 30120(d)(2)) is amended—

1 (1) in the heading, by striking “OTHERS” and
2 inserting “CERTAIN POLITICAL COMMITTEES”;

3 (2) by striking “Any communication” and in-
4 serting “(A) Any communication”;

5 (3) by inserting “which (except to the extent
6 provided in subparagraph (B)) is paid for by a polit-
7 ical committee (including a political committee of a
8 political party) and” after “subsection (a)”;

9 (4) by striking “or other person” each place it
10 appears; and

11 (5) by adding at the end the following new sub-
12 paragraph:

13 “(B)(i) This paragraph does not apply to a
14 communication paid for in whole or in part during
15 a calendar year with a campaign-related disburse-
16 ment, but only if the covered organization making
17 the campaign-related disbursement made campaign-
18 related disbursements (as defined in section 324) ag-
19 gregating more than \$10,000 during such calendar
20 year.

21 “(ii) For purposes of clause (i), in determining
22 the amount of campaign-related disbursements made
23 by a covered organization during a year, there shall
24 be excluded the following:

1 “(I) Any amounts received by the covered
2 organization in the ordinary course of any trade
3 or business conducted by the covered organiza-
4 tion or in the form of investments in the cov-
5 ered organization.

6 “(II) Any amounts received by the covered
7 organization from a person who prohibited, in
8 writing, the organization from using such
9 amounts for campaign-related disbursements,
10 but only if the covered organization agreed to
11 follow the prohibition and deposited the
12 amounts in an account which is segregated
13 from any account used to make campaign-re-
14 lated disbursements.”.

15 **SEC. 4303. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**
16 **TIONS MADE THROUGH PRERECORDED TELE-**
17 **PHONE CALLS.**

18 (a) APPLICATION OF REQUIREMENTS.—

19 (1) IN GENERAL.—Section 318(a) of the Fed-
20 eral Election Campaign Act of 1971 (52 U.S.C.
21 30120(a)), as amended by section 4205(c), is
22 amended by striking “public communication” each
23 place it appears and inserting the following: “public
24 communication (including a telephone call consisting

1 in substantial part of a prerecorded audio mes-
2 sage)".

3 (2) APPLICATION TO COMMUNICATIONS SUB-
4 JECT TO EXPANDED DISCLAIMER REQUIREMENTS.—
5 Section 318(e)(1) of such Act (52 U.S.C.
6 30120(e)(1)), as added by section 4302(a), is
7 amended in the matter preceding subparagraph (A)
8 by striking “which is transmitted in an audio or
9 video format” and inserting “which is transmitted in
10 an audio or video format or which consists of a tele-
11 phone call consisting in substantial part of a
12 prerecorded audio message”.

13 (b) TREATMENT AS COMMUNICATION TRANSMITTED
14 IN AUDIO FORMAT.—

15 (1) COMMUNICATIONS BY CANDIDATES OR AU-
16 THORIZED PERSONS.—Section 318(d) of such Act
17 (52 U.S.C. 30120(d)) is amended by adding at the
18 end the following new paragraph:

19 “(3) PRERECORDED TELEPHONE CALLS.—Any
20 communication described in paragraph (1), (2), or
21 (3) of subsection (a) (other than a communication
22 which is subject to subsection (e)) which is a tele-
23 phone call consisting in substantial part of a
24 prerecorded audio message shall include, in addition
25 to the requirements of such paragraph, the audio

1 statement required under subparagraph (A) of para-
2 graph (1) or the audio statement required under
3 paragraph (2) (whichever is applicable), except that
4 the statement shall be made at the beginning of the
5 telephone call.”.

6 (2) COMMUNICATIONS SUBJECT TO EXPANDED
7 DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of
8 such Act (52 U.S.C. 30120(e)(3)), as added by sec-
9 tion 4302(a), is amended by adding at the end the
10 following new subparagraph:

11 “(D) PRERECORDED TELEPHONE
12 CALLS.—In the case of a communication to
13 which this subsection applies which is a tele-
14 phone call consisting in substantial part of a
15 prerecorded audio message, the communication
16 shall be considered to be transmitted in an
17 audio format.”.

18 **SEC. 4304. NO EXPANSION OF PERSONS SUBJECT TO DIS-**
19 **CLAIMER REQUIREMENTS ON INTERNET**
20 **COMMUNICATIONS.**

21 Nothing in this subtitle or the amendments made by
22 this subtitle may be construed to require any person who
23 is not required under section 318 of the Federal Election
24 Campaign Act of 1971 to include a disclaimer on commu-

1 nications made by the person through the internet to in-
 2 clude any disclaimer on any such communications.

3 **SEC. 4305. EFFECTIVE DATE.**

4 The amendments made by this subtitle shall apply
 5 with respect to communications made on or after January
 6 1, 2022, and shall take effect without regard to whether
 7 or not the Federal Election Commission has promulgated
 8 regulations to carry out such amendments.

9 **Subtitle E—Deterring Foreign**
 10 **Interference in Elections**

11 **PART 1—DETERRENCE UNDER FEDERAL**
 12 **ELECTION CAMPAIGN ACT OF 1971**

13 **SEC. 4401. RESTRICTIONS ON EXCHANGE OF CAMPAIGN IN-**
 14 **FORMATION BETWEEN CANDIDATES AND**
 15 **FOREIGN POWERS.**

16 Section 319 of the Federal Election Campaign Act
 17 of 1971 (52 U.S.C. 30121), as amended by section
 18 4101(b) and section 4209, is further amended by adding
 19 at the end the following new subsection:

20 “(e) RESTRICTIONS ON EXCHANGE OF INFORMATION
 21 BETWEEN CANDIDATES AND FOREIGN POWERS.—

22 “(1) TREATMENT OF OFFER TO SHARE NON-
 23 PUBLIC CAMPAIGN MATERIAL AS SOLICITATION OF
 24 CONTRIBUTION FROM FOREIGN NATIONAL.—If a
 25 candidate or an individual affiliated with the cam-

1 paign of a candidate, or if a political committee or
2 an individual affiliated with a political committee,
3 provides or offers to provide nonpublic campaign
4 material to a covered foreign national or to another
5 person whom the candidate, committee, or individual
6 knows or has reason to know will provide the mate-
7 rial to a covered foreign national, the candidate,
8 committee, or individual (as the case may be) shall
9 be considered for purposes of this section to have so-
10 solicited a contribution or donation described in sub-
11 section (a)(1)(A) from a foreign national.

12 “(2) DEFINITIONS.—In this subsection, the fol-
13 lowing definitions apply:

14 “(A) The term ‘candidate’ means an indi-
15 vidual who seeks nomination for, or election to,
16 any Federal, State, or local public office.

17 “(B) The term ‘covered foreign national’
18 has the meaning given such term in section
19 304(j)(3)(C).

20 “(C) The term ‘individual affiliated with a
21 campaign’ means, with respect to a candidate,
22 an employee of any organization legally author-
23 ized under Federal, State, or local law to sup-
24 port the candidate’s campaign for nomination
25 for, or election to, any Federal, State, or local

1 public office, as well as any independent con-
2 tractor of such an organization and any indi-
3 vidual who performs services on behalf of the
4 organization, whether paid or unpaid.

5 “(D) The term ‘individual affiliated with a
6 political committee’ means, with respect to a
7 political committee, an employee of the com-
8 mittee as well as any independent contractor of
9 the committee and any individual who performs
10 services on behalf of the committee, whether
11 paid or unpaid.

12 “(E) The term ‘nonpublic campaign mate-
13 rial’ means, with respect to a candidate or a po-
14 litical committee, campaign material that is
15 produced by the candidate or the committee or
16 produced at the candidate or committee’s ex-
17 pense or request which is not distributed or
18 made available to the general public or other-
19 wise in the public domain, including polling and
20 focus group data and opposition research, ex-
21 cept that such term does not include material
22 produced for purposes of consultations relating
23 solely to the candidate’s or committee’s position
24 on a legislative or policy matter.”.

1 **SEC. 4402. CLARIFICATION OF STANDARD FOR DETER-**
2 **MINING EXISTENCE OF COORDINATION BE-**
3 **TWEEN CAMPAIGNS AND OUTSIDE INTER-**
4 **ESTS.**

5 Section 315(a) of the Federal Election Campaign Act
6 of 1971 (52 U.S.C. 30116(a)) is amended by adding at
7 the end the following new paragraph:

8 “(10) For purposes of paragraph (7), an expenditure
9 or disbursement may be considered to have been made in
10 cooperation, consultation, or concert with, or coordinated
11 with, a person without regard to whether or not the co-
12 operation, consultation, or coordination is carried out pur-
13 suant to agreement or formal collaboration.”.

14 **SEC. 4403. PROHIBITION ON PROVISION OF SUBSTANTIAL**
15 **ASSISTANCE RELATING TO CONTRIBUTION**
16 **OR DONATION BY FOREIGN NATIONALS.**

17 Section 319 of the Federal Election Campaign Act
18 of 1971 (52 U.S.C. 30121), as amended by section
19 4101(a), section 4101(b), section 4209, and section 4401,
20 is further amended—

21 (1) in subsection (a)—

22 (A) by striking “or” at the end of para-
23 graph (2);

24 (B) by striking the period at the end of
25 paragraph (3) and inserting “; or”; and

26 (C) by adding at the end the following:

1 “(4) a person to knowingly provide substantial
2 assistance to another person in carrying out an ac-
3 tivity described in paragraph (1), (2), or (3).”; and
4 (2) by adding at the end the following new sub-
5 sections:

6 “(f) KNOWINGLY DESCRIBED.—

7 “(1) IN GENERAL.—For purposes of subsection
8 (a)(4), the term ‘knowingly’ means actual knowl-
9 edge, constructive knowledge, awareness of pertinent
10 facts that would lead a reasonable person to con-
11 clude there is a substantial probability, or awareness
12 of pertinent facts that would lead a reasonable per-
13 son to conduct a reasonable inquiry to establish—

14 “(A) with respect to an activity described
15 in subsection (a)(1), that the contribution, do-
16 nation, expenditure, independent expenditure,
17 or disbursement is from a foreign national;

18 “(B) with respect to an activity described
19 in subsection (a)(2), that the contribution or
20 donation solicited, accepted, or received is from
21 a foreign national; and

22 “(C) with respect to an activity described
23 in subsection (a)(3), that the person directing,
24 dictating, controlling, or directly or indirectly

1 participating in the decisionmaking process is a
2 foreign national.

3 “(2) PERTINENT FACTS.—For purposes of
4 paragraph (1), pertinent facts include, but are not
5 limited to, that the person making the contribution,
6 donation, expenditure, independent expenditure, or
7 disbursement, or that the person from whom the
8 contribution or donation is solicited, accepted, or re-
9 ceived, or that the person directing, dictating, con-
10 trolling, or directly or indirectly participating in the
11 decisionmaking process—

12 “(A) uses a foreign passport or passport
13 number for identification purposes;

14 “(B) provides a foreign address;

15 “(C) uses a check or other written instru-
16 ment drawn on a foreign bank, or by a wire
17 transfer from a foreign bank, in carrying out
18 the activity; or

19 “(D) resides abroad.

20 “(g) SUBSTANTIAL ASSISTANCE DEFINED.—As used
21 in this section, the term ‘substantial assistance’ means,
22 with respect to an activity prohibited by paragraph (1),
23 (2), or (3) of subsection (a), involvement with an intent
24 to facilitate successful completion of the activity.”.

1 **SEC. 4404. CLARIFICATION OF APPLICATION OF FOREIGN**
2 **MONEY BAN.**

3 (a) CLARIFICATION OF TREATMENT OF PROVISION
4 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
5 TION OF A THING OF VALUE.—Section 319 of the Federal
6 Election Campaign Act of 1971 (52 U.S.C. 30121), as
7 amended by section 4101(a), section 4101(b), section
8 4209, section 4401, and section 4403, is amended by add-
9 ing at the end the following new subsection:

10 “(h) CLARIFICATION OF TREATMENT OF PROVISION
11 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
12 TION OF A THING OF VALUE.—For purposes of this sec-
13 tion, a ‘contribution or donation of money or other thing
14 of value’ includes the provision of opposition research,
15 polling, or other non-public information relating to a can-
16 didate for election for a Federal, State, or local office for
17 the purpose of influencing the election, regardless of
18 whether such research, polling, or information has mone-
19 tary value, except that nothing in this subsection shall be
20 construed to treat the mere provision of an opinion about
21 a candidate as a thing of value for purposes of this sec-
22 tion.”.

23 (b) CLARIFICATION OF APPLICATION OF FOREIGN
24 MONEY BAN TO ALL CONTRIBUTIONS AND DONATIONS
25 OF THINGS OF VALUE AND TO ALL SOLICITATIONS OF
26 CONTRIBUTIONS AND DONATIONS OF THINGS OF

1 VALUE.—Section 319(a) of such Act (52 U.S.C.
2 30121(a)) is amended—

3 (1) in paragraph (1)(A), by striking “promise
4 to make a contribution or donation” and inserting
5 “promise to make such a contribution or donation”;

6 (2) in paragraph (1)(B), by striking “donation”
7 and inserting “donation of money or other thing of
8 value, or to make an express or implied promise to
9 make such a contribution or donation,”; and

10 (3) by amending paragraph (2) to read as fol-
11 lows:

12 “(2) a person to solicit, accept, or receive (di-
13 rectly or indirectly) a contribution, donation, or dis-
14 bursement described in paragraph (1), or to solicit,
15 accept, or receive (directly or indirectly) an express
16 or implied promise to make such a contribution or
17 donation, from a foreign national.”.

18 **PART 2—NOTIFYING STATES OF**
19 **DISINFORMATION CAMPAIGNS BY FOREIGN**
20 **NATIONALS**

21 **SEC. 4411. NOTIFYING STATES OF DISINFORMATION CAM-**
22 **PAIGNS BY FOREIGN NATIONALS.**

23 (a) **REQUIRING DISCLOSURE.**—If the Federal Elec-
24 tion Commission makes a determination that a foreign na-
25 tional has initiated or has attempted to initiate a

1 disinformation campaign targeted at an election for public
2 office held in a State, the Commission shall notify the
3 State involved of the determination not later than 30 days
4 after making the determination.

5 (b) DEFINITIONS.—In this section the term “foreign
6 national” has the meaning given such term in section
7 319(b) of the Federal Election Campaign Act of 1971 (52
8 U.S.C. 30121(b)).

9 **PART 3—PROHIBITING USE OF DEEPPAKES IN**
10 **ELECTION CAMPAIGNS**
11 **SEC. 4421. PROHIBITION ON DISTRIBUTION OF MATERI-**
12 **ALLY DECEPTIVE AUDIO OR VISUAL MEDIA**
13 **PRIOR TO ELECTION.**

14 (a) IN GENERAL.—Title III of the Federal Election
15 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
16 amended by adding at the end the following new section:

17 **“SEC. 325. PROHIBITION ON DISTRIBUTION OF MATERI-**
18 **ALLY DECEPTIVE MEDIA PRIOR TO ELEC-**
19 **TION.**

20 “(a) IN GENERAL.—Except as provided in sub-
21 sections (b) and (c), a person, political committee, or other
22 entity shall not, within 60 days of an election for Federal
23 office at which a candidate for elective office will appear
24 on the ballot, distribute, with actual malice, materially de-
25 ceptive audio or visual media of the candidate with the

1 intent to injure the candidate’s reputation or to deceive
2 a voter into voting for or against the candidate.

3 “(b) EXCEPTION.—

4 “(1) REQUIRED LANGUAGE.—The prohibition
5 in subsection (a) does not apply if the audio or vis-
6 ual media includes—

7 “(A) a disclosure stating: “This
8 _____ has been manipulated.”; and

9 “(B) filled in the blank in the disclosure
10 under subparagraph (A), the term ‘image’,
11 ‘video’, or ‘audio’, as most accurately describes
12 the media.

13 “(2) VISUAL MEDIA.—For visual media, the
14 text of the disclosure shall appear in a size that is
15 easily readable by the average viewer and no smaller
16 than the largest font size of other text appearing in
17 the visual media. If the visual media does not in-
18 clude any other text, the disclosure shall appear in
19 a size that is easily readable by the average viewer.
20 For visual media that is video, the disclosure shall
21 appear for the duration of the video.

22 “(3) AUDIO-ONLY MEDIA.—If the media con-
23 sists of audio only, the disclosure shall be read in a
24 clearly spoken manner and in a pitch that can be
25 easily heard by the average listener, at the beginning

1 of the audio, at the end of the audio, and, if the
2 audio is greater than 2 minutes in length, inter-
3 spersed within the audio at intervals of not greater
4 than 2 minutes each.

5 “(c) INAPPLICABILITY TO CERTAIN ENTITIES.—This
6 section does not apply to the following:

7 “(1) A radio or television broadcasting station,
8 including a cable or satellite television operator, pro-
9 grammer, or producer, that broadcasts materially
10 deceptive audio or visual media prohibited by this
11 section as part of a bona fide newscast, news inter-
12 view, news documentary, or on-the-spot coverage of
13 bona fide news events, if the broadcast clearly ac-
14 knowledges through content or a disclosure, in a
15 manner that can be easily heard or read by the aver-
16 age listener or viewer, that there are questions about
17 the authenticity of the materially deceptive audio or
18 visual media.

19 “(2) A radio or television broadcasting station,
20 including a cable or satellite television operator, pro-
21 grammer, or producer, when it is paid to broadcast
22 materially deceptive audio or visual media.

23 “(3) An internet website, or a regularly pub-
24 lished newspaper, magazine, or other periodical of
25 general circulation, including an internet or elec-

1 tronic publication, that routinely carries news and
2 commentary of general interest, and that publishes
3 materially deceptive audio or visual media prohibited
4 by this section, if the publication clearly states that
5 the materially deceptive audio or visual media does
6 not accurately represent the speech or conduct of the
7 candidate.

8 “(4) Materially deceptive audio or visual media
9 that constitutes satire or parody.

10 “(d) CIVIL ACTION.—

11 “(1) INJUNCTIVE OR OTHER EQUITABLE RE-
12 LIEF.—A candidate for elective office whose voice or
13 likeness appears in a materially deceptive audio or
14 visual media distributed in violation of this section
15 may seek injunctive or other equitable relief prohib-
16 iting the distribution of audio or visual media in vio-
17 lation of this section. An action under this para-
18 graph shall be entitled to precedence in accordance
19 with the Federal Rules of Civil Procedure.

20 “(2) DAMAGES.—A candidate for elective office
21 whose voice or likeness appears in a materially de-
22 ceptive audio or visual media distributed in violation
23 of this section may bring an action for general or
24 special damages against the person, committee, or
25 other entity that distributed the materially deceptive

1 audio or visual media. The court may also award a
2 prevailing party reasonable attorney’s fees and costs.
3 This paragraph shall not be construed to limit or
4 preclude a plaintiff from securing or recovering any
5 other available remedy.

6 “(3) BURDEN OF PROOF.—In any civil action
7 alleging a violation of this section, the plaintiff shall
8 bear the burden of establishing the violation through
9 clear and convincing evidence.

10 “(e) RULE OF CONSTRUCTION.—This section shall
11 not be construed to alter or negate any rights, obligations,
12 or immunities of an interactive service provider under sec-
13 tion 230 of title 47, United States Code.

14 “(f) MATERIALLY DECEPTIVE AUDIO OR VISUAL
15 MEDIA DEFINED.—In this section, the term ‘materially
16 deceptive audio or visual media’ means an image or an
17 audio or video recording of a candidate’s appearance,
18 speech, or conduct that has been intentionally manipulated
19 in a manner such that both of the following conditions
20 are met:

21 “(1) The image or audio or video recording
22 would falsely appear to a reasonable person to be
23 authentic.

24 “(2) The image or audio or video recording
25 would cause a reasonable person to have a fun-

1 damentally different understanding or impression of
2 the expressive content of the image or audio or video
3 recording than that person would have if the person
4 were hearing or seeing the unaltered, original
5 version of the image or audio or video recording.”.

6 (b) CRIMINAL PENALTIES.—Section 309(d)(1) of the
7 Federal Election Campaign Act of 1971 (52 U.S.C.
8 30109(d)(1)), as amended by section 4004, is further
9 amended by adding at the end the following new subpara-
10 graph:

11 “(G) Any person who knowingly and will-
12 fully commits a violation of section 325 shall be
13 fined not more than \$100,000, imprisoned not
14 more than 5 years, or both.”.

15 (c) EFFECT ON DEFAMATION ACTION.—For pur-
16 poses of an action for defamation, a violation of section
17 325 of the Federal Election Campaign Act of 1971, as
18 added by subsection (a), shall constitute defamation per
19 se.

1 **PART 4—ASSESSMENT OF EXEMPTION OF REG-**
2 **ISTRATION REQUIREMENTS UNDER FARA**
3 **FOR REGISTERED LOBBYISTS**

4 **SEC. 4431. ASSESSMENT OF EXEMPTION OF REGISTRATION**
5 **REQUIREMENTS UNDER FARA FOR REG-**
6 **ISTERED LOBBYISTS.**

7 Not later than 90 days after the date of the enact-
8 ment of this Act, the Comptroller General of the United
9 States shall conduct and submit to Congress an assess-
10 ment of the implications of the exemption provided under
11 the Foreign Agents Registration Act of 1938, as amended
12 (22 U.S.C. 611 et seq.) for agents of foreign principals
13 who are also registered lobbyists under the Lobbying Dis-
14 closure Act of 1995 (2 U.S.C. 1601 et seq.), and shall
15 include in the assessment an analysis of the extent to
16 which revisions in such Acts might mitigate the risk of
17 foreign government money influencing elections or political
18 processes in the United States.

Subtitle F—Secret Money Transparency

**SEC. 4501. REPEAL OF RESTRICTION OF USE OF FUNDS BY
INTERNAL REVENUE SERVICE TO BRING
TRANSPARENCY TO POLITICAL ACTIVITY OF
CERTAIN NONPROFIT ORGANIZATIONS.**

Section 122 of the Financial Services and General Government Appropriations Act, 2021 (division E of Public Law 116–260) is hereby repealed.

SEC. 4502. REPEAL OF REGULATIONS.

The final regulations of the Department of the Treasury relating to guidance under section 6033 of the Internal Revenue Code of 1986 regarding the reporting requirements of exempt organizations (published at 85 Fed. Reg. 31959 (May 28, 2020)) shall have no force and effect.

Subtitle G—Shareholder Right-to- Know

**SEC. 4601. REPEAL OF RESTRICTION ON USE OF FUNDS BY
SECURITIES AND EXCHANGE COMMISSION TO
ENSURE SHAREHOLDERS OF CORPORATIONS
HAVE KNOWLEDGE OF CORPORATION POLITICAL ACTIVITY.**

Section 631 of the Financial Services and General Government Appropriations Act, 2021 (division E of Public Law 116–260) is hereby repealed.

1 **SEC. 4602. ASSESSMENT OF SHAREHOLDER PREFERENCES**
2 **FOR DISBURSEMENTS FOR POLITICAL PUR-**
3 **POSES.**

4 (a) ASSESSMENT REQUIRED.—The Securities Ex-
5 change Act of 1934 (15 U.S.C. 78a et seq.) is amended
6 by inserting after section 10D the following:

7 **“SEC. 10E. ASSESSMENT OF SHAREHOLDER PREFERENCES**
8 **FOR DISBURSEMENTS FOR POLITICAL PUR-**
9 **POSES.**

10 “(a) ASSESSMENT REQUIRED BEFORE MAKING A
11 DISBURSEMENT FOR A POLITICAL PURPOSE.—

12 “(1) REQUIREMENT.—An issuer with an equity
13 security listed on a national securities exchange may
14 not make a disbursement for a political purpose un-
15 less—

16 “(A) the issuer has in place procedures to
17 assess the preferences of the shareholders of the
18 issuer with respect to making such disburse-
19 ments; and

20 “(B) such an assessment has been made
21 within the 1-year period ending on the date of
22 such disbursement.

23 “(2) TREATMENT OF ISSUERS WHOSE SHARE-
24 HOLDERS ARE PROHIBITED FROM EXPRESSING
25 PREFERENCES.—Notwithstanding paragraph (1), an
26 issuer described under such paragraph with proce-

1 dures in place to assess the preferences of its share-
2 holders with respect to making disbursements for
3 political purposes shall not be subject to the require-
4 ments of such paragraph if a majority of the number
5 of the outstanding equity securities of the issuer are
6 held by persons who are prohibited from expressing
7 partisan or political preferences by law, contract, or
8 the requirement to meet a fiduciary duty.

9 “(3) NO ASSESSMENT OF PREFERENCES OF
10 FOREIGN NATIONALS.—Notwithstanding paragraph
11 (1), an issuer described in such paragraph shall not
12 use the procedures described in such paragraph to
13 assess the preferences of any shareholder who is a
14 foreign national, as defined in section 319 of the
15 Federal Election Campaign Act of 1971 (52 U.S.C.
16 30121).

17 “(b) ASSESSMENT REQUIREMENTS.—The assess-
18 ment described under subsection (a) shall assess—

19 “(1) which types of disbursements for a polit-
20 ical purpose the shareholder believes the issuer
21 should make;

22 “(2) whether the shareholder believes that such
23 disbursements should be made in support of, or in
24 opposition to, Republican, Democratic, Independent,

1 or other political party candidates and political com-
2 mittees;

3 “(3) whether the shareholder believes that such
4 disbursements should be made with respect to elec-
5 tions for Federal, State, or local office; and

6 “(4) such other information as the Commission
7 may specify, by rule.

8 “(c) DISBURSEMENT FOR A POLITICAL PURPOSE DE-
9 FINED.—

10 “(1) IN GENERAL.—For purposes of this sec-
11 tion, the term ‘disbursement for a political purpose’
12 means any of the following:

13 “(A) A disbursement for an independent
14 expenditure, as defined in section 301(17) of
15 the Federal Election Campaign Act of 1971 (52
16 U.S.C. 30101(17)).

17 “(B) A disbursement for an electioneering
18 communication, as defined in section 304(f) of
19 the Federal Election Campaign Act of 1971 (52
20 U.S.C. 30104(f)).

21 “(C) A disbursement for any public com-
22 munication, as defined in section 301(22) of the
23 Federal Election Campaign Act of 1971 (52
24 U.S.C. 30101(22))—

1 “(i) which expressly advocates the
2 election or defeat of a clearly identified
3 candidate for election for Federal office, or
4 is the functional equivalent of express ad-
5 vocacy because, when taken as a whole, it
6 can be interpreted by a reasonable person
7 only as advocating the election or defeat of
8 a candidate for election for Federal office;
9 or

10 “(ii) which refers to a clearly identi-
11 fied candidate for election for Federal of-
12 fice and which promotes or supports a can-
13 didate for that office, or attacks or opposes
14 a candidate for that office, without regard
15 to whether the communication expressly
16 advocates a vote for or against a candidate
17 for that office.

18 “(D) Any other disbursement which is
19 made for the purpose of influencing the out-
20 come of an election for a public office.

21 “(E) Any transfer of funds to another per-
22 son which is made with the intent that such
23 person will use the funds to make a disburse-
24 ment described in subparagraphs (A) through

1 (D), or with the knowledge that the person will
2 use the funds to make such a disbursement.

3 “(2) EXCEPTIONS.—The term ‘disbursement
4 for a political purpose’ does not include any of the
5 following:

6 “(A) Any disbursement made from a sepa-
7 rate segregated fund of the corporation under
8 section 316 of the Federal Election Campaign
9 Act of 1971 (52 U.S.C. 30118).

10 “(B) Any transfer of funds to another per-
11 son which is made in a commercial transaction
12 in the ordinary course of any trade or business
13 conducted by the corporation or in the form of
14 investments made by the corporation.

15 “(C) Any transfer of funds to another per-
16 son which is subject to a written prohibition
17 against the use of the funds for a disbursement
18 for a political purpose.

19 “(d) OTHER DEFINITIONS.—In this section, each of
20 the terms ‘candidate’, ‘election’, ‘political committee’, and
21 ‘political party’ has the meaning given such term under
22 section 301 of the Federal Election Campaign Act of 1971
23 (52 U.S.C. 30101).”.

24 (b) CONFORMING AMENDMENT TO FEDERAL ELEC-
25 TION CAMPAIGN ACT OF 1971 TO PROHIBIT DISBURSE-

1 MENTS BY CORPORATIONS FAILING TO ASSESS PREF-
2 ERENCES.—Section 316 of the Federal Election Campaign
3 Act of 1971 (52 U.S.C. 30118) is amended by adding at
4 the end the following new subsection:

5 “(d) PROHIBITING DISBURSEMENTS BY CORPORA-
6 TIONS FAILING TO ASSESS SHAREHOLDER PREF-
7 ERENCES.—

8 “(1) PROHIBITION.—It shall be unlawful for a
9 corporation to make a disbursement for a political
10 purpose unless the corporation has in place proce-
11 dures to assess the preferences of its shareholders
12 with respect to making such disbursements, as pro-
13 vided in section 10E of the Securities Exchange Act
14 of 1934.

15 “(2) DEFINITION.—In this section, the term
16 ‘disbursement for a political purpose’ has the mean-
17 ing given such term in section 10E(c) of the Securi-
18 ties Exchange Act of 1934.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply with respect to disbursements
21 made on or after December 31, 2021.

22 **SEC. 4603. GOVERNANCE AND OPERATIONS OF CORPORATE**
23 **PACS.**

24 (a) ASSESSMENT OF GOVERNANCE.—Section 316 of
25 the Federal Election Campaign Act of 1971 (52 U.S.C.

1 30118) is amended by adding at the end the following new
2 subsection:

3 “(d) ASSESSMENT OF GOVERNANCE.—The Commis-
4 sion shall, on an ongoing basis, collect information on the
5 governance of the separate segregated funds of corpora-
6 tions under this section, using the most recent statements
7 of organization provided by such funds under section
8 303(a), including information on the following:

9 “(1) The extent to which such funds have by-
10 laws which govern their operations.

11 “(2) The extent to which those funds which
12 have by-laws which govern their operations use a
13 board of directors to oversee the operation of the
14 fund.

15 “(3) The characteristics of those individuals
16 who serve on boards of directors which oversee the
17 operations of such funds, including the relation of
18 such individuals to the corporation.”.

19 (b) ANALYSIS OF DONORS.—

20 (1) ANALYSIS.—The Federal Election Commis-
21 sion shall conduct an analysis of the composition of
22 the base of donors to separate segregated funds of
23 corporations under section 316 of the Federal Elec-
24 tion Campaign Act of 1971 (52 U.S.C. 30118).

1 (2) REPORT.—Not later than 180 days after
2 the date of the enactment of this Act, the Commis-
3 sion shall submit to Congress a report on the anal-
4 ysis conducted under paragraph (1), and shall ini-
5 tiate the promulgation of a regulation to establish a
6 new designation and classification of such separate
7 segregated funds.

8 **Subtitle H—Disclosure of Political**
9 **Spending by Government Con-**
10 **tractors**

11 **SEC. 4701. REPEAL OF RESTRICTION ON USE OF FUNDS TO**
12 **REQUIRE DISCLOSURE OF POLITICAL SPEND-**
13 **ING BY GOVERNMENT CONTRACTORS.**

14 Section 735 of the Financial Services and General
15 Government Appropriations Act, 2021 (division E of Pub-
16 lic Law 116–260) is hereby repealed.

17 **Subtitle I—Limitation and Disclo-**
18 **sure Requirements for Presi-**
19 **dential Inaugural Committees**

20 **SEC. 4801. SHORT TITLE.**

21 This subtitle may be cited as the “Presidential Inau-
22 gural Committee Oversight Act”.

1 **SEC. 4802. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**
2 **NATIONS TO, AND DISBURSEMENTS BY, INAUGURAL COMMITTEES.**
3

4 (a) REQUIREMENTS FOR INAUGURAL COMMIT-
5 TEES.—Title III of the Federal Election Campaign Act
6 of 1971 (52 U.S.C. 30101 et seq.), as amended by section
7 4421, is amended by adding at the end the following new
8 section:

9 **“SEC. 326. INAUGURAL COMMITTEES.**

10 **“(a) PROHIBITED DONATIONS.—**

11 **“(1) IN GENERAL.—It shall be unlawful—**

12 **“(A) for an Inaugural Committee—**

13 **“(i) to solicit, accept, or receive a do-**
14 **nation from a person that is not an indi-**
15 **vidual; or**

16 **“(ii) to solicit, accept, or receive a do-**
17 **nation from a foreign national;**

18 **“(B) for a person—**

19 **“(i) to make a donation to an Inau-**
20 **gural Committee in the name of another**
21 **person, or to knowingly authorize his or**
22 **her name to be used to effect such a dona-**
23 **tion;**

24 **“(ii) to knowingly accept a donation**
25 **to an Inaugural Committee made by a per-**
26 **son in the name of another person; or**

1 “(iii) to convert a donation to an In-
2 augural Committee to personal use as de-
3 scribed in paragraph (2); and

4 “(C) for a foreign national to, directly or
5 indirectly, make a donation, or make an express
6 or implied promise to make a donation, to an
7 Inaugural Committee.

8 “(2) CONVERSION OF DONATION TO PERSONAL
9 USE.—For purposes of paragraph (1)(B)(iii), a do-
10 nation shall be considered to be converted to per-
11 sonal use if any part of the donated amount is used
12 to fulfill a commitment, obligation, or expense of a
13 person that would exist irrespective of the respon-
14 sibilities of the Inaugural Committee under chapter
15 5 of title 36, United States Code.

16 “(3) NO EFFECT ON DISBURSEMENT OF UN-
17 USED FUNDS TO NONPROFIT ORGANIZATIONS.—
18 Nothing in this subsection may be construed to pro-
19 hibit an Inaugural Committee from disbursing un-
20 used funds to an organization which is described in
21 section 501(c)(3) of the Internal Revenue Code of
22 1986 and is exempt from taxation under section
23 501(a) of such Code.

24 “(b) LIMITATION ON DONATIONS.—

1 “(1) IN GENERAL.—It shall be unlawful for an
 2 individual to make donations to an Inaugural Com-
 3 mittee which, in the aggregate, exceed \$50,000.

4 “(2) INDEXING.—At the beginning of each
 5 Presidential election year (beginning with 2028), the
 6 amount described in paragraph (1) shall be in-
 7 creased by the cumulative percent difference deter-
 8 mined in section 315(c)(1)(A) since the previous
 9 Presidential election year. If any amount after such
 10 increase is not a multiple of \$1,000, such amount
 11 shall be rounded to the nearest multiple of \$1,000.

12 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
 13 BURSEMENTS.—

14 “(1) DONATIONS OVER \$1,000.—

15 “(A) IN GENERAL.—An Inaugural Com-
 16 mittee shall file with the Commission a report
 17 disclosing any donation by an individual to the
 18 committee in an amount of \$1,000 or more not
 19 later than 24 hours after the receipt of such do-
 20 nation.

21 “(B) CONTENTS OF REPORT.—A report
 22 filed under subparagraph (A) shall contain—

23 “(i) the amount of the donation;

24 “(ii) the date the donation is received;

25 and

1 “(iii) the name and address of the in-
2 dividual making the donation.

3 “(2) FINAL REPORT.—Not later than the date
4 that is 90 days after the date of the Presidential in-
5 augural ceremony, the Inaugural Committee shall
6 file with the Commission a report containing the fol-
7 lowing information:

8 “(A) For each donation of money or any-
9 thing of value made to the committee in an ag-
10 gregate amount equal to or greater than
11 \$200—

12 “(i) the amount of the donation;

13 “(ii) the date the donation is received;

14 and

15 “(iii) the name and address of the in-
16 dividual making the donation.

17 “(B) The total amount of all disburse-
18 ments, and all disbursements in the following
19 categories:

20 “(i) Disbursements made to meet
21 committee operating expenses.

22 “(ii) Repayment of all loans.

23 “(iii) Donation refunds and other off-
24 sets to donations.

25 “(iv) Any other disbursements.

1 “(C) The name and address of each per-
2 son—

3 “(i) to whom a disbursement in an ag-
4 gregate amount or value in excess of \$200
5 is made by the committee to meet a com-
6 mittee operating expense, together with
7 date, amount, and purpose of such oper-
8 ating expense;

9 “(ii) who receives a loan repayment
10 from the committee, together with the date
11 and amount of such loan repayment;

12 “(iii) who receives a donation refund
13 or other offset to donations from the com-
14 mittee, together with the date and amount
15 of such disbursement; and

16 “(iv) to whom any other disbursement
17 in an aggregate amount or value in excess
18 of \$200 is made by the committee, to-
19 gether with the date and amount of such
20 disbursement.

21 “(d) DEFINITIONS.—For purposes of this section:

22 “(1)(A) The term ‘donation’ includes—

23 “(i) any gift, subscription, loan, ad-
24 vance, or deposit of money or anything of

1 value made by any person to the com-
2 mittee; or

3 “(ii) the payment by any person of
4 compensation for the personal services of
5 another person which are rendered to the
6 committee without charge for any purpose.

7 “(B) The term ‘donation’ does not include
8 the value of services provided without com-
9 pensation by any individual who volunteers on
10 behalf of the committee.

11 “(2) The term ‘foreign national’ has the mean-
12 ing given that term by section 319(b).

13 “(3) The term ‘Inaugural Committee’ has the
14 meaning given that term by section 501 of title 36,
15 United States Code.”.

16 (b) CONFIRMING AMENDMENT RELATED TO RE-
17 PORTING REQUIREMENTS.—Section 304 of the Federal
18 Election Campaign Act of 1971 (52 U.S.C. 30104) is
19 amended—

20 (1) by striking subsection (h); and

21 (2) by redesignating subsection (i) as subsection
22 (h).

23 (c) CONFORMING AMENDMENT RELATED TO STATUS
24 OF COMMITTEE.—Section 510 of title 36, United States
25 Code, is amended to read as follows:

1 **“§ 510. Disclosure of and prohibition on certain dona-**
2 **tions**

3 “A committee shall not be considered to be the Inau-
4 gural Committee for purposes of this chapter unless the
5 committee agrees to, and meets, the requirements of sec-
6 tion 326 of the Federal Election Campaign Act of 1971.”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this Act shall apply with respect to Inaugural Committees
9 established under chapter 5 of title 36, United States
10 Code, for inaugurations held in 2025 and any succeeding
11 year.

12 **Subtitle J—Miscellaneous**
13 **Provisions**

14 **SEC. 4901. EFFECTIVE DATES OF PROVISIONS.**

15 Each provision of this title and each amendment
16 made by a provision of this title shall take effect on the
17 effective date provided under this title for such provision
18 or such amendment without regard to whether or not the
19 Federal Election Commission, the Attorney General, or
20 any other person has promulgated regulations to carry out
21 such provision or such amendment.

22 **SEC. 4902. SEVERABILITY.**

23 If any provision of this title or amendment made by
24 this title, or the application of a provision or amendment
25 to any person or circumstance, is held to be unconstitu-
26 tional, the remainder of this title and amendments made

1 by this title, and the application of the provisions and
 2 amendment to any person or circumstance, shall not be
 3 affected by the holding.

4 **TITLE V—CAMPAIGN FINANCE** 5 **EMPOWERMENT**

Subtitle A—Findings Relating to Citizens United Decision

Sec. 5001. Findings relating to Citizens United decision.

Subtitle B—Congressional Elections

Sec. 5100. Short title.

PART 1—MY VOICE VOUCHER PILOT PROGRAM

Sec. 5101. Establishment of pilot program.

Sec. 5102. Voucher program described.

Sec. 5103. Reports.

Sec. 5104. Definitions.

PART 2—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

Sec. 5111. Benefits and eligibility requirements for candidates.

“TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

“Subtitle A—Benefits

“Sec. 501. Benefits for participating candidates.

“Sec. 502. Procedures for making payments.

“Sec. 503. Use of funds.

“Sec. 504. Qualified small dollar contributions described.

“Subtitle B—Eligibility and Certification

“Sec. 511. Eligibility.

“Sec. 512. Qualifying requirements.

“Sec. 513. Certification.

“Subtitle C—Requirements for Candidates Certified as Participating Candidates

“Sec. 521. Contribution and expenditure requirements.

“Sec. 522. Administration of campaign.

“Sec. 523. Preventing unnecessary spending of public funds.

“Sec. 524. Remitting unspent funds after election.

“Subtitle D—Enhanced Match Support

“Sec. 531. Enhanced support for general election.

“Sec. 532. Eligibility.

“Sec. 533. Amount.

“Sec. 534. Waiver of authority to retain portion of unspent funds after election.

“Subtitle E—Administrative Provisions

“Sec. 541. Freedom From Influence Fund.

“Sec. 542. Reviews and reports by Government Accountability Office.

“Sec. 543. Administration by Commission.

“Sec. 544. Violations and penalties.

“Sec. 545. Appeals process.

“Sec. 546. Indexing of amounts.

“Sec. 547. Election cycle defined.

Sec. 5112. Contributions and expenditures by multicandidate and political party committees on behalf of participating candidates.

Sec. 5113. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.

Sec. 5114. Assessments against fines and penalties.

Sec. 5115. Study and report on small dollar financing program.

Sec. 5116. Effective date.

Subtitle C—Presidential Elections

Sec. 5200. Short title.

PART 1—PRIMARY ELECTIONS

Sec. 5201. Increase in and modifications to matching payments.

Sec. 5202. Eligibility requirements for matching payments.

Sec. 5203. Repeal of expenditure limitations.

Sec. 5204. Period of availability of matching payments.

Sec. 5205. Examination and audits of matchable contributions.

Sec. 5206. Modification to limitation on contributions for Presidential primary candidates.

Sec. 5207. Use of Freedom From Influence Fund as source of payments.

PART 2—GENERAL ELECTIONS

Sec. 5211. Modification of eligibility requirements for public financing.

Sec. 5212. Repeal of expenditure limitations and use of qualified campaign contributions.

Sec. 5213. Matching payments and other modifications to payment amounts.

Sec. 5214. Increase in limit on coordinated party expenditures.

Sec. 5215. Establishment of uniform date for release of payments.

Sec. 5216. Amounts in Presidential Election Campaign Fund.

Sec. 5217. Use of general election payments for general election legal and accounting compliance.

Sec. 5218. Use of Freedom From Influence Fund as source of payments.

PART 3—EFFECTIVE DATE

Sec. 5221. Effective date.

Subtitle D—Personal Use Services as Authorized Campaign Expenditures

Sec. 5301. Short title; findings; purpose.

Sec. 5302. Treatment of payments for child care and other personal use services as authorized campaign expenditure.

Subtitle E—Empowering Small Dollar Donations

Sec. 5401. Permitting political party committees to provide enhanced support for candidates through use of separate small dollar accounts.

Subtitle F—Severability

Sec. 5501. Severability.

1 **Subtitle A—Findings Relating to**
2 **Citizens United Decision**

3 **SEC. 5001. FINDINGS RELATING TO CITIZENS UNITED DECISION.**
4

5 Congress finds the following:

6 (1) The American Republic was founded on the
7 principle that all people are created equal, with
8 rights and responsibilities as citizens to vote, be rep-
9 resented, speak, debate, and participate in self-gov-
10 ernment on equal terms regardless of wealth. To se-
11 cure these rights and responsibilities, our Constitu-
12 tion not only protects the equal rights of all Ameri-
13 cans but also provides checks and balances to pre-
14 vent corruption and prevent concentrated power and
15 wealth from undermining effective self-government.

16 (2) The Founders designed the First Amend-
17 ment to help prevent tyranny by ensuring that the
18 people have the tools they need to ensure self-gov-
19 ernment and to keep their elected leaders responsive
20 to the public. The Amendment thus guarantees the
21 right of everyone to speak, to petition the govern-
22 ment for redress, to assemble together, and for a

1 free press. If only the wealthiest individuals can par-
2 ticipate meaningfully in our democracy, then these
3 First Amendment principles become an illusion.

4 (3) Campaign finance laws promote these First
5 Amendment interests. They increase robust debate
6 from diverse voices, enhance the responsiveness of
7 elected officeholders, and help prevent corruption.
8 They do not censor anyone's speech but simply en-
9 sure that no one's speech is drowned out. The Su-
10 preme Court has failed to recognize that these laws
11 are essential, proactive rules that help guarantee
12 true democratic self-government.

13 (4) The Supreme Court's decisions in *Citizens*
14 *United v. Federal Election Commission*, 558 U.S.
15 310 (2010) and *McCutcheon v. FEC*, 572 U.S. 185
16 (2014), as well as other court decisions, erroneously
17 invalidated even-handed rules about the spending of
18 money in local, State, and Federal elections. These
19 rules do not prevent anyone from speaking their
20 mind, much less pick winners and losers of political
21 debates. Although the Court has upheld other con-
22 tent-neutral laws like these, it has failed to apply to
23 same logic to campaign finance laws. These flawed
24 decisions have empowered large corporations, ex-
25 tremely wealthy individuals, and special interests to

1 dominate election spending, corrupt our politics, and
2 degrade our democracy through tidal waves of un-
3 limited and anonymous spending. These decisions
4 also stand in contrast to a long history of efforts by
5 Congress and the States to regulate money in poli-
6 tics to protect democracy, and they illustrate a trou-
7 bling deregulatory trend in campaign finance-related
8 court decisions. Additionally, an unknown amount of
9 foreign money continues to be spent in our political
10 system as subsidiaries of foreign-based corporations
11 and hostile foreign actors sometimes connected to
12 nation-states work to influence our elections.

13 (5) The Supreme Court’s misinterpretation of
14 the Constitution to empower monied interests at the
15 expense of the American people in elections has seri-
16 ously eroded over 100 years of congressional action
17 to promote fairness and protect elections from the
18 toxic influence of money.

19 (6) In 1907, Congress passed the Tillman Act
20 in response to the concentration of corporate power
21 in the post-Civil War Gilded Age. The Act prohibited
22 corporations from making contributions in connec-
23 tion with Federal elections, aiming “not merely to
24 prevent the subversion of the integrity of the elec-
25 toral process [but] * * * to sustain the active, alert

1 responsibility of the individual citizen in a democ-
2 racy for the wise conduct of government”.

3 (7) By 1910, Congress began passing disclosure
4 requirements and campaign expenditure limits, and
5 dozens of States passed corrupt practices Acts to
6 prohibit corporate spending in elections. States also
7 enacted campaign spending limits, and some States
8 limited the amount that people could contribute to
9 campaigns.

10 (8) In 1947, the Taft-Hartley Act prohibited
11 corporations and unions from making campaign con-
12 tributions or other expenditures to influence elec-
13 tions. In 1962, a Presidential commission on election
14 spending recommended spending limits and incen-
15 tives to increase small contributions from more peo-
16 ple.

17 (9) The Federal Election Campaign Act of
18 1971 (FECA), as amended in 1974, required disclo-
19 sure of contributions and expenditures, imposed con-
20 tribution and expenditure limits for individuals and
21 groups, set spending limits for campaigns, can-
22 didates, and groups, implemented a public funding
23 system for Presidential campaigns, and created the
24 Federal Election Commission to oversee and enforce
25 the new rules.

1 (10) In the wake of Citizens United and other
2 damaging Federal court decisions, Americans have
3 witnessed an explosion of outside spending in elec-
4 tions. Outside spending increased more than 700
5 percent between the 2008 and 2020 Presidential
6 election years. Spending by outside groups nearly
7 doubled again from 2016 to 2020 with super PACs,
8 tax-exempt groups, and others spending more than
9 \$3,000,000,000. And as political entities adapt to a
10 post-Citizens United, post-McCutcheon landscape,
11 these trends are getting worse, as evidenced by the
12 record-setting 2020 elections which cost more than
13 \$14,000,000,000 in total.

14 (11) Since the landmark Citizens United deci-
15 sion, 21 States and more than 800 municipalities,
16 including large cities like New York, Los Angeles,
17 Chicago, and Philadelphia, have gone on record sup-
18 porting a constitutional amendment. Transcending
19 political leanings and geographic location, voters in
20 States and municipalities across the country that
21 have placed amendment questions on the ballot have
22 routinely supported these initiatives by considerably
23 large margins.

24 (12) The Court has tied the hands of Congress
25 and the States, severely restricting them from set-

1 ting reasonable limits on campaign spending. For
2 example, the Court has held that only the Govern-
3 ment's interest in preventing quid pro quo corrup-
4 tion, like bribery, or the appearance of such corrup-
5 tion, can justify limits on campaign contributions.
6 More broadly, the Court has severely curtailed at-
7 tempts to reduce the ability of the Nation's wealthi-
8 est and most powerful to skew our democracy in
9 their favor by buying outsized influence in our elec-
10 tions. Because this distortion of the Constitution has
11 prevented other critical regulation or reform of the
12 way we finance elections in America, a constitutional
13 amendment is needed to achieve a democracy for all
14 the people.

15 (13) The torrent of money flowing into our po-
16 litical system has a profound effect on the demo-
17 cratic process for everyday Americans, whose voices
18 and policy preferences are increasingly being
19 drowned out by those of wealthy special interests.
20 The more campaign cash from wealthy special inter-
21 ests can flood our elections, the more policies that
22 favor those interests are reflected in the national po-
23 litical agenda. When it comes to policy preferences,
24 our Nation's wealthiest tend to have fundamentally
25 different views than do average Americans when it

1 comes to issues ranging from unemployment benefits
2 to the minimum wage to health care coverage.

3 (14) At the same time millions of Americans
4 have signed petitions, marched, called their Members
5 of Congress, written letters to the editor, and other-
6 wise demonstrated their public support for a con-
7 stitutional amendment to overturn Citizens United
8 that will allow Congress to reign in the outsized in-
9 fluence of unchecked money in politics. Dozens of
10 organizations, representing tens of millions of indi-
11 viduals, have come together in a shared strategy of
12 supporting such an amendment.

13 (15) In order to protect the integrity of democ-
14 racy and the electoral process and to ensure political
15 equality for all, the Constitution should be amended
16 so that Congress and the States may regulate and
17 set limits on the raising and spending of money to
18 influence elections and may distinguish between nat-
19 ural persons and artificial entities, like corporations,
20 that are created by law, including by prohibiting
21 such artificial entities from spending money to influ-
22 ence elections.

1 **Subtitle B—Congressional**
2 **Elections**

3 **SEC. 5100. SHORT TITLE.**

4 This subtitle may be cited as the “Government By
5 the People Act of 2021”.

6 **PART 1—MY VOICE VOUCHER PILOT PROGRAM**

7 **SEC. 5101. ESTABLISHMENT OF PILOT PROGRAM.**

8 (a) **ESTABLISHMENT.**—The Federal Election Com-
9 mission (hereafter in this part referred to as the “Commis-
10 sion”) shall establish a pilot program under which the
11 Commission shall select 3 eligible States to operate a
12 voucher pilot program which is described in section 5102
13 during the program operation period.

14 (b) **ELIGIBILITY OF STATES.**—A State is eligible to
15 be selected to operate a voucher pilot program under this
16 part if, not later than 180 days after the beginning of the
17 program application period, the State submits to the Com-
18 mission an application containing—

19 (1) information and assurances that the State
20 will operate a voucher program which contains the
21 elements described in section 5102(a);

22 (2) information and assurances that the State
23 will establish fraud prevention mechanisms described
24 in section 5102(b);

1 (3) information and assurances that the State
2 will establish a commission to oversee and implement
3 the program as described in section 5102(c);

4 (4) information and assurances that the State
5 will carry out a public information campaign as de-
6 scribed in section 5102(d);

7 (5) information and assurances that the State
8 will submit reports as required under section 5103;
9 and

10 (6) such other information and assurances as
11 the Commission may require.

12 (c) SELECTION OF PARTICIPATING STATES.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the beginning of the program application period, the
15 Commission shall select the 3 States which will oper-
16 ate voucher pilot programs under this part.

17 (2) CRITERIA.—In selecting States for the oper-
18 ation of the voucher pilot programs under this part,
19 the Commission shall apply such criteria and metrics
20 as the Commission considers appropriate to deter-
21 mine the ability of a State to operate the program
22 successfully, and shall attempt to select States in a
23 variety of geographic regions and with a variety of
24 political party preferences.

1 (3) NO SUPERMAJORITY REQUIRED FOR SELEC-
2 TION.—The selection of States by the Commission
3 under this subsection shall require the approval of
4 only half of the Members of the Commission.

5 (d) DUTIES OF STATES DURING PROGRAM PREPARA-
6 TION PERIOD.—During the program preparation period,
7 each State selected to operate a voucher pilot program
8 under this part shall take such actions as may be nec-
9 essary to ensure that the State will be ready to operate
10 the program during the program operation period, and
11 shall complete such actions not later than 90 days before
12 the beginning of the program operation period.

13 (e) TERMINATION.—Each voucher pilot program
14 under this part shall terminate as of the first day after
15 the program operation period.

16 (f) REIMBURSEMENT OF COSTS.—

17 (1) REIMBURSEMENT.—Upon receiving the re-
18 port submitted by a State under section 5103(a)
19 with respect to an election cycle, the Commission
20 shall transmit a payment to the State in an amount
21 equal to the reasonable costs incurred by the State
22 in operating the voucher pilot program under this
23 part during the cycle.

24 (2) SOURCE OF FUNDS.—Payments to States
25 under the program shall be made using amounts in

1 the Freedom From Influence Fund under section
2 541 of the Federal Election Campaign Act of 1971
3 (as added by section 5111), hereafter referred to as
4 the “Fund”.

5 (3) MANDATORY REDUCTION OF PAYMENTS IN
6 CASE OF INSUFFICIENT AMOUNTS IN FREEDOM
7 FROM INFLUENCE FUND.—

8 (A) ADVANCE AUDITS BY COMMISSION.—

9 Not later than 90 days before the first day of
10 each program operation period, the Commission
11 shall—

12 (i) audit the Fund to determine
13 whether, after first making payments to
14 participating candidates under title V of
15 the Federal Election Campaign Act of
16 1971 (as added by section 5111), the
17 amounts remaining in the Fund will be
18 sufficient to make payments to States
19 under this part in the amounts provided
20 under this subsection; and

21 (ii) submit a report to Congress de-
22 scribing the results of the audit.

23 (B) REDUCTIONS IN AMOUNT OF PAY-
24 MENTS.—

1 (i) AUTOMATIC REDUCTION ON PRO
2 RATA BASIS.—If, on the basis of the audit
3 described in subparagraph (A), the Com-
4 mission determines that the amount antici-
5 pated to be available in the Fund with re-
6 spect to an election cycle involved is not, or
7 may not be, sufficient to make payments to
8 States under this part in the full amount
9 provided under this subsection, the Com-
10 mission shall reduce each amount which
11 would otherwise be paid to a State under
12 this subsection by such pro rata amount as
13 may be necessary to ensure that the aggre-
14 gate amount of payments anticipated to be
15 made with respect to the cycle will not ex-
16 ceed the amount anticipated to be available
17 for such payments in the Fund with re-
18 spect to such cycle.

19 (ii) RESTORATION OF REDUCTIONS IN
20 CASE OF AVAILABILITY OF SUFFICIENT
21 FUNDS DURING ELECTION CYCLE.—If,
22 after reducing the amounts paid to States
23 with respect to an election cycle under
24 clause (i), the Commission determines that
25 there are sufficient amounts in the Fund

1 to restore the amount by which such pay-
2 ments were reduced (or any portion there-
3 of), to the extent that such amounts are
4 available, the Commission may make a
5 payment on a pro rata basis to each such
6 State with respect to the cycle in the
7 amount by which such State's payments
8 were reduced under clause (i) (or any por-
9 tion thereof, as the case may be).

10 (iii) NO USE OF AMOUNTS FROM
11 OTHER SOURCES.—In any case in which
12 the Commission determines that there are
13 insufficient moneys in the Fund to make
14 payments to States under this part, mon-
15 eys shall not be made available from any
16 other source for the purpose of making
17 such payments.

18 (4) CAP ON AMOUNT OF PAYMENT.—The aggre-
19 gate amount of payments made to any State with re-
20 spect to any program operation period may not ex-
21 ceed \$10,000,000. If the State determines that the
22 maximum payment amount under this paragraph
23 with respect to the program operation period in-
24 volved is not, or may not be, sufficient to cover the
25 reasonable costs incurred by the State in operating

1 the program under this part for such period, the
2 State shall reduce the amount of the voucher pro-
3 vided to each qualified individual by such pro rata
4 amount as may be necessary to ensure that the rea-
5 sonable costs incurred by the State in operating the
6 program will not exceed the amount paid to the
7 State with respect to such period.

8 **SEC. 5102. VOUCHER PROGRAM DESCRIBED.**

9 (a) GENERAL ELEMENTS OF PROGRAM.—

10 (1) ELEMENTS DESCRIBED.—The elements of a
11 voucher pilot program operated by a State under
12 this part are as follows:

13 (A) The State shall provide each qualified
14 individual upon the individual's request with a
15 voucher worth \$25 to be known as a "My Voice
16 Voucher" during the election cycle which will be
17 assigned a routing number and which at the op-
18 tion of the individual will be provided in either
19 paper or electronic form.

20 (B) Using the routing number assigned to
21 the My Voice Voucher, the individual may sub-
22 mit the My Voice Voucher in either electronic
23 or paper form to qualified candidates for elec-
24 tion for the office of Representative in, or Dele-
25 gate or Resident Commissioner to, the Congress

1 and allocate such portion of the value of the My
2 Voice Voucher in increments of \$5 as the indi-
3 vidual may select to any such candidate.

4 (C) If the candidate transmits the My
5 Voice Voucher to the Commission, the Commis-
6 sion shall pay the candidate the portion of the
7 value of the My Voice Voucher that the indi-
8 vidual allocated to the candidate, which shall be
9 considered a contribution by the individual to
10 the candidate for purposes of the Federal Elec-
11 tion Campaign Act of 1971.

12 (2) DESIGNATION OF QUALIFIED INDIVID-
13 UALS.—For purposes of paragraph (1)(A), a “quali-
14 fied individual” with respect to a State means an in-
15 dividual—

16 (A) who is a resident of the State;

17 (B) who will be of voting age as of the
18 date of the election for the candidate to whom
19 the individual submits a My Voice Voucher; and

20 (C) who is not prohibited under Federal
21 law from making contributions to candidates
22 for election for Federal office.

23 (3) TREATMENT AS CONTRIBUTION TO CAN-
24 DIDATE.—For purposes of the Federal Election
25 Campaign Act of 1971, the submission of a My

1 Voice Voucher to a candidate by an individual shall
2 be treated as a contribution to the candidate by the
3 individual in the amount of the portion of the value
4 of the Voucher that the individual allocated to the
5 candidate.

6 (b) FRAUD PREVENTION MECHANISM.—In addition
7 to the elements described in subsection (a), a State oper-
8 ating a voucher pilot program under this part shall permit
9 an individual to revoke a My Voice Voucher not later than
10 2 days after submitting the My Voice Voucher to a can-
11 didate.

12 (c) OVERSIGHT COMMISSION.—In addition to the ele-
13 ments described in subsection (a), a State operating a
14 voucher pilot program under this part shall establish a
15 commission or designate an existing entity to oversee and
16 implement the program in the State, except that no such
17 commission or entity may be comprised of elected officials.

18 (d) PUBLIC INFORMATION CAMPAIGN.—In addition
19 to the elements described in subsection (a), a State oper-
20 ating a voucher pilot program under this part shall carry
21 out a public information campaign to disseminate aware-
22 ness of the program among qualified individuals.

23 **SEC. 5103. REPORTS.**

24 (a) PRELIMINARY REPORT.—Not later than 6
25 months after the first election cycle of the program oper-

1 ation period, a State which operates a voucher pilot pro-
2 gram under this part shall submit a report to the Commis-
3 sion analyzing the operation and effectiveness of the pro-
4 gram during the cycle and including such other informa-
5 tion as the Commission may require.

6 (b) FINAL REPORT.—Not later than 6 months after
7 the end of the program operation period, the State shall
8 submit a final report to the Commission analyzing the op-
9 eration and effectiveness of the program and including
10 such other information as the Commission may require.

11 (c) STUDY AND REPORT ON IMPACT AND EFFEC-
12 TIVENESS OF VOUCHER PROGRAMS.—

13 (1) STUDY.—The Federal Election Commission
14 shall conduct a study on the efficacy of political
15 voucher programs, including the program under this
16 part and other similar programs, in expanding and
17 diversifying the pool of individuals who participate in
18 the electoral process, including those who participate
19 as donors and those who participate as candidates.

20 (2) REPORT.—Not later than 1 year after the
21 date of the enactment of this Act, the Commission
22 shall publish and submit to Congress a report on the
23 study conducted under subsection (a), and shall in-
24 clude in the report such recommendations as the
25 Commission considers appropriate which would en-

1 able political voucher programs to be implemented
2 on a national scale.

3 **SEC. 5104. DEFINITIONS.**

4 (a) **ELECTION CYCLE.**—In this part, the term “elec-
5 tion cycle” means the period beginning on the day after
6 the date of the most recent regularly scheduled general
7 election for Federal office and ending on the date of the
8 next regularly scheduled general election for Federal of-
9 fice.

10 (b) **DEFINITIONS RELATING TO PERIODS.**—In this
11 part, the following definitions apply:

12 (1) **PROGRAM APPLICATION PERIOD.**—The term
13 “program application period” means the first elec-
14 tion cycle which begins after the date of the enact-
15 ment of this Act.

16 (2) **PROGRAM PREPARATION PERIOD.**—The
17 term “program preparation period” means the first
18 election cycle which begins after the program appli-
19 cation period.

20 (3) **PROGRAM OPERATION PERIOD.**—The term
21 “program operation period” means the first 2 elec-
22 tion cycles which begin after the program prepara-
23 tion period.

1 **PART 2—SMALL DOLLAR FINANCING OF**
2 **CONGRESSIONAL ELECTION CAMPAIGNS**

3 **SEC. 5111. BENEFITS AND ELIGIBILITY REQUIREMENTS**
4 **FOR CANDIDATES.**

5 The Federal Election Campaign Act of 1971 (52
6 U.S.C. 30101 et seq.) is amended by adding at the end
7 the following:

8 **“TITLE V—SMALL DOLLAR FI-**
9 **NANCING OF CONGRES-**
10 **SIONAL ELECTION CAM-**
11 **PAIGNS**

12 **“Subtitle A—Benefits**

13 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

14 “(a) IN GENERAL.—If a candidate for election to the
15 office of Representative in, or Delegate or Resident Com-
16 missioner to, the Congress is certified as a participating
17 candidate under this title with respect to an election for
18 such office, the candidate shall be entitled to payments
19 as provided under this title.

20 “(b) AMOUNT OF PAYMENT.—The amount of a pay-
21 ment made under this title shall be equal to 600 percent
22 of the amount of qualified small dollar contributions re-
23 ceived by the candidate since the most recent payment
24 made to the candidate under this title during the election
25 cycle, without regard to whether or not the candidate re-
26 ceived any of the contributions before, during, or after the

1 Small Dollar Democracy qualifying period applicable to
2 the candidate under section 511(c).

3 “(c) LIMIT ON AGGREGATE AMOUNT OF PAY-
4 MENTS.—The aggregate amount of payments made to a
5 participating candidate with respect to an election cycle
6 under this title may not exceed 50 percent of the average
7 of the 20 greatest amounts of disbursements made by the
8 authorized committees of any winning candidate for the
9 office of Representative in, or Delegate or Resident Com-
10 missioner to, the Congress during the most recent election
11 cycle, rounded to the nearest \$100,000.

12 **“SEC. 502. PROCEDURES FOR MAKING PAYMENTS.**

13 “(a) IN GENERAL.—The Commission shall make a
14 payment under section 501 to a candidate who is certified
15 as a participating candidate upon receipt from the can-
16 didate of a request for a payment which includes—

17 “(1) a statement of the number and amount of
18 qualified small dollar contributions received by the
19 candidate since the most recent payment made to
20 the candidate under this title during the election
21 cycle;

22 “(2) a statement of the amount of the payment
23 the candidate anticipates receiving with respect to
24 the request;

1 “(3) a statement of the total amount of pay-
2 ments the candidate has received under this title as
3 of the date of the statement; and

4 “(4) such other information and assurances as
5 the Commission may require.

6 “(b) RESTRICTIONS ON SUBMISSION OF RE-
7 QUESTS.—A candidate may not submit a request under
8 subsection (a) unless each of the following applies:

9 “(1) The amount of the qualified small dollar
10 contributions in the statement referred to in sub-
11 section (a)(1) is equal to or greater than \$5,000, un-
12 less the request is submitted during the 30-day pe-
13 riod which ends on the date of a general election.

14 “(2) The candidate did not receive a payment
15 under this title during the 7-day period which ends
16 on the date the candidate submits the request.

17 “(c) TIME OF PAYMENT.—The Commission shall, in
18 coordination with the Secretary of the Treasury, take such
19 steps as may be necessary to ensure that the Secretary
20 is able to make payments under this section from the
21 Treasury not later than 2 business days after the receipt
22 of a request submitted under subsection (a).

23 **“SEC. 503. USE OF FUNDS.**

24 “(a) USE OF FUNDS FOR AUTHORIZED CAMPAIGN
25 EXPENDITURES.—A candidate shall use payments made

1 under this title, including payments provided with respect
 2 to a previous election cycle which are withheld from remit-
 3 tance to the Commission in accordance with section
 4 524(a)(2), only for making direct payments for the receipt
 5 of goods and services which constitute authorized expendi-
 6 tures (as determined in accordance with title III) in con-
 7 nection with the election cycle involved.

8 “(b) PROHIBITING USE OF FUNDS FOR LEGAL EX-
 9 PENSES, FINES, OR PENALTIES.—Notwithstanding title
 10 III, a candidate may not use payments made under this
 11 title for the payment of expenses incurred in connection
 12 with any action, claim, or other matter before the Commis-
 13 sion or before any court, hearing officer, arbitrator, or
 14 other dispute resolution entity, or for the payment of any
 15 fine or civil monetary penalty.

16 **“SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DE-**
 17 **SCRIBED.**

18 “(a) IN GENERAL.—In this title, the term ‘qualified
 19 small dollar contribution’ means, with respect to a can-
 20 didate and the authorized committees of a candidate, a
 21 contribution that meets the following requirements:

- 22 “(1) The contribution is in an amount that is—
 23 “(A) not less than \$1; and
 24 “(B) not more than \$200.

1 “(2)(A) The contribution is made directly by an
2 individual to the candidate or an authorized com-
3 mittee of the candidate and is not—

4 “(i) forwarded from the individual making
5 the contribution to the candidate or committee
6 by another person; or

7 “(ii) received by the candidate or com-
8 mittee with the knowledge that the contribution
9 was made at the request, suggestion, or rec-
10 ommendation of another person.

11 “(B) In this paragraph—

12 “(i) the term ‘person’ does not include an
13 individual (other than an individual described in
14 section 304(i)(7) of the Federal Election Cam-
15 paign Act of 1971), a political committee of a
16 political party, or any political committee which
17 is not a separate segregated fund described in
18 section 316(b) of the Federal Election Cam-
19 paign Act of 1971 and which does not make
20 contributions or independent expenditures, does
21 not engage in lobbying activity under the Lob-
22 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
23 seq.), and is not established by, controlled by,
24 or affiliated with a registered lobbyist under
25 such Act, an agent of a registered lobbyist

1 under such Act, or an organization which re-
2 tains or employs a registered lobbyist under
3 such Act; and

4 “(ii) a contribution is not ‘made at the re-
5 quest, suggestion, or recommendation of an-
6 other person’ solely on the grounds that the
7 contribution is made in response to information
8 provided to the individual making the contribu-
9 tion by any person, so long as the candidate or
10 authorized committee does not know the iden-
11 tity of the person who provided the information
12 to such individual.

13 “(3) The individual who makes the contribution
14 does not make contributions to the candidate or the
15 authorized committees of the candidate with respect
16 to the election involved in an aggregate amount that
17 exceeds the amount described in paragraph (1)(B),
18 or any contribution to the candidate or the author-
19 ized committees of the candidate with respect to the
20 election involved that otherwise is not a qualified
21 small dollar contribution.

22 “(b) TREATMENT OF MY VOICE VOUCHERS.—Any
23 payment received by a candidate and the authorized com-
24 mittees of a candidate which consists of a My Voice
25 Voucher under the Government By the People Act of 2021

1 shall be considered a qualified small dollar contribution
2 for purposes of this title, so long as the individual making
3 the payment meets the requirements of paragraphs (2)
4 and (3) of subsection (a).

5 “(c) RESTRICTION ON SUBSEQUENT CONTRIBU-
6 TIONS.—

7 “(1) PROHIBITING DONOR FROM MAKING SUB-
8 SEQUENT NONQUALIFIED CONTRIBUTIONS DURING
9 ELECTION CYCLE.—

10 “(A) IN GENERAL.—An individual who
11 makes a qualified small dollar contribution to a
12 candidate or the authorized committees of a
13 candidate with respect to an election may not
14 make any subsequent contribution to such can-
15 didate or the authorized committees of such
16 candidate with respect to the election cycle
17 which is not a qualified small dollar contribu-
18 tion.

19 “(B) EXCEPTION FOR CONTRIBUTIONS TO
20 CANDIDATES WHO VOLUNTARILY WITHDRAW
21 FROM PARTICIPATION DURING QUALIFYING PE-
22 RIOD.—Subparagraph (A) does not apply with
23 respect to a contribution made to a candidate
24 who, during the Small Dollar Democracy quali-
25 fying period described in section 511(c), sub-

1 mits a statement to the Commission under sec-
2 tion 513(c) to voluntarily withdraw from par-
3 ticipating in the program under this title.

4 “(2) TREATMENT OF SUBSEQUENT NON-
5 QUALIFIED CONTRIBUTIONS.—If, notwithstanding
6 the prohibition described in paragraph (1), an indi-
7 vidual who makes a qualified small dollar contribu-
8 tion to a candidate or the authorized committees of
9 a candidate with respect to an election makes a sub-
10 sequent contribution to such candidate or the au-
11 thorized committees of such candidate with respect
12 to the election which is prohibited under paragraph
13 (1) because it is not a qualified small dollar con-
14 tribution, the candidate may take one of the fol-
15 lowing actions:

16 “(A) Not later than 2 weeks after receiving
17 the contribution, the candidate may return the
18 subsequent contribution to the individual. In
19 the case of a subsequent contribution which is
20 not a qualified small dollar contribution because
21 the contribution fails to meet the requirements
22 of paragraph (3) of subsection (a) (relating to
23 the aggregate amount of contributions made to
24 the candidate or the authorized committees of
25 the candidate by the individual making the con-

1 tribution), the candidate may return an amount
2 equal to the difference between the amount of
3 the subsequent contribution and the amount de-
4 scribed in paragraph (1)(B) of subsection (a).

5 “(B) The candidate may retain the subse-
6 quent contribution, so long as not later than 2
7 weeks after receiving the subsequent contribu-
8 tion, the candidate remits to the Commission
9 for deposit in the Freedom From Influence
10 Fund under section 541 an amount equal to
11 any payments received by the candidate under
12 this title which are attributable to the qualified
13 small dollar contribution made by the individual
14 involved.

15 “(3) NO EFFECT ON ABILITY TO MAKE MUL-
16 TIPLE CONTRIBUTIONS.—Nothing in this section
17 may be construed to prohibit an individual from
18 making multiple qualified small dollar contributions
19 to any candidate or any number of candidates, so
20 long as each contribution meets each of the require-
21 ments of paragraphs (1), (2), and (3) of subsection
22 (a).

23 “(d) NOTIFICATION REQUIREMENTS FOR CAN-
24 DIDATES.—

1 “(1) NOTIFICATION.—Each authorized com-
2 mittee of a candidate who seeks to be a participating
3 candidate under this title shall provide the following
4 information in any materials for the solicitation of
5 contributions, including any internet site through
6 which individuals may make contributions to the
7 committee:

8 “(A) A statement that if the candidate is
9 certified as a participating candidate under this
10 title, the candidate will receive matching pay-
11 ments in an amount which is based on the total
12 amount of qualified small dollar contributions
13 received.

14 “(B) A statement that a contribution
15 which meets the requirements set forth in sub-
16 section (a) shall be treated as a qualified small
17 dollar contribution under this title.

18 “(C) A statement that if a contribution is
19 treated as qualified small dollar contribution
20 under this title, the individual who makes the
21 contribution may not make any contribution to
22 the candidate or the authorized committees of
23 the candidate during the election cycle which is
24 not a qualified small dollar contribution.

1 “(2) ALTERNATIVE METHODS OF MEETING RE-
2 QUIREMENTS.—An authorized committee may meet
3 the requirements of paragraph (1)—

4 “(A) by including the information de-
5 scribed in paragraph (1) in the receipt provided
6 under section 512(b)(3) to a person making a
7 qualified small dollar contribution; or

8 “(B) by modifying the information it pro-
9 vides to persons making contributions which is
10 otherwise required under title III (including in-
11 formation it provides through the internet).

12 **“Subtitle B—Eligibility and**
13 **Certification**

14 **“SEC. 511. ELIGIBILITY.**

15 “(a) IN GENERAL.—A candidate for the office of
16 Representative in, or Delegate or Resident Commissioner
17 to, the Congress is eligible to be certified as a participating
18 candidate under this title with respect to an election if
19 the candidate meets the following requirements:

20 “(1) The candidate files with the Commission a
21 statement of intent to seek certification as a partici-
22 pating candidate.

23 “(2) The candidate meets the qualifying re-
24 quirements of section 512.

1 “(3) The candidate files with the Commission a
2 statement certifying that the authorized committees
3 of the candidate meet the requirements of section
4 504(d).

5 “(4) Not later than the last day of the Small
6 Dollar Democracy qualifying period, the candidate
7 files with the Commission an affidavit signed by the
8 candidate and the treasurer of the candidate’s prin-
9 cipal campaign committee declaring that the can-
10 didate—

11 “(A) has complied and, if certified, will
12 comply with the contribution and expenditure
13 requirements of section 521;

14 “(B) if certified, will run only as a partici-
15 pating candidate for all elections for the office
16 that such candidate is seeking during that elec-
17 tion cycle; and

18 “(C) has either qualified or will take steps
19 to qualify under State law to be on the ballot.

20 “(b) GENERAL ELECTION.—Notwithstanding sub-
21 section (a), a candidate shall not be eligible to be certified
22 as a participating candidate under this title for a general
23 election or a general runoff election unless the candidate’s
24 party nominated the candidate to be placed on the ballot

1 for the general election or the candidate is otherwise quali-
2 fied to be on the ballot under State law.

3 “(c) SMALL DOLLAR DEMOCRACY QUALIFYING PE-
4 RIOD DEFINED.—The term ‘Small Dollar Democracy
5 qualifying period’ means, with respect to any candidate
6 for an office, the 180-day period (during the election cycle
7 for such office) which begins on the date on which the
8 candidate files a statement of intent under section
9 511(a)(1), except that such period may not continue after
10 the date that is 30 days before the date of the general
11 election for the office.

12 **“SEC. 512. QUALIFYING REQUIREMENTS.**

13 “(a) RECEIPT OF QUALIFIED SMALL DOLLAR CON-
14 TRIBUTIONS.—A candidate for the office of Representative
15 in, or Delegate or Resident Commissioner to, the Congress
16 meets the requirement of this section if, during the Small
17 Dollar Democracy qualifying period described in section
18 511(c), each of the following occurs:

19 “(1) Not fewer than 1,000 individuals make a
20 qualified small dollar contribution to the candidate.

21 “(2) The candidate obtains a total dollar
22 amount of qualified small dollar contributions which
23 is equal to or greater than \$50,000.

1 “(b) REQUIREMENTS RELATING TO RECEIPT OF
2 QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each
3 qualified small dollar contribution—

4 “(1) may be made by means of a personal
5 check, money order, debit card, credit card, elec-
6 tronic payment account, or any other method
7 deemed appropriate by the Commission;

8 “(2) shall be accompanied by a signed state-
9 ment (or, in the case of a contribution made online
10 or through other electronic means, an electronic
11 equivalent) containing the contributor’s name and
12 address; and

13 “(3) shall be acknowledged by a receipt that is
14 sent to the contributor with a copy (in paper or elec-
15 tronic form) kept by the candidate for the Commis-
16 sion.

17 “(c) VERIFICATION OF CONTRIBUTIONS.—The Com-
18 mission shall establish procedures for the auditing and
19 verification of the contributions received and expenditures
20 made by participating candidates under this title, includ-
21 ing procedures for random audits, to ensure that such con-
22 tributions and expenditures meet the requirements of this
23 title.

24 **“SEC. 513. CERTIFICATION.**

25 “(a) DEADLINE AND NOTIFICATION.—

1 “(1) IN GENERAL.—Not later than 5 business
2 days after a candidate files an affidavit under sec-
3 tion 511(a)(4), the Commission shall—

4 “(A) determine whether or not the can-
5 didate meets the requirements for certification
6 as a participating candidate;

7 “(B) if the Commission determines that
8 the candidate meets such requirements, certify
9 the candidate as a participating candidate; and

10 “(C) notify the candidate of the Commis-
11 sion’s determination.

12 “(2) DEEMED CERTIFICATION FOR ALL ELEC-
13 TIONS IN ELECTION CYCLE.—If the Commission cer-
14 tifies a candidate as a participating candidate with
15 respect to the first election of the election cycle in-
16 volved, the Commission shall be deemed to have cer-
17 tified the candidate as a participating candidate with
18 respect to all subsequent elections of the election
19 cycle.

20 “(b) REVOCATION OF CERTIFICATION.—

21 “(1) IN GENERAL.—The Commission shall re-
22 voke a certification under subsection (a) if—

23 “(A) a candidate fails to qualify to appear
24 on the ballot at any time after the date of cer-
25 tification (other than a candidate certified as a

1 participating candidate with respect to a pri-
2 mary election who fails to qualify to appear on
3 the ballot for a subsequent election in that elec-
4 tion cycle);

5 “(B) a candidate ceases to be a candidate
6 for the office involved, as determined on the
7 basis of an official announcement by an author-
8 ized committee of the candidate or on the basis
9 of a reasonable determination by the Commis-
10 sion; or

11 “(C) a candidate otherwise fails to comply
12 with the requirements of this title, including
13 any regulatory requirements prescribed by the
14 Commission.

15 “(2) EXISTENCE OF CRIMINAL SANCTION.—The
16 Commission shall revoke a certification under sub-
17 section (a) if a penalty is assessed against the can-
18 didate under section 309(d) with respect to the elec-
19 tion.

20 “(3) EFFECT OF REVOCATION.—If a can-
21 didate’s certification is revoked under this sub-
22 section—

23 “(A) the candidate may not receive pay-
24 ments under this title during the remainder of
25 the election cycle involved; and

1 “(B) in the case of a candidate whose cer-
2 tification is revoked pursuant to subparagraph
3 (A) or subparagraph (C) of paragraph (1)—

4 “(i) the candidate shall repay to the
5 Freedom From Influence Fund established
6 under section 541 an amount equal to the
7 payments received under this title with re-
8 spect to the election cycle involved plus in-
9 terest (at a rate determined by the Com-
10 mission on the basis of an appropriate an-
11 nual percentage rate for the month in-
12 volved) on any such amount received; and

13 “(ii) the candidate may not be cer-
14 tified as a participating candidate under
15 this title with respect to the next election
16 cycle.

17 “(4) PROHIBITING PARTICIPATION IN FUTURE
18 ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-
19 OCATIONS.—If the Commission revokes the certifi-
20 cation of an individual as a participating candidate
21 under this title pursuant to subparagraph (A) or
22 subparagraph (C) of paragraph (1) a total of 3
23 times, the individual may not be certified as a par-
24 ticipating candidate under this title with respect to
25 any subsequent election.

1 “(c) VOLUNTARY WITHDRAWAL FROM PARTICI-
2 PATING DURING QUALIFYING PERIOD.—At any time dur-
3 ing the Small Dollar Democracy qualifying period de-
4 scribed in section 511(c), a candidate may withdraw from
5 participation in the program under this title by submitting
6 to the Commission a statement of withdrawal (without re-
7 gard to whether or not the Commission has certified the
8 candidate as a participating candidate under this title as
9 of the time the candidate submits such statement), so long
10 as the candidate has not submitted a request for payment
11 under section 502.

12 “(d) PARTICIPATING CANDIDATE DEFINED.—In this
13 title, a ‘participating candidate’ means a candidate for the
14 office of Representative in, or Delegate or Resident Com-
15 missioner to, the Congress who is certified under this sec-
16 tion as eligible to receive benefits under this title.

17 **“Subtitle C—Requirements for Can-**
18 **didates Certified as Partici-**
19 **pating Candidates**

20 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**
21 **MENTS.**

22 “(a) PERMITTED SOURCES OF CONTRIBUTIONS AND
23 EXPENDITURES.—Except as provided in subsection (c), a
24 participating candidate with respect to an election shall,
25 with respect to all elections occurring during the election

1 cycle for the office involved, accept no contributions from
2 any source and make no expenditures from any amounts,
3 other than the following:

4 “(1) Qualified small dollar contributions.

5 “(2) Payments under this title.

6 “(3) Contributions from political committees es-
7 tablished and maintained by a national or State po-
8 litical party, subject to the applicable limitations of
9 section 315.

10 “(4) Subject to subsection (b), personal funds
11 of the candidate or of any immediate family member
12 of the candidate (other than funds received through
13 qualified small dollar contributions).

14 “(5) Contributions from individuals who are
15 otherwise permitted to make contributions under
16 this Act, subject to the applicable limitations of sec-
17 tion 315, except that the aggregate amount of con-
18 tributions a participating candidate may accept from
19 any individual with respect to any election during
20 the election cycle may not exceed \$1,000.

21 “(6) Contributions from multicandidate political
22 committees, subject to the applicable limitations of
23 section 315.

24 “(b) SPECIAL RULES FOR PERSONAL FUNDS.—

1 “(1) LIMIT ON AMOUNT.—A candidate who is
2 certified as a participating candidate may use per-
3 sonal funds (including personal funds of any imme-
4 diate family member of the candidate) so long as—

5 “(A) the aggregate amount used with re-
6 spect to the election cycle (including any period
7 of the cycle occurring prior to the candidate’s
8 certification as a participating candidate) does
9 not exceed \$50,000; and

10 “(B) the funds are used only for making
11 direct payments for the receipt of goods and
12 services which constitute authorized expendi-
13 tures in connection with the election cycle in-
14 volved.

15 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
16 In this subsection, the term ‘immediate family mem-
17 ber’ means, with respect to a candidate—

18 “(A) the candidate’s spouse;

19 “(B) a child, stepchild, parent, grand-
20 parent, brother, half-brother, sister, or half-sis-
21 ter of the candidate or the candidate’s spouse;
22 and

23 “(C) the spouse of any person described in
24 subparagraph (B).

25 “(c) EXCEPTIONS.—

1 “(1) EXCEPTION FOR CONTRIBUTIONS RE-
2 CEIVED PRIOR TO FILING OF STATEMENT OF IN-
3 TENT.—A candidate who has accepted contributions
4 that are not described in subsection (a) is not in vio-
5 lation of subsection (a), but only if all such contribu-
6 tions are—

7 “(A) returned to the contributor;

8 “(B) submitted to the Commission for de-
9 posit in the Freedom From Influence Fund es-
10 tablished under section 541; or

11 “(C) spent in accordance with paragraph
12 (2).

13 “(2) EXCEPTION FOR EXPENDITURES MADE
14 PRIOR TO FILING OF STATEMENT OF INTENT.—If a
15 candidate has made expenditures prior to the date
16 the candidate files a statement of intent under sec-
17 tion 511(a)(1) that the candidate is prohibited from
18 making under subsection (a) or subsection (b), the
19 candidate is not in violation of such subsection if the
20 aggregate amount of the prohibited expenditures is
21 less than the amount referred to in section
22 512(a)(2) (relating to the total dollar amount of
23 qualified small dollar contributions which the can-
24 didate is required to obtain) which is applicable to
25 the candidate.

1 “(3) EXCEPTION FOR CAMPAIGN SURPLUSES
2 FROM A PREVIOUS ELECTION.—Notwithstanding
3 paragraph (1), unexpended contributions received by
4 the candidate or an authorized committee of the
5 candidate with respect to a previous election may be
6 retained, but only if the candidate places the funds
7 in escrow and refrains from raising additional funds
8 for or spending funds from that account during the
9 election cycle in which a candidate is a participating
10 candidate.

11 “(4) EXCEPTION FOR CONTRIBUTIONS RE-
12 CEIVED BEFORE THE EFFECTIVE DATE OF THIS
13 TITLE.—Contributions received and expenditures
14 made by the candidate or an authorized committee
15 of the candidate prior to the effective date of this
16 title shall not constitute a violation of subsection (a)
17 or (b). Unexpended contributions shall be treated
18 the same as campaign surpluses under paragraph
19 (3), and expenditures made shall count against the
20 limit in paragraph (2).

21 “(d) SPECIAL RULE FOR COORDINATED PARTY EX-
22 PENDITURES.—For purposes of this section, a payment
23 made by a political party in coordination with a partici-
24 pating candidate shall not be treated as a contribution to
25 or as an expenditure made by the participating candidate.

1 “(e) PROHIBITION ON JOINT FUNDRAISING COMMIT-
2 TEES.—

3 “(1) PROHIBITION.—An authorized committee
4 of a candidate who is certified as a participating
5 candidate under this title with respect to an election
6 may not establish a joint fundraising committee with
7 a political committee other than another authorized
8 committee of the candidate.

9 “(2) STATUS OF EXISTING COMMITTEES FOR
10 PRIOR ELECTIONS.—If a candidate established a
11 joint fundraising committee described in paragraph
12 (1) with respect to a prior election for which the
13 candidate was not certified as a participating can-
14 didate under this title and the candidate does not
15 terminate the committee, the candidate shall not be
16 considered to be in violation of paragraph (1) so
17 long as that joint fundraising committee does not re-
18 ceive any contributions or make any disbursements
19 during the election cycle for which the candidate is
20 certified as a participating candidate under this title.

21 “(f) PROHIBITION ON LEADERSHIP PACS.—

22 “(1) PROHIBITION.—A candidate who is cer-
23 tified as a participating candidate under this title
24 with respect to an election may not associate with,

1 establish, finance, maintain, or control a leadership
2 PAC.

3 “(2) STATUS OF EXISTING LEADERSHIP
4 PACS.—If a candidate established, financed, main-
5 tained, or controlled a leadership PAC prior to being
6 certified as a participating candidate under this title
7 and the candidate does not terminate the leadership
8 PAC, the candidate shall not be considered to be in
9 violation of paragraph (1) so long as the leadership
10 PAC does not receive any contributions or make any
11 disbursements during the election cycle for which the
12 candidate is certified as a participating candidate
13 under this title.

14 “(3) LEADERSHIP PAC DEFINED.—In this sub-
15 section, the term ‘leadership PAC’ has the meaning
16 given such term in section 304(i)(8)(B).

17 **“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

18 “(a) SEPARATE ACCOUNTING FOR VARIOUS PER-
19 MITTED CONTRIBUTIONS.—Each authorized committee of
20 a candidate certified as a participating candidate under
21 this title—

22 “(1) shall provide for separate accounting of
23 each type of contribution described in section 521(a)
24 which is received by the committee; and

1 “(2) shall provide for separate accounting for
2 the payments received under this title.

3 “(b) ENHANCED DISCLOSURE OF INFORMATION ON
4 DONORS.—

5 “(1) MANDATORY IDENTIFICATION OF INDIVID-
6 UALS MAKING QUALIFIED SMALL DOLLAR CON-
7 TRIBUTIONS.—Each authorized committee of a par-
8 ticipating candidate under this title shall, in accord-
9 ance with section 304(b)(3)(A), include in the re-
10 ports the committee submits under section 304 the
11 identification of each person who makes a qualified
12 small dollar contribution to the committee.

13 “(2) MANDATORY DISCLOSURE THROUGH
14 INTERNET.—Each authorized committee of a partici-
15 pating candidate under this title shall ensure that all
16 information reported to the Commission under this
17 Act with respect to contributions and expenditures
18 of the committee is available to the public on the
19 internet (whether through a site established for pur-
20 poses of this subsection, a hyperlink on another pub-
21 lic site of the committee, or a hyperlink on a report
22 filed electronically with the Commission) in a search-
23 able, sortable, and downloadable manner.

1 **“SEC. 523. PREVENTING UNNECESSARY SPENDING OF PUB-**
2 **LIC FUNDS.**

3 “(a) MANDATORY SPENDING OF AVAILABLE PRI-
4 VATE FUNDS.—An authorized committee of a candidate
5 certified as a participating candidate under this title may
6 not make any expenditure of any payments received under
7 this title in any amount unless the committee has made
8 an expenditure in an equivalent amount of funds received
9 by the committee which are described in paragraphs (1),
10 (3), (4), (5), and (6) of section 521(a).

11 “(b) LIMITATION.—Subsection (a) applies to an au-
12 thorized committee only to the extent that the funds re-
13 ferred to in such subsection are available to the committee
14 at the time the committee makes an expenditure of a pay-
15 ment received under this title.

16 **“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

17 “(a) REMITTANCE REQUIRED.—Not later than the
18 date that is 180 days after the last election for which a
19 candidate certified as a participating candidate qualifies
20 to be on the ballot during the election cycle involved, such
21 participating candidate shall remit to the Commission for
22 deposit in the Freedom From Influence Fund established
23 under section 541 an amount equal to the balance of the
24 payments received under this title by the authorized com-
25 mittees of the candidate which remain unexpended as of
26 such date.

1 “(b) PERMITTING CANDIDATES PARTICIPATING IN
2 NEXT ELECTION CYCLE TO RETAIN PORTION OF
3 UNSPENT FUNDS.—Notwithstanding subsection (a), a
4 participating candidate may withhold not more than
5 \$100,000 from the amount required to be remitted under
6 subsection (a) if the candidate files a signed affidavit with
7 the Commission that the candidate will seek certification
8 as a participating candidate with respect to the next elec-
9 tion cycle, except that the candidate may not use any por-
10 tion of the amount withheld until the candidate is certified
11 as a participating candidate with respect to that next elec-
12 tion cycle. If the candidate fails to seek certification as
13 a participating candidate prior to the last day of the Small
14 Dollar Democracy qualifying period for the next election
15 cycle (as described in section 511), or if the Commission
16 notifies the candidate of the Commission’s determination
17 does not meet the requirements for certification as a par-
18 ticipating candidate with respect to such cycle, the can-
19 didate shall immediately remit to the Commission the
20 amount withheld.

21 **“Subtitle D—Enhanced Match**
22 **Support**

23 **“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

24 “(a) AVAILABILITY OF ENHANCED SUPPORT.—In
25 addition to the payments made under subtitle A, the Com-

1 mission shall make an additional payment to an eligible
2 candidate under this subtitle.

3 “(b) USE OF FUNDS.—A candidate shall use the ad-
4 ditional payment under this subtitle only for authorized
5 expenditures in connection with the election involved.

6 **“SEC. 532. ELIGIBILITY.**

7 “(a) IN GENERAL.—A candidate is eligible to receive
8 an additional payment under this subtitle if the candidate
9 meets each of the following requirements:

10 “(1) The candidate is on the ballot for the gen-
11 eral election for the office the candidate seeks.

12 “(2) The candidate is certified as a partici-
13 pating candidate under this title with respect to the
14 election.

15 “(3) During the enhanced support qualifying
16 period, the candidate receives qualified small dollar
17 contributions in a total amount of not less than
18 \$50,000.

19 “(4) During the enhanced support qualifying
20 period, the candidate submits to the Commission a
21 request for the payment which includes—

22 “(A) a statement of the number and
23 amount of qualified small dollar contributions
24 received by the candidate during the enhanced
25 support qualifying period;

1 “(B) a statement of the amount of the
2 payment the candidate anticipates receiving
3 with respect to the request; and

4 “(C) such other information and assur-
5 ances as the Commission may require.

6 “(5) After submitting a request for the addi-
7 tional payment under paragraph (4), the candidate
8 does not submit any other application for an addi-
9 tional payment under this subtitle.

10 “(b) ENHANCED SUPPORT QUALIFYING PERIOD DE-
11 SCRIBED.—In this subtitle, the term ‘enhanced support
12 qualifying period’ means, with respect to a general elec-
13 tion, the period which begins 60 days before the date of
14 the election and ends 14 days before the date of the elec-
15 tion.

16 **“SEC. 533. AMOUNT.**

17 “(a) IN GENERAL.—Subject to subsection (b), the
18 amount of the additional payment made to an eligible can-
19 didate under this subtitle shall be an amount equal to 50
20 percent of—

21 “(1) the amount of the payment made to the
22 candidate under section 501(b) with respect to the
23 qualified small dollar contributions which are re-
24 ceived by the candidate during the enhanced support

1 qualifying period (as included in the request sub-
2 mitted by the candidate under section 532(a)(4)); or

3 “(2) in the case of a candidate who is not eligi-
4 ble to receive a payment under section 501(b) with
5 respect to such qualified small dollar contributions
6 because the candidate has reached the limit on the
7 aggregate amount of payments under subtitle A for
8 the election cycle under section 501(c), the amount
9 of the payment which would have been made to the
10 candidate under section 501(b) with respect to such
11 qualified small dollar contributions if the candidate
12 had not reached such limit.

13 “(b) LIMIT.—The amount of the additional payment
14 determined under subsection (a) with respect to a can-
15 didate may not exceed \$500,000.

16 “(c) NO EFFECT ON AGGREGATE LIMIT.—The
17 amount of the additional payment made to a candidate
18 under this subtitle shall not be included in determining
19 the aggregate amount of payments made to a participating
20 candidate with respect to an election cycle under section
21 501(c).

22 **“SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF**
23 **UNSPENT FUNDS AFTER ELECTION.**

24 “Notwithstanding section 524(a)(2), a candidate who
25 receives an additional payment under this subtitle with re-

1 spect to an election is not permitted to withhold any por-
 2 tion from the amount of unspent funds the candidate is
 3 required to remit to the Commission under section
 4 524(a)(1).

5 **“Subtitle E—Administrative** 6 **Provisions**

7 **“SEC. 541. FREEDOM FROM INFLUENCE FUND.**

8 “(a) ESTABLISHMENT.—There is established in the
 9 Treasury a fund to be known as the ‘Freedom From Infl-
 10 uence Fund’.

11 “(b) AMOUNTS HELD BY FUND.—The Fund shall
 12 consist of the following amounts:

13 “(1) ASSESSMENTS AGAINST FINES, SETTLE-
 14 MENTS, AND PENALTIES.—Amounts transferred
 15 under section 3015 of title 18, United States Code,
 16 section 9706 of title 31, United States Code, and
 17 section 6761 of the Internal Revenue Code of 1986.

18 “(2) DEPOSITS.—Amounts deposited into the
 19 Fund under—

20 “(A) section 521(c)(1)(B) (relating to ex-
 21 ceptions to contribution requirements);

22 “(B) section 523 (relating to remittance of
 23 unused payments from the Fund); and

24 “(C) section 544 (relating to violations).

1 “(c) USE OF FUND TO MAKE PAYMENTS TO PAR-
2 TICIPATING CANDIDATES.—

3 “(1) PAYMENTS TO PARTICIPATING CAN-
4 DIDATES.—Amounts in the Fund shall be available
5 without further appropriation or fiscal year limita-
6 tion to make payments to participating candidates
7 as provided in this title.

8 “(2) MANDATORY REDUCTION OF PAYMENTS IN
9 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

10 “(A) ADVANCE AUDITS BY COMMISSION.—
11 Not later than 90 days before the first day of
12 each election cycle (beginning with the first
13 election cycle that begins after the date of the
14 enactment of this title), the Commission shall—

15 “(i) audit the Fund to determine
16 whether the amounts in the Fund will be
17 sufficient to make payments to partici-
18 pating candidates in the amounts provided
19 in this title during such election cycle; and

20 “(ii) submit a report to Congress de-
21 scribing the results of the audit.

22 “(B) REDUCTIONS IN AMOUNT OF PAY-
23 MENTS.—

24 “(i) AUTOMATIC REDUCTION ON PRO
25 RATA BASIS.—If, on the basis of the audit

1 described in subparagraph (A), the Com-
2 mission determines that the amount antici-
3 pated to be available in the Fund with re-
4 spect to the election cycle involved is not,
5 or may not be, sufficient to satisfy the full
6 entitlements of participating candidates to
7 payments under this title for such election
8 cycle, the Commission shall reduce each
9 amount which would otherwise be paid to
10 a participating candidate under this title
11 by such pro rata amount as may be nec-
12 essary to ensure that the aggregate
13 amount of payments anticipated to be
14 made with respect to the election cycle will
15 not exceed the amount anticipated to be
16 available for such payments in the Fund
17 with respect to such election cycle.

18 “(ii) RESTORATION OF REDUCTIONS
19 IN CASE OF AVAILABILITY OF SUFFICIENT
20 FUNDS DURING ELECTION CYCLE.—If,
21 after reducing the amounts paid to partici-
22 pating candidates with respect to an elec-
23 tion cycle under clause (i), the Commission
24 determines that there are sufficient
25 amounts in the Fund to restore the

1 amount by which such payments were re-
2 duced (or any portion thereof), to the ex-
3 tent that such amounts are available, the
4 Commission may make a payment on a pro
5 rata basis to each such participating can-
6 didate with respect to the election cycle in
7 the amount by which such candidate's pay-
8 ments were reduced under clause (i) (or
9 any portion thereof, as the case may be).

10 “(iii) NO USE OF AMOUNTS FROM
11 OTHER SOURCES.—In any case in which
12 the Commission determines that there are
13 insufficient moneys in the Fund to make
14 payments to participating candidates under
15 this title, moneys shall not be made avail-
16 able from any other source for the purpose
17 of making such payments.

18 “(d) USE OF FUND TO MAKE OTHER PAYMENTS.—
19 In addition to the use described in subsection (d), amounts
20 in the Fund shall be available without further appropria-
21 tion or fiscal year limitation—

22 “(1) to make payments to States under the My
23 Voice Voucher Program under the Government By
24 the People Act of 2021, subject to reductions under
25 section 5101(f)(3) of such Act;

1 “(2) to make payments to candidates under
2 chapter 95 of subtitle H of the Internal Revenue
3 Code of 1986, subject to reductions under section
4 9013(b) of such Code; and

5 “(3) to make payments to candidates under
6 chapter 96 of subtitle H of the Internal Revenue
7 Code of 1986, subject to reductions under section
8 9043(b) of such Code.

9 “(e) NO TAXPAYER FUNDS PERMITTED.—No tax-
10 payer funds may be deposited into the Fund.

11 “(f) EFFECTIVE DATE.—This section shall take ef-
12 fect on the date of the enactment of this title.

13 **“SEC. 542. REVIEWS AND REPORTS BY GOVERNMENT AC-**
14 **COUNTABILITY OFFICE.**

15 “(a) REVIEW OF SMALL DOLLAR FINANCING.—

16 “(1) IN GENERAL.—After each regularly sched-
17 uled general election for Federal office, the Comp-
18 troller General of the United States shall conduct a
19 comprehensive review of the Small Dollar financing
20 program under this title, including—

21 “(A) the maximum and minimum dollar
22 amounts of qualified small dollar contributions
23 under section 504;

24 “(B) the number and value of qualified
25 small dollar contributions a candidate is re-

1 required to obtain under section 512(a) to be eli-
2 gible for certification as a participating can-
3 didate;

4 “(C) the maximum amount of payments a
5 candidate may receive under this title;

6 “(D) the overall satisfaction of partici-
7 pating candidates and the American public with
8 the program;

9 “(E) the extent to which the program in-
10 creased opportunities for participation by can-
11 didates of diverse racial, gender, and socio-eco-
12 nomic backgrounds; and

13 “(F) such other matters relating to financ-
14 ing of campaigns as the Comptroller General
15 determines are appropriate.

16 “(2) CRITERIA FOR REVIEW.—In conducting
17 the review under subparagraph (A), the Comptroller
18 General shall consider the following:

19 “(A) QUALIFIED SMALL DOLLAR CON-
20 TRIBUTIONS.—Whether the number and dollar
21 amounts of qualified small dollar contributions
22 required strikes an appropriate balance regard-
23 ing the importance of voter involvement, the
24 need to assure adequate incentives for partici-
25 pating, and fiscal responsibility, taking into

1 consideration the number of primary and gen-
2 eral election participating candidates, the elec-
3 toral performance of those candidates, program
4 cost, and any other information the Comptroller
5 General determines is appropriate.

6 “(B) REVIEW OF PAYMENT LEVELS.—

7 Whether the totality of the amount of funds al-
8 lowed to be raised by participating candidates
9 (including through qualified small dollar con-
10 tributions) and payments under this title are
11 sufficient for voters in each State to learn about
12 the candidates to cast an informed vote, taking
13 into account the historic amount of spending by
14 winning candidates, media costs, primary elec-
15 tion dates, and any other information the
16 Comptroller General determines is appropriate.

17 “(3) RECOMMENDATIONS FOR ADJUSTMENT OF

18 AMOUNTS.—Based on the review conducted under
19 subparagraph (A), the Comptroller General may rec-
20 ommend to Congress adjustments of the following
21 amounts:

22 “(A) The number and value of qualified
23 small dollar contributions a candidate is re-
24 quired to obtain under section 512(a) to be eli-

1 gible for certification as a participating can-
2 didate.

3 “(B) The maximum amount of payments a
4 candidate may receive under this title.

5 “(b) REPORTS.—Not later than each June 1 which
6 follows a regularly scheduled general election for Federal
7 office for which payments were made under this title, the
8 Comptroller General shall submit to the Committee on
9 House Administration of the House of Representatives a
10 report—

11 “(1) containing an analysis of the review con-
12 ducted under subsection (a), including a detailed
13 statement of Comptroller General’s findings, conclu-
14 sions, and recommendations based on such review,
15 including any recommendations for adjustments of
16 amounts described in subsection (a)(3); and

17 “(2) documenting, evaluating, and making rec-
18 ommendations relating to the administrative imple-
19 mentation and enforcement of the provisions of this
20 title.

21 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as are nec-
23 essary to carry out the purposes of this section.

1 **“SEC. 543. ADMINISTRATION BY COMMISSION.**

2 “The Commission shall prescribe regulations to carry
3 out the purposes of this title, including regulations to es-
4 tablish procedures for—

5 “(1) verifying the amount of qualified small dol-
6 lar contributions with respect to a candidate;

7 “(2) effectively and efficiently monitoring and
8 enforcing the limits on the raising of qualified small
9 dollar contributions;

10 “(3) effectively and efficiently monitoring and
11 enforcing the limits on the use of personal funds by
12 participating candidates; and

13 “(4) monitoring the use of allocations from the
14 Freedom From Influence Fund established under
15 section 541 and matching contributions under this
16 title through audits of not fewer than $\frac{1}{10}$ (or, in the
17 case of the first 3 election cycles during which the
18 program under this title is in effect, not fewer than
19 $\frac{1}{3}$) of all participating candidates or other mecha-
20 nisms.

21 **“SEC. 544. VIOLATIONS AND PENALTIES.**

22 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
23 TION AND EXPENDITURE REQUIREMENTS.—If a can-
24 didate who has been certified as a participating candidate
25 accepts a contribution or makes an expenditure that is
26 prohibited under section 521, the Commission may assess

1 a civil penalty against the candidate in an amount that
2 is not more than 3 times the amount of the contribution
3 or expenditure. Any amounts collected under this sub-
4 section shall be deposited into the Freedom From Infl-
5 uence Fund established under section 541.

6 “(b) REPAYMENT FOR IMPROPER USE OF FREEDOM
7 FROM INFLUENCE FUND.—

8 “(1) IN GENERAL.—If the Commission deter-
9 mines that any payment made to a participating
10 candidate was not used as provided for in this title
11 or that a participating candidate has violated any of
12 the dates for remission of funds contained in this
13 title, the Commission shall so notify the candidate
14 and the candidate shall pay to the Fund an amount
15 equal to—

16 “(A) the amount of payments so used or
17 not remitted, as appropriate; and

18 “(B) interest on any such amounts (at a
19 rate determined by the Commission).

20 “(2) OTHER ACTION NOT PRECLUDED.—Any
21 action by the Commission in accordance with this
22 subsection shall not preclude enforcement pro-
23 ceedings by the Commission in accordance with sec-
24 tion 309(a), including a referral by the Commission

1 to the Attorney General in the case of an apparent
2 knowing and willful violation of this title.

3 “(c) PROHIBITING CERTAIN CANDIDATES FROM
4 QUALIFYING AS PARTICIPATING CANDIDATES.—

5 “(1) CANDIDATES WITH MULTIPLE CIVIL PEN-
6 ALTIES.—If the Commission assesses 3 or more civil
7 penalties under subsection (a) against a candidate
8 (with respect to either a single election or multiple
9 elections), the Commission may refuse to certify the
10 candidate as a participating candidate under this
11 title with respect to any subsequent election, except
12 that if each of the penalties were assessed as the re-
13 sult of a knowing and willful violation of any provi-
14 sion of this Act, the candidate is not eligible to be
15 certified as a participating candidate under this title
16 with respect to any subsequent election.

17 “(2) CANDIDATES SUBJECT TO CRIMINAL PEN-
18 ALTY.—A candidate is not eligible to be certified as
19 a participating candidate under this title with re-
20 spect to an election if a penalty has been assessed
21 against the candidate under section 309(d) with re-
22 spect to any previous election.

23 “(d) IMPOSITION OF CRIMINAL PENALTIES.—For
24 criminal penalties for the failure of a participating can-

1 didate to comply with the requirements of this title, see
2 section 309(d).

3 **“SEC. 545. APPEALS PROCESS.**

4 “(a) REVIEW OF ACTIONS.—Any action by the Com-
5 mission in carrying out this title shall be subject to review
6 by the United States Court of Appeals for the District
7 of Columbia upon petition filed in the Court not later than
8 30 days after the Commission takes the action for which
9 the review is sought.

10 “(b) PROCEDURES.—The provisions of chapter 7 of
11 title 5, United States Code, apply to judicial review under
12 this section.

13 **“SEC. 546. INDEXING OF AMOUNTS.**

14 “(a) INDEXING.—In any calendar year after 2026,
15 section 315(c)(1)(B) shall apply to each amount described
16 in subsection (b) in the same manner as such section ap-
17 plies to the limitations established under subsections
18 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, ex-
19 cept that for purposes of applying such section to the
20 amounts described in subsection (b), the ‘base period’
21 shall be 2026.

22 “(b) AMOUNTS DESCRIBED.—The amounts described
23 in this subsection are as follows:

24 “(1) The amount referred to in section
25 502(b)(1) (relating to the minimum amount of quali-

1 fied small dollar contributions included in a request
2 for payment).

3 “(2) The amounts referred to in section
4 504(a)(1) (relating to the amount of a qualified
5 small dollar contribution).

6 “(3) The amount referred to in section
7 512(a)(2) (relating to the total dollar amount of
8 qualified small dollar contributions).

9 “(4) The amount referred to in section
10 521(a)(5) (relating to the aggregate amount of con-
11 tributions a participating candidate may accept from
12 any individual with respect to an election).

13 “(5) The amount referred to in section
14 521(b)(1)(A) (relating to the amount of personal
15 funds that may be used by a candidate who is cer-
16 tified as a participating candidate).

17 “(6) The amounts referred to in section
18 524(a)(2) (relating to the amount of unspent funds
19 a candidate may retain for use in the next election
20 cycle).

21 “(7) The amount referred to in section
22 532(a)(3) (relating to the total dollar amount of
23 qualified small dollar contributions for a candidate
24 seeking an additional payment under subtitle D).

1 “(8) The amount referred to in section 533(b)
2 (relating to the limit on the amount of an additional
3 payment made to a candidate under subtitle D).

4 **“SEC. 547. ELECTION CYCLE DEFINED.**

5 “‘In this title, the term ‘election cycle’ means, with
6 respect to an election for an office, the period beginning
7 on the day after the date of the most recent general elec-
8 tion for that office (or, if the general election resulted in
9 a runoff election, the date of the runoff election) and end-
10 ing on the date of the next general election for that office
11 (or, if the general election resulted in a runoff election,
12 the date of the runoff election).’”.

13 **SEC. 5112. CONTRIBUTIONS AND EXPENDITURES BY MULTI-**
14 **CANDIDATE AND POLITICAL PARTY COMMIT-**
15 **TEES ON BEHALF OF PARTICIPATING CAN-**
16 **DIDATES.**

17 (a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEP-
18 ARATE ACCOUNTS CONSISTING OF QUALIFIED SMALL
19 DOLLAR CONTRIBUTIONS.—Section 315(a) of the Federal
20 Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is
21 amended by adding at the end the following new para-
22 graph:

23 “(10) In the case of a multicandidate political com-
24 mittee or any political committee of a political party, the
25 committee may make a contribution to a candidate who

1 is a participating candidate under title V with respect to
2 an election only if the contribution is paid from a separate,
3 segregated account of the committee which consists solely
4 of contributions which meet the following requirements:

5 “(A) Each such contribution is in an amount
6 which meets the requirements for the amount of a
7 qualified small dollar contribution under section
8 504(a)(1) with respect to the election involved.

9 “(B) Each such contribution is made by an in-
10 dividual who is not otherwise prohibited from mak-
11 ing a contribution under this Act.

12 “(C) The individual who makes the contribution
13 does not make contributions to the committee during
14 the year in an aggregate amount that exceeds the
15 limit described in section 504(a)(1).”.

16 (b) PERMITTING UNLIMITED COORDINATED EX-
17 PENDITURES FROM SMALL DOLLAR SOURCES BY POLIT-
18 ICAL PARTIES.—Section 315(d) of such Act (52 U.S.C.
19 30116(d)) is amended—

20 (1) in paragraph (3), by striking “The national
21 committee” and inserting “Except as provided in
22 paragraph (6), the national committee”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(6) The limits described in paragraph (3) do not
 2 apply in the case of expenditures in connection with the
 3 general election campaign of a candidate for the office of
 4 Representative in, or Delegate or Resident Commissioner
 5 to, the Congress who is a participating candidate under
 6 title V with respect to the election, but only if—

7 “(A) the expenditures are paid from a separate,
 8 segregated account of the committee which is de-
 9 scribed in subsection (a)(10); and

10 “(B) the expenditures are the sole source of
 11 funding provided by the committee to the can-
 12 didate.”.

13 **SEC. 5113. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**
 14 **TICIPATING CANDIDATES FOR PURPOSES**
 15 **OTHER THAN CAMPAIGN FOR ELECTION.**

16 Section 313 of the Federal Election Campaign Act
 17 of 1971 (52 U.S.C. 30114) is amended by adding at the
 18 end the following new subsection:

19 “(d) RESTRICTIONS ON PERMITTED USES OF FUNDS
 20 BY CANDIDATES RECEIVING SMALL DOLLAR FINANC-
 21 ING.—Notwithstanding paragraph (2), (3), or (4) of sub-
 22 section (a), if a candidate for election for the office of Rep-
 23 resentative in, or Delegate or Resident Commissioner to,
 24 the Congress is certified as a participating candidate
 25 under title V with respect to the election, any contribution

1 which the candidate is permitted to accept under such title
2 may be used only for authorized expenditures in connec-
3 tion with the candidate's campaign for such office, subject
4 to section 503(b).”.

5 **SEC. 5114. ASSESSMENTS AGAINST FINES AND PENALTIES.**

6 (a) ASSESSMENTS RELATING TO CRIMINAL OF-
7 FENSES.—

8 (1) IN GENERAL.—Chapter 201 of title 18,
9 United States Code, is amended by adding at the
10 end the following new section:

11 **“§ 3015. Special assessments for Freedom From Influ-
12 ence Fund**

13 “(a) ASSESSMENTS.—

14 “(1) CONVICTIONS OF CRIMES.—In addition to
15 any assessment imposed under this chapter, the
16 court shall assess on any organizational defendant or
17 any defendant who is a corporate officer or person
18 with equivalent authority in any other organization
19 who is convicted of a criminal offense under Federal
20 law an amount equal to 4.75 percent of any fine im-
21 posed on that defendant in the sentence imposed for
22 that conviction.

23 “(2) SETTLEMENTS.—The court shall assess on
24 any organizational defendant or defendant who is a
25 corporate officer or person with equivalent authority

1 in any other organization who has entered into a
2 settlement agreement or consent decree with the
3 United States in satisfaction of any allegation that
4 the defendant committed a criminal offense under
5 Federal law an amount equal to 4.75 percent of the
6 amount of the settlement.

7 “(b) MANNER OF COLLECTION.—An amount as-
8 sessed under subsection (a) shall be collected in the man-
9 ner in which fines are collected in criminal cases.

10 “(c) TRANSFERS.—In a manner consistent with sec-
11 tion 3302(b) of title 31, there shall be transferred from
12 the General Fund of the Treasury to the Freedom From
13 Influence Fund under section 541 of the Federal Election
14 Campaign Act of 1971 an amount equal to the amount
15 of the assessments collected under this section.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions of chapter 201 of title 18, United States Code,
18 is amended by adding at the end the following:

“3015. Special assessments for Freedom From Influence Fund.”.

19 (b) ASSESSMENTS RELATING TO CIVIL PEN-
20 ALTIES.—

21 (1) IN GENERAL.—Chapter 97 of title 31,
22 United States Code, is amended by adding at the
23 end the following new section:

1 **“§ 9706. Special assessments for Freedom From Influ-**
2 **ence Fund**

3 “(a) ASSESSMENTS.—

4 “(1) CIVIL PENALTIES.—Any entity of the Fed-
5 eral Government which is authorized under any law,
6 rule, or regulation to impose a civil penalty shall as-
7 sess on each person, other than a natural person
8 who is not a corporate officer or person with equiva-
9 lent authority in any other organization, on whom
10 such a penalty is imposed an amount equal to 4.75
11 percent of the amount of the penalty.

12 “(2) ADMINISTRATIVE PENALTIES.—Any entity
13 of the Federal Government which is authorized
14 under any law, rule, or regulation to impose an ad-
15 ministrative penalty shall assess on each person,
16 other than a natural person who is not a corporate
17 officer or person with equivalent authority in any
18 other organization, on whom such a penalty is im-
19 posed an amount equal to 4.75 percent of the
20 amount of the penalty.

21 “(3) SETTLEMENTS.—Any entity of the Federal
22 Government which is authorized under any law, rule,
23 or regulation to enter into a settlement agreement or
24 consent decree with any person, other than a natural
25 person who is not a corporate officer or person with
26 equivalent authority in any other organization, in

1 satisfaction of any allegation of an action or omis-
2 sion by the person which would be subject to a civil
3 penalty or administrative penalty shall assess on
4 such person an amount equal to 4.75 percent of the
5 amount of the settlement.

6 “(b) MANNER OF COLLECTION.—An amount as-
7 sessed under subsection (a) shall be collected—

8 “(1) in the case of an amount assessed under
9 paragraph (1) of such subsection, in the manner in
10 which civil penalties are collected by the entity of the
11 Federal Government involved;

12 “(2) in the case of an amount assessed under
13 paragraph (2) of such subsection, in the manner in
14 which administrative penalties are collected by the
15 entity of the Federal Government involved; and

16 “(3) in the case of an amount assessed under
17 paragraph (3) of such subsection, in the manner in
18 which amounts are collected pursuant to settlement
19 agreements or consent decrees entered into by the
20 entity of the Federal Government involved.

21 “(c) TRANSFERS.—In a manner consistent with sec-
22 tion 3302(b) of this title, there shall be transferred from
23 the General Fund of the Treasury to the Freedom From
24 Influence Fund under section 541 of the Federal Election

1 Campaign Act of 1971 an amount equal to the amount
2 of the assessments collected under this section.

3 “(d) EXCEPTION FOR PENALTIES AND SETTLE-
4 MENTS UNDER AUTHORITY OF THE INTERNAL REVENUE
5 CODE OF 1986.—

6 “(1) IN GENERAL.—No assessment shall be
7 made under subsection (a) with respect to any civil
8 or administrative penalty imposed, or any settlement
9 agreement or consent decree entered into, under the
10 authority of the Internal Revenue Code of 1986.

11 “(2) CROSS REFERENCE.—For application of
12 special assessments for the Freedom From Influence
13 Fund with respect to certain penalties under the In-
14 ternal Revenue Code of 1986, see section 6761 of
15 the Internal Revenue Code of 1986.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions of chapter 97 of title 31, United States Code,
18 is amended by adding at the end the following:

“9706. Special assessments for Freedom From Influence Fund.”.

19 (c) ASSESSMENTS RELATING TO CERTAIN PEN-
20 ALTIES UNDER THE INTERNAL REVENUE CODE OF
21 1986.—

22 (1) IN GENERAL.—Chapter 68 of the Internal
23 Revenue Code of 1986 is amended by adding at the
24 end the following new subchapter:

1 **“Subchapter D—Special Assessments for**
2 **Freedom From Influence Fund**

3 **“SEC. 6761. SPECIAL ASSESSMENTS FOR FREEDOM FROM**
4 **INFLUENCE FUND.**

5 “(a) IN GENERAL.—Each person required to pay a
6 covered penalty shall pay an additional amount equal to
7 4.75 percent of the amount of such penalty.

8 “(b) COVERED PENALTY.—For purposes of this sec-
9 tion, the term ‘covered penalty’ means any addition to tax,
10 additional amount, penalty, or other liability provided
11 under subchapter A or B.

12 “(c) EXCEPTION FOR CERTAIN INDIVIDUALS.—

13 “(1) IN GENERAL.—In the case of a taxpayer
14 who is an individual, subsection (a) shall not apply
15 to any covered penalty if such taxpayer is an exempt
16 taxpayer for the taxable year for which such covered
17 penalty is assessed.

18 “(2) EXEMPT TAXPAYER.—For purposes of this
19 subsection, a taxpayer is an exempt taxpayer for any
20 taxable year if the taxable income of such taxpayer
21 for such taxable year does not exceed the dollar
22 amount at which begins the highest rate bracket in
23 effect under section 1 with respect to such taxpayer
24 for such taxable year.

1 “(d) APPLICATION OF CERTAIN RULES.—Except as
 2 provided in subsection (e), the additional amount deter-
 3 mined under subsection (a) shall be treated for purposes
 4 of this title in the same manner as the covered penalty
 5 to which such additional amount relates.

6 “(e) TRANSFER TO FREEDOM FROM INFLUENCE
 7 FUND.—The Secretary shall deposit any additional
 8 amount under subsection (a) in the General Fund of the
 9 Treasury and shall transfer from such General Fund to
 10 the Freedom From Influence Fund established under sec-
 11 tion 541 of the Federal Election Campaign Act of 1971
 12 an amount equal to the amounts so deposited (and, not-
 13 withstanding subsection (d), such additional amount shall
 14 not be the basis for any deposit, transfer, credit, appro-
 15 priation, or any other payment, to any other trust fund
 16 or account). Rules similar to the rules of section 9601
 17 shall apply for purposes of this subsection.”.

18 (2) CLERICAL AMENDMENT.—The table of sub-
 19 chapters for chapter 68 of such Code is amended by
 20 adding at the end the following new item:

“SUBCHAPTER D—SPECIAL ASSESSMENTS FOR FREEDOM FROM INFLUENCE
 FUND”.

21 (d) EFFECTIVE DATES.—

22 (1) IN GENERAL.—Except as provided in para-
 23 graph (2), the amendments made by this section
 24 shall apply with respect to convictions, agreements,

1 and penalties which occur on or after the date of the
2 enactment of this Act.

3 (2) ASSESSMENTS RELATING TO CERTAIN PEN-
4 ALTIES UNDER THE INTERNAL REVENUE CODE OF
5 1986.—The amendments made by subsection (c)
6 shall apply to covered penalties assessed after the
7 date of the enactment of this Act.

8 **SEC. 5115. STUDY AND REPORT ON SMALL DOLLAR FINANC-**
9 **ING PROGRAM.**

10 (a) STUDY AND REPORT.—Not later than 2 years
11 after the completion of the first election cycle in which
12 the program established under title V of the Federal Elec-
13 tion Campaign Act of 1971, as added by section 5111,
14 is in effect, the Federal Election Commission shall—

15 (1) assess—

16 (A) the amount of payment referred to in
17 section 501 of such Act; and

18 (B) the amount of a qualified small dollar
19 contribution referred to in section 504(a)(1) of
20 such Act; and

21 (2) submit to Congress a report that discusses
22 whether such amounts are sufficient to meet the
23 goals of the program.

1 (b) UPDATE.—The Commission shall update and re-
2 vise the study and report required by subsection (a) on
3 a biennial basis.

4 (c) TERMINATION.—The requirements of this section
5 shall terminate 10 years after the date on which the first
6 study and report required by subsection (a) is submitted
7 to Congress.

8 **SEC. 5116. EFFECTIVE DATE.**

9 (a) IN GENERAL.—Except as may otherwise be pro-
10 vided in this part and in the amendments made by this
11 part, this part and the amendments made by this part
12 shall apply with respect to elections occurring during 2028
13 or any succeeding year, without regard to whether or not
14 the Federal Election Commission has promulgated the
15 final regulations necessary to carry out this part and the
16 amendments made by this part by the deadline set forth
17 in subsection (b).

18 (b) DEADLINE FOR REGULATIONS.—Not later than
19 June 30, 2026, the Federal Election Commission shall
20 promulgate such regulations as may be necessary to carry
21 out this part and the amendments made by this part.

22 **Subtitle C—Presidential Elections**

23 **SEC. 5200. SHORT TITLE.**

24 This subtitle may be cited as the “Empower Act of
25 2021”.

PART 1—PRIMARY ELECTIONS

**SEC. 5201. INCREASE IN AND MODIFICATIONS TO MATCH-
ING PAYMENTS.**

(a) INCREASE AND MODIFICATION.—

(1) IN GENERAL.—The first sentence of section 9034(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking “an amount equal to the amount of each contribution” and inserting “an amount equal to 600 percent of the amount of each matchable contribution (disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person for the election exceeds \$200)”; and

(B) by striking “authorized committees” and all that follows through “\$250” and inserting “authorized committees”.

(2) MATCHABLE CONTRIBUTIONS.—Section 9034 of such Code is amended—

(A) by striking the last sentence of subsection (a); and

(B) by adding at the end the following new subsection:

“(c) MATCHABLE CONTRIBUTION DEFINED.—For purposes of this section and section 9033(b)—

1 “(1) MATCHABLE CONTRIBUTION.—The term
2 ‘matchable contribution’ means, with respect to the
3 nomination for election to the office of President of
4 the United States, a contribution by an individual to
5 a candidate or an authorized committee of a can-
6 didate with respect to which the candidate has cer-
7 tified in writing that—

8 “(A) the individual making such contribu-
9 tion has not made aggregate contributions (in-
10 cluding such matchable contribution) to such
11 candidate and the authorized committees of
12 such candidate in excess of \$1,000 for the elec-
13 tion;

14 “(B) such candidate and the authorized
15 committees of such candidate will not accept
16 contributions from such individual (including
17 such matchable contribution) aggregating more
18 than the amount described in subparagraph
19 (A); and

20 “(C) such contribution was a direct con-
21 tribution.

22 “(2) CONTRIBUTION.—For purposes of this
23 subsection, the term ‘contribution’ means a gift of
24 money made by a written instrument which identi-
25 fies the individual making the contribution by full

1 name and mailing address, but does not include a
2 subscription, loan, advance, or deposit of money, or
3 anything of value or anything described in subpara-
4 graph (B), (C), or (D) of section 9032(4).

5 “(3) DIRECT CONTRIBUTION.—

6 “(A) IN GENERAL.—For purposes of this
7 subsection, the term ‘direct contribution’
8 means, with respect to a candidate, a contribu-
9 tion which is made directly by an individual to
10 the candidate or an authorized committee of the
11 candidate and is not—

12 “(i) forwarded from the individual
13 making the contribution to the candidate
14 or committee by another person; or

15 “(ii) received by the candidate or com-
16 mittee with the knowledge that the con-
17 tribution was made at the request, sugges-
18 tion, or recommendation of another person.

19 “(B) OTHER DEFINITIONS.—In subpara-
20 graph (A)—

21 “(i) the term ‘person’ does not include
22 an individual (other than an individual de-
23 scribed in section 304(i)(7) of the Federal
24 Election Campaign Act of 1971), a polit-
25 ical committee of a political party, or any

1 political committee which is not a separate
2 segregated fund described in section
3 316(b) of the Federal Election Campaign
4 Act of 1971 and which does not make con-
5 tributions or independent expenditures,
6 does not engage in lobbying activity under
7 the Lobbying Disclosure Act of 1995 (2
8 U.S.C. 1601 et seq.), and is not estab-
9 lished by, controlled by, or affiliated with
10 a registered lobbyist under such Act, an
11 agent of a registered lobbyist under such
12 Act, or an organization which retains or
13 employs a registered lobbyist under such
14 Act; and

15 “(ii) a contribution is not ‘made at
16 the request, suggestion, or recommendation
17 of another person’ solely on the grounds
18 that the contribution is made in response
19 to information provided to the individual
20 making the contribution by any person, so
21 long as the candidate or authorized com-
22 mittee does not know the identity of the
23 person who provided the information to
24 such individual.”.

25 (3) CONFORMING AMENDMENTS.—

1 (A) Section 9032(4) of such Code is
2 amended by striking “section 9034(a)” and in-
3 serting “section 9034”.

4 (B) Section 9033(b)(3) of such Code is
5 amended by striking “matching contributions”
6 and inserting “matchable contributions”.

7 (b) MODIFICATION OF PAYMENT LIMITATION.—Sec-
8 tion 9034(b) of such Code is amended—

9 (1) by striking “The total” and inserting the
10 following:

11 “(1) IN GENERAL.—The total”;

12 (2) by striking “shall not exceed” and all that
13 follows and inserting “shall not exceed
14 \$250,000,000.”; and

15 (3) by adding at the end the following new
16 paragraph:

17 “(2) INFLATION ADJUSTMENT.—

18 “(A) IN GENERAL.—In the case of any ap-
19 plicable period beginning after 2029, the dollar
20 amount in paragraph (1) shall be increased by
21 an amount equal to—

22 “(i) such dollar amount, multiplied by

23 “(ii) the cost-of-living adjustment de-
24 termined under section 1(f)(3) for the cal-
25 endar year following the year which such

1 applicable period begins, determined by
2 substituting ‘calendar year 2028’ for ‘cal-
3 endar year 1992’ in subparagraph (B)
4 thereof.

5 “(B) APPLICABLE PERIOD.—For purposes
6 of this paragraph, the term ‘applicable period’
7 means the 4-year period beginning with the
8 first day following the date of the general elec-
9 tion for the office of President and ending on
10 the date of the next such general election.

11 “(C) ROUNDING.—If any amount as ad-
12 justed under subparagraph (1) is not a multiple
13 of \$10,000, such amount shall be rounded to
14 the nearest multiple of \$10,000.”.

15 **SEC. 5202. ELIGIBILITY REQUIREMENTS FOR MATCHING**
16 **PAYMENTS.**

17 (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER
18 STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN
19 EXCESS OF \$200.—Section 9033(b)(3) of the Internal
20 Revenue Code of 1986 is amended—

21 (1) by striking “\$5,000” and inserting
22 “\$25,000”; and

23 (2) by striking “20 States” and inserting the
24 following: “20 States (disregarding any amount of
25 contributions from any such resident to the extent

1 that the total of the amounts contributed by such
2 resident for the election exceeds \$200)”.

3 (b) CONTRIBUTION LIMIT.—

4 (1) IN GENERAL.—Paragraph (4) of section
5 9033(b) of such Code is amended to read as follows:

6 “(4) the candidate and the authorized commit-
7 tees of the candidate will not accept aggregate con-
8 tributions from any person with respect to the nomi-
9 nation for election to the office of President of the
10 United States in excess of \$1,000 for the election.”.

11 (2) CONFORMING AMENDMENTS.—

12 (A) Section 9033(b) of such Code is
13 amended by adding at the end the following
14 new flush sentence:

15 “For purposes of paragraph (4), the term ‘contribution’
16 has the meaning given such term in section 301(8) of the
17 Federal Election Campaign Act of 1971.”.

18 (B) Section 9032(4) of such Code, as
19 amended by section 5201(a)(3)(A), is amended
20 by striking “section 9034” and inserting “sec-
21 tion 9033(b) or 9034”.

22 (c) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR
23 GENERAL ELECTION.—Section 9033(b) of such Code is
24 amended—

1 (1) by striking “and” at the end of paragraph
2 (3);

3 (2) by striking the period at the end of para-
4 graph (4) and inserting “, and”; and

5 (3) by inserting after paragraph (4) the fol-
6 lowing new paragraph:

7 “(5) if the candidate is nominated by a political
8 party for election to the office of President, the can-
9 didate will apply for and accept payments with re-
10 spect to the general election for such office in ac-
11 cordance with chapter 95.”.

12 (d) PROHIBITION ON JOINT FUNDRAISING COMMIT-
13 TEES.—Section 9033(b) of such Code, as amended by sub-
14 section (c), is amended—

15 (1) by striking “and” at the end of paragraph
16 (4);

17 (2) by striking the period at the end of para-
18 graph (5) and inserting “; and”; and

19 (3) by inserting after paragraph (5) the fol-
20 lowing new paragraph:

21 “(6) the candidate will not establish a joint
22 fundraising committee with a political committee
23 other than another authorized committee of the can-
24 didate, except that candidate established a joint
25 fundraising committee with respect to a prior elec-

1 tion for which the candidate was not eligible to re-
2 ceive payments under section 9037 and the can-
3 didate does not terminate the committee, the can-
4 didate shall not be considered to be in violation of
5 this paragraph so long as that joint fundraising
6 committee does not receive any contributions or
7 make any disbursements during the election cycle for
8 which the candidate is eligible to receive payments
9 under such section.”.

10 **SEC. 5203. REPEAL OF EXPENDITURE LIMITATIONS.**

11 (a) IN GENERAL.—Subsection (a) of section 9035 of
12 the Internal Revenue Code of 1986 is amended to read
13 as follows:

14 “(a) PERSONAL EXPENDITURE LIMITATION.—No
15 candidate shall knowingly make expenditures from his per-
16 sonal funds, or the personal funds of his immediate family,
17 in connection with his campaign for nomination for elec-
18 tion to the office of President in excess of, in the aggre-
19 gate, \$50,000.”.

20 (b) CONFORMING AMENDMENT.—Paragraph (1) of
21 section 9033(b) of the Internal Revenue Code of 1986 is
22 amended to read as follows:

23 “(1) the candidate will comply with the per-
24 sonal expenditure limitation under section 9035,”.

1 **SEC. 5204. PERIOD OF AVAILABILITY OF MATCHING PAY-**
2 **MENTS.**

3 Section 9032(6) of the Internal Revenue Code of
4 1986 is amended by striking “the beginning of the cal-
5 endar year in which a general election for the office of
6 President of the United States will be held” and inserting
7 “the date that is 6 months prior to the date of the earliest
8 State primary election”.

9 **SEC. 5205. EXAMINATION AND AUDITS OF MATCHABLE CON-**
10 **TRIBUTIONS.**

11 Section 9038(a) of the Internal Revenue Code of
12 1986 is amended by inserting “and matchable contribu-
13 tions accepted by” after “qualified campaign expenses of”.

14 **SEC. 5206. MODIFICATION TO LIMITATION ON CONTRIBU-**
15 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**
16 **DIDATES.**

17 Section 315(a)(6) of the Federal Election Campaign
18 Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by strik-
19 ing “calendar year” and inserting “four-year election
20 cycle”.

21 **SEC. 5207. USE OF FREEDOM FROM INFLUENCE FUND AS**
22 **SOURCE OF PAYMENTS.**

23 (a) IN GENERAL.—Chapter 96 of subtitle H of the
24 Internal Revenue Code of 1986 is amended by adding at
25 the end the following new section:

1 **“SEC. 9043. USE OF FREEDOM FROM INFLUENCE FUND AS**
2 **SOURCE OF PAYMENTS.**

3 “(a) IN GENERAL.—Notwithstanding any other pro-
4 vision of this chapter, effective with respect to the Presi-
5 dential election held in 2028 and each succeeding Presi-
6 dential election, all payments made to candidates under
7 this chapter shall be made from the Freedom From Infl-
8 ence Fund established under section 541 of the Federal
9 Election Campaign Act of 1971 (hereafter in this section
10 referred to as the ‘Fund’).

11 “(b) MANDATORY REDUCTION OF PAYMENTS IN
12 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

13 “(1) ADVANCE AUDITS BY COMMISSION.—Not
14 later than 90 days before the first day of each Presi-
15 dential election cycle (beginning with the cycle for
16 the election held in 2028), the Commission shall—

17 “(A) audit the Fund to determine whether,
18 after first making payments to participating
19 candidates under title V of the Federal Election
20 Campaign Act of 1971 and then making pay-
21 ments to States under the My Voice Voucher
22 Program under the Government By the People
23 Act of 2021, the amounts remaining in the
24 Fund will be sufficient to make payments to
25 candidates under this chapter in the amounts

1 provided under this chapter during such elec-
2 tion cycle; and

3 “(B) submit a report to Congress describ-
4 ing the results of the audit.

5 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

6 “(A) AUTOMATIC REDUCTION ON PRO
7 RATA BASIS.—If, on the basis of the audit de-
8 scribed in paragraph (1), the Commission deter-
9 mines that the amount anticipated to be avail-
10 able in the Fund with respect to the Presi-
11 dential election cycle involved is not, or may not
12 be, sufficient to satisfy the full entitlements of
13 candidates to payments under this chapter for
14 such cycle, the Commission shall reduce each
15 amount which would otherwise be paid to a can-
16 didate under this chapter by such pro rata
17 amount as may be necessary to ensure that the
18 aggregate amount of payments anticipated to
19 be made with respect to the cycle will not ex-
20 ceed the amount anticipated to be available for
21 such payments in the Fund with respect to such
22 cycle.

23 “(B) RESTORATION OF REDUCTIONS IN
24 CASE OF AVAILABILITY OF SUFFICIENT FUNDS
25 DURING ELECTION CYCLE.—If, after reducing

1 the amounts paid to candidates with respect to
2 an election cycle under subparagraph (A), the
3 Commission determines that there are sufficient
4 amounts in the Fund to restore the amount by
5 which such payments were reduced (or any por-
6 tion thereof), to the extent that such amounts
7 are available, the Commission may make a pay-
8 ment on a pro rata basis to each such candidate
9 with respect to the election cycle in the amount
10 by which such candidate's payments were re-
11 duced under subparagraph (A) (or any portion
12 thereof, as the case may be).

13 “(C) NO USE OF AMOUNTS FROM OTHER
14 SOURCES.—In any case in which the Commis-
15 sion determines that there are insufficient mon-
16 eys in the Fund to make payments to can-
17 didates under this chapter, moneys shall not be
18 made available from any other source for the
19 purpose of making such payments.

20 “(3) NO EFFECT ON AMOUNTS TRANSFERRED
21 FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-
22 tion does not apply to the transfer of funds under
23 section 9008(i).

24 “(4) PRESIDENTIAL ELECTION CYCLE DE-
25 FINED.—In this section, the term ‘Presidential elec-

1 tion cycle’ means, with respect to a Presidential elec-
 2 tion, the period beginning on the day after the date
 3 of the previous Presidential general election and
 4 ending on the date of the Presidential election.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 for chapter 96 of subtitle H of such Code is amended by
 7 adding at the end the following new item:

“Sec. 9043. Use of Freedom From Influence Fund as source of payments.”.

8 **PART 2—GENERAL ELECTIONS**

9 **SEC. 5211. MODIFICATION OF ELIGIBILITY REQUIREMENTS** 10 **FOR PUBLIC FINANCING.**

11 Subsection (a) of section 9003 of the Internal Rev-
 12 enue Code of 1986 is amended to read as follows:

13 “(a) IN GENERAL.—In order to be eligible to receive
 14 any payments under section 9006, the candidates of a po-
 15 litical party in a Presidential election shall meet the fol-
 16 lowing requirements:

17 “(1) PARTICIPATION IN PRIMARY PAYMENT
 18 SYSTEM.—The candidate for President received pay-
 19 ments under chapter 96 for the campaign for nomi-
 20 nation for election to be President.

21 “(2) AGREEMENTS WITH COMMISSION.—The
 22 candidates, in writing—

23 “(A) agree to obtain and furnish to the
 24 Commission such evidence as it may request of

1 the qualified campaign expenses of such can-
2 didates,

3 “(B) agree to keep and furnish to the
4 Commission such records, books, and other in-
5 formation as it may request, and

6 “(C) agree to an audit and examination by
7 the Commission under section 9007 and to pay
8 any amounts required to be paid under such
9 section.

10 “(3) PROHIBITION ON JOINT FUNDRAISING
11 COMMITTEES.—

12 “(A) PROHIBITION.—The candidates cer-
13 tifies in writing that the candidates will not es-
14 tablish a joint fundraising committee with a po-
15 litical committee other than another authorized
16 committee of the candidate.

17 “(B) STATUS OF EXISTING COMMITTEES
18 FOR PRIOR ELECTIONS.—If a candidate estab-
19 lished a joint fundraising committee described
20 in subparagraph (A) with respect to a prior
21 election for which the candidate was not eligible
22 to receive payments under section 9006 and the
23 candidate does not terminate the committee,
24 the candidate shall not be considered to be in
25 violation of subparagraph (A) so long as that

1 joint fundraising committee does not receive
2 any contributions or make any disbursements
3 with respect to the election for which the can-
4 didate is eligible to receive payments under sec-
5 tion 9006.”.

6 **SEC. 5212. REPEAL OF EXPENDITURE LIMITATIONS AND**
7 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**
8 **TIONS.**

9 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
10 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME
11 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-
12 TIES.—Section 9003 of the Internal Revenue Code of
13 1986 is amended by striking subsections (b) and (c) and
14 inserting the following:

15 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
16 TO DEFRAY EXPENSES.—

17 “(1) IN GENERAL.—In order to be eligible to
18 receive any payments under section 9006, the can-
19 didates of a party in a Presidential election shall
20 certify to the Commission, under penalty of perjury,
21 that—

22 “(A) such candidates and their authorized
23 committees have not and will not accept any
24 contributions to defray qualified campaign ex-
25 penses other than—

1 “(i) qualified campaign contributions,
2 and

3 “(ii) contributions to the extent nec-
4 essary to make up any deficiency payments
5 received out of the fund on account of the
6 application of section 9006(c), and

7 “(B) such candidates and their authorized
8 committees have not and will not accept any
9 contribution to defray expenses which would be
10 qualified campaign expenses but for subpara-
11 graph (C) of section 9002(11).

12 “(2) TIMING OF CERTIFICATION.—The can-
13 didate shall make the certification required under
14 this subsection at the same time the candidate
15 makes the certification required under subsection
16 (a)(3).”.

17 (b) DEFINITION OF QUALIFIED CAMPAIGN CON-
18 TRIBUTION.—Section 9002 of such Code is amended by
19 adding at the end the following new paragraph:

20 “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—
21 The term ‘qualified campaign contribution’ means,
22 with respect to any election for the office of Presi-
23 dent of the United States, a contribution from an in-
24 dividual to a candidate or an authorized committee
25 of a candidate which—

1 “(A) does not exceed \$1,000 for the elec-
2 tion; and

3 “(B) with respect to which the candidate
4 has certified in writing that—

5 “(i) the individual making such con-
6 tribution has not made aggregate contribu-
7 tions (including such qualified contribu-
8 tion) to such candidate and the authorized
9 committees of such candidate in excess of
10 the amount described in subparagraph (A),
11 and

12 “(ii) such candidate and the author-
13 ized committees of such candidate will not
14 accept contributions from such individual
15 (including such qualified contribution) ag-
16 gregating more than the amount described
17 in subparagraph (A) with respect to such
18 election.”.

19 (c) CONFORMING AMENDMENTS.—

20 (1) REPEAL OF EXPENDITURE LIMITS.—

21 (A) IN GENERAL.—Section 315 of the Fed-
22 eral Election Campaign Act of 1971 (52 U.S.C.
23 30116) is amended by striking subsection (b).

(B) CONFORMING AMENDMENTS.—Section 315(c) of such Act (52 U.S.C. 30116(c)) is amended—

(i) in paragraph (1)(B)(i), by striking “, (b)”;

(ii) in paragraph (2)(B)(i), by striking “subsections (b) and (d)” and inserting “subsection (d)”.

(2) REPEAL OF REPAYMENT REQUIREMENT.—

(A) IN GENERAL.—Section 9007(b) of the Internal Revenue Code of 1986 is amended by striking paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(B) CONFORMING AMENDMENT.—Paragraph (2) of section 9007(b) of such Code, as redesignated by subparagraph (A), is amended—

(i) by striking “a major party” and inserting “a party”;

(ii) by striking “contributions (other than” and inserting “contributions (other than qualified contributions”;

(iii) by striking “(other than qualified campaign expenses with respect to which

1 payment is required under paragraph
2 (2))”.

3 (3) CRIMINAL PENALTIES.—

4 (A) REPEAL OF PENALTY FOR EXCESS EX-
5 PENSES.—Section 9012 of the Internal Revenue
6 Code of 1986 is amended by striking subsection
7 (a).

8 (B) PENALTY FOR ACCEPTANCE OF DIS-
9 ALLOWED CONTRIBUTIONS; APPLICATION OF
10 SAME PENALTY FOR CANDIDATES OF MAJOR,
11 MINOR, AND NEW PARTIES.—Subsection (b) of
12 section 9012 of such Code is amended to read
13 as follows:

14 “(b) CONTRIBUTIONS.—

15 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-
16 TIONS.—It shall be unlawful for an eligible can-
17 didate of a party in a Presidential election or any of
18 his authorized committees knowingly and willfully to
19 accept—

20 “(A) any contribution other than a quali-
21 fied campaign contribution to defray qualified
22 campaign expenses, except to the extent nec-
23 essary to make up any deficiency in payments
24 received out of the fund on account of the ap-
25 plication of section 9006(c); or

1 “(B) any contribution to defray expenses
 2 which would be qualified campaign expenses but
 3 for subparagraph (C) of section 9002(11).

4 “(2) PENALTY.—Any person who violates para-
 5 graph (1) shall be fined not more than \$5,000, or
 6 imprisoned not more than one year, or both. In the
 7 case of a violation by an authorized committee, any
 8 officer or member of such committee who knowingly
 9 and willfully consents to such violation shall be fined
 10 not more than \$5,000, or imprisoned not more than
 11 one year, or both.”.

12 **SEC. 5213. MATCHING PAYMENTS AND OTHER MODIFICA-**
 13 **TIONS TO PAYMENT AMOUNTS.**

14 (a) IN GENERAL.—

15 (1) AMOUNT OF PAYMENTS; APPLICATION OF
 16 SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,
 17 AND NEW PARTIES.—Subsection (a) of section 9004
 18 of the Internal Revenue Code of 1986 is amended to
 19 read as follows:

20 “(a) IN GENERAL.—Subject to the provisions of this
 21 chapter, the eligible candidates of a party in a Presidential
 22 election shall be entitled to equal payment under section
 23 9006 in an amount equal to 600 percent of the amount
 24 of each matchable contribution received by such candidate
 25 or by the candidate’s authorized committees (disregarding

1 any amount of contributions from any person to the extent
 2 that the total of the amounts contributed by such person
 3 for the election exceeds \$200), except that total amount
 4 to which a candidate is entitled under this paragraph shall
 5 not exceed \$250,000,000.”.

6 (2) REPEAL OF SEPARATE LIMITATIONS FOR
 7 CANDIDATES OF MINOR AND NEW PARTIES; INFLA-
 8 TION ADJUSTMENT.—Subsection (b) of section 9004
 9 of such Code is amended to read as follows:

10 “(b) INFLATION ADJUSTMENT.—

11 “(1) IN GENERAL.—In the case of any applica-
 12 ble period beginning after 2029, the \$250,000,000
 13 dollar amount in subsection (a) shall be increased by
 14 an amount equal to—

15 “(A) such dollar amount; multiplied by

16 “(B) the cost-of-living adjustment deter-
 17 mined under section 1(f)(3) for the calendar
 18 year following the year which such applicable
 19 period begins, determined by substituting ‘cal-
 20 endar year 2028’ for ‘calendar year 1992’ in
 21 subparagraph (B) thereof.

22 “(2) APPLICABLE PERIOD.—For purposes of
 23 this subsection, the term ‘applicable period’ means
 24 the 4-year period beginning with the first day fol-
 25 lowing the date of the general election for the office

1 of President and ending on the date of the next such
2 general election.

3 “(3) ROUNDING.—If any amount as adjusted
4 under paragraph (1) is not a multiple of \$10,000,
5 such amount shall be rounded to the nearest mul-
6 tiple of \$10,000.”.

7 (3) CONFORMING AMENDMENT.—Section
8 9005(a) of such Code is amended by adding at the
9 end the following new sentence: “The Commission
10 shall make such additional certifications as may be
11 necessary to receive payments under section 9004.”.

12 (b) MATCHABLE CONTRIBUTION.—Section 9002 of
13 such Code, as amended by section 5212(b), is amended
14 by adding at the end the following new paragraph:

15 “(14) MATCHABLE CONTRIBUTION.—The term
16 ‘matchable contribution’ means, with respect to the
17 election to the office of President of the United
18 States, a contribution by an individual to a can-
19 didate or an authorized committee of a candidate
20 with respect to which the candidate has certified in
21 writing that—

22 “(A) the individual making such contribu-
23 tion has not made aggregate contributions (in-
24 cluding such matchable contribution) to such
25 candidate and the authorized committees of

1 such candidate in excess of \$1,000 for the elec-
2 tion;

3 “(B) such candidate and the authorized
4 committees of such candidate will not accept
5 contributions from such individual (including
6 such matchable contribution) aggregating more
7 than the amount described in subparagraph (A)
8 with respect to such election; and

9 “(C) such contribution was a direct con-
10 tribution (as defined in section 9034(c)(3)).”.

11 **SEC. 5214. INCREASE IN LIMIT ON COORDINATED PARTY**
12 **EXPENDITURES.**

13 (a) IN GENERAL.—Section 315(d)(2) of the Federal
14 Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))
15 is amended to read as follows:

16 “(2)(A) The national committee of a political party
17 may not make any expenditure in connection with the gen-
18 eral election campaign of any candidate for President of
19 the United States who is affiliated with such party which
20 exceeds \$100,000,000.

21 “(B) For purposes of this paragraph—

22 “(i) any expenditure made by or on behalf of a
23 national committee of a political party and in con-
24 nection with a Presidential election shall be consid-
25 ered to be made in connection with the general elec-

1 tion campaign of a candidate for President of the
2 United States who is affiliated with such party; and

3 “(ii) any communication made by or on behalf
4 of such party shall be considered to be made in con-
5 nection with the general election campaign of a can-
6 didate for President of the United States who is af-
7 filiated with such party if any portion of the commu-
8 nication is in connection with such election.

9 “(C) Any expenditure under this paragraph shall be
10 in addition to any expenditure by a national committee
11 of a political party serving as the principal campaign com-
12 mittee of a candidate for the office of President of the
13 United States.”.

14 (b) CONFORMING AMENDMENTS RELATING TO TIM-
15 ING OF COST-OF-LIVING ADJUSTMENT.—

16 (1) IN GENERAL.—Section 315(c)(1) of such
17 Act (52 U.S.C. 30116(c)(1)) is amended—

18 (A) in subparagraph (B), by striking “(d)”
19 and inserting “(d)(2)”; and

20 (B) by adding at the end the following new
21 subparagraph:

22 “(D) In any calendar year after 2028—

23 “(i) the dollar amount in subsection (d)(2) shall
24 be increased by the percent difference determined
25 under subparagraph (A);

1 “(ii) the amount so increased shall remain in
2 effect for the calendar year; and

3 “(iii) if the amount after adjustment under
4 clause (i) is not a multiple of \$100, such amount
5 shall be rounded to the nearest multiple of \$100.”.

6 (2) BASE YEAR.—Section 315(c)(2)(B) of such
7 Act (52 U.S.C. 30116(c)(2)(B)) is amended—

8 (A) in clause (i)—

9 (i) by striking “(d)” and inserting
10 “(d)(3)”; and

11 (ii) by striking “and” at the end;

12 (B) in clause (ii), by striking the period at
13 the end and inserting “; and”; and

14 (C) by adding at the end the following new
15 clause:

16 “(iii) for purposes of subsection (d)(2), cal-
17 endar year 2027.”.

18 **SEC. 5215. ESTABLISHMENT OF UNIFORM DATE FOR RE-**
19 **LEASE OF PAYMENTS.**

20 (a) DATE FOR PAYMENTS.—

21 (1) IN GENERAL.—Section 9006(b) of the In-
22 ternal Revenue Code of 1986 is amended to read as
23 follows:

24 “(b) PAYMENTS FROM THE FUND.—If the Secretary
25 of the Treasury receives a certification from the Commis-

1 sion under section 9005 for payment to the eligible can-
 2 didates of a political party, the Secretary shall pay to such
 3 candidates out of the fund the amount certified by the
 4 Commission on the later of—

5 “(1) the last Friday occurring before the first
 6 Monday in September; or

7 “(2) 24 hours after receiving the certifications
 8 for the eligible candidates of all major political par-
 9 ties.

10 Amounts paid to any such candidates shall be under the
 11 control of such candidates.”.

12 (2) CONFORMING AMENDMENT.—The first sen-
 13 tence of section 9006(c) of such Code is amended by
 14 striking “the time of a certification by the Commis-
 15 sion under section 9005 for payment” and inserting
 16 “the time of making a payment under subsection
 17 (b)”.

18 (b) TIME FOR CERTIFICATION.—Section 9005(a) of
 19 the Internal Revenue Code of 1986 is amended by striking
 20 “10 days” and inserting “24 hours”.

21 **SEC. 5216. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**
 22 **PAIGN FUND.**

23 Section 9006(c) of the Internal Revenue Code of
 24 1986 is amended by adding at the end the following new
 25 sentence: “In making a determination of whether there are

1 insufficient moneys in the fund for purposes of the pre-
2 vious sentence, the Secretary shall take into account in
3 determining the balance of the fund for a Presidential
4 election year the Secretary's best estimate of the amount
5 of moneys which will be deposited into the fund during
6 the year, except that the amount of the estimate may not
7 exceed the average of the annual amounts deposited in the
8 fund during the previous 3 years.”.

9 **SEC. 5217. USE OF GENERAL ELECTION PAYMENTS FOR**
10 **GENERAL ELECTION LEGAL AND ACCOUNT-**
11 **ING COMPLIANCE.**

12 Section 9002(11) of the Internal Revenue Code of
13 1986 is amended by adding at the end the following new
14 sentence: “For purposes of subparagraph (A), an expense
15 incurred by a candidate or authorized committee for gen-
16 eral election legal and accounting compliance purposes
17 shall be considered to be an expense to further the election
18 of such candidate.”.

19 **SEC. 5218. USE OF FREEDOM FROM INFLUENCE FUND AS**
20 **SOURCE OF PAYMENTS.**

21 (a) IN GENERAL.—Chapter 95 of subtitle H of the
22 Internal Revenue Code of 1986 is amended by adding at
23 the end the following new section:

1 **“SEC. 9013. USE OF FREEDOM FROM INFLUENCE FUND AS**
2 **SOURCE OF PAYMENTS.**

3 “(a) IN GENERAL.—Notwithstanding any other pro-
4 vision of this chapter, effective with respect to the Presi-
5 dential election held in 2028 and each succeeding Presi-
6 dential election, all payments made under this chapter
7 shall be made from the Freedom From Influence Fund
8 established under section 541 of the Federal Election
9 Campaign Act of 1971.

10 “(b) MANDATORY REDUCTION OF PAYMENTS IN
11 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

12 “(1) ADVANCE AUDITS BY COMMISSION.—Not
13 later than 90 days before the first day of each Presi-
14 dential election cycle (beginning with the cycle for
15 the election held in 2028), the Commission shall—

16 “(A) audit the Fund to determine whether,
17 after first making payments to participating
18 candidates under title V of the Federal Election
19 Campaign Act of 1971 and then making pay-
20 ments to States under the My Voice Voucher
21 Program under the Government By the People
22 Act of 2021 and then making payments to can-
23 didates under chapter 96, the amounts remain-
24 ing in the Fund will be sufficient to make pay-
25 ments to candidates under this chapter in the

1 amounts provided under this chapter during
2 such election cycle; and

3 “(B) submit a report to Congress describ-
4 ing the results of the audit.

5 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

6 “(A) AUTOMATIC REDUCTION ON PRO
7 RATA BASIS.—If, on the basis of the audit de-
8 scribed in paragraph (1), the Commission deter-
9 mines that the amount anticipated to be avail-
10 able in the Fund with respect to the Presi-
11 dential election cycle involved is not, or may not
12 be, sufficient to satisfy the full entitlements of
13 candidates to payments under this chapter for
14 such cycle, the Commission shall reduce each
15 amount which would otherwise be paid to a can-
16 didate under this chapter by such pro rata
17 amount as may be necessary to ensure that the
18 aggregate amount of payments anticipated to
19 be made with respect to the cycle will not ex-
20 ceed the amount anticipated to be available for
21 such payments in the Fund with respect to such
22 cycle.

23 “(B) RESTORATION OF REDUCTIONS IN
24 CASE OF AVAILABILITY OF SUFFICIENT FUNDS
25 DURING ELECTION CYCLE.—If, after reducing

1 the amounts paid to candidates with respect to
2 an election cycle under subparagraph (A), the
3 Commission determines that there are sufficient
4 amounts in the Fund to restore the amount by
5 which such payments were reduced (or any por-
6 tion thereof), to the extent that such amounts
7 are available, the Commission may make a pay-
8 ment on a pro rata basis to each such candidate
9 with respect to the election cycle in the amount
10 by which such candidate's payments were re-
11 duced under subparagraph (A) (or any portion
12 thereof, as the case may be).

13 “(C) NO USE OF AMOUNTS FROM OTHER
14 SOURCES.—In any case in which the Commis-
15 sion determines that there are insufficient mon-
16 eys in the Fund to make payments to can-
17 didates under this chapter, moneys shall not be
18 made available from any other source for the
19 purpose of making such payments.

20 “(3) NO EFFECT ON AMOUNTS TRANSFERRED
21 FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-
22 tion does not apply to the transfer of funds under
23 section 9008(i).

24 “(4) PRESIDENTIAL ELECTION CYCLE DE-
25 FINED.—In this section, the term ‘Presidential elec-

1 tion cycle’ means, with respect to a Presidential elec-
 2 tion, the period beginning on the day after the date
 3 of the previous Presidential general election and
 4 ending on the date of the Presidential election.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 for chapter 95 of subtitle H of such Code is amended by
 7 adding at the end the following new item:

“Sec. 9013. Use of Freedom From Influence Fund as source of payments.”.

8 **PART 3—EFFECTIVE DATE**

9 **SEC. 5221. EFFECTIVE DATE.**

10 (a) IN GENERAL.—Except as otherwise provided, this
 11 subtitle and the amendments made by this subtitle shall
 12 apply with respect to the Presidential election held in 2028
 13 and each succeeding Presidential election, without regard
 14 to whether or not the Federal Election Commission has
 15 promulgated the final regulations necessary to carry out
 16 this part and the amendments made by this part by the
 17 deadline set forth in subsection (b).

18 (b) DEADLINE FOR REGULATIONS.—Not later than
 19 June 30, 2026, the Federal Election Commission shall
 20 promulgate such regulations as may be necessary to carry
 21 out this part and the amendments made by this part.

1 **Subtitle D—Personal Use Services**
2 **as Authorized Campaign Ex-**
3 **penditures**

4 **SEC. 5301. SHORT TITLE; FINDINGS; PURPOSE.**

5 (a) SHORT TITLE.—This subtitle may be cited as the
6 “Help America Run Act”.

7 (b) FINDINGS.—Congress finds the following:

8 (1) Everyday Americans experience barriers to
9 entry before they can consider running for office to
10 serve their communities.

11 (2) Current law states that campaign funds
12 cannot be spent on everyday expenses that would
13 exist whether or not a candidate were running for
14 office, like childcare and food. While the law seems
15 neutral, its actual effect is to privilege the independ-
16 ently wealthy who want to run, because given the de-
17 mands of running for office, candidates who must
18 work to pay for childcare or to afford health insur-
19 ance are effectively being left out of the process,
20 even if they have sufficient support to mount a via-
21 ble campaign.

22 (3) Thus current practice favors those prospec-
23 tive candidates who do not need to rely on a regular
24 paycheck to make ends meet. The consequence is
25 that everyday Americans who have firsthand knowl-

1 edge of the importance of stable childcare, a safety
2 net, or great public schools are less likely to get a
3 seat at the table. This governance by the few is anti-
4 thetical to the democratic experiment, but most im-
5 portantly, when lawmakers do not share the con-
6 cerns of everyday Americans, their policies reflect
7 that.

8 (4) These circumstances have contributed to a
9 Congress that does not always reflect everyday
10 Americans. The New York Times reported in 2019
11 that fewer than 5 percent of representatives cite
12 blue-collar or service jobs in their biographies. A
13 2015 survey by the Center for Responsive Politics
14 showed that the median net worth of lawmakers was
15 just over \$1 million in 2013, or 18 times the wealth
16 of the typical American household.

17 (5) These circumstances have also contributed
18 to a governing body that does not reflect the nation
19 it serves. For instance, women are 51 percent of the
20 American population. Yet even with a record number
21 of women serving in the One Hundred Sixteenth
22 Congress, the Pew Research Center notes that more
23 than three out of four Members of this Congress are
24 male. The Center for American Women And Politics
25 found that one third of women legislators surveyed

1 had been actively discouraged from running for of-
2 fice, often by political professionals. This type of dis-
3 couragement, combined with the prohibitions on
4 using campaign funds for domestic needs like
5 childcare, burdens that still fall disproportionately
6 on American women, particularly disadvantages
7 working mothers. These barriers may explain why
8 only 10 women in history have given birth while
9 serving in Congress, in spite of the prevalence of
10 working parents in other professions. Yet working
11 mothers and fathers are best positioned to create
12 policy that reflects the lived experience of most
13 Americans.

14 (6) Working mothers, those caring for their el-
15 derly parents, and young professionals who rely on
16 their jobs for health insurance should have the free-
17 dom to run to serve the people of the United States.
18 Their networks and net worth are simply not the
19 best indicators of their strength as prospective pub-
20 lic servants. In fact, helping ordinary Americans to
21 run may create better policy for all Americans.

22 (c) PURPOSE.—It is the purpose of this subtitle to
23 ensure that all Americans who are otherwise qualified to
24 serve this Nation are able to run for office, regardless of
25 their economic status. By expanding permissible uses of

1 campaign funds and providing modest assurance that test-
 2 ing a run for office will not cost one’s livelihood, the Help
 3 America Run Act will facilitate the candidacy of represent-
 4 atives who more accurately reflect the experiences, chal-
 5 lenges, and ideals of everyday Americans.

6 **SEC. 5302. TREATMENT OF PAYMENTS FOR CHILD CARE**
 7 **AND OTHER PERSONAL USE SERVICES AS AU-**
 8 **THORIZED CAMPAIGN EXPENDITURE.**

9 (a) PERSONAL USE SERVICES AS AUTHORIZED CAM-
 10 PAIGN EXPENDITURE.—Section 313 of the Federal Elec-
 11 tion Campaign Act of 1971 (52 U.S.C. 30114), as amend-
 12 ed by section 5113, is amended by adding at the end the
 13 following new subsection:

14 “(e) TREATMENT OF PAYMENTS FOR CHILD CARE
 15 AND OTHER PERSONAL USE SERVICES AS AUTHORIZED
 16 CAMPAIGN EXPENDITURE.—

17 “(1) AUTHORIZED EXPENDITURES.—For pur-
 18 poses of subsection (a), the payment by an author-
 19 ized committee of a candidate for any of the per-
 20 sonal use services described in paragraph (3) shall
 21 be treated as an authorized expenditure if the serv-
 22 ices are necessary to enable the participation of the
 23 candidate in campaign-connected activities.

24 “(2) LIMITATIONS.—

1 “(A) LIMIT ON TOTAL AMOUNT OF PAY-
2 MENTS.—The total amount of payments made
3 by an authorized committee of a candidate for
4 personal use services described in paragraph (3)
5 may not exceed the limit which is applicable
6 under any law, rule, or regulation on the
7 amount of payments which may be made by the
8 committee for the salary of the candidate (with-
9 out regard to whether or not the committee
10 makes payments to the candidate for that pur-
11 pose).

12 “(B) CORRESPONDING REDUCTION IN
13 AMOUNT OF SALARY PAID TO CANDIDATE.—To
14 the extent that an authorized committee of a
15 candidate makes payments for the salary of the
16 candidate, any limit on the amount of such pay-
17 ments which is applicable under any law, rule,
18 or regulation shall be reduced by the amount of
19 any payments made to or on behalf of the can-
20 didate for personal use services described in
21 paragraph (3), other than personal use services
22 described in subparagraph (D) of such para-
23 graph.

24 “(C) EXCLUSION OF CANDIDATES WHO
25 ARE OFFICEHOLDERS.—Paragraph (1) does not

1 apply with respect to an authorized committee
 2 of a candidate who is a holder of Federal office.

3 “(3) PERSONAL USE SERVICES DESCRIBED.—

4 The personal use services described in this para-
 5 graph are as follows:

6 “(A) Child care services.

7 “(B) Elder care services.

8 “(C) Services similar to the services de-
 9 scribed in subparagraph (A) or subparagraph
 10 (B) which are provided on behalf of any de-
 11 pendent who is a qualifying relative under sec-
 12 tion 152 of the Internal Revenue Code of 1986.

13 “(D) Health insurance premiums.”.

14 (b) EFFECTIVE DATE.—The amendments made by
 15 this section shall take effect on the date of the enactment
 16 of this Act.

17 **Subtitle E—Empowering Small** 18 **Dollar Donations**

19 **SEC. 5401. PERMITTING POLITICAL PARTY COMMITTEES TO**
 20 **PROVIDE ENHANCED SUPPORT FOR CAN-**
 21 **DIDATES THROUGH USE OF SEPARATE**
 22 **SMALL DOLLAR ACCOUNTS.**

23 (a) INCREASE IN LIMIT ON CONTRIBUTIONS TO CAN-
 24 DIDATES.—Section 315(a)(2)(A) of the Federal Election
 25 Campaign Act of 1971 (52 U.S.C. 30116(a)(2)(A)) is

1 amended by striking “exceed \$5,000” and inserting “ex-
2 ceed \$5,000 or, in the case of a contribution made by a
3 national committee of a political party from an account
4 described in paragraph (11), exceed \$10,000”.

5 (b) ELIMINATION OF LIMIT ON COORDINATED EX-
6 PENDITURES.—Section 315(d)(5) of such Act (52 U.S.C.
7 30116(d)(5)) is amended by striking “subsection (a)(9)”
8 and inserting “subsection (a)(9) or subsection (a)(11)”.

9 (c) ACCOUNTS DESCRIBED.—Section 315(a) of such
10 Act (52 U.S.C. 30116(a)), as amended by section 5112(a),
11 is amended by adding at the end the following new para-
12 graph:

13 “(11) An account described in this paragraph is a
14 separate, segregated account of a national committee of
15 a political party (including a national congressional cam-
16 paign committee of a political party) consisting exclusively
17 of contributions made during a calendar year by individ-
18 uals whose aggregate contributions to the committee dur-
19 ing the year do not exceed \$200.”.

20 (d) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to elections held on
22 or after the date of the enactment of this Act.

1 **Subtitle F—Severability**

2 **SEC. 5501. SEVERABILITY.**

3 If any provision of this title or amendment made by
 4 this title, or the application of a provision or amendment
 5 to any person or circumstance, is held to be unconstitu-
 6 tional, the remainder of this title and amendments made
 7 by this title, and the application of the provisions and
 8 amendment to any person or circumstance, shall not be
 9 affected by the holding.

10 **TITLE VI—CAMPAIGN FINANCE** 11 **OVERSIGHT**

Subtitle A—Restoring Integrity to America’s Elections

- Sec. 6001. Short title.
- Sec. 6002. Membership of Federal Election Commission.
- Sec. 6003. Assignment of powers to Chair of Federal Election Commission.
- Sec. 6004. Revision to enforcement process.
- Sec. 6005. Permitting appearance at hearings on requests for advisory opinions
by persons opposing the requests.
- Sec. 6006. Permanent extension of administrative penalty authority.
- Sec. 6007. Restrictions on ex parte communications.
- Sec. 6008. Clarifying authority of FEC attorneys to represent FEC in Supreme
Court.
- Sec. 6009. Requiring forms to permit use of accent marks.
- Sec. 6010. Extension of statute of limitations for offenses under Federal Elec-
tion Campaign Act of 1971.
- Sec. 6011. Effective date; transition.

Subtitle B—Stopping Super PAC-Candidate Coordination

- Sec. 6101. Short title.
- Sec. 6102. Clarification of treatment of coordinated expenditures as contribu-
tions to candidates.
- Sec. 6103. Clarification of ban on fundraising for super PACs by Federal can-
didates and officeholders.

Subtitle C—Disposal of Contributions or Donations

- Sec. 6201. Timeframe for and prioritization of disposal of contributions or do-
nations.
- Sec. 6202. 1-year transition period for certain individuals.

Subtitle D—Recommendations to Ensure Filing of Reports Before Date of Election

Sec. 6301. Recommendations to ensure filing of reports before date of election.

Subtitle E—Severability

Sec. 6401. Severability.

1 Subtitle A—Restoring Integrity to
2 America’s Elections

3 SEC. 6001. SHORT TITLE.

4 This subtitle may be cited as the “Restoring Integrity
5 to America’s Elections Act”.

6 SEC. 6002. 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
13 U.S.C. 30106(a)(1)) is amended by striking the sec-
14 ond and third sentences and inserting the following:
15 “The Commission is composed of 5 members ap-
16 pointed by the President by and with the advice and
17 consent of the Senate, of whom no more than 2 may
18 be affiliated with the same political party. A member
19 shall be treated as affiliated with a political party if
20 the member was affiliated, including as a registered
21 voter, employee, consultant, donor, officer, or attor-
22 ney, with such political party or any of its can-

1 didates or elected public officials at any time during
2 the 5-year period ending on the date on which such
3 individual is nominated to be a member of the Com-
4 mission. A majority of the number of members of
5 the Commission who are serving at the time shall
6 constitute a quorum.”.

7 (2) CONFORMING AMENDMENTS RELATING TO
8 REDUCTION IN NUMBER OF MEMBERS.—(A) Section
9 306(c) of such Act (52 U.S.C. 30106(c)) is amended
10 by striking the period at the end of the first sen-
11 tence and all that follows and inserting the fol-
12 lowing: “, except that an affirmative vote of a major-
13 ity of the members of the Commission who are serv-
14 ing at the time shall be required in order for the
15 Commission to take any action in accordance with
16 paragraph (6), (7), (8), or (9) of section 307(a) or
17 with chapter 95 or chapter 96 of the Internal Rev-
18 enue Code of 1986. A member of the Commission
19 may not delegate to any person his or her vote or
20 any decisionmaking authority or duty vested in the
21 Commission by the provisions of this Act”.

22 (B) Such Act is further amended by striking
23 “affirmative vote of 4 of its members” and inserting
24 “affirmative vote of a majority of the members of

1 the Commission who are serving at the time” each
2 place it appears in the following sections:

3 (i) Section 309(a)(2) (52 U.S.C.
4 30109(a)(2)).

5 (ii) Section 309(a)(4)(A)(i) (52 U.S.C.
6 30109(a)(4)(A)(i)).

7 (iii) Section 309(a)(5)(C) (52 U.S.C.
8 30109(a)(5)(C)).

9 (iv) Section 309(a)(6)(A) (52 U.S.C.
10 30109(a)(6)(A)).

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

12 (3) CONFORMING AMENDMENT RELATING TO
13 REMOVAL OF EX OFFICIO MEMBERS.—Section
14 306(a) of such Act (52 U.S.C. 30106(a)) is amend-
15 ed by striking “(other than the Secretary of the Sen-
16 ate and the Clerk of the House of Representatives)”
17 each place it appears in paragraphs (4) and (5).

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

21 “(2) TERMS OF SERVICE.—

22 “(A) IN GENERAL.—Each member of the
23 Commission shall serve for a single term of 6
24 years.

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

6 “(C) NO REAPPOINTMENT PERMITTED.—
7 An individual who served a term as a member
8 of the Commission may not serve for an addi-
9 tional term, except that—

10 “(i) an individual who served a 3-year
11 term under subparagraph (B) may also be
12 appointed to serve a 6-year term under
13 subparagraph (A); and

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

21 “(D) VACANCIES.—Any vacancy occurring
22 in the membership of the Commission shall be
23 filled in the same manner as in the case of the
24 original appointment. Except as provided in
25 subparagraph (C), an individual appointed to

1 fill a vacancy occurring other than by the expi-
2 ration of a term of office shall be appointed
3 only for the unexpired term of the member he
4 or she succeeds.

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

11 “(i) the date on which the member’s
12 successor has taken office as a member of
13 the Commission; or

14 “(ii) the expiration of the 1-year pe-
15 riod that begins on the last day of the
16 member’s term.”.

17 (c) QUALIFICATIONS.—Section 306(a)(3) of such Act
18 (52 U.S.C. 30106(a)(3)) is amended to read as follows:

19 “(3) QUALIFICATIONS.—

20 “(A) IN GENERAL.—The President may
21 select an individual for service as a member of
22 the Commission if the individual has experience
23 in election law and has a demonstrated record
24 of integrity, impartiality, and good judgment.

1 “(B) ASSISTANCE OF BLUE RIBBON ADVI-
2 SORY PANEL.—

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

23 “(ii) RECOMMENDATIONS.—With re-
24 spect to each member of the Commission
25 whose term is expiring or each vacancy in

1 the membership of the Commission (as the
2 case may be), the Blue Ribbon Advisory
3 Panel shall recommend to the President at
4 least one but not more than 3 individuals
5 for nomination for appointment as a mem-
6 ber of the Commission.

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

14 “(iv) EXEMPTION FROM FEDERAL AD-
15 VISORY COMMITTEE ACT.—The Federal
16 Advisory Committee Act (5 U.S.C. App.)
17 does not apply to a Blue Ribbon Advisory
18 Panel convened under this subparagraph.

19 “(C) PROHIBITING ENGAGEMENT WITH
20 OTHER BUSINESS OR EMPLOYMENT DURING
21 SERVICE.—A member of the Commission shall
22 not engage in any other business, vocation, or
23 employment. Any individual who is engaging in
24 any other business, vocation, or employment at
25 the time of his or her appointment to the Com-

1 mission shall terminate or liquidate such activ-
2 ity no later than 90 days after such appoint-
3 ment.”.

4 **SEC. 6003. ASSIGNMENT OF POWERS TO CHAIR OF FED-**
5 **ERAL ELECTION COMMISSION.**

6 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

7 (1) IN GENERAL.—Section 306(a)(5) of the
8 Federal Election Campaign Act of 1971 (52 U.S.C.
9 30106(a)(5)) is amended to read as follows:

10 “(5) CHAIR.—

11 “(A) INITIAL APPOINTMENT.—Of the
12 members first appointed to serve terms that
13 begin in January 2022, one such member (as
14 designated by the President at the time the
15 President submits nominations to the Senate)
16 shall serve as Chair of the Commission.

17 “(B) SUBSEQUENT APPOINTMENTS.—Any
18 individual who is appointed to succeed the
19 member who serves as Chair of the Commission
20 for the term beginning in January 2022 (as
21 well as any individual who is appointed to fill
22 a vacancy if such member does not serve a full
23 term as Chair) shall serve as Chair of the Com-
24 mission.

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

7 (2) CONFORMING AMENDMENT.—Section
8 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is
9 amended by striking “through its chairman or vice
10 chairman” and inserting “through the Chair”.

11 (b) POWERS.—

12 (1) ASSIGNMENT OF CERTAIN POWERS TO
13 CHAIR.—Section 307(a) of such Act (52 U.S.C.
14 30107(a)) is amended to read as follows:

15 “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR
16 AND COMMISSION.—

17 “(1) POWERS ASSIGNED TO CHAIR.—

18 “(A) ADMINISTRATIVE POWERS.—The
19 Chair of the Commission shall be the chief ad-
20 ministrative officer of the Commission and shall
21 have the authority to administer the Commis-
22 sion and its staff, and (in consultation with the
23 other members of the Commission) shall have
24 the power—

1 “(i) to appoint and remove the staff
2 director of the Commission;

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

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

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

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

20 “(ii) to require by special or general
21 orders, any person to submit, under oath,
22 such written reports and answers to ques-
23 tions as the Chair may prescribe;

24 “(iii) to administer oaths or affirma-
25 tions;

1 “(iv) to require by subpoena, signed
2 by the Chair, the attendance and testimony
3 of witnesses and the production of all doc-
4 umentary evidence relating to the execu-
5 tion of its duties;

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

14 “(vi) to pay witnesses the same fees
15 and mileage as are paid in like cir-
16 cumstances in the courts of the United
17 States.

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

20 “(A) to initiate (through civil actions for
21 injunctive, declaratory, or other appropriate re-
22 lief), defend (in the case of any civil action
23 brought under section 309(a)(8) of this Act) or
24 appeal (including a proceeding before the Su-
25 preme Court on certiorari) any civil action in

1 the name of the Commission to enforce the pro-
2 visions of this Act and chapter 95 and chapter
3 96 of the Internal Revenue Code of 1986,
4 through its general counsel;

5 “(B) to render advisory opinions under
6 section 308 of this Act;

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

14 “(D) to conduct investigations and hear-
15 ings expeditiously, to encourage voluntary com-
16 pliance, and to report apparent violations to the
17 appropriate law enforcement authorities; and

18 “(E) to transmit to the President and Con-
19 gress not later than June 1 of each year a re-
20 port which states in detail the activities of the
21 Commission in carrying out its duties under
22 this Act, and which includes any recommenda-
23 tions for any legislative or other action the
24 Commission considers appropriate.

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

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

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

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

22 (C) by striking paragraph (3).

23 (3) CONFORMING AMENDMENT RELATING TO
24 BUDGET SUBMISSION.—Section 307(d)(1) of such
25 Act (52 U.S.C. 30107(d)(1)) is amended by striking

1 “the Commission submits any budget” and inserting
2 “the Chair (or, pursuant to subsection (a)(3), the
3 Commission) submits any budget”.

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

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

12 **SEC. 6004. REVISION TO ENFORCEMENT PROCESS.**

13 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
14 DETERMINING WHETHER VIOLATIONS HAVE OC-
15 CURRED.—

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

20 “(2)(A) The general counsel, upon receiving a com-
21 plaint filed with the Commission under paragraph (1) or
22 upon the basis of information ascertained by the Commis-
23 sion in the normal course of carrying out its supervisory
24 responsibilities, shall make a determination as to whether
25 or not there is reason to believe that a person has com-

mitted, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and as to whether or not the Commission should either initiate an investigation of the matter or that the complaint should be dismissed. The general counsel shall promptly provide notification to the Commission of such determination and the reasons therefore, together with any written response submitted under paragraph (1) by the person alleged to have committed the violation. Upon the expiration of the 30-day period which begins on the date the general counsel provides such notification, the general counsel's determination shall take effect, unless during such 30-day period the Commission, by vote of a majority of the members of the Commission who are serving at the time, overrules the general counsel's determination. If the determination by the general counsel that the Commission should investigate the matter takes effect, or if the determination by the general counsel that the complaint should be dismissed is overruled as provided under the previous sentence, the general counsel shall initiate an investigation of the matter on behalf of the Commission.

“(B) If the Commission initiates an investigation pursuant to subparagraph (A), the Commission, through the Chair, shall notify the subject of the investigation of the alleged violation. Such notification shall set forth the

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

15 “(3)(A) Upon completion of an investigation under
16 paragraph (2), the general counsel shall promptly submit
17 to the Commission the general counsel’s recommendation
18 that the Commission find either that there is probable
19 cause or that there is not probable cause to believe that
20 a person has committed, or is about to commit, a violation
21 of this Act or chapter 95 or chapter 96 of the Internal
22 Revenue Code of 1986, and shall include with the rec-
23 ommendation a brief stating the position of the general
24 counsel on the legal and factual issues of the case.

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

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

20 (2) CONFORMING AMENDMENT RELATING TO
21 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-
22 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))
23 is amended—

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

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

11 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
12 MISSAL OF COMPLAINTS.—

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

16 “(8)(A)(i) Any party aggrieved by an order of the
17 Commission dismissing a complaint filed by such party
18 may file a petition with the United States District Court
19 for the District of Columbia. Any petition under this sub-
20 paragraph shall be filed within 60 days after the date on
21 which the party received notice of the dismissal of the
22 complaint.

23 “(ii) In any proceeding under this subparagraph, the
24 court shall determine by de novo review whether the agen-
25 cy’s dismissal of the complaint is contrary to law. In any

1 matter in which the penalty for the alleged violation is
2 greater than \$50,000, the court should disregard any
3 claim or defense by the Commission of prosecutorial dis-
4 cretion as a basis for dismissing the complaint.

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

12 “(ii) In any proceeding under this subparagraph, the
13 court shall treat the failure to act on the complaint as
14 a dismissal of the complaint, and shall determine by de
15 novo review whether the agency’s failure to act on the
16 complaint is contrary to law.

17 “(C) In any proceeding under this paragraph the
18 court may declare that the dismissal of the complaint or
19 the failure to act is contrary to law, and may direct the
20 Commission to conform with such declaration within 30
21 days, failing which the complainant may bring, in the
22 name of such complainant, a civil action to remedy the
23 violation involved in the original complaint.”.

24 (2) EFFECTIVE DATE.—The amendments made
25 by paragraph (1) shall apply—

1 (A) in the case of complaints which are
2 dismissed by the Federal Election Commission,
3 with respect to complaints which are dismissed
4 on or after the date of the enactment of this
5 Act; and

6 (B) in the case of complaints upon which
7 the Federal Election Commission failed to act,
8 with respect to complaints which were filed on
9 or after the date of the enactment of this Act.

10 **SEC. 6005. PERMITTING APPEARANCE AT HEARINGS ON RE-**
11 **QUESTS FOR ADVISORY OPINIONS BY PER-**
12 **SONS OPPOSING THE REQUESTS.**

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

16 “(e) To the extent that the Commission provides an
17 opportunity for a person requesting an advisory opinion
18 under this section (or counsel for such person) to appear
19 before the Commission to present testimony in support of
20 the request, and the person (or counsel) accepts such op-
21 portunity, the Commission shall provide a reasonable op-
22 portunity for an interested party who submitted written
23 comments under subsection (d) in response to the request
24 (or counsel for such interested party) to appear before the

1 Commission to present testimony in response to the re-
 2 quest.”.

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

8 **SEC. 6006. PERMANENT EXTENSION OF ADMINISTRATIVE**
 9 **PENALTY AUTHORITY.**

10 (a) **EXTENSION OF AUTHORITY.**—Section
 11 309(a)(4)(C)(v) of the Federal Election Campaign Act of
 12 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by strik-
 13 ing “, and that end on or before December 31, 2023”.

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

16 **SEC. 6007. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

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

19 (1) by striking “(e) The Commission” and in-
 20 serting “(e)(1) The Commission”; and

21 (2) by adding at the end the following new
 22 paragraph:

23 “(2) Members and employees of the Commission shall
 24 be subject to limitations on ex parte communications, as
 25 provided in the regulations promulgated by the Commis-

1 sion regarding such communications which are in effect
2 on the date of the enactment of this paragraph.”.

3 **SEC. 6008. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**
4 **REPRESENT FEC IN SUPREME COURT.**

5 (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of
6 the Federal Election Campaign Act of 1971 (52 U.S.C.
7 30106(f)(4)) is amended by striking “any action instituted
8 under this Act, either (A) by attorneys” and inserting
9 “any action instituted under this Act, including an action
10 before the Supreme Court of the United States, either (A)
11 by the General Counsel of the Commission and other at-
12 torneys”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 paragraph (1) shall apply with respect to actions insti-
15 tuted before, on, or after the date of the enactment of
16 this Act.

17 **SEC. 6009. REQUIRING FORMS TO PERMIT USE OF ACCENT**
18 **MARKS.**

19 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-
20 eral Election Campaign Act of 1971 (52 U.S.C.
21 30111(a)(1)) is amended by striking the semicolon at the
22 end and inserting the following: “, and shall ensure that
23 all such forms (including forms in an electronic format)
24 permit the person using the form to include an accent
25 mark as part of the person’s identification;”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect upon the expiration of the
3 90-day period which begins on the date of the enactment
4 of this Act.

5 **SEC. 6010. EXTENSION OF STATUTE OF LIMITATIONS FOR**
6 **OFFENSES UNDER FEDERAL ELECTION CAM-**
7 **PAIGN ACT OF 1971.**

8 (a) CIVIL OFFENSES.—Section 309(a) of the Federal
9 Election Campaign Act of 1971 (52 U.S.C. 30109(a)) is
10 amended by inserting after paragraph (9) the following
11 new paragraph:

12 “(10) No person shall be subject to a civil penalty
13 under this subsection with respect to a violation of this
14 Act unless a complaint is filed with the Commission with
15 respect to the violation under paragraph (1), or the Com-
16 mission responds to information with respect to the viola-
17 tion which is ascertained in the normal course of carrying
18 out its supervisory responsibilities under paragraph (2),
19 not later than 15 years after the date on which the viola-
20 tion occurred.”.

21 (b) CRIMINAL OFFENSES.—Section 406(a) of such
22 Act (52 U.S.C. 30145(a)) is amended by striking “5
23 years” and inserting “10 years”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to violations occurring
3 on or after the date of the enactment of this Act.

4 **SEC. 6011. EFFECTIVE DATE; TRANSITION.**

5 (a) IN GENERAL.—Except as otherwise provided, the
6 amendments made by this subtitle shall apply beginning
7 January 1, 2022.

8 (b) TRANSITION.—

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

15 (2) NO EFFECT ON EXISTING CASES OR PRO-
16 CEEDINGS.—Nothing in this subtitle or in any
17 amendment made by this subtitle shall affect any of
18 the powers exercised by the Federal Election Com-
19 mission prior to December 31, 2021, including any
20 investigation initiated by the Commission prior to
21 such date or any proceeding (including any enforce-
22 ment action) pending as of such date.

1 **Subtitle B—Stopping Super PAC-**
 2 **Candidate Coordination**

3 **SEC. 6101. SHORT TITLE.**

4 This subtitle may be cited as the “Stop Super PAC-
 5 Candidate Coordination Act”.

6 **SEC. 6102. CLARIFICATION OF TREATMENT OF COORDI-**
 7 **NATED EXPENDITURES AS CONTRIBUTIONS**
 8 **TO CANDIDATES.**

9 (a) TREATMENT AS CONTRIBUTION TO CAN-
 10 DIDATE.—Section 301(8)(A) of the Federal Election Cam-
 11 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

12 (1) by striking “or” at the end of clause (i);

13 (2) by striking the period at the end of clause
 14 (ii) and inserting “; or”; and

15 (3) by adding at the end the following new
 16 clause:

17 “(iii) any payment made by any person
 18 (other than a candidate, an authorized com-
 19 mittee of a candidate, or a political committee
 20 of a political party) for a coordinated expendi-
 21 ture (as such term is defined in section 326)
 22 which is not otherwise treated as a contribution
 23 under clause (i) or clause (ii).”.

24 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.
 25 30101 et seq.), as amended by section 4421 and section

1 4802(a), is amended by adding at the end the following
2 new section:

3 **“SEC. 327. PAYMENTS FOR COORDINATED EXPENDITURES.**

4 “(a) COORDINATED EXPENDITURES.—

5 “(1) IN GENERAL.—For purposes of section
6 301(8)(A)(iii), the term ‘coordinated expenditure’
7 means—

8 “(A) any expenditure, or any payment for
9 a covered communication described in sub-
10 section (d), which is made in cooperation, con-
11 sultation, or concert with, or at the request or
12 suggestion of, a candidate, an authorized com-
13 mittee of a candidate, a political committee of
14 a political party, or agents of the candidate or
15 committee, as defined in subsection (b); or

16 “(B) any payment for any communication
17 which republishes, disseminates, or distributes,
18 in whole or in part, any video or broadcast or
19 any written, graphic, or other form of campaign
20 material prepared by the candidate or com-
21 mittee or by agents of the candidate or com-
22 mittee (including any excerpt or use of any
23 video from any such broadcast or written,
24 graphic, or other form of campaign material).

1 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
2 COMMUNICATIONS.—A payment for a communication
3 (including a covered communication described in
4 subsection (d)) shall not be treated as a coordinated
5 expenditure under this subsection if—

6 “(A) the communication appears in a news
7 story, commentary, or editorial distributed
8 through the facilities of any broadcasting sta-
9 tion, newspaper, magazine, or other periodical
10 publication, unless such facilities are owned or
11 controlled by any political party, political com-
12 mittee, or candidate; or

13 “(B) the communication constitutes a can-
14 didate debate or forum conducted pursuant to
15 regulations adopted by the Commission pursu-
16 ant to section 304(f)(3)(B)(iii), or which solely
17 promotes such a debate or forum and is made
18 by or on behalf of the person sponsoring the de-
19 bate or forum.

20 “(b) COORDINATION DESCRIBED.—

21 “(1) IN GENERAL.—For purposes of this sec-
22 tion, a payment is made ‘in cooperation, consulta-
23 tion, or concert with, or at the request or suggestion
24 of,’ a candidate, an authorized committee of a can-
25 didate, a political committee of a political party, or

1 agents of the candidate or committee, if the pay-
2 ment, or any communication for which the payment
3 is made, is not made entirely independently of the
4 candidate, committee, or agents. For purposes of the
5 previous sentence, a payment or communication not
6 made entirely independently of the candidate or
7 committee includes any payment or communication
8 made pursuant to any general or particular under-
9 standing with, or pursuant to any communication
10 with, the candidate, committee, or agents about the
11 payment or communication.

12 “(2) NO FINDING OF COORDINATION BASED
13 SOLELY ON SHARING OF INFORMATION REGARDING
14 LEGISLATIVE OR POLICY POSITION.—For purposes
15 of this section, a payment shall not be considered to
16 be made by a person in cooperation, consultation, or
17 concert with, or at the request or suggestion of, a
18 candidate or committee, solely on the grounds that
19 the person or the person’s agent engaged in discus-
20 sions with the candidate or committee, or with any
21 agent of the candidate or committee, regarding that
22 person’s position on a legislative or policy matter
23 (including urging the candidate or committee to
24 adopt that person’s position), so long as there is no
25 communication between the person and the can-

1 didate or committee, or any agent of the candidate
2 or committee, regarding the candidate's or commit-
3 tee's campaign advertising, message, strategy, pol-
4 icy, polling, allocation of resources, fundraising, or
5 other campaign activities.

6 “(3) NO EFFECT ON PARTY COORDINATION
7 STANDARD.—Nothing in this section shall be con-
8 strued to affect the determination of coordination
9 between a candidate and a political committee of a
10 political party for purposes of section 315(d).

11 “(4) NO SAFE HARBOR FOR USE OF FIRE-
12 WALL.—A person shall be determined to have made
13 a payment in cooperation, consultation, or concert
14 with, or at the request or suggestion of, a candidate
15 or committee, in accordance with this section with-
16 out regard to whether or not the person established
17 and used a firewall or similar procedures to restrict
18 the sharing of information between individuals who
19 are employed by or who are serving as agents for the
20 person making the payment.

21 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
22 COVERED COMMUNICATIONS.—

23 “(1) PAYMENTS MADE IN COOPERATION, CON-
24 SULTATION, OR CONCERT WITH CANDIDATES.—For
25 purposes of subsection (a)(1)(A), if the person who

1 makes a payment for a covered communication, as
2 defined in subsection (d), is a coordinated spender
3 under paragraph (2) with respect to the candidate
4 as described in subsection (d)(1), the payment for
5 the covered communication is made in cooperation,
6 consultation, or concert with the candidate.

7 “(2) COORDINATED SPENDER DEFINED.—For
8 purposes of this subsection, the term ‘coordinated
9 spender’ means, with respect to a candidate or an
10 authorized committee of a candidate, a person (other
11 than a political committee of a political party) for
12 which any of the following applies:

13 “(A) During the 4-year period ending on
14 the date on which the person makes the pay-
15 ment, the person was directly or indirectly
16 formed or established by or at the request or
17 suggestion of, or with the encouragement of,
18 the candidate (including an individual who later
19 becomes a candidate) or committee or agents of
20 the candidate or committee, including with the
21 approval of the candidate or committee or
22 agents of the candidate or committee.

23 “(B) The candidate or committee or any
24 agent of the candidate or committee solicits
25 funds, appears at a fundraising event, or en-

1 gages in other fundraising activity on the per-
2 son's behalf during the election cycle involved,
3 including by providing the person with names of
4 potential donors or other lists to be used by the
5 person in engaging in fundraising activity, re-
6 gardless of whether the person pays fair market
7 value for the names or lists provided. For pur-
8 poses of this subparagraph, the term 'election
9 cycle' means, with respect to an election for
10 Federal office, the period beginning on the day
11 after the date of the most recent general elec-
12 tion for that office (or, if the general election
13 resulted in a runoff election, the date of the
14 runoff election) and ending on the date of the
15 next general election for that office (or, if the
16 general election resulted in a runoff election,
17 the date of the runoff election).

18 “(C) The person is established, directed, or
19 managed by the candidate or committee or by
20 any person who, during the 4-year period end-
21 ing on the date on which the person makes the
22 payment, has been employed or retained as a
23 political, campaign media, or fundraising ad-
24 viser or consultant for the candidate or com-
25 mittee or for any other entity directly or indi-

1 rectly controlled by the candidate or committee,
2 or has held a formal position with the candidate
3 or committee (including a position as an em-
4 ployee of the office of the candidate at any time
5 the candidate held any Federal, State, or local
6 public office during the 4-year period).

7 “(D) The person has retained the profes-
8 sional services of any person who, during the 2-
9 year period ending on the date on which the
10 person makes the payment, has provided or is
11 providing professional services relating to the
12 campaign to the candidate or committee, with-
13 out regard to whether the person providing the
14 professional services used a firewall. For pur-
15 poses of this subparagraph, the term ‘profes-
16 sional services’ includes any services in support
17 of the candidate’s or committee’s campaign ac-
18 tivities, including advertising, message, strat-
19 egy, policy, polling, allocation of resources,
20 fundraising, and campaign operations, but does
21 not include accounting or legal services.

22 “(E) The person is established, directed, or
23 managed by a member of the immediate family
24 of the candidate, or the person or any officer or
25 agent of the person has had more than inci-

1 dental discussions about the candidate's cam-
2 paign with a member of the immediate family
3 of the candidate. For purposes of this subpara-
4 graph, the term 'immediate family' has the
5 meaning given such term in section 9004(e) of
6 the Internal Revenue Code of 1986.

7 “(d) COVERED COMMUNICATION DEFINED.—

8 “(1) IN GENERAL.—For purposes of this sec-
9 tion, the term 'covered communication' means, with
10 respect to a candidate or an authorized committee of
11 a candidate, a public communication (as defined in
12 section 301(22)) which—

13 “(A) expressly advocates the election of the
14 candidate or the defeat of an opponent of the
15 candidate (or contains the functional equivalent
16 of express advocacy);

17 “(B) promotes or supports the election of
18 the candidate, or attacks or opposes the election
19 of an opponent of the candidate (regardless of
20 whether the communication expressly advocates
21 the election or defeat of a candidate or contains
22 the functional equivalent of express advocacy);
23 or

24 “(C) refers to the candidate or an oppo-
25 nent of the candidate but is not described in

1 subparagraph (A) or subparagraph (B), but
2 only if the communication is disseminated dur-
3 ing the applicable election period.

4 “(2) APPLICABLE ELECTION PERIOD.—In para-
5 graph (1)(C), the ‘applicable election period’ with re-
6 spect to a communication means—

7 “(A) in the case of a communication which
8 refers to a candidate in a general, special, or
9 runoff election, the 120-day period which ends
10 on the date of the election; or

11 “(B) in the case of a communication which
12 refers to a candidate in a primary or preference
13 election, or convention or caucus of a political
14 party that has authority to nominate a can-
15 didate, the 60-day period which ends on the
16 date of the election or convention or caucus.

17 “(3) SPECIAL RULES FOR COMMUNICATIONS IN-
18 VOLVING CONGRESSIONAL CANDIDATES.—For pur-
19 poses of this subsection, a public communication
20 shall not be considered to be a covered communica-
21 tion with respect to a candidate for election for an
22 office other than the office of President or Vice
23 President unless it is publicly disseminated or dis-
24 tributed in the jurisdiction of the office the can-
25 didate is seeking.

1 “(e) PENALTY.—

2 “(1) DETERMINATION OF AMOUNT.—Any per-
3 son who knowingly and willfully commits a violation
4 of this Act by making a contribution which consists
5 of a payment for a coordinated expenditure shall be
6 fined an amount equal to the greater of—

7 “(A) in the case of a person who makes a
8 contribution which consists of a payment for a
9 coordinated expenditure in an amount exceeding
10 the applicable contribution limit under this Act,
11 300 percent of the amount by which the
12 amount of the payment made by the person ex-
13 ceeds such applicable contribution limit; or

14 “(B) in the case of a person who is prohib-
15 ited under this Act from making a contribution
16 in any amount, 300 percent of the amount of
17 the payment made by the person for the coordi-
18 nated expenditure.

19 “(2) JOINT AND SEVERAL LIABILITY.—Any di-
20 rector, manager, or officer of a person who is subject
21 to a penalty under paragraph (1) shall be jointly and
22 severally liable for any amount of such penalty that
23 is not paid by the person prior to the expiration of
24 the 1-year period which begins on the date the Com-
25 mission imposes the penalty or the 1-year period

1 which begins on the date of the final judgment fol-
2 lowing any judicial review of the Commission's ac-
3 tion, whichever is later.''.
4

(c) EFFECTIVE DATE.—

5 (1) REPEAL OF EXISTING REGULATIONS ON CO-
6 ORDINATION.—Effective upon the expiration of the
7 90-day period which begins on the date of the enact-
8 ment of this Act—

9 (A) the regulations on coordinated commu-
10 nications adopted by the Federal Election Com-
11 mission which are in effect on the date of the
12 enactment of this Act (as set forth in 11 CFR
13 Part 109, Subpart C, under the heading “Co-
14 ordination”) are repealed; and

15 (B) the Federal Election Commission shall
16 promulgate new regulations on coordinated
17 communications which reflect the amendments
18 made by this Act.

19 (2) EFFECTIVE DATE.—The amendments made
20 by this section shall apply with respect to payments
21 made on or after the expiration of the 120-day pe-
22 riod which begins on the date of the enactment of
23 this Act, without regard to whether or not the Fed-
24 eral Election Commission has promulgated regula-

1 tions in accordance with paragraph (1)(B) as of the
2 expiration of such period.

3 **SEC. 6103. CLARIFICATION OF BAN ON FUNDRAISING FOR**
4 **SUPER PACS BY FEDERAL CANDIDATES AND**
5 **OFFICEHOLDERS.**

6 (a) IN GENERAL.—Section 323(e)(1) of the Federal
7 Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1))
8 is amended—

9 (1) by striking “or” at the end of subparagraph
10 (A);

11 (2) by striking the period at the end of sub-
12 paragraph (B) and inserting “; or”; and

13 (3) by adding at the end the following new sub-
14 paragraph:

15 “(C) solicit, receive, direct, or transfer
16 funds to or on behalf of any political committee
17 which accepts donations or contributions that
18 do not comply with the limitations, prohibitions,
19 and reporting requirements of this Act (or to or
20 on behalf of any account of a political com-
21 mittee which is established for the purpose of
22 accepting such donations or contributions), or
23 to or on behalf of any political organization
24 under section 527 of the Internal Revenue Code
25 of 1986 which accepts such donations or con-

1 tributions (other than a committee of a State or
2 local political party or a candidate for election
3 for State or local office).”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall apply with respect to elections occur-
6 ring after January 1, 2022.

7 **Subtitle C—Disposal of** 8 **Contributions or Donations**

9 **SEC. 6201. TIMEFRAME FOR AND PRIORITIZATION OF DIS-** 10 **POSAL OF CONTRIBUTIONS OR DONATIONS.**

11 Section 313 of the Federal Election Campaign Act
12 of 1971 (52 U.S.C. 30114), as amended by section 5113
13 and section 5302, is amended—

14 (1) by redesignating subsections (c), (d), and
15 (e) as subsections (d), (e), and (f), respectively; and

16 (2) by inserting after subsection (b) the fol-
17 lowing new subsection:

18 “(c) DISPOSAL.—

19 “(1) TIMEFRAME.—Contributions or donations
20 described in subsection (a) may only be used—

21 “(A) in the case of an individual who is
22 not a candidate with respect to an election for
23 any Federal office for a 6-year period beginning
24 on the day after the date of the most recent
25 such election in which the individual was a can-

1 didate for any such office, during such 6-year
2 period;

3 “(B) in the case of an individual who be-
4 comes a registered lobbyist under the Lobbying
5 Disclosure Act of 1995, before the date on
6 which such individual becomes such a registered
7 lobbyist; or

8 “(C) in the case of an individual who be-
9 comes an agent of a foreign principal that
10 would require registration under section 2 of
11 the Foreign Agents Registration Act of 1938,
12 as amended (22 U.S.C. 612), before the date on
13 which such individual becomes such an agent of
14 a foreign principal.

15 “(2) MEANS OF DISPOSAL; PRIORITIZATION.—
16 Beginning on the date the 6-year period described in
17 subparagraph (A) of paragraph (1) ends (or, in the
18 case of an individual described in subparagraph (B)
19 of such paragraph, the date on which the individual
20 becomes a registered lobbyist under the Lobbying
21 Disclosure Act of 1995, or, in the case of an indi-
22 vidual described in subparagraph (C) of such para-
23 graph, the date on which the individual becomes a
24 registered agent of a foreign principal under the
25 Foreign Agents Registration Act of 1938, as amend-

1 ed), contributions or donations that remain available
2 to an individual described in such paragraph shall be
3 disposed of, not later than 30 days after such date,
4 as follows:

5 “(A) First, to pay any debts or obligations
6 owed in connection with the campaign for elec-
7 tion for Federal office of the individual.

8 “(B) Second, to the extent such contribu-
9 tion or donations remain available after the ap-
10 plication of subparagraph (A), through any of
11 the following means of disposal (or a combina-
12 tion thereof), in any order the individual con-
13 siders appropriate:

14 “(i) Returning such contributions or
15 donations to the individuals, entities, or
16 both, who made such contributions or do-
17 nations.

18 “(ii) Making contributions to an orga-
19 nization described in section 170(c) of the
20 Internal Revenue Code of 1986.

21 “(iii) Making transfers to a national,
22 State, or local committee of a political
23 party.”.

1 **SEC. 6202. 1-YEAR TRANSITION PERIOD FOR CERTAIN INDIVIDUALS.**
2

3 (a) IN GENERAL.—In the case of an individual de-
4 scribed in subsection (b), any contributions or donations
5 remaining available to the individual shall be disposed of—

6 (1) not later than 1 year after the date of the
7 enactment of this section; and

8 (2) in accordance with the prioritization speci-
9 fied in subparagraphs (A) through (D) of subsection
10 (c)(2) of section 313 of the Federal Election Cam-
11 paign Act of 1971 (52 U.S.C. 30114), as amended
12 by section 6201.

13 (b) INDIVIDUALS DESCRIBED.—An individual de-
14 scribed in this subsection is an individual who, as of the
15 date of the enactment of this section—

16 (1)(A) is not a candidate with respect to an
17 election for any Federal office for a period of not
18 less than 6 years beginning on the day after the date
19 of the most recent such election in which the indi-
20 vidual was a candidate for any such office; or

21 (B) is an individual who becomes a registered
22 lobbyist under the Lobbying Disclosure Act of 1995;
23 and

24 (2) would be in violation of subsection (c) of
25 section 313 of the Federal Election Campaign Act of

3 **Subtitle D—Recommendations to**
4 **Ensure Filing of Reports Before**
5 **Date of Election**

6 SEC. 6301. RECOMMENDATIONS TO ENSURE FILING OF RE-
7 PORTS BEFORE DATE OF ELECTION.

8 Not later than 180 days after the date of the enact-
9 ment of this Act, the Federal Election Commission shall
10 submit a report to Congress providing recommendations,
11 including recommendations for changes to existing law, on
12 how to ensure that each political committee under the
13 Federal Election Campaign Act of 1971, including a com-
14 mittee which accepts donations or contributions that do
15 not comply with the limitations, prohibitions, and report-
16 ing requirements of such Act, will file a report under sec-
17 tion 304 of such Act prior to the date of the election for
18 which the committee receives contributions or makes dis-
19 bursements, without regard to the date on which the com-
20 mittee first registered under such Act, and shall include
21 specific recommendations to ensure that such committees
22 will not delay until after the date of the election the re-
23 porting of the identification of persons making contribu-
24 tions that will be used to repay debt incurred by the com-
25 mittee.

1 **Subtitle E—Severability**

2 **SEC. 6401. SEVERABILITY.**

3 If any provision of this title or amendment made by
 4 this title, or the application of a provision or amendment
 5 to any person or circumstance, is held to be unconstitu-
 6 tional, the remainder of this title and amendments made
 7 by this title, and the application of the provisions and
 8 amendment to any person or circumstance, shall not be
 9 affected by the holding.

10 **DIVISION C—ETHICS**

11 **TITLE VII—ETHICAL STANDARDS**

Subtitle A—Supreme Court Ethics

Sec. 7001. Code of conduct for Federal judges.

Subtitle B—Foreign Agents Registration

Sec. 7101. Establishment of FARA investigation and enforcement unit within
 Department of Justice.

Sec. 7102. Authority to impose civil money penalties.

Sec. 7103. Disclosure of transactions involving things of financial value con-
 ferred on officeholders.

Sec. 7104. Ensuring online access to registration statements.

Sec. 7105. Disclaimer requirements for materials posted on online platforms by
 agents of foreign principals on behalf of clients.

Sec. 7106. Clarification of treatment of individuals who engage with the United
 States in political activities for a foreign principal in any place
 as agents of foreign principals.

Sec. 7107. Analysis and report on challenges to enforcement of Foreign Agents
 Registration Act of 1938.

Subtitle C—Lobbying Disclosure Reform

Sec. 7201. Expanding scope of individuals and activities subject to require-
 ments of Lobbying Disclosure Act of 1995.

Sec. 7202. Prohibiting receipt of compensation for lobbying activities on behalf
 of foreign countries violating human rights.

Sec. 7203. Requiring lobbyists to disclose status as lobbyists upon making any
 lobbying contacts.

Subtitle D—Recusal of Presidential Appointees

Sec. 7301. Recusal of appointees.

Subtitle E—Clearinghouse on Lobbying Information

Sec. 7401. Establishment of clearinghouse.

Subtitle F—Severability

Sec. 7501. Severability.

1 **Subtitle A—Supreme Court Ethics**

2 **SEC. 7001. CODE OF CONDUCT FOR FEDERAL JUDGES.**

3 (a) IN GENERAL.—Chapter 57 of title 28, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 964. Code of conduct**

7 “Not later than one year after the date of the enact-
8 ment of this section, the Judicial Conference shall issue
9 a code of conduct, which applies to each justice and judge
10 of the United States, except that the code of conduct may
11 include provisions that are applicable only to certain cat-
12 egories of judges or justices.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 for chapter 57 of title 28, United States Code, is amended
15 by adding after the item related to section 963 the fol-
16 lowing:

“964. Code of conduct.”.

Subtitle B—Foreign Agents Registration

SEC. 7101. ESTABLISHMENT OF FARA INVESTIGATION AND ENFORCEMENT UNIT WITHIN DEPARTMENT OF JUSTICE.

Section 8 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 618) is amended by adding at the end the following new subsection:

“(i) DEDICATED ENFORCEMENT UNIT.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall establish a unit within the counterespionage section of the National Security Division of the Department of Justice with responsibility for the enforcement of this Act.

“(2) POWERS.—The unit established under this subsection is authorized to—

“(A) take appropriate legal action against individuals suspected of violating this Act; and

“(B) coordinate any such legal action with the United States Attorney for the relevant jurisdiction.

“(3) CONSULTATION.—In operating the unit established under this subsection, the Attorney General shall, as appropriate, consult with the Director

1 of National Intelligence, the Secretary of Homeland
2 Security, and the Secretary of State.

3 “(4) AUTHORIZATION OF APPROPRIATIONS.—
4 There are authorized to be appropriated to carry out
5 the activities of the unit established under this sub-
6 section \$10,000,000 for fiscal year 2021 and each
7 succeeding fiscal year.”.

8 **SEC. 7102. AUTHORITY TO IMPOSE CIVIL MONEY PEN-**
9 **ALTIES.**

10 (a) ESTABLISHING AUTHORITY.—Section 8 of the
11 Foreign Agents Registration Act of 1938, as amended (22
12 U.S.C. 618) is amended by inserting after subsection (c)
13 the following new subsection:

14 “(d) CIVIL MONEY PENALTIES.—

15 “(1) REGISTRATION STATEMENTS.—Whoever
16 fails to file timely or complete a registration state-
17 ment as provided under section 2(a) shall be subject
18 to a civil money penalty of not more than \$10,000
19 per violation.

20 “(2) SUPPLEMENTS.—Whoever fails to file
21 timely or complete supplements as provided under
22 section 2(b) shall be subject to a civil money penalty
23 of not more than \$1,000 per violation.

24 “(3) OTHER VIOLATIONS.—Whoever knowingly
25 fails to—

1 “(A) remedy a defective filing within 60
2 days after notice of such defect by the Attorney
3 General; or

4 “(B) comply with any other provision of
5 this Act,

6 shall upon proof of such knowing violation by a pre-
7 ponderance of the evidence, be subject to a civil
8 money penalty of not more than \$200,000, depend-
9 ing on the extent and gravity of the violation.

10 “(4) NO FINES PAID BY FOREIGN PRIN-
11 CIPALS.—A civil money penalty paid under para-
12 graph (1) may not be paid, directly or indirectly, by
13 a foreign principal.

14 “(5) USE OF FINES.—All civil money penalties
15 collected under this subsection shall be used to de-
16 fray the cost of the enforcement unit established
17 under subsection (i).”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall take effect on the date of the enact-
20 ment of this Act.

21 **SEC. 7103. DISCLOSURE OF TRANSACTIONS INVOLVING**
22 **THINGS OF FINANCIAL VALUE CONFERRED**
23 **ON OFFICEHOLDERS.**

24 (a) REQUIRING AGENTS TO DISCLOSE KNOWN
25 TRANSACTIONS.—

1 (1) IN GENERAL.—Section 2(a) of the Foreign
2 Agents Registration Act of 1938, as amended (22
3 U.S.C. 612(a)) is amended—

4 (A) by redesignating paragraphs (10) and
5 (11) as paragraphs (11) and (12); and

6 (B) by inserting after paragraph (9) the
7 following new paragraph:

8 “(10) To the extent that the registrant has
9 knowledge of any transaction which occurred in the
10 preceding 60 days and in which the foreign principal
11 for whom the registrant is acting as an agent con-
12 ferred on a Federal or State officeholder any thing
13 of financial value, including a gift, profit, salary, fa-
14 vorable regulatory treatment, or any other direct or
15 indirect economic or financial benefit, a detailed
16 statement describing each such transaction.”.

17 (2) EFFECTIVE DATE.—The amendments made
18 by paragraph (1) shall apply with respect to state-
19 ments filed on or after the expiration of the 90-day
20 period which begins on the date of the enactment of
21 this Act.

22 (b) SUPPLEMENTAL DISCLOSURE FOR CURRENT
23 REGISTRANTS.—Not later than the expiration of the 90-
24 day period which begins on the date of the enactment of
25 this Act, each registrant who (prior to the expiration of

1 such period) filed a registration statement with the Attor-
2 ney General under section 2(a) of the Foreign Agents Reg-
3 istration Act of 1938, as amended (22 U.S.C. 612(a)) and
4 who has knowledge of any transaction described in para-
5 graph (10) of section 2(a) of such Act (as added by sub-
6 section (a)(1)) which occurred at any time during which
7 the registrant was an agent of the foreign principal in-
8 volved, shall file with the Attorney General a supplement
9 to such statement under oath, on a form prescribed by
10 the Attorney General, containing a detailed statement de-
11 scribing each such transaction.

12 **SEC. 7104. ENSURING ONLINE ACCESS TO REGISTRATION**
13 **STATEMENTS.**

14 (a) **REQUIRING STATEMENTS FILED BY REG-**
15 **ISTRANTS TO BE IN DIGITIZED FORMAT.**—Section 2(g)
16 of the Foreign Agents Registration Act of 1938, as
17 amended (22 U.S.C. 612(g)) is amended by striking “in
18 electronic form” and inserting “in a digitized format
19 which will enable the Attorney General to meet the re-
20 quirements of section 6(d)(1) (relating to public access to
21 an electronic database of statements and updates)”.

22 (b) **REQUIREMENTS FOR ELECTRONIC DATABASE OF**
23 **REGISTRATION STATEMENTS AND UPDATES.**—Section
24 6(d)(1) of such Act (22 U.S.C. 616(d)(1)) is amended—

1 (1) in the matter preceding subparagraph (A),
2 by striking “to the extent technically practicable,”;
3 and

4 (2) in subparagraph (A), by striking “includes
5 the information” and inserting “includes in a
6 digitized format the information”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to statements filed
9 on or after the expiration of the 180-day period which be-
10 gins on the date of the enactment of this Act.

11 **SEC. 7105. DISCLAIMER REQUIREMENTS FOR MATERIALS**
12 **POSTED ON ONLINE PLATFORMS BY AGENTS**
13 **OF FOREIGN PRINCIPALS ON BEHALF OF CLI-**
14 **ENTS.**

15 (a) METHOD AND FORM OF DISCLAIMER; PRESERVA-
16 TION OF DISCLAIMERS BY CERTAIN SOCIAL MEDIA PLAT-
17 FORMS.—

18 (1) REQUIREMENTS DESCRIBED.—Section 4(b)
19 of the Foreign Agents Registration Act of 1938, as
20 amended (22 U.S.C. 614(b)) is amended—

21 (A) by striking “(b) It shall be unlawful”
22 and inserting “(b)(1) It shall be unlawful”; and

23 (B) by adding at the end the following new
24 paragraph:

1 “(2) In the case of informational materials for or in
2 the interests of a foreign principal which are transmitted
3 or caused to be transmitted by an agent of a foreign prin-
4 cipal by posting on an online platform, the agent shall en-
5 sure that the conspicuous statement required to be placed
6 in such materials under this subsection is placed directly
7 with the material posted on the platform and is not acces-
8 sible only through a hyperlink or other reference to an-
9 other source.

10 “(3) If the Attorney General determines that the ap-
11 plication of paragraph (2) to materials posted on an online
12 platform is not feasible because the length of the con-
13 spicuous statement required to be placed in materials
14 under this subsection makes the inclusion of the entire
15 statement incompatible with the posting of the materials
16 on that platform, an agent may meet the requirements of
17 paragraph (2) by ensuring that an abbreviated version of
18 the statement, stating that the materials are distributed
19 by a foreign agent on behalf of a clearly identified foreign
20 principal, is placed directly with the material posted on
21 the platform.

22 “(4) An online platform on which informational mate-
23 rials described in paragraph (2) are posted shall ensure
24 that the conspicuous statement described in such para-
25 graph (or, if applicable, the abbreviated statement de-

1 scribed in paragraph (3)) is maintained with such mate-
2 rials at all times, including after the material is shared
3 in a social media post on the platform, but only if the
4 platform has 50,000,000 or more unique monthly United
5 States visitors or users for a majority of months during
6 the 12 months preceding the dissemination of the mate-
7 rials.”.

8 (2) EFFECTIVE DATE.—The amendments made
9 by paragraph (1) shall apply with respect to mate-
10 rials disseminated on or after the expiration of the
11 60-day period which begins on the date of the enact-
12 ment of this Act, without regard to whether or not
13 the Attorney General has promulgated regulations to
14 carry out such amendments prior to the expiration
15 of such period.

16 (b) APPLICATION OF REQUIREMENTS TO PERSONS
17 OUTSIDE THE UNITED STATES.—

18 (1) IN GENERAL.—Section 4(b)(1) of such Act
19 (22 U.S.C. 614(b)(1)), as amended by subsection
20 (a), is amended by striking “any person within the
21 United States” and inserting “any person”.

22 (2) EFFECTIVE DATE.—The amendment made
23 by paragraph (1) shall apply with respect to mate-
24 rials disseminated on or after the expiration of the
25 60-day period which begins on the date of the enact-

1 ment of this Act, without regard to whether or not
2 the Attorney General has promulgated regulations to
3 carry out such amendments prior to the expiration
4 of such period.

5 (c) REQUIREMENTS FOR ONLINE PLATFORMS DIS-
6 SEMINATING INFORMATIONAL MATERIALS TRANSMITTED
7 BY AGENTS OF FOREIGN PRINCIPALS.—

8 (1) IN GENERAL.—Section 4 of such Act (22
9 U.S.C. 614) is amended by adding at the end the
10 following new subsection:

11 “(g) If the Attorney General determines that an
12 agent of a foreign principal transmitted or caused to be
13 transmitted informational materials on an online platform
14 for or in the interests of the foreign principal and did not
15 meet the requirements of subsection (b)(2) (relating to the
16 conspicuous statement required to be placed in such mate-
17 rials)—

18 “(1) the Attorney General shall notify the on-
19 line platform; and

20 “(2) the online platform shall remove such ma-
21 terials and use reasonable efforts to inform recipi-
22 ents of such materials that the materials were dis-
23 seminated by a foreign agent on behalf of a foreign
24 principal.”.

1 (2) EFFECTIVE DATE.—The amendment made
 2 by paragraph (1) shall apply with respect to mate-
 3 rials disseminated on or after the expiration of the
 4 60-day period which begins on the date of the enact-
 5 ment of this Act.

6 (d) DEFINITION.—Section 1 of such Act (22 U.S.C.
 7 611) is amended by inserting after subsection (i) the fol-
 8 lowing new subsection:

9 “(j) The term ‘online platform’ means any public-fac-
 10 ing website, web application, or digital application (includ-
 11 ing a social network, ad network, or search engine).”.

12 **SEC. 7106. CLARIFICATION OF TREATMENT OF INDIVID-**
 13 **UALS WHO ENGAGE WITH THE UNITED**
 14 **STATES IN POLITICAL ACTIVITIES FOR A**
 15 **FOREIGN PRINCIPAL IN ANY PLACE AS**
 16 **AGENTS OF FOREIGN PRINCIPALS.**

17 Section 1(c)(1)(i) of the Foreign Agents Registration
 18 Act of 1938, as amended (22 U.S.C. 611(c)(1)(i)) is
 19 amended by inserting after “United States” the following:
 20 “(whether within or outside of the United States)”.

21 **SEC. 7107. ANALYSIS AND REPORT ON CHALLENGES TO EN-**
 22 **FORCEMENT OF FOREIGN AGENTS REG-**
 23 **ISTRATION ACT OF 1938.**

24 (a) ANALYSIS.—The Attorney General shall conduct
 25 an analysis of the legal, policy, and procedural challenges

1 to the effective enforcement of the Foreign Agents Reg-
 2 istration Act of 1938, as amended (22 U.S.C. 611 et seq.).

3 (b) REPORT.—Not later than 180 days after the date
 4 of the enactment of this Act, the Attorney General shall
 5 submit to Congress a report on the analysis conducted
 6 under subsection (a), and shall include in the report such
 7 recommendations, including recommendations for revi-
 8 sions to the Foreign Agents Registration Act of 1938, as
 9 the Attorney General considers appropriate to promote the
 10 effective enforcement of such Act.

11 **Subtitle C—Lobbying Disclosure** 12 **Reform**

13 **SEC. 7201. EXPANDING SCOPE OF INDIVIDUALS AND AC-** 14 **TIVITIES SUBJECT TO REQUIREMENTS OF** 15 **LOBBYING DISCLOSURE ACT OF 1995.**

16 (a) COVERAGE OF INDIVIDUALS PROVIDING COUN-
 17 SELING SERVICES.—

18 (1) TREATMENT OF COUNSELING SERVICES IN
 19 SUPPORT OF LOBBYING CONTACTS AS LOBBYING AC-
 20 TIVITY.—Section 3(7) of the Lobbying Disclosure
 21 Act of 1995 (2 U.S.C. 1602(7)) is amended—

22 (A) by striking “efforts” and inserting
 23 “any efforts”; and

24 (B) by striking “research and other back-
 25 ground work” and inserting the following:

1 “counseling in support of such preparation and
2 planning activities, research, and other back-
3 ground work”.

4 (2) TREATMENT OF LOBBYING CONTACT MADE
5 WITH SUPPORT OF COUNSELING SERVICES AS LOB-
6 BYING CONTACT MADE BY INDIVIDUAL PROVIDING
7 SERVICES.—Section 3(8) of such Act (2 U.S.C.
8 1602(8)) is amended by adding at the end the fol-
9 lowing new subparagraph:

10 “(C) TREATMENT OF PROVIDERS OF
11 COUNSELING SERVICES.—Any individual, with
12 authority to direct or substantially influence a
13 lobbying contact or contacts made by another
14 individual, and for financial or other compensa-
15 tion provides counseling services in support of
16 preparation and planning activities which are
17 treated as lobbying activities under paragraph
18 (7) for that other individual’s lobbying contact
19 or contacts and who has knowledge that the
20 specific lobbying contact or contacts were made,
21 shall be considered to have made the same lob-
22 bying contact at the same time and in the same
23 manner to the covered executive branch official
24 or covered legislative branch official involved.”.

1 (b) REDUCTION OF PERCENTAGE EXEMPTION FOR
2 DETERMINATION OF THRESHOLD OF LOBBYING CON-
3 TACTS REQUIRED FOR INDIVIDUALS TO REGISTER AS
4 LOBBYISTS.—Section 3(10) of such Act (2 U.S.C.
5 1602(10)) is amended by striking “less than 20 percent”
6 and inserting “less than 10 percent”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to lobbying contacts
9 made on or after the date of the enactment of this Act.

10 **SEC. 7202. PROHIBITING RECEIPT OF COMPENSATION FOR**
11 **LOBBYING ACTIVITIES ON BEHALF OF FOR-**
12 **EIGN COUNTRIES VIOLATING HUMAN**
13 **RIGHTS.**

14 (a) PROHIBITION.—The Lobbying Disclosure Act of
15 1995 (2 U.S.C. 1601 et seq.) is amended by inserting
16 after section 5 the following new section:

17 **“SEC. 5A. PROHIBITING RECEIPT OF COMPENSATION FOR**
18 **LOBBYING ACTIVITIES ON BEHALF OF FOR-**
19 **EIGN COUNTRIES VIOLATING HUMAN**
20 **RIGHTS.**

21 “(a) PROHIBITION.—Notwithstanding any other pro-
22 vision of this Act, no person may accept financial or other
23 compensation for lobbying activity under this Act on be-
24 half of a client who is a government which the President

1 has determined is a government that engages in gross vio-
2 lations of human rights.

3 “(b) CLARIFICATION OF TREATMENT OF DIPLO-
4 MATIC OR CONSULAR OFFICERS.—Nothing in this section
5 may be construed to affect any activity of a duly accred-
6 ited diplomatic or consular officer of a foreign government
7 who is so recognized by the Department of State, while
8 said officer is engaged in activities which are recognized
9 by the Department of State as being within the scope of
10 the functions of such officer.”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 this section shall apply with respect to lobbying activity
13 under the Lobbying Disclosure Act of 1995 which occurs
14 pursuant to contracts entered into on or after the date
15 of the enactment of this Act.

16 **SEC. 7203. REQUIRING LOBBYISTS TO DISCLOSE STATUS AS**
17 **LOBBYISTS UPON MAKING ANY LOBBYING**
18 **CONTACTS.**

19 (a) MANDATORY DISCLOSURE AT TIME OF CON-
20 TACT.—Section 14 of the Lobbying Disclosure Act of 1995
21 (2 U.S.C. 1609) is amended—

22 (1) by striking subsections (a) and (b) and in-
23 serting the following:

24 “(a) REQUIRING IDENTIFICATION AT TIME OF LOB-
25 BYING CONTACT.—Any person or entity that makes a lob-

1 bying contact with a covered legislative branch official or
 2 a covered executive branch official shall, at the time of
 3 the lobbying contact—

4 “(1) indicate whether the person or entity is
 5 registered under this chapter and identify the client
 6 on whose behalf the lobbying contact is made; and

7 “(2) indicate whether such client is a foreign
 8 entity and identify any foreign entity required to be
 9 disclosed under section 4(b)(4) that has a direct in-
 10 terest in the outcome of the lobbying activity.”; and

11 (2) by redesignating subsection (c) as sub-
 12 section (b).

13 (b) EFFECTIVE DATE.—The amendment made by
 14 subsection (a) shall apply with respect to lobbying contacts
 15 made on or after the date of the enactment of this Act.

16 **Subtitle D—Recusal of Presidential** 17 **Appointees**

18 **SEC. 7301. RECUSAL OF APPOINTEES.**

19 Section 208 of title 18, United States Code, is
 20 amended by adding at the end the following:

21 “(e)(1) Any officer or employee appointed by the
 22 President shall recuse himself or herself from any par-
 23 ticular matter involving specific parties in which a party
 24 to that matter is—

1 “(A) the President who appointed the offi-
2 cer or employee, which shall include any entity
3 in which the President has a substantial inter-
4 est; or

5 “(B) the spouse of the President who ap-
6 pointed the officer or employee, which shall in-
7 clude any entity in which the spouse of the
8 President has a substantial interest.

9 “(2)(A) Subject to subparagraph (B), if an officer or
10 employee is recused under paragraph (1), a career ap-
11 pointee in the agency of the officer or employee shall per-
12 form the functions and duties of the officer or employee
13 with respect to the matter.

14 “(B)(i) In this subparagraph, the term ‘Commission’
15 means a board, commission, or other agency for which the
16 authority of the agency is vested in more than 1 member.

17 “(ii) If the recusal of a member of a Commission
18 from a matter under paragraph (1) would result in there
19 not being a statutorily required quorum of members of the
20 Commission available to participate in the matter, not-
21 withstanding such statute or any other provision of law,
22 the members of the Commission not recused under para-
23 graph (1) may—

24 “(I) consider the matter without regard to the
25 quorum requirement under such statute;

1 “(II) delegate the authorities and responsibil-
2 ities of the Commission with respect to the matter
3 to a subcommittee of the Commission; or

4 “(III) designate an officer or employee of the
5 Commission who was not appointed by the President
6 who appointed the member of the Commission
7 recused from the matter to exercise the authorities
8 and duties of the recused member with respect to
9 the matter.

10 “(3) Any officer or employee who violates paragraph
11 (1) shall be subject to the penalties set forth in section
12 216.

13 “(4) For purposes of this section, the term ‘particular
14 matter’ shall have the meaning given the term in section
15 207(i).”.

16 **Subtitle E—Clearinghouse on** 17 **Lobbying Information**

18 **SEC. 7401. ESTABLISHMENT OF CLEARINGHOUSE.**

19 (a) ESTABLISHMENT.—The Attorney General shall
20 establish and operate within the Department of Justice
21 a clearinghouse through which members of the public may
22 obtain copies (including in electronic form) of registration
23 statements filed under the Lobbying Disclosure Act of
24 1995 (2 U.S.C. 1601 et seq.) and the Foreign Agents Reg-
25 istration Act of 1938, as amended (22 U.S.C. 611 et seq.).

1 (b) FORMAT.—The Attorney General shall ensure
2 that the information in the clearinghouse established
3 under this Act is maintained in a searchable and sortable
4 format.

5 (c) AGREEMENTS WITH CLERK OF HOUSE AND SEC-
6 RETARY OF THE SENATE.—The Attorney General shall
7 enter into such agreements with the Clerk of the House
8 of Representatives and the Secretary of the Senate as may
9 be necessary for the Attorney General to obtain registra-
10 tion statements filed with the Clerk and the Secretary
11 under the Lobbying Disclosure Act of 1995 for inclusion
12 in the clearinghouse.

13 **Subtitle F—Severability**

14 **SEC. 7501. SEVERABILITY.**

15 If any provision of this title or amendment made by
16 this title, or the application of a provision or amendment
17 to any person or circumstance, is held to be unconstitu-
18 tional, the remainder of this title and amendments made
19 by this title, and the application of the provisions and
20 amendment to any person or circumstance, shall not be
21 affected by the holding.

1 **TITLE VIII—ETHICS REFORMS**
 2 **FOR THE PRESIDENT, VICE**
 3 **PRESIDENT, AND FEDERAL**
 4 **OFFICERS AND EMPLOYEES**

Subtitle A—Executive Branch Conflict of Interest

- Sec. 8001. Short title.
- Sec. 8002. Restrictions on private sector payment for government service.
- Sec. 8003. Requirements relating to slowing the revolving door.
- Sec. 8004. Prohibition of procurement officers accepting employment from government contractors.
- Sec. 8005. Revolving door restrictions on employees moving into the private sector.
- Sec. 8006. Guidance on unpaid employees.
- Sec. 8007. Limitation on use of Federal funds and contracting at businesses owned by certain Government officers and employees.

Subtitle B—Presidential Conflicts of Interest

- Sec. 8011. Short title.
- Sec. 8012. Divestiture of personal financial interests of the President and Vice President that pose a potential conflict of interest.
- Sec. 8013. Initial financial disclosure.
- Sec. 8014. Contracts by the President or Vice President.
- Sec. 8015. Legal defense funds.

Subtitle C—White House Ethics Transparency

- Sec. 8021. Short title.
- Sec. 8022. Procedure for waivers and authorizations relating to ethics requirements.

Subtitle D—Executive Branch Ethics Enforcement

- Sec. 8031. Short title.
- Sec. 8032. Reauthorization of the Office of Government Ethics.
- Sec. 8033. Tenure of the Director of the Office of Government Ethics.
- Sec. 8034. Duties of Director of the Office of Government Ethics.
- Sec. 8035. Agency ethics officials training and duties.
- Sec. 8036. Prohibition on use of funds for certain Federal employee travel in contravention of certain regulations.
- Sec. 8037. Reports on cost of Presidential travel.
- Sec. 8038. Reports on cost of senior Federal official travel.

Subtitle E—Conflicts From Political Fundraising

- Sec. 8041. Short title.
- Sec. 8042. Disclosure of certain types of contributions.

Subtitle F—Transition Team Ethics

- Sec. 8051. Short title.

Sec. 8052. Presidential transition ethics programs.

Subtitle G—Ethics Pledge For Senior Executive Branch Employees

Sec. 8061. Short title.

Sec. 8062. Ethics pledge requirement for senior executive branch employees.

Subtitle H—Travel on Private Aircraft by Senior Political Appointees

Sec. 8071. Short title.

Sec. 8072. Prohibition on use of funds for travel on private aircraft.

Subtitle I—Severability

Sec. 8081. Severability.

1 **Subtitle A—Executive Branch** 2 **Conflict of Interest**

3 **SEC. 8001. SHORT TITLE.**

4 This subtitle may be cited as the “Executive Branch
5 Conflict of Interest Act”.

6 **SEC. 8002. RESTRICTIONS ON PRIVATE SECTOR PAYMENT** 7 **FOR GOVERNMENT SERVICE.**

8 Section 209 of title 18, United States Code, is
9 amended—

10 (1) in subsection (a);

11 (A) by striking “any salary” and inserting
12 “any salary (including a bonus)”; and

13 (B) by striking “as compensation for his
14 services” and inserting “at any time, as com-
15 pensation for serving”; and

16 (2) in subsection (b)—

17 (A) by inserting “(1)” after “(b)”; and

18 (B) by adding at the end the following:

1 “(2) For purposes of paragraph (1), a pension,
 2 retirement, group life, health or accident insurance,
 3 profit-sharing, stock bonus, or other employee wel-
 4 fare or benefit plan that makes payment of any por-
 5 tion of compensation contingent on accepting a posi-
 6 tion in the United States Government shall not be
 7 considered bona fide.”.

8 **SEC. 8003. REQUIREMENTS RELATING TO SLOWING THE RE-**
 9 **VOLVING DOOR.**

10 (a) IN GENERAL.—The Ethics in Government Act of
 11 1978 (5 U.S.C. App.) is amended by adding at the end
 12 the following:

13 **“TITLE VI—ENHANCED RE-**
 14 **QUIREMENTS FOR CERTAIN**
 15 **EMPLOYEES**

16 **“§ 601. Definitions**

17 “In this title:

18 “(1) COVERED AGENCY.—The term ‘covered
 19 agency’—

20 “(A) means an Executive agency, as de-
 21 fined in section 105 of title 5, United States
 22 Code, the Postal Service and the Postal Rate
 23 Commission, but does not include the Govern-
 24 ment Accountability Office or the Government
 25 of the District of Columbia; and

1 “(B) shall include the Executive Office of
2 the President.

3 “(2) COVERED EMPLOYEE.—The term ‘covered
4 employee’ means an officer or employee referred to
5 in paragraph (2) of section 207(c) or paragraph (1)
6 of section 207(d) of title 18, United States Code.

7 “(3) DIRECTOR.—The term ‘Director’ means
8 the Director of the Office of Government Ethics.

9 “(4) EXECUTIVE BRANCH.—The term ‘execu-
10 tive branch’ has the meaning given that term in sec-
11 tion 109.

12 “(5) FORMER CLIENT.—The term ‘former cli-
13 ent’—

14 “(A) means a person for whom a covered
15 employee served personally as an agent, attor-
16 ney, or consultant during the 2-year period end-
17 ing on the date before the date on which the
18 covered employee begins service in the Federal
19 Government; and

20 “(B) does not include any agency or in-
21 strumentality of the Federal Government.

22 “(6) FORMER EMPLOYER.—The term ‘former
23 employer’—

24 “(A) means a person for whom a covered
25 employee served as an employee, officer, direc-

tor, trustee, agent, attorney, consultant, or contractor during the 2-year period ending on the date before the date on which the covered employee begins service in the Federal Government; and

“(B) does not include—

“(i) an entity in the Federal Government, including an executive branch agency;

“(ii) a State or local government;

“(iii) the District of Columbia;

“(iv) an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304); or

“(v) the government of a territory or possession of the United States.

“(7) PARTICULAR MATTER.—The term ‘particular matter’ has the meaning given that term in section 207(i) of title 18, United States Code.

“§ 602. Conflict of interest and eligibility standards

“(a) IN GENERAL.—A covered employee may not participate personally and substantially in a particular matter in which the covered employee knows or reasonably

1 should have known that a former employer or former cli-
2 ent of the covered employee has a financial interest.

3 “(b) WAIVER.—

4 “(1) IN GENERAL.—

5 “(A) AGENCY HEADS.—With respect to the
6 head of a covered agency who is a covered em-
7 ployee, the Designated Agency Ethics Official
8 for the Executive Office of the President, in
9 consultation with the Director, may grant a
10 written waiver of the restrictions under sub-
11 section (a) before the head engages in the ac-
12 tion otherwise prohibited by such subsection if
13 the Designated Agency Ethics Official for the
14 Executive Office of the President determines
15 and certifies in writing that, in light of all the
16 relevant circumstances, the interest of the Fed-
17 eral Government in the head’s participation
18 outweighs the concern that a reasonable person
19 may question the integrity of the agency’s pro-
20 grams or operations.

21 “(B) OTHER COVERED EMPLOYEES.—With
22 respect to any covered employee not covered by
23 subparagraph (A), the head of the covered
24 agency employing the covered employee, in con-
25 sultation with the Director, may grant a written

1 waiver of the restrictions under subsection (a)
2 before the covered employee engages in the ac-
3 tion otherwise prohibited by such subsection if
4 the head of the covered agency determines and
5 certifies in writing that, in light of all the rel-
6 evant circumstances, the interest of the Federal
7 Government in the covered employee’s partici-
8 pation outweighs the concern that a reasonable
9 person may question the integrity of the agen-
10 cy’s programs or operations.

11 “(2) PUBLICATION.—For any waiver granted
12 under paragraph (1), the individual who granted the
13 waiver shall—

14 “(A) provide a copy of the waiver to the
15 Director not more than 48 hours after the waiv-
16 er is granted; and

17 “(B) publish the waiver on the website of
18 the applicable agency not more than 30 cal-
19 endar days after granting such waiver.

20 “(3) REVIEW.—Upon receiving a written waiver
21 under paragraph (1)(A), the Director shall—

22 “(A) review the waiver to determine wheth-
23 er the Director has any objection to the
24 issuance of the waiver; and

25 “(B) if the Director so objects—

1 “(i) provide reasons for the objection
2 in writing to the head of the agency who
3 granted the waiver not more than 15 cal-
4 endar days after the waiver was granted;
5 and

6 “(ii) publish the written objection on
7 the website of the Office of Government
8 Ethics not more than 30 calendar days
9 after the waiver was granted.

10 **“§ 603. Penalties and injunctions**

11 “(a) CRIMINAL PENALTIES.—

12 “(1) IN GENERAL.—Any person who violates
13 section 602 shall be fined under title 18, United
14 States Code, imprisoned for not more than 1 year,
15 or both.

16 “(2) WILLFUL VIOLATIONS.—Any person who
17 willfully violates section 602 shall be fined under
18 title 18, United States Code, imprisoned for not
19 more than 5 years, or both.

20 “(b) CIVIL ENFORCEMENT.—

21 “(1) IN GENERAL.—The Attorney General may
22 bring a civil action in an appropriate district court
23 of the United States against any person who vio-
24 lates, or whom the Attorney General has reason to

1 believe is engaging in conduct that violates, section
2 602.

3 “(2) CIVIL PENALTY.—

4 “(A) IN GENERAL.—If the court finds by
5 a preponderance of the evidence that a person
6 violated section 602, the court shall impose a
7 civil penalty of not more than the greater of—

8 “(i) \$100,000 for each violation; or

9 “(ii) the amount of compensation the
10 person received or was offered for the con-
11 duct constituting the violation.

12 “(B) RULE OF CONSTRUCTION.—A civil
13 penalty under this subsection may be in addi-
14 tion to any other criminal or civil statutory,
15 common law, or administrative remedy available
16 to the United States or any other person.

17 “(3) INJUNCTIVE RELIEF.—

18 “(A) IN GENERAL.—In a civil action
19 brought under paragraph (1) against a person,
20 the Attorney General may petition the court for
21 an order prohibiting the person from engaging
22 in conduct that violates section 602.

23 “(B) STANDARD.—The court may issue an
24 order under subparagraph (A) if the court finds

1 by a preponderance of the evidence that the
2 conduct of the person violates section 602.

3 “(C) RULE OF CONSTRUCTION.—The filing
4 of a petition seeking injunctive relief under this
5 paragraph shall not preclude any other remedy
6 that is available by law to the United States or
7 any other person.”.

8 **SEC. 8004. PROHIBITION OF PROCUREMENT OFFICERS AC-**
9 **CEPTING EMPLOYMENT FROM GOVERNMENT**
10 **CONTRACTORS.**

11 (a) EXPANSION OF PROHIBITION ON ACCEPTANCE
12 BY FORMER OFFICIALS OF COMPENSATION FROM CON-
13 TRACTORS.—Section 2104 of title 41, United States Code,
14 is amended—

15 (1) in subsection (a)—

16 (A) in the matter preceding paragraph
17 (1)—

18 (i) by striking “or consultant” and in-
19 serting “attorney, consultant, subcon-
20 tractor, or lobbyist”; and

21 (ii) by striking “one year” and insert-
22 ing “2 years”; and

23 (B) in paragraph (3), by striking “person-
24 ally made for the Federal agency” and inserting

1 “participated personally and substantially in”;
2 and

3 (2) by striking subsection (b) and inserting the
4 following:

5 “(b) PROHIBITION ON COMPENSATION FROM AFFILI-
6 ATES AND SUBCONTRACTORS.—A former official respon-
7 sible for a Government contract referred to in paragraph
8 (1), (2), or (3) of subsection (a) may not accept compensa-
9 tion for 2 years after awarding the contract from any divi-
10 sion, affiliate, or subcontractor of the contractor.”.

11 (b) REQUIREMENT FOR PROCUREMENT OFFICERS
12 TO DISCLOSE JOB OFFERS MADE TO RELATIVES.—Sec-
13 tion 2103(a) of title 41, United States Code, is amended
14 in the matter preceding paragraph (1) by inserting after
15 “that official” the following: “, or for a relative (as defined
16 in section 3110 of title 5) of that official,”.

17 (c) REQUIREMENT ON AWARD OF GOVERNMENT
18 CONTRACTS TO FORMER EMPLOYERS.—

19 (1) IN GENERAL.—Chapter 21 of division B of
20 subtitle I of title 41, United States Code, is amend-
21 ed by adding at the end the following new section:

1 **“§ 2108. Prohibition on involvement by certain**
2 **former contractor employees in procure-**
3 **ments**

4 “An employee of the Federal Government may not
5 participate personally and substantially in any award of
6 a contract to, or the administration of a contract awarded
7 to, a contractor that is a former employer of the employee
8 during the 2-year period beginning on the date on which
9 the employee leaves the employment of the contractor.”.

10 (2) TECHNICAL AND CONFORMING AMEND-
11 MENT.—The table of sections for chapter 21 of title
12 41, United States Code, is amended by adding at
13 the end the following new item:

“2108. Prohibition on involvement by certain former contractor employees
in procurements.”.

14 (d) REGULATIONS.—The Director of the Office of
15 Government Ethics, in consultation with the Adminis-
16 trator of General Services, shall promulgate regulations to
17 carry out and ensure the enforcement of chapter 21 of
18 title 41, United States Code, as amended by this section.

19 (e) MONITORING AND COMPLIANCE.—The Adminis-
20 trator of General Services, in consultation with designated
21 agency ethics officials (as that term is defined in section
22 109(3) of the Ethics in Government Act of 1978 (5 U.S.C.
23 App.)), shall monitor compliance with such chapter 21 by
24 individuals and agencies.

1 **SEC. 8005. REVOLVING DOOR RESTRICTIONS ON EMPLOY-**
2 **EES MOVING INTO THE PRIVATE SECTOR.**

3 (a) IN GENERAL.—Subsection (c) of section 207 of
4 title 18, United States Code, is amended—

5 (1) in the subsection heading, by striking
6 “ONE-YEAR” and inserting “TWO-YEAR”;

7 (2) in paragraph (1)—

8 (A) by striking “1 year” in each instance
9 and inserting “2 years”; and

10 (B) by inserting “, or conducts any lob-
11 bying activity to facilitate any communication
12 to or appearance before,” after “any commu-
13 nication to or appearance before”; and

14 (3) in paragraph (2)(B), by striking “1-year”
15 and inserting “2-year”.

16 (b) APPLICATION.—The amendments made by sub-
17 section (a) shall apply to any individual covered by sub-
18 section (c) of section 207 of title 18, United States Code,
19 separating from the civil service on or after the date of
20 enactment of this Act.

21 **SEC. 8006. GUIDANCE ON UNPAID EMPLOYEES.**

22 (a) IN GENERAL.—Not later than 120 days after the
23 date of enactment of this Act, the Director of the Office
24 of Government Ethics shall issue guidance on ethical
25 standards applicable to unpaid employees of an agency.

26 (b) DEFINITIONS.—In this section—

1 (1) the term “agency” includes the Executive
2 Office of the President and the White House; and

3 (2) the term “unpaid employee” includes any
4 individual occupying a position at an agency and
5 who is unpaid by operation of section 3110 of title
6 5, United States Code, or any other provision of law,
7 but does not include any employee who is unpaid
8 due to a lapse in appropriations.

9 **SEC. 8007. LIMITATION ON USE OF FEDERAL FUNDS AND**
10 **CONTRACTING AT BUSINESSES OWNED BY**
11 **CERTAIN GOVERNMENT OFFICERS AND EM-**
12 **PLOYEES.**

13 (a) **LIMITATION ON FEDERAL FUNDS.**—Beginning in
14 fiscal year 2022 and in each fiscal year thereafter, no Fed-
15 eral funds may be obligated or expended for purposes of
16 procuring goods or services at any business owned or con-
17 trolled by a covered individual or any family member of
18 such an individual, unless such obligation or expenditure
19 of funds is authorized under the Presidential Protection
20 Assistance Act of 1976 (Public Law 94–524).

21 (b) **PROHIBITION ON CONTRACTS.**—No Executive
22 agency may enter into or hold a contract with a business
23 owned or controlled by a covered individual or any family
24 member of such an individual.

1 (c) DETERMINATION OF OWNERSHIP.—For purposes
2 of this section, a business shall be deemed to be owned
3 or controlled by a covered individual or any family member
4 of such an individual if the covered individual or member
5 of family (as the case may be)—

6 (1) is a member of the board of directors or
7 similar governing body of the business;

8 (2) directly or indirectly owns or controls more
9 than 50 percent of the voting shares of the business;
10 or

11 (3) is the beneficiary of a trust which owns or
12 controls more than 50 percent of the business and
13 can direct distributions under the terms of the trust.

14 (d) DEFINITIONS.—In this section:

15 (1) COVERED INDIVIDUAL.—The term “covered
16 individual” means—

17 (A) the President;

18 (B) the Vice President;

19 (C) the head of any Executive department
20 (as that term is defined in section 101 of title
21 5, United States Code); and

22 (D) any individual occupying a position
23 designated by the President as a Cabinet-level
24 position.

1 (2) FAMILY MEMBER.—The term “family mem-
2 ber” means an individual with any of the following
3 relationships to a covered individual:

4 (A) Spouse, and parents thereof.

5 (B) Sons and daughters, and spouses
6 thereof.

7 (C) Parents, and spouses thereof.

8 (D) Brothers and sisters, and spouses
9 thereof.

10 (E) Grandparents and grandchildren, and
11 spouses thereof.

12 (F) Domestic partner and parents thereof,
13 including domestic partners of any individual in
14 subparagraphs (A) through (E).

15 (3) EXECUTIVE AGENCY.—The term “Executive
16 agency” has the meaning given that term in section
17 105 of title 5, United States Code.

18 **Subtitle B—Presidential Conflicts**
19 **of Interest**

20 **SEC. 8011. SHORT TITLE.**

21 This subtitle may be cited as the “Presidential Con-
22 flicts of Interest Act of 2021”.

1 **SEC. 8012. DIVESTITURE OF PERSONAL FINANCIAL INTER-**
2 **ESTS OF THE PRESIDENT AND VICE PRESI-**
3 **DENT THAT POSE A POTENTIAL CONFLICT OF**
4 **INTEREST.**

5 (a) IN GENERAL.—The Ethics in Government Act of
6 1978 (5 U.S.C. App.) is amended by adding after title
7 VI (as added by section 8003) the following:

8 **“TITLE VII—DIVESTITURE OF FI-**
9 **NANCIAL CONFLICTS OF IN-**
10 **TERESTS OF THE PRESIDENT**
11 **AND VICE PRESIDENT**

12 **“§ 701. Divestiture of financial interests posing a con-**
13 **flict of interest**

14 “(a) APPLICABILITY TO THE PRESIDENT AND VICE
15 PRESIDENT.—The President and Vice President shall,
16 within 30 days of assuming office, divest of all financial
17 interests that pose a conflict of interest because the Presi-
18 dent or Vice President, the spouse, dependent child, or
19 general partner of the President or Vice President, or any
20 person or organization with whom the President or Vice
21 President is negotiating or has any arrangement con-
22 cerning prospective employment, has a financial interest,
23 by—

24 “(1) converting each such interest to cash or
25 other investment that meets the criteria established
26 by the Director of the Office of Government Ethics

1 through regulation as being an interest so remote or
2 inconsequential as not to pose a conflict; or

3 “(2) placing each such interest in a qualified
4 blind trust as defined in section 102(f)(3) or a diver-
5 sified trust under section 102(f)(4)(B).

6 “(b) DISCLOSURE EXEMPTION.—Subsection (a) shall
7 not apply if the President or Vice President complies with
8 section 102.”.

9 (b) ADDITIONAL DISCLOSURES.—Section 102(a) of
10 the Ethics in Government Act of 1978 (5 U.S.C. App.)
11 is amended by adding at the end the following:

12 “(9) With respect to any such report filed by
13 the President or Vice President, for any corporation,
14 company, firm, partnership, or other business enter-
15 prise in which the President, Vice President, or the
16 spouse or dependent child of the President or Vice
17 President, has a significant financial interest—

18 “(A) the name of each other person who
19 holds a significant financial interest in the firm,
20 partnership, association, corporation, or other
21 entity;

22 “(B) the value, identity, and category of
23 each liability in excess of \$10,000; and

1 “(C) a description of the nature and value
2 of any assets with a value of \$10,000 or
3 more.”.

4 (c) REGULATIONS.—Not later than 120 days after
5 the date of enactment of this Act, the Director of the Of-
6 fice of Government Ethics shall promulgate regulations to
7 define the criteria required by section 701(a)(1) of the
8 Ethics in Government Act of 1978 (as added by subsection
9 (a)) and the term “significant financial interest” for pur-
10 poses of section 102(a)(9) of the Ethics in Government
11 Act (as added by subsection (b)).

12 **SEC. 8013. INITIAL FINANCIAL DISCLOSURE.**

13 Subsection (a) of section 101 of the Ethics in Govern-
14 ment Act of 1978 (5 U.S.C. App.) is amended by striking
15 “position” and adding at the end the following: “position,
16 with the exception of the President and Vice President,
17 who must file a new report.”.

18 **SEC. 8014. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**
19 **DENT.**

20 (a) AMENDMENT.—Section 431 of title 18, United
21 States Code, is amended—

22 (1) in the section heading, by inserting “**the**
23 **President, Vice President, Cabinet Mem-**
24 **ber, or a**” after “**Contracts by**”; and

1 (2) in the first undesignated paragraph, by in-
2 serting “the President, Vice President, or any Cabi-
3 net member” after “Whoever, being”.

4 (b) TABLE OF SECTIONS AMENDMENT.—The table of
5 sections for chapter 23 of title 18, United States Code,
6 is amended by striking the item relating to section 431
7 and inserting the following:

 “431. Contracts by the President, Vice President, or a Member of Congress.”.

8 **SEC. 8015. LEGAL DEFENSE FUNDS.**

9 (a) DEFINITIONS.—In this section—

10 (1) the term “Director” means the Director of
11 the Office of Government Ethics;

12 (2) the term “legal defense fund” means a
13 trust—

14 (A) that has only one beneficiary;

15 (B) that is subject to a trust agreement
16 creating an enforceable fiduciary duty on the
17 part of the trustee to the beneficiary, pursuant
18 to the applicable law of the jurisdiction in which
19 the trust is established;

20 (C) that is subject to a trust agreement
21 that provides for the mandatory public disclo-
22 sure of all donations and disbursements;

23 (D) that is subject to a trust agreement
24 that prohibits the use of its resources for any
25 purpose other than—

1 (i) the administration of the trust;

2 (ii) the payment or reimbursement of
3 legal fees or expenses incurred in investiga-
4 tive, civil, criminal, or other legal pro-
5 ceedings relating to or arising by virtue of
6 service by the trust's beneficiary as an offi-
7 cer or employee, as defined in this section,
8 or as an employee, contractor, consultant
9 or volunteer of the campaign of the Presi-
10 dent or Vice President; or

11 (iii) the distribution of unused re-
12 sources to a charity selected by the trustee
13 that has not been selected or recommended
14 by the beneficiary of the trust;

15 (E) that is subject to a trust agreement
16 that prohibits the use of its resources for any
17 other purpose or personal legal matters, includ-
18 ing tax planning, personal injury litigation, pro-
19 tection of property rights, divorces, or estate
20 probate; and

21 (F) that is subject to a trust agreement
22 that prohibits the acceptance of donations, ex-
23 cept in accordance with this section and the
24 regulations of the Office of Government Ethics;

1 (3) the term “lobbying activity” has the mean-
2 ing given that term in section 3 of the Lobbying
3 Disclosure Act of 1995 (2 U.S.C. 1602);

4 (4) the term “officer or employee” means—

5 (A) an officer (as that term is defined in
6 section 2104 of title 5, United States Code) or
7 employee (as that term is defined in section
8 2105 of such title) of the executive branch of
9 the Government;

10 (B) the Vice President; and

11 (C) the President; and

12 (5) the term “relative” has the meaning given
13 that term in section 3110 of title 5, United States
14 Code.

15 (b) **LEGAL DEFENSE FUNDS.**—An officer or em-
16 ployee may not accept or use any gift or donation for the
17 payment or reimbursement of legal fees or expenses in-
18 curred in investigative, civil, criminal, or other legal pro-
19 ceedings relating to or arising by virtue of the officer or
20 employee’s service as an officer or employee, as defined
21 in this section, or as an employee, contractor, consultant
22 or volunteer of the campaign of the President or Vice
23 President except through a legal defense fund that is cer-
24 tified by the Director of the Office of Government Ethics.

1 (c) LIMITS ON GIFTS AND DONATIONS.—Not later
2 than 120 days after the date of the enactment of this Act,
3 the Director shall promulgate regulations establishing lim-
4 its with respect to gifts and donations described in sub-
5 section (b), which shall, at a minimum—

6 (1) prohibit the receipt of any gift or donation
7 described in subsection (b)—

8 (A) from a single contributor (other than
9 a relative of the officer or employee) in a total
10 amount of more than \$5,000 during any cal-
11 endar year;

12 (B) from a registered lobbyist;

13 (C) from a foreign government or an agent
14 of a foreign principal;

15 (D) from a State government or an agent
16 of a State government;

17 (E) from any person seeking official action
18 from, or seeking to do or doing business with,
19 the agency employing the officer or employee;

20 (F) from any person conducting activities
21 regulated by the agency employing the officer
22 or employee;

23 (G) from any person whose interests may
24 be substantially affected by the performance or

1 nonperformance of the official duties of the offi-
2 cer or employee;

3 (H) from an officer or employee of the ex-
4 ecutive branch; or

5 (I) from any organization a majority of
6 whose members are described in (A)–(H); and

7 (2) require that a legal defense fund, in order
8 to be certified by the Director, only permit distribu-
9 tions to the applicable officer or employee.

10 (d) WRITTEN NOTICE.—

11 (1) IN GENERAL.—An officer or employee who
12 wishes to accept funds or have a representative ac-
13 cept funds from a legal defense fund shall first en-
14 sure that the proposed trustee of the legal defense
15 fund submits to the Director the following informa-
16 tion:

17 (A) The name and contact information for
18 any proposed trustee of the legal defense fund.

19 (B) A copy of any proposed trust docu-
20 ment for the legal defense fund.

21 (C) The nature of the legal proceeding (or
22 proceedings), investigation or other matter
23 which give rise to the establishment of the legal
24 defense fund.

1 (D) An acknowledgment signed by the offi-
2 cer or employee and the trustee indicating that
3 they will be bound by the regulations and limi-
4 tation under this section.

5 (2) APPROVAL.—An officer or employee may
6 not accept any gift or donation to pay, or to reim-
7 burse any person for, fees or expenses described in
8 subsection (b) of this section except through a legal
9 defense fund that has been certified in writing by
10 the Director following that office’s receipt and ap-
11 proval of the information submitted under para-
12 graph (1) and approval of the structure of the fund.

13 (e) REPORTING.—

14 (1) IN GENERAL.—An officer or employee who
15 establishes a legal defense fund may not directly or
16 indirectly accept distributions from a legal defense
17 fund unless the fund has provided the Director a
18 quarterly report for each quarter of every calendar
19 year since the establishment of the legal defense
20 fund that discloses, with respect to the quarter cov-
21 ered by the report—

22 (A) the source and amount of each con-
23 tribution to the legal defense fund; and

24 (B) the amount, recipient, and purpose of
25 each expenditure from the legal defense fund,

1 including all distributions from the trust for
2 any purpose.

3 (2) PUBLIC AVAILABILITY.—The Director shall
4 make publicly available online—

5 (A) each report submitted under para-
6 graph (1) in a searchable, sortable, and
7 downloadable form;

8 (B) each trust agreement and any amend-
9 ment thereto;

10 (C) the written notice and acknowledgment
11 required by subsection (d); and

12 (D) the Director's written certification of
13 the legal defense fund.

14 (f) RECUSAL.—An officer or employee, other than the
15 President and the Vice President, who is the beneficiary
16 of a legal defense fund may not participate personally and
17 substantially in any particular matter in which the officer
18 or employee knows a donor of any source of a gift or dona-
19 tion to the legal defense fund established for the officer
20 or employee has a financial interest, for a period of 2 years
21 from the date of the most recent gift or donation to the
22 legal defense fund.

1 **Subtitle C—White House Ethics**
2 **Transparency**

3 **SEC. 8021. SHORT TITLE.**

4 This subtitle may be cited as the “White House Eth-
5 ics Transparency Act of 2021”.

6 **SEC. 8022. PROCEDURE FOR WAIVERS AND AUTHORIZA-**
7 **TIONS RELATING TO ETHICS REQUIREMENTS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, not later than 30 days after an officer or em-
10 ployee issues or approves a waiver or authorization pursu-
11 ant to section 3 of Executive Order No. 13770 (82 6 Fed.
12 Reg. 9333), or any subsequent similar order, such officer
13 or employee shall—

14 (1) transmit a written copy of such waiver or
15 authorization to the Director of the Office of Gov-
16 ernment Ethics; and

17 (2) make a written copy of such waiver or au-
18 thorization available to the public on the website of
19 the employing agency of the covered employee.

20 (b) RETROACTIVE APPLICATION.—In the case of a
21 waiver or authorization described in subsection (a) issued
22 during the period beginning on January 20, 2017, and
23 ending on the date of enactment of this Act, the issuing
24 officer or employee of such waiver or authorization shall
25 comply with the requirements of paragraphs (1) and (2)

1 of such subsection not later than 30 days after the date
2 of enactment of this Act.

3 (c) OFFICE OF GOVERNMENT ETHICS PUBLIC AVAIL-
4 ABILITY.—Not later than 30 days after receiving a written
5 copy of a waiver or authorization under subsection (a)(1),
6 the Director of the Office of Government Ethics shall
7 make such waiver or authorization available to the public
8 on the website of the Office of Government Ethics.

9 (d) REPORT TO CONGRESS.—Not later than 45 days
10 after the date of enactment of this Act, the Director of
11 the Office of Government Ethics shall submit a report to
12 Congress on the impact of the application of subsection
13 (b), including the name of any individual who received a
14 waiver or authorization described in subsection (a) and
15 who, by operation of subsection (b), submitted the infor-
16 mation required by such subsection.

17 (e) DEFINITION OF COVERED EMPLOYEE.—In this
18 section, the term “covered employee”—

19 (1) means a non-career Presidential or Vice
20 Presidential appointee, non-career appointee in the
21 Senior Executive Service (or other SES-type sys-
22 tem), or an appointee to a position that has been ex-
23 cepted from the competitive service by reason of
24 being of a confidential or policymaking character

(Schedule C and other positions excepted under comparable criteria) in an executive agency; and

(2) does not include any individual appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

Subtitle D—Executive Branch Ethics Enforcement

SEC. 8031. SHORT TITLE.

This subtitle may be cited as the “Executive Branch Comprehensive Ethics Enforcement Act of 2021”.

SEC. 8032. REAUTHORIZATION OF THE OFFICE OF GOVERNMENT ETHICS.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking “fiscal year 2007” and inserting “fiscal years 2021 through 2025.”.

SEC. 8033. TENURE OF THE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS.

Section 401(b) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking the period at the end and inserting “, subject to removal only for inefficiency, neglect of duty, or malfeasance in office. The Director may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that the Director may not continue to serve for

1 more than one year after the date on which the term would
2 otherwise expire under this subsection.”.

3 **SEC. 8034. DUTIES OF DIRECTOR OF THE OFFICE OF GOV-**
4 **ERNMENT ETHICS.**

5 (a) IN GENERAL.—Section 402(a) of the Ethics in
6 Government Act of 1978 (5 U.S.C. App.) is amended by
7 striking “, in consultation with the Office of Personnel
8 Management,”.

9 (b) RESPONSIBILITIES OF THE DIRECTOR.—Section
10 402(b) of the Ethics in Government Act of 1978 (5 U.S.C.
11 App.) is amended—

12 (1) in paragraph (1)—

13 (A) by striking “developing, in consultation
14 with the Attorney General and the Office of
15 Personnel Management, rules and regulations
16 to be promulgated by the President or the Di-
17 rector” and inserting “developing and promul-
18 gating rules and regulations”; and

19 (B) by striking “title II” and inserting
20 “title I”;

21 (2) by striking paragraph (2) and inserting the
22 following:

23 “(2) providing mandatory education and train-
24 ing programs for designated agency ethics officials,
25 which may be delegated to each agency or the White

1 House Counsel as deemed appropriate by the Direc-
2 tor;”;

3 (3) in paragraph (3), by striking “title II” and
4 inserting “title I”;

5 (4) in paragraph (4), by striking “problems”
6 and inserting “issues”;

7 (5) in paragraph (6)—

8 (A) by striking “issued by the President or
9 the Director”; and

10 (B) by striking “problems” and inserting
11 “issues”;

12 (6) in paragraph (7)—

13 (A) by striking “, when requested,”; and

14 (B) by striking “conflict of interest prob-
15 lems” and inserting “conflicts of interest, as
16 well as other ethics issues”;

17 (7) in paragraph (9)—

18 (A) by striking “ordering” and inserting
19 “receiving allegations of violations of this Act or
20 regulations of the Office of Government Ethics
21 and, when necessary, investigating an allegation
22 to determine whether a violation occurred, and
23 ordering”; and

1 (B) by inserting before the semi-colon the
2 following: “, and recommending appropriate
3 disciplinary action”;

4 (8) in paragraph (12)—

5 (A) by striking “evaluating, with the as-
6 sistance of” and inserting “promulgating, with
7 input from”;

8 (B) by striking “the need for”; and

9 (C) by striking “conflict of interest and
10 ethical problems” and inserting “conflict of in-
11 terest and ethics issues”;

12 (9) in paragraph (13)—

13 (A) by striking “with the Attorney Gen-
14 eral” and inserting “with the Inspectors Gen-
15 eral and the Attorney General”;

16 (B) by striking “violations of the conflict
17 of interest laws” and inserting “conflict of in-
18 terest issues and allegations of violations of eth-
19 ics laws and regulations and this Act”; and

20 (C) by striking “, as required by section
21 535 of title 28, United States Code”;

22 (10) in paragraph (14), by striking “and” at
23 the end;

24 (11) in paragraph (15)—

1 (A) by striking “, in consultation with the
2 Office of Personnel Management,”;

3 (B) by striking “title II” and inserting
4 “title I”; and

5 (C) by striking the period at the end and
6 inserting a semicolon; and

7 (12) by adding at the end the following:

8 “(16) directing and providing final approval,
9 when determined appropriate by the Director, for
10 designated agency ethics officials regarding the reso-
11 lution of conflicts of interest as well as any other
12 ethics issues under the purview of this Act in indi-
13 vidual cases; and

14 “(17) reviewing and approving, when deter-
15 mined appropriate by the Director, any recusals, ex-
16 emptions, or waivers from the conflicts of interest
17 and ethics laws, rules, and regulations and making
18 approved recusals, exemptions, and waivers made
19 publicly available by the relevant agency available in
20 a central location on the official website of the Office
21 of Government Ethics.”.

22 (c) WRITTEN PROCEDURES.—Paragraph (1) of sec-
23 tion 402(d) of the Ethics in Government Act of 1978 (5
24 U.S.C. App.) is amended—

1 (1) by striking “, by the exercise of any author-
2 ity otherwise available to the Director under this
3 title,”;

4 (2) by striking “the agency is”; and

5 (3) by inserting after “filed by” the following:
6 “, or written documentation of recusals, waivers, or
7 ethics authorizations relating to,”.

8 (d) CORRECTIVE ACTIONS.—Section 402(f) of the
9 Ethics in Government Act of 1978 (5 U.S.C. App.) is
10 amended—

11 (1) in paragraph (1)—

12 (A) in clause (i) of subparagraph (A), by
13 striking “of such agency”; and

14 (B) in subparagraph (B), by inserting be-
15 fore the period at the end “and determine that
16 a violation of this Act has occurred and issue
17 appropriate administrative or legal remedies as
18 prescribed in paragraph (2)”;

19 (2) in paragraph (2)—

20 (A) in subparagraph (A)—

21 (i) in clause (ii)—

22 (I) in subclause (I)—

23 (aa) by inserting “to the
24 President or the President’s des-
25 ignee if the matter involves em-

1 employees of the Executive Office of
2 the President or” after “may rec-
3 ommend”;

4 (bb) by striking “and” at
5 the end; and

6 (II) in subclause (II)—

7 (aa) by inserting “President
8 or” after “determines that the”;
9 and

10 (bb) by adding “and” at the
11 end;

12 (ii) in subclause (II) of clause (iii)—

13 (I) by striking “notify, in writ-
14 ing,” and inserting “advise the Presi-
15 dent or order”;

16 (II) by inserting “to take appro-
17 priate disciplinary action including
18 reprimand, suspension, demotion, or
19 dismissal against the officer or em-
20 ployee (provided, however, that any
21 order issued by the Director shall not
22 affect an employee’s right to appeal a
23 disciplinary action under applicable
24 law, regulation, collective bargaining

1 agreement, or contractual provision).”

2 after “employee’s agency”; and

3 (III) by striking “of the officer’s

4 or employee’s noncompliance, except

5 that, if the officer or employee in-

6 volved is the agency head, the notifi-

7 cation shall instead be submitted to

8 the President; and”; and

9 (iii) by striking clause (iv);

10 (B) in subparagraph (B)(i)—

11 (i) by striking “subparagraph (A)(iii)

12 or (iv)” and inserting “subparagraph (A)”;

13 (ii) by inserting “(I)” before “In

14 order to”; and

15 (iii) by adding at the end the fol-

16 lowing:

17 “(II)(aa) The Director may se-

18 cure directly from any agency infor-

19 mation necessary to enable the Direc-

20 tor to carry out this Act. Upon re-

21 quest of the Director, the head of

22 such agency shall furnish that infor-

23 mation to the Director.

24 “(bb) The Director may re-

25 quire by subpoena the production

1 of all information, documents, re-
2 ports, answers, records, accounts,
3 papers, and other data in any
4 medium and documentary evi-
5 dence necessary in the perform-
6 ance of the functions assigned by
7 this Act, which subpoena, in the
8 case of refusal to obey, shall be
9 enforceable by order of any ap-
10 propriate United States district
11 court.”;

12 (C) in subparagraph (B)(ii)(I)—

13 (i) by striking “Subject to clause (iv)
14 of this subparagraph, before” and insert-
15 ing “Before”; and

16 (ii) by striking “subparagraphs (A)
17 (iii) or (iv)” and inserting “subparagraph
18 (A)(iii)”;

19 (D) in subparagraph (B)(iii), by striking
20 “Subject to clause (iv) of this subparagraph,
21 before” and inserting “Before”; and

22 (E) in subparagraph (B)(iv)—

23 (i) by striking “title 2” and inserting
24 “title I”; and

1 (ii) by striking “section 206” and in-
2 serting “section 106”; and

3 (3) in paragraph (4), by striking “(iv),”.

4 (e) DEFINITIONS.—Section 402 of the Ethics in Gov-
5 ernment Act of 1978 (5 U.S.C. App.) is amended by add-
6 ing at the end the following:

7 “(g) For purposes of this title—

8 “(1) the term ‘agency’ shall include the Execu-
9 tive Office of the President; and

10 “(2) the term ‘officer or employee’ shall include
11 any individual occupying a position, providing any
12 official services, or acting in an advisory capacity, in
13 the White House or the Executive Office of the
14 President.

15 “(h) In this title, a reference to the head of an agency
16 shall include the President or the President’s designee.

17 “(i) The Director shall not be required to obtain the
18 prior approval, comment, or review of any officer or agen-
19 cy of the United States, including the Office of Manage-
20 ment and Budget, before submitting to Congress, or any
21 committee or subcommittee thereof, any information, re-
22 ports, recommendations, testimony, or comments, if such
23 submissions include a statement indicating that the views
24 expressed therein are those of the Director and do not nec-
25 essarily represent the views of the President.”.

1 **SEC. 8035. AGENCY ETHICS OFFICIALS TRAINING AND DU-**
2 **TIES.**

3 (a) IN GENERAL.—Section 403 of the Ethics in Gov-
4 ernment Act of 1978 (5 U.S.C. App.) is amended—

5 (1) in subsection (a), by adding a period at the
6 end of the matter following paragraph (2); and

7 (2) by adding at the end the following:

8 “(c)(1) All designated agency ethics officials and al-
9 ternate designated agency ethics officials shall register
10 with the Director as well as with the appointing authority
11 of the official.

12 “(2) The Director shall provide ethics education
13 and training to all designated and alternate des-
14 ignated agency ethics officials in a time and manner
15 deemed appropriate by the Director.

16 “(3) Each designated agency ethics official and
17 each alternate designated agency ethics official shall
18 biannually attend ethics education and training, as
19 provided by the Director under paragraph (2).

20 “(d) Each Designated Agency Ethics Official, includ-
21 ing the Designated Agency Ethics Official for the Execu-
22 tive Office of the President—

23 “(1) shall provide to the Director, in writing, in
24 a searchable, sortable, and downloadable format, all
25 approvals, authorizations, certifications, compliance
26 reviews, determinations, directed divestitures, public

1 financial disclosure reports, notices of deficiency in
2 compliance, records related to the approval or ac-
3 ceptance of gifts, recusals, regulatory or statutory
4 advisory opinions, waivers, including waivers under
5 section 207 or 208 of title 18, United States Code,
6 and any other records designated by the Director,
7 unless disclosure is prohibited by law;

8 “(2) shall, for all information described in para-
9 graph (1) that is permitted to be disclosed to the
10 public under law, make the information available to
11 the public by publishing the information on the
12 website of the Office of Government Ethics, pro-
13 viding a link to download an electronic copy of the
14 information, or providing printed paper copies of
15 such information to the public; and

16 “(3) may charge a reasonable fee for the cost
17 of providing paper copies of the information pursu-
18 ant to paragraph (2).

19 “(e)(1) For all information that is provided by an
20 agency to the Director under paragraph (1) of subsection
21 (d), the Director shall make the information available to
22 the public in a searchable, sortable, downloadable format
23 by publishing the information on the website of the Office
24 of Government Ethics or providing a link to download an
25 electronic copy of the information.

1 “(2) The Director may, upon request, provide printed
2 paper copies of the information published under para-
3 graph (1) and charge a reasonable fee for the cost of print-
4 ing such copies.”.

5 (b) REPEAL.—Section 408 of the Ethics in Govern-
6 ment Act of 1978 (5 U.S.C. App.) is hereby repealed.

7 **SEC. 8036. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
8 **FEDERAL EMPLOYEE TRAVEL IN CON-**
9 **TRAVENTION OF CERTAIN REGULATIONS.**

10 (a) IN GENERAL.—Beginning on the date of enact-
11 ment of this Act, no Federal funds appropriated or other-
12 wise made available in any fiscal year may be used for
13 the travel expenses of any senior Federal official in con-
14 travention of sections 301–10.260 through 301–10.266 of
15 title 41, Code of Federal Regulations, or any successor
16 regulation.

17 (b) QUARTERLY REPORT ON TRAVEL.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of enactment of this Act and every 90 days
20 thereafter, the head of each Federal agency shall
21 submit a report to the Committee on Oversight and
22 Reform of the House of Representatives and the
23 Committee on Homeland Security and Governmental
24 Affairs of the Senate detailing travel on Government

1 aircraft by any senior Federal official employed at
2 the applicable agency.

3 (2) APPLICATION.—Any report required under
4 paragraph (1) shall not include any classified travel,
5 and nothing in this Act shall be construed to super-
6 sede, alter, or otherwise affect the application of sec-
7 tion 101–37.408 of title 41, Code of Federal Regula-
8 tions, or any successor regulation.

9 (c) TRAVEL REGULATION REPORT.—Not later than
10 1 year after enactment of this Act, the Director of the
11 Office of Government Ethics shall submit a report to Con-
12 gress detailing suggestions on strengthening Federal trav-
13 el regulations. On the date such report is so submitted,
14 the Director shall publish such report on the Office’s pub-
15 lic website.

16 (d) SENIOR FEDERAL OFFICIAL DEFINED.—In this
17 section, the term “senior Federal official” has the mean-
18 ing given that term in section 101–37.100 of title 41, Code
19 of Federal Regulations, as in effect on the date of enact-
20 ment of this Act, and includes any senior executive branch
21 official (as that term is defined in such section).

22 **SEC. 8037. REPORTS ON COST OF PRESIDENTIAL TRAVEL.**

23 (a) REPORT REQUIRED.—Not later than 90 days
24 after the date of the enactment of this Act, and every 90
25 days thereafter, the Secretary of Defense, in consultation

1 with the Secretary of the Air Force, shall submit to the
2 Chairman and Ranking Member of the Committee on
3 Armed Services of the House of Representatives a report
4 detailing the direct and indirect costs to the Department
5 of Defense in support of Presidential travel. Each such
6 report shall include costs incurred for travel to a property
7 owned or operated by the individual serving as President
8 or an immediate family member of such individual.

9 (b) IMMEDIATE FAMILY MEMBER DEFINED.—In this
10 section, the term “immediate family member” means the
11 spouse of such individual, the adult or minor child of such
12 individual, or the spouse of an adult child of such indi-
13 vidual.

14 **SEC. 8038. REPORTS ON COST OF SENIOR FEDERAL OFFI-**
15 **CIAL TRAVEL.**

16 (a) REPORT REQUIRED.—Not later than 90 days
17 after the date of the enactment of this Act, and every 90
18 days thereafter, the Secretary of Defense shall submit to
19 the Chairman and Ranking Member of the Committee on
20 Armed Services of the House of Representatives a report
21 detailing the direct and indirect costs to the Department
22 of Defense in support of travel by senior Federal officials
23 on military aircraft. Each such report shall include wheth-
24 er spousal travel furnished by the Department was reim-
25 bursed to the Federal Government.

1 (b) EXCEPTION.—Required use travel, as outlined in
 2 Department of Defense Directive 4500.56, shall not be in-
 3 cluded in reports under subsection (a).

4 (c) SENIOR FEDERAL OFFICIAL DEFINED.—In this
 5 section, the term “senior Federal official” has the mean-
 6 ing given that term in section 8036(d).

7 **Subtitle E—Conflicts From** 8 **Political Fundraising**

9 **SEC. 8041. SHORT TITLE.**

10 This subtitle may be cited as the “Conflicts from Po-
 11 litical Fundraising Act of 2021”.

12 **SEC. 8042. DISCLOSURE OF CERTAIN TYPES OF CONTRIBU-** 13 **TIONS.**

14 (a) DEFINITIONS.—Section 109 of the Ethics in Gov-
 15 ernment Act of 1978 (5 U.S.C. App.) is amended—

16 (1) by redesignating paragraphs (2) through
 17 (19) as paragraphs (5) through (22), respectively;
 18 and

19 (2) by inserting after paragraph (1) the fol-
 20 lowing:

21 “(2) ‘covered contribution’ means a payment,
 22 advance, forbearance, rendering, or deposit of
 23 money, or any thing of value—

24 “(A)(i) that—

25 “(I) is—

1 “(aa) made by or on behalf of a
2 covered individual; or

3 “(bb) solicited in writing by or at
4 the request of a covered individual;
5 and

6 “(II) is made—

7 “(aa) to a political organization,
8 as defined in section 527 of the Inter-
9 nal Revenue Code of 1986; or

10 “(bb) to an organization—

11 “(AA) that is described in
12 paragraph (4) or (6) of section
13 501(c) of the Internal Revenue
14 Code of 1986 and exempt from
15 tax under section 501(a) of such
16 Code; and

17 “(BB) that promotes or op-
18 poses changes in Federal laws or
19 regulations that are (or would
20 be) administered by the agency in
21 which the covered individual has
22 been nominated for appointment
23 to a covered position or is serving
24 in a covered position; or

25 “(ii) that is—

1 “(I) solicited in writing by or on be-
2 half of a covered individual; and

3 “(II) made—

4 “(aa) by an individual or entity
5 the activities of which are subject to
6 Federal laws or regulations that are
7 (or would be) administered by the
8 agency in which the covered individual
9 has been nominated for appointment
10 to a covered position or is serving in
11 a covered position; and

12 “(bb) to—

13 “(AA) a political organiza-
14 tion, as defined in section 527 of
15 the Internal Revenue Code of
16 1986; or

17 “(BB) an organization that
18 is described in paragraph (4) or
19 (6) of section 501(c) of the Inter-
20 nal Revenue Code of 1986 and
21 exempt from tax under section
22 501(a) of such Code; and

23 “(B) that is made to an organization de-
24 scribed in item (aa) or (bb) of clause (i)(II) or
25 clause (ii)(II)(bb) of subparagraph (A) for

1 which the total amount of such payments, ad-
2 vances, forbearances, renderings, or deposits of
3 money, or any thing of value, during the cal-
4 endar year in which it is made is not less than
5 the contribution limitation in effect under sec-
6 tion 315(a)(1)(A) of the Federal Election Cam-
7 paign Act of 1971 (52 U.S.C. 30116(a)(1)(A))
8 for elections occurring during such calendar
9 year;

10 “(3) ‘covered individual’ means an individual
11 who has been nominated or appointed to a covered
12 position; and

13 “(4) ‘covered position’—

14 “(A) means—

15 “(i) a position described under sec-
16 tions 5312 through 5316 of title 5, United
17 States Code;

18 “(ii) a position placed in level IV or V
19 of the Executive Schedule under section
20 5317 of title 5, United States Code;

21 “(iii) a position as a limited term ap-
22 pointee, limited emergency appointee, or
23 noncareer appointee in the Senior Execu-
24 tive Service, as defined under paragraphs

1 (5), (6), and (7), respectively, of section
2 3132(a) of title 5, United States Code;

3 “(iv) a position in the executive
4 branch of the Government of a confidential
5 or policy-determining character under
6 schedule C of subpart C of part 213 of
7 title 5 of the Code of Federal Regulations;
8 and

9 “(v) a chief of mission (as defined in
10 section 102(a)(3) of the Foreign Service
11 Act of 1980); and

12 “(B) does not include a position if the in-
13 dividual serving in the position has been ex-
14 cluded from the application of section
15 101(f)(5);”.

16 (b) DISCLOSURE REQUIREMENTS.—The Ethics in
17 Government Act of 1978 (5 U.S.C. App.) is amended—

18 (1) in section 101—

19 (A) in subsection (a)—

20 (i) by inserting “(1)” before “With-
21 in”;

22 (ii) by striking “unless” and inserting
23 “and, if the individual is assuming a cov-
24 ered position, the information described in
25 section 102(j), except that, subject to para-

1 graph (2), the individual shall not be re-
2 quired to file a report if”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(2) If an individual has left a position described in
6 subsection (f) that is not a covered position and, within
7 30 days, assumes a position that is a covered position, the
8 individual shall, within 30 days of assuming the covered
9 position, file a report containing the information described
10 in section 102(j)(2)(A).”;

11 (B) in subsection (b)(1), in the first sen-
12 tence, by inserting “and the information re-
13 quired by section 102(j)” after “described in
14 section 102(b)”;

15 (C) in subsection (d), by inserting “and, if
16 the individual is serving in a covered position,
17 the information required by section
18 102(j)(2)(A)” after “described in section
19 102(a)”;

20 (D) in subsection (e), by inserting “and, if
21 the individual was serving in a covered position,
22 the information required by section
23 102(j)(2)(A)” after “described in section
24 102(a)”;

25 (2) in section 102—

1 (A) in subsection (g), by striking “Political
2 campaign funds” and inserting “Except as pro-
3 vided in subsection (j), political campaign
4 funds”; and

5 (B) by adding at the end the following:

6 “(j)(1) In this subsection—

7 “(A) the term ‘applicable period’ means—

8 “(i) with respect to a report filed pursuant
9 to subsection (a) or (b) of section 101, the year
10 of filing and the 4 calendar years preceding the
11 year of the filing; and

12 “(ii) with respect to a report filed pursuant
13 to subsection (d) or (e) of section 101, the pre-
14 ceding calendar year; and

15 “(B) the term ‘covered gift’ means a gift that—

16 “(i) is made to a covered individual, the
17 spouse of a covered individual, or the dependent
18 child of a covered individual;

19 “(ii) is made by an entity described in item
20 (aa) or (bb) of section 109(2)(A)(i)(II); and

21 “(iii) would have been required to be re-
22 ported under subsection (a)(2) if the covered in-
23 dividual had been required to file a report
24 under section 101(d) with respect to the cal-
25 endar year during which the gift was made.

1 “(2)(A) A report filed pursuant to subsection (a), (b),
2 (d), or (e) of section 101 by a covered individual shall in-
3 clude, for each covered contribution during the applicable
4 period—

5 “(i) the date on which the covered contribution
6 was made;

7 “(ii) if applicable, the date or dates on which
8 the covered contribution was solicited;

9 “(iii) the value of the covered contribution;

10 “(iv) the name of the person making the cov-
11 ered contribution; and

12 “(v) the name of the person receiving the cov-
13 ered contribution.

14 “(B)(i) Subject to clause (ii), a covered contribution
15 made by or on behalf of, or that was solicited in writing
16 by or on behalf of, a covered individual shall constitute
17 a conflict of interest, or an appearance thereof, with re-
18 spect to the official duties of the covered individual.

19 “(ii) The Director of the Office of Government Ethics
20 may exempt a covered contribution from the application
21 of clause (i) if the Director determines the circumstances
22 of the solicitation and making of the covered contribution
23 do not present a risk of a conflict of interest and the ex-
24 emption of the covered contribution would not affect ad-

1 versely the integrity of the Government or the public's con-
2 fidence in the integrity of the Government.

3 “(3) A report filed pursuant to subsection (a) or (b)
4 of section 101 by a covered individual shall include the
5 information described in subsection (a)(2) with respect to
6 each covered gift received during the applicable period.”.

7 (c) PROVISION OF REPORTS AND ETHICS AGREE-
8 MENTS TO CONGRESS.—Section 105 of the Ethics in Gov-
9 ernment Act of 1978 (5 U.S.C. App.) is amended by add-
10 ing at the end the following:

11 “(e) Not later than 30 days after receiving a written
12 request from the Chairman or Ranking Member of a com-
13 mittee or subcommittee of either House of Congress, the
14 Director of the Office of Government Ethics shall provide
15 to the Chairman and Ranking Member each report filed
16 under this title by the covered individual and any ethics
17 agreement entered into between the agency and the cov-
18 ered individual.”.

19 (d) RULES ON ETHICS AGREEMENTS.—The Director
20 of the Office of Government Ethics shall promptly issue
21 rules regarding how an agency in the executive branch
22 shall address information required to be disclosed under
23 the amendments made by this subtitle in drafting ethics
24 agreements between the agency and individuals appointed
25 to positions in the agency.

1 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

2 (1) The Ethics in Government Act of 1978 (5
3 U.S.C. App.) is amended—

4 (A) in section 101(f)—

5 (i) in paragraph (9), by striking “sec-
6 tion 109(12)” and inserting “section
7 109(15)”;

8 (ii) in paragraph (10), by striking
9 “section 109(13)” and inserting “section
10 109(16)”;

11 (iii) in paragraph (11), by striking
12 “section 109(10)” and inserting “section
13 109(13)”;

14 (iv) in paragraph (12), by striking
15 “section 109(8)” and inserting “section
16 109(11)”;

17 (B) in section 103(l)—

18 (i) in paragraph (9), by striking “sec-
19 tion 109(12)” and inserting “section
20 109(15)”;

21 (ii) in paragraph (10), by striking
22 “section 109(13)” and inserting “section
23 109(16)”;

1 (C) in section 105(b)(3)(A), by striking
2 “section 109(8) or 109(10)” and inserting “sec-
3 tion 109(11) or 109(13)”.

4 (2) Section 3(4)(D) of the Lobbying Disclosure
5 Act of 1995 (2 U.S.C. 1602(4)(D)) is amended by
6 striking “section 109(13)” and inserting “section
7 109(16)”.

8 (3) Section 21A of the Securities Exchange Act
9 of 1934 (15 U.S.C. 78u–1) is amended—

10 (A) in subsection (g)(2)(B)(ii), by striking
11 “section 109(11) of the Ethics in Government
12 Act of 1978 (5 U.S.C. App. 109(11)))” and in-
13 serting “section 109 of the Ethics in Govern-
14 ment Act of 1978 (5 U.S.C. App.)”; and

15 (B) in subsection (h)(2)—

16 (i) in subparagraph (B), by striking
17 “section 109(8) of the Ethics in Govern-
18 ment Act of 1978 (5 U.S.C. App. 109(8))”
19 and inserting “section 109 of the Ethics in
20 Government Act of 1978 (5 U.S.C. App.)”;
21 and

22 (ii) in subparagraph (C), by striking
23 “section 109(10) of the Ethics in Govern-
24 ment Act of 1978 (5 U.S.C. App.
25 109(10))” and inserting “section 109 of

1 the Ethics in Government Act of 1978 (5
2 U.S.C. App.)”.

3 (4) Section 499(j)(2) of the Public Health Serv-
4 ice Act (42 U.S.C. 290b(j)(2)) is amended by strik-
5 ing “section 109(16) of the Ethics in Government
6 Act of 1978” and inserting “section 109 of the Eth-
7 ics in Government Act of 1978 (5 U.S.C. App.)”.

8 **Subtitle F—Transition Team Ethics**

9 **SEC. 8051. SHORT TITLE.**

10 This subtitle may be cited as the “Transition Team
11 Ethics Improvement Act”.

12 **SEC. 8052. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

13 The Presidential Transition Act of 1963 (3 U.S.C.
14 102 note) is amended—

15 (1) in section 3(f), by adding at the end the fol-
16 lowing:

17 “(3) Not later than 10 days after submitting an ap-
18 plication for a security clearance for any individual, and
19 not later than 10 days after any such individual is granted
20 a security clearance (including an interim clearance), each
21 eligible candidate (as that term is described in subsection
22 (h)(4)(A)) or the President-elect (as the case may be) shall
23 submit a report containing the name of such individual
24 to the Committee on Oversight and Reform of the House

1 of Representatives and the Committee on Homeland Secu-
2 rity and Governmental Affairs of the Senate.”; and

3 (2) in section 6(b)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (A), by striking
6 “and” at the end;

7 (ii) in subparagraph (B), by striking
8 the period at the end and inserting a semi-
9 colon; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(C) a list of all positions each transition team
13 member has held outside the Federal Government
14 for the previous 12-month period, including paid and
15 unpaid positions;

16 “(D) sources of compensation for each transi-
17 tion team member exceeding \$5,000 a year for the
18 previous 12-month period;

19 “(E) a description of the role of each transition
20 team member, including a list of any policy issues
21 that the member expects to work on, and a list of
22 agencies the member expects to interact with, while
23 serving on the transition team;

24 “(F) a list of any issues from which each tran-
25 sition team member will be recused while serving as

1 a member of the transition team pursuant to the
2 transition team ethics plan outlined in section
3 4(g)(3); and

4 “(G) an affirmation that no transition team
5 member has a financial conflict of interest that pre-
6 cludes the member from working on the matters de-
7 scribed in subparagraph (E).”;

8 (B) in paragraph (2), by inserting “not
9 later than 2 business days” after “public”; and

10 (C) by adding at the end the following:

11 “(3) The head of a Federal department or agency,
12 or their designee, shall not permit access to the Federal
13 department or agency, or employees of such department
14 or agency, that would not be provided to a member of the
15 public for any transition team member who does not make
16 the disclosures listed under paragraph (1).”.

17 **Subtitle G—Ethics Pledge For Sen-**
18 **ior Executive Branch Employees**

19 **SEC. 8061. SHORT TITLE.**

20 This subtitle may be cited as the “Ethics in Public
21 Service Act”.

1 **SEC. 8062. ETHICS PLEDGE REQUIREMENT FOR SENIOR EX-**
2 **ECUTIVE BRANCH EMPLOYEES.**

3 The Ethics in Government Act of 1978 (5 U.S.C.
4 App. 101 et seq.) is amended by inserting after title I the
5 following new title:

6 **“TITLE II—ETHICS PLEDGE**

7 **“SEC. 201. DEFINITIONS.**

8 “For the purposes of this title, the following defini-
9 tions apply:

10 “(1) The term ‘executive agency’ has the mean-
11 ing given that term in section 105 of title 5, United
12 States Code, and includes the Executive Office of
13 the President, the United States Postal Service, and
14 Postal Regulatory Commission, but does not include
15 the Government Accountability Office.

16 “(2) The term ‘appointee’ means any noncareer
17 Presidential or Vice-Presidential appointee, non-
18 career appointee in the Senior Executive Service (or
19 other SES-type system), or appointee to a position
20 that has been excepted from the competitive service
21 by reason of being of a confidential or policymaking
22 character (Schedule C and other positions excepted
23 under comparable criteria) in an executive agency,
24 but does not include any individual appointed as a
25 member of the Senior Foreign Service or solely as
26 a uniformed service commissioned officer.

1 “(3) The term ‘gift’—

2 “(A) has the meaning given that term in
3 section 2635.203(b) of title 5, Code of Federal
4 Regulations (or any successor regulation); and

5 “(B) does not include those items excluded
6 by sections 2635.204(b), (c), (e)(1), (e)(3), (j),
7 (k), and (l) of such title 5.

8 “(4) The term ‘covered executive branch offi-
9 cial’ and ‘lobbyist’ have the meanings given those
10 terms in section 3 of the Lobbying Disclosure Act of
11 1995 (2 U.S.C. 1602).

12 “(5) The term ‘registered lobbyist or lobbying
13 organization’ means a lobbyist or an organization fil-
14 ing a registration pursuant to section 4(a) of the
15 Lobbying Disclosure Act of 1995 (2 U.S.C.
16 1603(a)), and in the case of an organization filing
17 such a registration, ‘registered lobbyist’ includes
18 each of the lobbyists identified therein.

19 “(6) The term ‘lobby’ and ‘lobbied’ mean to act
20 or have acted as a registered lobbyist.

21 “(7) The term ‘former employer’—

22 “(A) means a person or entity for whom
23 an appointee served as an employee, officer, di-
24 rector, trustee, partner, agent, attorney, con-
25 sultant, or contractor during the 2-year period

1 ending on the date before the date on which the
2 covered employee begins service in the Federal
3 Government; and

4 “(B) does not include—

5 “(i) an agency or instrumentality of
6 the Federal Government;

7 “(ii) a State or local government;

8 “(iii) the District of Columbia;

9 “(iv) an Indian tribe, as defined in
10 section 4 of the Indian Self-Determination
11 and Education Assistance Act (25 U.S.C.
12 5304); or

13 “(v) the government of a territory or
14 possession of the United States.

15 “(8) The term ‘former client’ means a person
16 or entity for whom an appointee served personally as
17 agent, attorney, or consultant during the 2-year pe-
18 riod ending on the date before the date on which the
19 covered employee begins service in the Federal Gov-
20 ernment, but does not include an agency or instru-
21 mentality of the Federal Government.

22 “(9) The term ‘directly and substantially re-
23 lated to my former employer or former clients’
24 means matters in which the appointee’s former em-

1 ployer or a former client is a party or represents a
2 party.

3 “(10) The term ‘participate’ means to partici-
4 pate personally and substantially.

5 “(11) The term ‘post-employment restrictions’
6 includes the provisions and exceptions in section
7 207(c) of title 18, United States Code, and the im-
8 plementing regulations.

9 “(12) The term ‘Government official’ means
10 any employee of the executive branch.

11 “(13) The term ‘Administration’ means all
12 terms of office of the incumbent President serving at
13 the time of the appointment of an appointee covered
14 by this title.

15 “(14) The term ‘pledge’ means the ethics
16 pledge set forth in section 202 of this title.

17 “(15) All references to provisions of law and
18 regulations shall refer to such provisions as in effect
19 on the date of enactment of this title.

20 **“SEC. 202. ETHICS PLEDGE.**

21 “Each appointee in every executive agency appointed
22 on or after the date of enactment of this section shall be
23 required to sign an ethics pledge upon appointment. The
24 pledge shall be signed and dated within 30 days of taking

1 office and shall include, at a minimum, the following ele-
2 ments:

3 “‘As a condition, and in consideration, of my employ-
4 ment in the United States Government in a position in-
5 vested with the public trust, I commit myself to the fol-
6 lowing obligations, which I understand are binding on me
7 and are enforceable under law:

8 “(1) Lobbyist Gift Ban.—I will not accept
9 gifts from registered lobbyists or lobbying organiza-
10 tions for the duration of my service as an appointee.

11 “(2) Revolving Door Ban; Entering Govern-
12 ment.—

13 “(A) All Appointees Entering Govern-
14 ment.—I will not, for a period of 2 years from
15 the date of my appointment, participate in any
16 particular matter involving specific party or
17 parties that is directly and substantially related
18 to my former employer or former clients, in-
19 cluding regulations and contracts.

20 “(B) Lobbyists Entering Government.—If
21 I was a registered lobbyist within the 2 years
22 before the date of my appointment, in addition
23 to abiding by the limitations of subparagraph
24 (A), I will not for a period of 2 years after the
25 date of my appointment—

1 “(i) participate in any particular
2 matter on which I lobbied within the 2
3 years before the date of my appointment;

4 “(ii) participate in the specific issue
5 area in which that particular matter falls;
6 or

7 “(iii) seek or accept employment with
8 any executive agency that I lobbied within
9 the 2 years before the date of my appoint-
10 ment.

11 “(3) Revolving Door Ban; Appointees Leaving
12 Government.—

13 “(A) All Appointees Leaving Govern-
14 ment.—If, upon my departure from the Govern-
15 ment, I am covered by the post-employment re-
16 strictions on communicating with employees of
17 my former executive agency set forth in section
18 207(c) of title 18, United States Code, I agree
19 that I will abide by those restrictions for a pe-
20 riod of 2 years following the end of my appoint-
21 ment.

22 “(B) Appointees Leaving Government to
23 Lobby.—In addition to abiding by the limita-
24 tions of subparagraph (A), I also agree, upon
25 leaving Government service, not to lobby any

1 covered executive branch official or noncareer
2 Senior Executive Service appointee for the re-
3 mainder of the Administration.

4 ““(4) Employment Qualification Commit-
5 ment.—I agree that any hiring or other employment
6 decisions I make will be based on the candidate’s
7 qualifications, competence, and experience.

8 ““(5) Assent to Enforcement.—I acknowledge
9 that title II of the Ethics in Government Act of
10 1978, which I have read before signing this docu-
11 ment, defines certain of the terms applicable to the
12 foregoing obligations and sets forth the methods for
13 enforcing them. I expressly accept the provisions of
14 that title as a part of this agreement and as binding
15 on me. I understand that the terms of this pledge
16 are in addition to any statutory or other legal re-
17 strictions applicable to me by virtue of Federal Gov-
18 ernment service.’ .

19 **“SEC. 203. WAIVER.**

20 ““(a) The President or the President’s designee may
21 grant to any current or former appointee a written waiver
22 of any restrictions contained in the pledge signed by such
23 appointee if, and to the extent that, the President or the
24 President’s designee certifies (in writing) that, in light of
25 all the relevant circumstances, the interest of the Federal

1 Government in the employee’s participation outweighs the
2 concern that a reasonable person may question the integ-
3 rity of the agency’s programs or operations.

4 “(b) Any waiver under this section shall take effect
5 when the certification is signed by the President or the
6 President’s designee.

7 “(c) For purposes of subsection (a)(2), the public in-
8 terest shall include exigent circumstances relating to na-
9 tional security or to the economy. De minimis contact with
10 an executive agency shall be cause for a waiver of the re-
11 strictions contained in paragraph (2)(B) of the pledge.

12 “(d) For any waiver granted under this section, the
13 individual who granted the waiver shall—

14 “(1) provide a copy of the waiver to the Direc-
15 tor not more than 48 hours after the waiver is
16 granted; and

17 “(2) publish the waiver on the website of the
18 applicable agency not later than 30 calendar days
19 after granting such waiver.

20 “(e) Upon receiving a written waiver under sub-
21 section (d), the Director shall—

22 “(1) review the waiver to determine whether the
23 Director has any objection to the issuance of the
24 waiver; and

25 “(2) if the Director so objects—

1 “(A) provide reasons for the objection in
2 writing to the head of the agency who granted
3 the waiver not more than 15 calendar days
4 after the waiver was granted; and

5 “(B) publish the written objection on the
6 website of the Office of Government Ethics not
7 more than 30 calendar days after the waiver
8 was granted.

9 **“SEC. 204. ADMINISTRATION.**

10 “(a) The head of each executive agency shall, in con-
11 sultation with the Director of the Office of Government
12 Ethics, establish such rules or procedures (conforming as
13 nearly as practicable to the agency’s general ethics rules
14 and procedures, including those relating to designated
15 agency ethics officers) as are necessary or appropriate to
16 ensure—

17 “(1) that every appointee in the agency signs
18 the pledge upon assuming the appointed office or
19 otherwise becoming an appointee;

20 “(2) that compliance with paragraph (2)(B) of
21 the pledge is addressed in a written ethics agree-
22 ment with each appointee to whom it applies;

23 “(3) that spousal employment issues and other
24 conflicts not expressly addressed by the pledge are
25 addressed in ethics agreements with appointees or,

1 where no such agreements are required, through eth-
2 ics counseling; and

3 “(4) compliance with this title within the agen-
4 cy.

5 “(b) With respect to the Executive Office of the
6 President, the duties set forth in subsection (a) shall be
7 the responsibility of the Counsel to the President.

8 “(c) The Director of the Office of Government Ethics
9 shall—

10 “(1) ensure that the pledge and a copy of this
11 title are made available for use by agencies in ful-
12 filling their duties under subsection (a);

13 “(2) in consultation with the Attorney General
14 or the Counsel to the President, when appropriate,
15 assist designated agency ethics officers in providing
16 advice to current or former appointees regarding the
17 application of the pledge;

18 “(3) adopt such rules or procedures as are nec-
19 essary or appropriate—

20 “(A) to carry out the responsibilities as-
21 signed by this subsection;

22 “(B) to apply the lobbyist gift ban set
23 forth in paragraph 1 of the pledge to all execu-
24 tive branch employees;

1 “(C) to authorize limited exceptions to the
2 lobbyist gift ban for circumstances that do not
3 implicate the purposes of the ban;

4 “(D) to make clear that no person shall
5 have violated the lobbyist gift ban if the person
6 properly disposes of a gift;

7 “(E) to ensure that existing rules and pro-
8 cedures for Government employees engaged in
9 negotiations for future employment with private
10 businesses that are affected by their official ac-
11 tions do not affect the integrity of the Govern-
12 ment’s programs and operations; and

13 “(F) to ensure, in consultation with the
14 Director of the Office of Personnel Manage-
15 ment, that the requirement set forth in para-
16 graph (4) of the pledge is honored by every em-
17 ployee of the executive branch;

18 “(4) in consultation with the Director of the
19 Office of Management and Budget, report to the
20 President, the Committee on Oversight and Reform
21 of the House of Representatives, and the Committee
22 on Homeland Security and Governmental Affairs of
23 the Senate on whether full compliance is being
24 achieved with existing laws and regulations gov-
25 erning executive branch procurement lobbying disclo-

1 sure and on steps the executive branch can take to
 2 expand to the fullest extent practicable disclosure of
 3 such executive branch procurement lobbying and of
 4 lobbying for presidential pardons, and to include in
 5 the report both immediate action the executive
 6 branch can take and, if necessary, recommendations
 7 for legislation; and

8 “(5) provide an annual public report on the ad-
 9 ministration of the pledge and this title.

10 “(d) All pledges signed by appointees, and all waiver
 11 certifications with respect thereto, shall be filed with the
 12 head of the appointee’s agency for permanent retention
 13 in the appointee’s official personnel folder or equivalent
 14 folder.”.

15 **Subtitle H—Travel on Private Air-**
 16 **craft by Senior Political Ap-**
 17 **pointees**

18 **SEC. 8071. SHORT TITLE.**

19 This subtitle may be cited as the “Stop Waste And
 20 Misuse by Presidential Flyers Landing Yet Evading Rules
 21 and Standards” or the “SWAMP FLYERS”.

22 **SEC. 8072. PROHIBITION ON USE OF FUNDS FOR TRAVEL**
 23 **ON PRIVATE AIRCRAFT.**

24 (a) IN GENERAL.—Beginning on the date of enact-
 25 ment of this subtitle, no Federal funds appropriated or

1 otherwise made available in any fiscal year may be used
2 to pay the travel expenses of any senior political appointee
3 for travel on official business on a non-commercial, pri-
4 vate, or chartered flight.

5 (b) EXCEPTIONS.—The limitation in subsection (a)
6 shall not apply—

7 (1) if no commercial flight was available for the
8 travel in question, consistent with subsection (c); or

9 (2) to any travel on aircraft owned or leased by
10 the Government.

11 (c) CERTIFICATION.—

12 (1) IN GENERAL.—Any senior political ap-
13 pointee who travels on a non-commercial, private, or
14 chartered flight under the exception provided in sub-
15 section (b)(1) shall, not later than 30 days after the
16 date of such travel, submit a written statement to
17 Congress certifying that no commercial flight was
18 available.

19 (2) PENALTY.—Any statement submitted under
20 paragraph (1) shall be considered a statement for
21 purposes of applying section 1001 of title 18, United
22 States Code.

23 (d) DEFINITION OF SENIOR POLITICAL AP-
24 POUNTEE.—In this subtitle, the term “senior political ap-
25 pointee” means any individual occupying—

1 (1) a position listed under the Executive Sched-
 2 ule (subchapter II of chapter 53 of title 5, United
 3 States Code);

4 (2) a Senior Executive Service position that is
 5 not a career appointee as defined under section
 6 3132(a)(4) of such title; or

7 (3) a position of a confidential or policy-deter-
 8 mining character under schedule C of subpart C of
 9 part 213 of title 5, Code of Federal Regulations.

10 **Subtitle I—Severability**

11 **SEC. 8081. SEVERABILITY.**

12 If any provision of this title or any amendment made
 13 by this title, or any application of such provision or
 14 amendment to any person or circumstance, is held to be
 15 unconstitutional, the remainder of the provisions of this
 16 title and the amendments made by this title, and the appli-
 17 cation of the provision or amendment to any other person
 18 or circumstance, shall not be affected.

19 **TITLE IX—CONGRESSIONAL** 20 **ETHICS REFORM**

Subtitle A—Requiring Members of Congress To Reimburse Treasury for
 Amounts Paid as Settlements and Awards Under Congressional Account-
 ability Act of 1995

Sec. 9001. Requiring Members of Congress to reimburse Treasury for amounts
 paid as settlements and awards under Congressional Account-
 ability Act of 1995 in all cases of employment discrimination
 acts by Members.

Subtitle B—Conflicts of Interests

- Sec. 9101. Prohibiting Members of House of Representatives from serving on boards of for-profit entities.
- Sec. 9102. Conflict of interest rules for Members of Congress and congressional staff.
- Sec. 9103. Exercise of rulemaking powers.

Subtitle C—Campaign Finance and Lobbying Disclosure

- Sec. 9201. Short title.
- Sec. 9202. Requiring disclosure in certain reports filed with Federal Election Commission of persons who are registered lobbyists.
- Sec. 9203. Effective date.

Subtitle D—Access to Congressionally Mandated Reports

- Sec. 9301. Short title.
- Sec. 9302. Definitions.
- Sec. 9303. Establishment of online portal for congressionally mandated reports.
- Sec. 9304. Federal agency responsibilities.
- Sec. 9305. Removing and altering reports.
- Sec. 9306. Relationship to the Freedom of Information Act.
- Sec. 9307. Implementation.

Subtitle E—Reports on Outside Compensation Earned by Congressional Employees

- Sec. 9401. Reports on outside compensation earned by congressional employees.

Subtitle F—Severability

- Sec. 9501. Severability.

1 **Subtitle A—Requiring Members of**
2 **Congress To Reimburse Treas-**
3 **ury for Amounts Paid as Settle-**
4 **ments and Awards Under Con-**
5 **gressional Accountability Act of**
6 **1995**

7 **SEC. 9001. REQUIRING MEMBERS OF CONGRESS TO REIM-**
8 **BURSE TREASURY FOR AMOUNTS PAID AS**
9 **SETTLEMENTS AND AWARDS UNDER CON-**
10 **GRESSIONAL ACCOUNTABILITY ACT OF 1995**
11 **IN ALL CASES OF EMPLOYMENT DISCRIMINA-**
12 **TION ACTS BY MEMBERS.**

13 (a) **REQUIRING REIMBURSEMENT.**—Clause (i) of sec-
14 tion 415(d)(1)(C) of the Congressional Accountability Act
15 of 1995 (2 U.S.C. 1415(d)(1)(C)) is amended to read as
16 follows:

17 “(i) a violation of section 201(a) or
18 section 206(a); or”.

19 (b) **CONFORMING AMENDMENT RELATING TO NOTI-**
20 **FICATION OF POSSIBILITY OF REIMBURSEMENT.**—Clause
21 (i) of section 402(b)(2)(B) of the Congressional Account-
22 ability Act of 1995 (2 U.S.C. 1402(b)(2)(B)) is amended
23 to read as follows:

24 “(i) a violation of section 201(a) or
25 section 206(a); or”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in the enact-
3 ment of the Congressional Accountability Act of 1995 Re-
4 form Act.

5 **Subtitle B—Conflicts of Interests**

6 **SEC. 9101. PROHIBITING MEMBERS OF HOUSE OF REP-** 7 **RESENTATIVES FROM SERVING ON BOARDS** 8 **OF FOR-PROFIT ENTITIES.**

9 Rule XXIII of the Rules of the House of Representa-
10 tives is amended—

11 (1) by redesignating clause 22 as clause 23;

12 and

13 (2) by inserting after clause 21 the following

14 new clause:

15 “22. A Member, Delegate, or Resident Commissioner
16 may not serve on the board of directors of any for-profit
17 entity.”.

18 **SEC. 9102. CONFLICT OF INTEREST RULES FOR MEMBERS** 19 **OF CONGRESS AND CONGRESSIONAL STAFF.**

20 No Member, officer, or employee of a committee or
21 Member of either House of Congress may knowingly use
22 his or her official position to introduce or aid the progress
23 or passage of legislation, a principal purpose of which is
24 to further only his or her pecuniary interest, only the pecu-
25 niary interest of his or her immediate family, or only the

1 pecuniary interest of a limited class of persons or enter-
2 prises, when he or she, or his or her immediate family,
3 or enterprises controlled by them, are members of the af-
4 fected class.

5 **SEC. 9103. EXERCISE OF RULEMAKING POWERS.**

6 The provisions of this subtitle are enacted by the
7 Congress—

8 (1) as an exercise of the rulemaking power of
9 the House of Representatives and the Senate, re-
10 spectively, and as such they shall be considered as
11 part of the rules of each House, respectively, or of
12 that House to which they specifically apply, and
13 such rules shall supersede other rules only to the ex-
14 tent that they are inconsistent therewith; and

15 (2) with full recognition of the constitutional
16 right of either House to change such rules (so far
17 as relating to such House) at any time, in the same
18 manner, and to the same extent as in the case of
19 any other rule of such House.

20 **Subtitle C—Campaign Finance and**
21 **Lobbying Disclosure**

22 **SEC. 9201. SHORT TITLE.**

23 This subtitle may be cited as the “Connecting Lobby-
24 ists and Electeds for Accountability and Reform Act” or
25 the “CLEAR Act”.

1 **SEC. 9202. REQUIRING DISCLOSURE IN CERTAIN REPORTS**
2 **FILED WITH FEDERAL ELECTION COMMIS-**
3 **SION OF PERSONS WHO ARE REGISTERED**
4 **LOBBYISTS.**

5 (a) REPORTS FILED BY POLITICAL COMMITTEES.—
6 Section 304(b) of the Federal Election Campaign Act of
7 1971 (52 U.S.C. 30104(b)) is amended—

8 (1) by striking “and” at the end of paragraph
9 (7);

10 (2) by striking the period at the end of para-
11 graph (8) and inserting “; and”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(9) if any person identified in subparagraph
15 (A), (E), (F), or (G) of paragraph (3) is a registered
16 lobbyist under the Lobbying Disclosure Act of 1995,
17 a separate statement that such person is a reg-
18 istered lobbyist under such Act.”.

19 (b) REPORTS FILED BY PERSONS MAKING INDE-
20 PENDENT EXPENDITURES.—Section 304(c)(2) of such
21 Act (52 U.S.C. 30104(c)(2)) is amended—

22 (1) by striking “and” at the end of subpara-
23 graph (B);

24 (2) by striking the period at the end of sub-
25 paragraph (C) and inserting “; and”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(D) if the person filing the statement, or a
4 person whose identification is required to be dis-
5 closed under subparagraph (C), is a registered lob-
6 byist under the Lobbying Disclosure Act of 1995, a
7 separate statement that such person is a registered
8 lobbyist under such Act.”.

9 (c) REPORTS FILED BY PERSONS MAKING DIS-
10 BURSEMENTS FOR ELECTIONEERING COMMUNICA-
11 TIONS.—Section 304(f)(2) of such Act (52 U.S.C.
12 30104(f)(2)) is amended by adding at the end the fol-
13 lowing new subparagraph:

14 “(G) If the person making the disburse-
15 ment, or a contributor described in subpara-
16 graph (E) or (F), is a registered lobbyist under
17 the Lobbying Disclosure Act of 1995, a sepa-
18 rate statement that such person or contributor
19 is a registered lobbyist under such Act.”.

20 (d) REQUIRING COMMISSION TO ESTABLISH LINK TO
21 WEBSITES OF CLERK OF HOUSE AND SECRETARY OF
22 SENATE.—Section 304 of such Act (52 U.S.C. 30104),
23 as amended by section 4002 and section 4208(a), is
24 amended by adding at the end the following new sub-
25 section:

1 “(l) REQUIRING INFORMATION ON REGISTERED LOB-
2 BYISTS TO BE LINKED TO WEBSITES OF CLERK OF
3 HOUSE AND SECRETARY OF SENATE.—

4 “(1) LINKS TO WEBSITES.—The Commission
5 shall ensure that the Commission’s public database
6 containing information described in paragraph (2) is
7 linked electronically to the websites maintained by
8 the Secretary of the Senate and the Clerk of the
9 House of Representatives containing information
10 filed pursuant to the Lobbying Disclosure Act of
11 1995.

12 “(2) INFORMATION DESCRIBED.—The informa-
13 tion described in this paragraph is each of the fol-
14 lowing:

15 “(A) Information disclosed under para-
16 graph (9) of subsection (b).

17 “(B) Information disclosed under subpara-
18 graph (D) of subsection (c)(2).

19 “(C) Information disclosed under subpara-
20 graph (G) of subsection (f)(2).”.

21 **SEC. 9203. EFFECTIVE DATE.**

22 The amendments made by this subtitle shall apply
23 with respect to reports required to be filed under the Fed-
24 eral Election Campaign Act of 1971 on or after the expira-

tion of the 90-day period which begins on the date of the enactment of this Act.

Subtitle D—Access to Congressionally Mandated Reports

SEC. 9301. SHORT TITLE.

This subtitle may be cited as the “Access to Congressionally Mandated Reports Act”.

SEC. 9302. DEFINITIONS.

In this subtitle:

(1) CONGRESSIONALLY MANDATED REPORT.—

The term “congressionally mandated report”—

(A) means a report that is required to be submitted to either House of Congress or any committee of Congress, or subcommittee thereof, by a statute, resolution, or conference report that accompanies legislation enacted into law; and

(B) does not include a report required under part B of subtitle II of title 36, United States Code.

(2) DIRECTOR.—The term “Director” means the Director of the Government Publishing Office.

(3) FEDERAL AGENCY.—The term “Federal agency” has the meaning given that term under sec-

1 tion 102 of title 40, United States Code, but does
2 not include the Government Accountability Office.

3 (4) OPEN FORMAT.—The term “open format”
4 means a file format for storing digital data based on
5 an underlying open standard that—

6 (A) is not encumbered by any restrictions
7 that would impede reuse; and

8 (B) is based on an underlying open data
9 standard that is maintained by a standards or-
10 ganization.

11 (5) REPORTS ONLINE PORTAL.—The term “re-
12 ports online portal” means the online portal estab-
13 lished under section 9303(a).

14 **SEC. 9303. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**
15 **GRESSIONALLY MANDATED REPORTS.**

16 (a) REQUIREMENT TO ESTABLISH ONLINE POR-
17 TAL.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Director shall
20 establish and maintain an online portal accessible by
21 the public that allows the public to obtain electronic
22 copies of all congressionally mandated reports in one
23 place. The Director may publish other reports on the
24 online portal.

1 (2) EXISTING FUNCTIONALITY.—To the extent
2 possible, the Director shall meet the requirements
3 under paragraph (1) by using existing online portals
4 and functionality under the authority of the Direc-
5 tor.

6 (3) CONSULTATION.—In carrying out this sub-
7 title, the Director shall consult with the Clerk of the
8 House of Representatives, the Secretary of the Sen-
9 ate, and the Librarian of Congress regarding the re-
10 quirements for and maintenance of congressionally
11 mandated reports on the reports online portal.

12 (b) CONTENT AND FUNCTION.—The Director shall
13 ensure that the reports online portal includes the fol-
14 lowing:

15 (1) Subject to subsection (c), with respect to
16 each congressionally mandated report, each of the
17 following:

18 (A) A citation to the statute, conference
19 report, or resolution requiring the report.

20 (B) An electronic copy of the report, in-
21 cluding any transmittal letter associated with
22 the report, in an open format that is platform
23 independent and that is available to the public
24 without restrictions, including restrictions that

1 would impede the re-use of the information in
2 the report.

3 (C) The ability to retrieve a report, to the
4 extent practicable, through searches based on
5 each, and any combination, of the following:

6 (i) The title of the report.

7 (ii) The reporting Federal agency.

8 (iii) The date of publication.

9 (iv) Each congressional committee re-
10 ceiving the report, if applicable.

11 (v) The statute, resolution, or con-
12 ference report requiring the report.

13 (vi) Subject tags.

14 (vii) A unique alphanumeric identifier
15 for the report that is consistent across re-
16 port editions.

17 (viii) The serial number, Super-
18 intendent of Documents number, or other
19 identification number for the report, if ap-
20 plicable.

21 (ix) Key words.

22 (x) Full text search.

23 (xi) Any other relevant information
24 specified by the Director.

1 (D) The date on which the report was re-
2 quired to be submitted, and on which the report
3 was submitted, to the reports online portal.

4 (E) Access to the report not later than 30
5 calendar days after its submission to Congress.

6 (F) To the extent practicable, a permanent
7 means of accessing the report electronically.

8 (2) A means for bulk download of all congres-
9 sionally mandated reports.

10 (3) A means for downloading individual reports
11 as the result of a search.

12 (4) An electronic means for the head of each
13 Federal agency to submit to the reports online por-
14 tal each congressionally mandated report of the
15 agency, as required by section 9304.

16 (5) In tabular form, a list of all congressionally
17 mandated reports that can be searched, sorted, and
18 downloaded by—

19 (A) reports submitted within the required
20 time;

21 (B) reports submitted after the date on
22 which such reports were required to be sub-
23 mitted; and

24 (C) reports not submitted.

25 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

1 (1) REPORTS NOT SUBMITTED.—If a Federal
2 agency does not submit a congressionally mandated
3 report to the Director, the Director shall to the ex-
4 tent practicable—

5 (A) include on the reports online portal—

6 (i) the information required under
7 clauses (i), (ii), (iv), and (v) of subsection
8 (b)(1)(C); and

9 (ii) the date on which the report was
10 required to be submitted; and

11 (B) include the congressionally mandated
12 report on the list described in subsection
13 (b)(5)(C).

14 (2) REPORTS NOT IN OPEN FORMAT.—If a Fed-
15 eral agency submits a congressionally mandated re-
16 port that is not in an open format, the Director shall
17 include the congressionally mandated report in an-
18 other format on the reports online portal.

19 (d) FREE ACCESS.—The Director may not charge a
20 fee, require registration, or impose any other limitation
21 in exchange for access to the reports online portal.

22 (e) UPGRADE CAPABILITY.—The reports online por-
23 tal shall be enhanced and updated as necessary to carry
24 out the purposes of this subtitle.

1 **SEC. 9304. FEDERAL AGENCY RESPONSIBILITIES.**

2 (a) SUBMISSION OF ELECTRONIC COPIES OF RE-
3 PORTS.—Concurrently with the submission to Congress of
4 each congressionally mandated report, the head of the
5 Federal agency submitting the congressionally mandated
6 report shall submit to the Director the information re-
7 quired under subparagraphs (A) through (D) of section
8 9303(b)(1) with respect to the congressionally mandated
9 report. Nothing in this subtitle shall relieve a Federal
10 agency of any other requirement to publish the congres-
11 sionally mandated report on the online portal of the Fed-
12 eral agency or otherwise submit the congressionally man-
13 dated report to Congress or specific committees of Con-
14 gress, or subcommittees thereof.

15 (b) GUIDANCE.—Not later than 240 days after the
16 date of enactment of this Act, the Director of the Office
17 of Management and Budget, in consultation with the Di-
18 rector, shall issue guidance to agencies on the implementa-
19 tion of this subtitle.

20 (c) STRUCTURE OF SUBMITTED REPORT DATA.—
21 The head of each Federal agency shall ensure that each
22 congressionally mandated report submitted to the Director
23 complies with the open format criteria established by the
24 Director in the guidance issued under subsection (b).

1 (d) POINT OF CONTACT.—The head of each Federal
2 agency shall designate a point of contact for congression-
3 ally mandated report.

4 (e) LIST OF REPORTS.—As soon as practicable each
5 calendar year (but not later than April 1), and on a rolling
6 basis during the year if feasible, the Librarian of Congress
7 shall submit to the Director a list of congressionally man-
8 dated reports from the previous calendar year, in consulta-
9 tion with the Clerk of the House of Representatives, which
10 shall—

11 (1) be provided in an open format;

12 (2) include the information required under
13 clauses (i), (ii), (iv), and (v) of section
14 9303(b)(1)(C) for each report;

15 (3) include the frequency of the report;

16 (4) include a unique alphanumeric identifier for
17 the report that is consistent across report editions;

18 (5) include the date on which each report is re-
19 quired to be submitted; and

20 (6) be updated and provided to the Director, as
21 necessary.

22 **SEC. 9305. REMOVING AND ALTERING REPORTS.**

23 A report submitted to be published to the reports on-
24 line portal may only be changed or removed, with the ex-

1 ception of technical changes, by the head of the Federal
2 agency concerned if—

3 (1) the head of the Federal agency consults
4 with each congressional committee to which the re-
5 port is submitted; and

6 (2) Congress enacts a joint resolution author-
7 izing the changing or removal of the report.

8 **SEC. 9306. RELATIONSHIP TO THE FREEDOM OF INFORMA-**
9 **TION ACT.**

10 (a) IN GENERAL.—Nothing in this subtitle shall be
11 construed to—

12 (1) require the disclosure of information or
13 records that are exempt from public disclosure under
14 section 552 of title 5, United States Code; or

15 (2) to impose any affirmative duty on the Di-
16 rector to review congressionally mandated reports
17 submitted for publication to the reports online portal
18 for the purpose of identifying and redacting such in-
19 formation or records.

20 (b) REDACTION OF INFORMATION.—The head of a
21 Federal agency may redact information required to be dis-
22 closed under this subtitle if the information would be prop-
23 erly withheld from disclosure under section 552 of title
24 5, United States Code, and shall—

1 (1) redact information required to be disclosed
2 under this subtitle if disclosure of such information
3 is prohibited by law;

4 (2) redact information being withheld under
5 this subsection prior to submitting the information
6 to the Director;

7 (3) redact only such information properly with-
8 held under this subsection from the submission of
9 information or from any congressionally mandated
10 report submitted under this subtitle;

11 (4) identify where any such redaction is made
12 in the submission or report; and

13 (5) identify the exemption under which each
14 such redaction is made.

15 **SEC. 9307. IMPLEMENTATION.**

16 Except as provided in section 9304(b), this subtitle
17 shall be implemented not later than 1 year after the date
18 of enactment of this Act and shall apply with respect to
19 congressionally mandated reports submitted to Congress
20 on or after the date that is 1 year after such date of enact-
21 ment.

1 **Subtitle E—Reports on Outside**
2 **Compensation Earned by Con-**
3 **gressional Employees**

4 **SEC. 9401. REPORTS ON OUTSIDE COMPENSATION EARNED**
5 **BY CONGRESSIONAL EMPLOYEES.**

6 (a) REPORTS.—The supervisor of an individual who
7 performs services for any Member, committee, or other of-
8 fice of the Senate or House of Representatives for a period
9 in excess of four weeks and who receives compensation
10 therefor from any source other than the Federal Govern-
11 ment shall submit a report identifying the identity of the
12 source, amount, and rate of such compensation to—

13 (1) the Select Committee on Ethics of the Sen-
14 ate, in the case of an individual who performs serv-
15 ices for a Member, committee, or other office of the
16 Senate; or

17 (2) the Committee on Ethics of the House of
18 Representatives, in the case of an individual who
19 performs services for a Member (including a Dele-
20 gate or Resident Commissioner to the Congress),
21 committee, or other office of the House.

22 (b) TIMING.—The supervisor shall submit the report
23 required under subsection (a) with respect to an indi-
24 vidual—

1 (1) when such individual first begins per-
 2 forming services described in such subparagraph;

3 (2) at the close of each calendar quarter during
 4 which such individual is performing such services;
 5 and

6 (3) when such individual ceases to perform such
 7 services.

8 **Subtitle F—Severability**

9 **SEC. 9501. SEVERABILITY.**

10 If any provision of this title or amendment made by
 11 this title, or the application of a provision or amendment
 12 to any person or circumstance, is held to be unconstitu-
 13 tional, the remainder of this title and amendments made
 14 by this title, and the application of the provisions and
 15 amendment to any person or circumstance, shall not be
 16 affected by the holding.

17 **TITLE X—PRESIDENTIAL AND** 18 **VICE PRESIDENTIAL TAX** 19 **TRANSPARENCY**

Sec. 10001. Presidential and Vice Presidential tax transparency.

20 **SEC. 10001. PRESIDENTIAL AND VICE PRESIDENTIAL TAX** 21 **TRANSPARENCY.**

22 (a) DEFINITIONS.—In this section—

1 (1) The term “covered candidate” means a can-
2 didate of a major party in a general election for the
3 office of President or Vice President.

4 (2) The term “major party” has the meaning
5 given the term in section 9002 of the Internal Rev-
6 enue Code of 1986.

7 (3) The term “income tax return” means, with
8 respect to an individual, any return (as such term is
9 defined in section 6103(b)(1) of the Internal Rev-
10 enue Code of 1986, except that such term shall not
11 include declarations of estimated tax) of—

12 (A) such individual, other than information
13 returns issued to persons other than such indi-
14 vidual; or

15 (B) of any corporation, partnership, or
16 trust in which such individual holds, directly or
17 indirectly, a significant interest as the sole or
18 principal owner or the sole or principal bene-
19 ficial owner (as such terms are defined in regu-
20 lations prescribed by the Secretary of the
21 Treasury or his delegate).

22 (4) The term “Secretary” means the Secretary
23 of the Treasury or the delegate of the Secretary.

24 (b) DISCLOSURE.—

25 (1) IN GENERAL.—

1 (A) CANDIDATES FOR PRESIDENT AND
2 VICE PRESIDENT.—Not later than the date that
3 is 15 days after the date on which an individual
4 becomes a covered candidate, the individual
5 shall submit to the Federal Election Commis-
6 sion a copy of the individual's income tax re-
7 turns for the 10 most recent taxable years for
8 which a return has been filed with the Internal
9 Revenue Service.

10 (B) PRESIDENT AND VICE PRESIDENT.—
11 With respect to an individual who is the Presi-
12 dent or Vice President, not later than the due
13 date for the return of tax for each taxable year,
14 such individual shall submit to the Federal
15 Election Commission a copy of the individual's
16 income tax returns for the taxable year and for
17 the 9 preceding taxable years.

18 (C) TRANSITION RULE FOR SITTING PRESI-
19 DENTS AND VICE PRESIDENTS.—Not later than
20 the date that is 30 days after the date of enact-
21 ment of this section, an individual who is the
22 President or Vice President on such date of en-
23 actment shall submit to the Federal Election
24 Commission a copy of the income tax returns
25 for the 10 most recent taxable years for which

1 a return has been filed with the Internal Rev-
2 enue Service.

3 (2) FAILURE TO DISCLOSE.—If any require-
4 ment under paragraph (1) to submit an income tax
5 return is not met, the chairman of the Federal Elec-
6 tion Commission shall submit to the Secretary a
7 written request that the Secretary provide the Fed-
8 eral Election Commission with the income tax re-
9 turn.

10 (3) PUBLICLY AVAILABLE.—The chairman of
11 the Federal Election Commission shall make publicly
12 available each income tax return submitted under
13 paragraph (1) in the same manner as a return pro-
14 vided under section 6103(l)(23) of the Internal Rev-
15 enue Code of 1986 (as added by this section).

16 (4) TREATMENT AS A REPORT UNDER THE
17 FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For
18 purposes of the Federal Election Campaign Act of
19 1971, any income tax return submitted under para-
20 graph (1) or provided under section 6103(l)(23) of
21 the Internal Revenue Code of 1986 (as added by
22 this section) shall, after redaction under paragraph
23 (3) or subparagraph (B)(ii) of such section, be treat-
24 ed as a report filed under the Federal Election Cam-
25 paign Act of 1971.

1 (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND
2 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR
3 PRESIDENT AND VICE PRESIDENT.—

4 (1) IN GENERAL.—Section 6103(l) of the Inter-
5 nal Revenue Code of 1986 is amended by adding at
6 the end the following new paragraph:

7 “(23) DISCLOSURE OF RETURN INFORMATION
8 OF PRESIDENTS AND VICE PRESIDENTS AND CER-
9 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-
10 DENT.—

11 “(A) IN GENERAL.—Upon written request
12 by the chairman of the Federal Election Com-
13 mission under section 10001(b)(2) of the For
14 the People Act of 2021, not later than the date
15 that is 15 days after the date of such request,
16 the Secretary shall provide copies of any return
17 which is so requested to officers and employees
18 of the Federal Election Commission whose offi-
19 cial duties include disclosure or redaction of
20 such return under this paragraph.

21 “(B) DISCLOSURE TO THE PUBLIC.—

22 “(i) IN GENERAL.—The chairman of
23 the Federal Election Commission shall
24 make publicly available any return which is
25 provided under subparagraph (A).

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code is amended—

(A) in the matter preceding subparagraph (A) by striking “or (22)” and inserting “(22), or (23)”; and

(B) in subparagraph (F)(ii) by striking “or (22)” and inserting “(22), or (23)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures made on or after the date of enactment of this Act.

Passed the House of Representatives March 3, 1871.

Attest:

CHERYL L. JOHNSON,
Clerk.