

115TH CONGRESS
2D SESSION

H. R. 5011

To protect elections for public office by providing financial support and enhanced security for the infrastructure used to carry out such elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2018

Mr. THOMPSON of Mississippi (for himself, Mr. BRADY of Pennsylvania, Ms. LOFGREN, Mr. LANGEVIN, Mr. RICHMOND, and Mrs. DEMINGS) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Homeland Security, Intelligence (Permanent Select), the Judiciary, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect elections for public office by providing financial support and enhanced security for the infrastructure used to carry out such elections, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Election Security Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Sense of Congress on need to improve election infrastructure security.

TITLE I—FINANCIAL SUPPORT FOR ELECTION INFRASTRUCTURE

Subtitle A—Voting System Security Improvement Grants

Sec. 101. Voting system security grants.

Sec. 102. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.

Sec. 103. Incorporation of definition of election infrastructure.

Subtitle B—Grants for Risk-Limiting Audits of Results

Sec. 111. Grants to States for conducting risk-limiting audits of results of elections.

Sec. 112. GAO analysis of effects of audits.

Subtitle C—Election Infrastructure Innovation Grant Program

Sec. 121. Election Infrastructure Innovation Grant Program.

TITLE II—SECURITY MEASURES

Sec. 201. Election infrastructure designation.

Sec. 202. Timely threat information.

Sec. 203. Security clearance assistance for election officials.

Sec. 204. Pre-election threat assessments.

Sec. 205. Security risk and vulnerability assessments.

Sec. 206. Annual Report.

TITLE III—ENHANCING PROTECTIONS FOR UNITED STATES
 DEMOCRATIC INSTITUTIONS

Sec. 301. National strategy to protect United States democratic institutions.

Sec. 302. National Commission To Protect United States Democratic Institutions.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Definitions.

Sec. 402. Initial report on adequacy of resources available for implementation.

3 **SEC. 2. SENSE OF CONGRESS ON NEED TO IMPROVE ELEC-**
 4 **TION INFRASTRUCTURE SECURITY.**

5 It is the sense of Congress that, in light of the lessons
 6 learned from Russian interference in the 2016 Presi-
 7 dential election, the Federal Government should intensify

1 its efforts to improve the security of election infrastructure
 2 in the United States, including through the use of indi-
 3 vidual, durable, paper ballots marked by the voter by
 4 hand.

5 **TITLE I—FINANCIAL SUPPORT**
 6 **FOR ELECTION INFRASTRUC-**
 7 **TURE**

8 **Subtitle A—Voting System Security**
 9 **Improvement Grants**

10 **SEC. 101. VOTING SYSTEM SECURITY GRANTS.**

11 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
 12 II of the Help America Vote Act of 2002 (52 U.S.C.
 13 21001 et seq.) is amended by adding at the end the fol-
 14 lowing new part:

15 **“PART 7—GRANTS FOR OBTAINING PAPER BAL-**
 16 **LOT VOTING SYSTEMS AND CARRYING OUT**
 17 **VOTING SYSTEM IMPROVEMENTS**

18 **“SEC. 297. GRANTS FOR OBTAINING PAPER BALLOT VOTING**
 19 **SYSTEMS AND CARRYING OUT VOTING SYS-**
 20 **TEM SECURITY IMPROVEMENTS.**

21 “(a) AVAILABILITY AND USE OF GRANT.—The Com-
 22 mission shall make a grant to each eligible State—

23 “(1) to replace voting systems which are not
 24 qualified paper ballot voting systems with voting sys-
 25 tems which are qualified paper ballot voting systems,

1 for use in the regularly scheduled general elections
2 for Federal office held in November 2018, in accord-
3 ance with section 297A; and

4 “(2) to carry out voting system security im-
5 provements described in section 297B with respect
6 to the regularly scheduled general elections for Fed-
7 eral office held in November 2018 and each suc-
8 ceeding election for Federal office.

9 “(b) AMOUNT OF GRANT.—The amount of a grant
10 made to a State under this section shall be such amount
11 as the Commission determines to be appropriate, except
12 that such amount may not be less than the product of
13 \$1 and the average of the number of individuals who cast
14 votes in any of the two most recent regularly scheduled
15 general elections for Federal office held in the State.

16 “(c) PRO RATA REDUCTIONS.—If the amount of
17 funds appropriated for grants under this part is insuffi-
18 cient to ensure that each State receives the amount of the
19 grant calculated under subsection (b), the Commission
20 shall make such pro rata reductions in such amounts as
21 may be necessary to ensure that the entire amount appro-
22 priated under this part is distributed to the States.

23 **“SEC. 297A. QUALIFIED PAPER BALLOT VOTING SYSTEMS.**

24 “(a) USE OF FUNDS TO OBTAIN SYSTEMS.—A State
25 may use a grant under this part—

1 “(1) to replace a voting system which is not a
2 qualified paper ballot voting systems with a qualified
3 paper ballot voting system; or

4 “(2) to replace a qualified paper voting system
5 which is not in compliance with the most recent vol-
6 untary voting system guidelines issued by the Com-
7 mission prior to the regularly scheduled general elec-
8 tion for Federal office held in November 2018 with
9 another qualified paper voting system which is in
10 compliance with such guidelines.

11 “(b) DEFINITION.—

12 “(1) IN GENERAL.—In this part, a ‘qualified
13 paper ballot voting system’ is a voting system which
14 requires the use of an individual, durable, paper bal-
15 lot marked by the voter by hand.

16 “(2) ACCESSIBILITY OF SYSTEMS FOR INDIVID-
17 UALS WITH DISABILITIES.—A voting system used by
18 individuals with disabilities, and others, may be
19 treated as a qualified paper ballot voting system for
20 purposes of this part if the system provides an indi-
21 vidual with an equivalent opportunity, including with
22 privacy and independence, to vote in a manner that
23 produces a paper ballot of the vote as for other vot-
24 ers.

1 **“SEC. 297B. VOTING SYSTEM SECURITY IMPROVEMENTS**
2 **DESCRIBED.**

3 “(a) PERMITTED USES.—A voting system security
4 improvement described in this section is any of the fol-
5 lowing:

6 “(1) The acquisition of goods and services from
7 qualified election infrastructure vendors by purchase,
8 lease, or such other arrangements as may be appro-
9 priate.

10 “(2) Cyber and risk mitigation training.

11 “(3) A security risk and vulnerability assess-
12 ment of the State’s election infrastructure which is
13 carried out by a provider of cybersecurity services
14 under a contract entered into between the chief
15 State election official and the provider.

16 “(4) The maintenance of election infrastruc-
17 ture, including addressing risks and vulnerabilities
18 which are identified under either of the security risk
19 and vulnerability assessments described in para-
20 graph (3), except that none of the funds provided
21 under this part may be used to renovate or replace
22 a building or facility which is used primarily for pur-
23 poses other than the administration of elections for
24 public office.

25 “(5) Providing increased technical support for
26 any information technology infrastructure that the

1 chief State election official deems to be part of the
2 State’s election infrastructure or designates as crit-
3 ical to the operation of the State’s election infra-
4 structure.

5 “(6) Enhancing the cybersecurity and oper-
6 ations of the information technology infrastructure
7 described in paragraph (4).

8 “(7) Enhancing the cybersecurity of voter reg-
9 istration systems.

10 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
11 DORS DESCRIBED.—

12 “(1) IN GENERAL.—For purposes of this part,
13 a ‘qualified election infrastructure vendor’ is any
14 person who provides, supports, or maintains, or who
15 seeks to provide, support, or maintain, election in-
16 frastructure on behalf of a State, unit of local gov-
17 ernment, or election agency (as defined in section
18 401 of the Election Security Act) who meets the cri-
19 teria described in paragraph (2).

20 “(2) CRITERIA.—The criteria described in this
21 paragraph are such criteria as the Chairman, in co-
22 ordination with the Secretary of Homeland Security,
23 shall establish and publish, and shall include each of
24 the following requirements:

1 “(A) The vendor must be owned and con-
2 trolled by a citizen or permanent resident of the
3 United States.

4 “(B) The vendor must disclose to the
5 Chairman and the Secretary, and to the chief
6 State election official of any State to which the
7 vendor provides any goods and services with
8 funds provided under this part, of any sourcing
9 outside the United States for parts of the elec-
10 tion infrastructure.

11 “(C) The vendor agrees to ensure that the
12 election infrastructure will be developed and
13 maintained in a manner that is consistent with
14 the cybersecurity best practices provided by the
15 Chairman in coordination with the Secretary.

16 “(D) The vendor agrees to maintain its in-
17 formation technology infrastructure in a man-
18 ner that is consistent with the cybersecurity
19 best practices provided by the Chairman in co-
20 ordination with the Secretary.

21 “(E) The vendor agrees to report any
22 known or suspected security incidents involving
23 election infrastructure to the chief State elec-
24 tion official of the State involved or the offi-

1 cial’s designee, the Chairman, and the Sec-
2 retary.

3 **“SEC. 297C. 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 description of how the State will use the
9 grant to carry out the activities authorized under
10 this part;

11 “(2) a certification and assurance that, not
12 later than 5 years after receiving the grant, the
13 State will carry out risk-limiting audits of the re-
14 sults of elections for Federal office held in the State,
15 as described in section 298(b); and

16 “(3) such other information and assurances as
17 the Commission may require.

18 **“SEC. 297D. REPORTS TO CONGRESS.**

19 “Not later than 90 days after the end of each fiscal
20 year, the Commission shall submit a report to the appro-
21 priate congressional committees, including the Committees
22 on Homeland Security and House Administration of the
23 House of Representatives and the Committees on Home-
24 land Security and Governmental Affairs and Rules and

1 Administration of the Senate, on the activities carried out
 2 with the funds provided under this part.

3 **“SEC. 297E. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) AUTHORIZATION.—There are authorized to be
 5 appropriated for grants under this part—

6 “(1) \$1,000,000,000 for fiscal year 2018; and

7 “(2) \$175,000,000 for each of the fiscal years
 8 2019, 2021, 2023, and 2025.

9 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any
 10 amounts appropriated pursuant to the authorization of
 11 this section shall remain available until expended.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
 13 of such Act is amended by adding at the end of the items
 14 relating to subtitle D of title II the following:

“PART 7—GRANTS FOR OBTAINING PAPER BALLOT VOTING SYSTEMS AND
 CARRYING OUT VOTING SYSTEM IMPROVEMENTS

“Sec. 297. Grants for obtaining paper ballot voting systems and carrying
 out voting system security improvements.

“Sec. 297A. Qualified paper ballot voting systems.

“Sec. 297B. Voting system security improvements described.

“Sec. 297C. Eligibility of States.

“Sec. 297D. Reports to Congress.

“Sec. 297E. Authorization of appropriations.

1 **SEC. 102. COORDINATION OF VOTING SYSTEM SECURITY**
2 **ACTIVITIES WITH USE OF REQUIREMENTS**
3 **PAYMENTS AND ELECTION ADMINISTRATION**
4 **REQUIREMENTS UNDER HELP AMERICA**
5 **VOTE ACT OF 2002.**

6 (a) DUTIES OF ELECTION ASSISTANCE COMMIS-
7 SION.—Section 202 of the Help America Vote Act of 2002
8 (52 U.S.C. 20922) is amended in the matter preceding
9 paragraph (1) by striking “by” and inserting “and the se-
10 curity of election infrastructure by”.

11 (b) MEMBERSHIP OF SECRETARY OF HOMELAND SE-
12 CURITY ON BOARD OF ADVISORS OF ELECTION ASSIST-
13 ANCE COMMISSION.—Section 214(a) of such Act (52
14 U.S.C. 20944(a)) is amended—

15 (1) by striking “37 members” and inserting
16 “38 members”; and

17 (2) by adding at the end the following new
18 paragraph:

19 “(17) The Secretary of Homeland Security or
20 the Secretary’s designee.”.

21 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-
22 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-
23 MENT COMMITTEE.—Section 221(c)(1) of such Act (52
24 U.S.C. 20961(c)(1)) is amended—

25 (1) by redesignating subparagraph (E) as sub-
26 paragraph (F); and

1 (2) by inserting after subparagraph (D) the fol-
2 lowing new subparagraph:

3 “(E) A representative of the Department
4 of Homeland Security.”.

5 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-
6 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY
7 OF HOMELAND SECURITY.—Section 241(a) of such Act
8 (52 U.S.C. 20981(a)) is amended—

9 (1) in the matter preceding paragraph (1), by
10 striking “the Commission shall” and inserting “the
11 Commission, in consultation with the Secretary of
12 Homeland Security (as appropriate), shall”;

13 (2) by striking “and” at the end of paragraph
14 (3);

15 (3) by redesignating paragraph (4) as para-
16 graph (5); and

17 (4) by inserting after paragraph (3) the fol-
18 lowing new paragraph:

19 “(4) will be secure against attempts to under-
20 mine the integrity of election systems by cyber or
21 other means; and”.

22 (e) REQUIREMENTS PAYMENTS.—

23 (1) USE OF PAYMENTS FOR VOTING SYSTEM
24 SECURITY IMPROVEMENTS.—Section 251(b) of such

1 Act (52 U.S.C. 21001(b)) is amended by adding at
2 the end the following new paragraph:

3 “(3) PERMITTING USE OF PAYMENTS FOR VOT-
4 ING SYSTEM SECURITY IMPROVEMENTS.—A State
5 may use a requirements payment to carry out any
6 of the following activities:

7 “(A) Cyber and risk mitigation training.

8 “(B) Providing increased technical support
9 for any information technology infrastructure
10 that the chief State election official deems to be
11 part of the State’s election infrastructure or
12 designates as critical to the operation of the
13 State’s election infrastructure.

14 “(C) Enhancing the cybersecurity and op-
15 erations of the information technology infra-
16 structure described in subparagraph (B).

17 “(D) Enhancing the security of voter reg-
18 istration databases.”.

19 (2) INCORPORATION OF ELECTION INFRA-
20 STRUCTURE PROTECTION IN STATE PLANS FOR USE
21 OF PAYMENTS.—Section 254(a)(1) of such Act (52
22 U.S.C. 21004(a)(1)) is amended by striking the pe-
23 riod at the end and inserting “, including the protec-
24 tion of election infrastructure.”.

1 (3) COMPOSITION OF COMMITTEE RESPONSIBLE
2 FOR DEVELOPING STATE PLAN FOR USE OF PAY-
3 MENTS.—Section 255 of such Act (52 U.S.C.
4 21005) is amended—

5 (A) by redesignating subsection (b) as sub-
6 section (c); and

7 (B) by inserting after subsection (a) the
8 following new subsection:

9 “(b) GEOGRAPHIC REPRESENTATION.—The mem-
10 bers of the committee shall be a representative group of
11 individuals from the State’s counties, cities, towns, and
12 Indian tribes, and shall represent the needs of rural as
13 well as urban areas of the State, as the case may be.”.

14 (f) ENSURING PROTECTION OF COMPUTERIZED
15 STATEWIDE VOTER REGISTRATION LIST.—Section
16 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-
17 ed by striking the period at the end and inserting “, as
18 well as other measures to prevent and deter cybersecurity
19 incidents, as identified by the Commission and the Sec-
20 retary of Homeland Security.”.

21 **SEC. 103. INCORPORATION OF DEFINITION OF ELECTION**
22 **INFRASTRUCTURE.**

23 (a) IN GENERAL.—Section 901 of the Help America
24 Vote Act of 2001 (52 U.S.C. 21141) is amended to read
25 as follows:

1 **“SEC. 901. DEFINITIONS.**

2 “In this Act, the following definitions apply:

3 “(1) The term ‘election infrastructure’ has the
4 meaning given such term in section 401 of the Elec-
5 tion Security Act.

6 “(2) The term ‘State’ means each of the several
7 States, the District of Columbia, the Commonwealth
8 of Puerto Rico, Guam, American Samoa, and the
9 United States Virgin Islands.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 of such Act is amended by amending the item relating to
12 section 901 to read as follows:

“Sec. 901. Definitions.”.

13 **Subtitle B—Grants for Risk-**
14 **Limiting Audits of Results**

15 **SEC. 111. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
16 **ITING AUDITS OF RESULTS OF ELECTIONS.**

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 101(a), is further
20 amended by adding at the end the following new part:

1 **“PART 8—GRANTS FOR CONDUCTING RISK-**
2 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
3 **“SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
4 **DITS OF RESULTS OF ELECTIONS.**

5 “(a) AVAILABILITY OF GRANTS.—The Commission
6 shall make a grant to each eligible State to conduct risk-
7 limiting audits as described in subsection (b) with respect
8 to the regularly scheduled general elections for Federal of-
9 fice held in November 2018 and each succeeding election
10 for Federal office.

11 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
12 part, a risk-limiting audit is a manual tally of certain
13 marked paper ballots cast in an election which is con-
14 ducted in accordance with an audit protocol that—

15 “(1) makes use of statistical methods and is de-
16 signed to limit to acceptable levels the risk of certi-
17 fying a preliminary election outcome that is incon-
18 sistent with the election outcome that would be ob-
19 tained by conducting a full recount; and

20 “(2) provides for the selection of the election re-
21 sults that will be subject to the audit in accordance
22 with procedures established by the chief State elec-
23 tion official of the State under which the results of
24 all contested elections are eligible to be selected for
25 auditing.

1 **“SEC. 298A. ELIGIBILITY OF STATES.**

2 “A State is eligible to receive a grant under this part
3 if the State submits to the Commission, at such time and
4 in such form as the Commission may require, an applica-
5 tion containing—

6 “(1) a certification that the State will conduct
7 risk-limiting audits of the results of elections for
8 Federal office as described in section 298; and

9 “(2) such other information and assurances as
10 the Commission may require.

11 **“SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated for grants
13 under this part \$20,000,000 for fiscal year 2018, to re-
14 main available until expended.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 of such Act, as amended by section 101(b), is further
17 amended by adding at the end of the items relating to
18 subtitle D of title II the following:

“PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
OF ELECTIONS

“Sec. 298. Grants for conducting risk-limiting audits of results of elec-
tions.

“Sec. 298A. Eligibility of States.

“Sec. 298B. Authorization of appropriations.

19 **SEC. 112. GAO ANALYSIS OF EFFECTS OF AUDITS.**

20 (a) ANALYSIS.—Not later than 6 months after the
21 first election for Federal office is held after grants are
22 first awarded to States for conducting risk-limiting under

1 part 8 of subtitle D of title II of the Help America Vote
 2 Act of 2002 (as added by section 111) for conducting risk-
 3 limiting audits of elections for Federal office, the Comp-
 4 troller General of the United States shall conduct an anal-
 5 ysis of the extent to which such audits have improved the
 6 administration of such elections and the security of elec-
 7 tion infrastructure in the States receiving such grants.

8 (b) REPORT.—The Comptroller General of the
 9 United States shall submit a report on the analysis con-
 10 ducted under subsection (a) to each of the following Com-
 11 mittees:

12 (1) The Committee on Homeland Security of
 13 the House of Representatives.

14 (2) The Committee on House Administration of
 15 the House of Representatives.

16 (3) The Committee on Homeland Security and
 17 Governmental Affairs of the Senate.

18 (4) The Committee on Rules and Administra-
 19 tion of the Senate.

20 **Subtitle C—Election Infrastructure** 21 **Innovation Grant Program**

22 **SEC. 121. ELECTION INFRASTRUCTURE INNOVATION** 23 **GRANT PROGRAM.**

24 (a) IN GENERAL.—Title III of the Homeland Secu-
 25 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended—

1 (1) by redesignating the second section 319 (re-
2 lating to EMP and GMD mitigation research and
3 development) as section 320; and

4 (2) by adding at the end the following new sec-
5 tion:

6 **“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION**
7 **GRANT PROGRAM.**

8 “(a) ESTABLISHMENT.—The Secretary, acting
9 through the Under Secretary for Science and Technology,
10 in coordination with the Chairman of the Election Assist-
11 ance Commission (established pursuant to the Help Amer-
12 ica Vote Act of 2002) and in consultation with the Direc-
13 tor of the National Science Foundation, shall establish a
14 competitive grant program to award grants to eligible enti-
15 ties, on a competitive basis, for purposes of research and
16 development that are determined to have the potential to
17 significantly to improve the security (including cybersecu-
18 rity), quality, reliability, accuracy, accessibility, and af-
19 fordability of election infrastructure.

20 “(b) REPORT TO CONGRESS.—Not later than 90 days
21 after the conclusion of each fiscal year for which grants
22 are awarded under this section, the Secretary shall submit
23 to the Committee on Homeland Security and the Com-
24 mittee on House Administration of the House of Rep-
25 resentatives and the Committee on Homeland Security

1 and Governmental Affairs and the Committee on Rules
2 and Administration of the Senate a report describing such
3 grants and analyzing the impact, if any, of such grants
4 on the security and operation of election infrastructure.

5 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to the Secretary
7 \$6,250,000 for each of fiscal years 2018 through 2026
8 for purposes of carrying out this section.

9 “(d) ELIGIBLE ENTITY DEFINED.—In this section,
10 the term ‘eligible entity’ means—

11 “(1) an institution of higher education (as de-
12 fined in section 101(a) of the Higher Education Act
13 of 1965 (20 U.S.C. 1001(a))), including an institu-
14 tion of higher education that is a historically Black
15 college or university (which has the meaning given
16 the term “part B institution” in section 322 of such
17 Act (20 U.S.C. 1061)) or other minority-serving in-
18 stitution listed in section 371(a) of such Act (20
19 U.S.C. 1067q(a));

20 “(2) an organization described in section
21 501(c)(3) of the Internal Revenue Code of 1986 and
22 exempt from tax under section 501(a) of such Code;
23 or

24 “(3) an organization, association, or a for-profit
25 company, including a small business concern (as

1 such term is defined under section 3 of the Small
2 Business Act (15 U.S.C. 632)), including a small
3 business concern owned and controlled by socially
4 and economically disadvantaged individuals as de-
5 fined under section 8(d)(3)(C) of the Small Business
6 Act (15 U.S.C. 637(d)(3)(C)).”.

7 (b) DEFINITION.—Section 2 of the Homeland Secu-
8 rity Act of 2002 (6 U.S.C. 101) is amended—

9 (1) by redesignating paragraphs (6) through
10 (20) as paragraphs (7) through (21), respectively;
11 and

12 (2) by inserting after paragraph (5) the fol-
13 lowing new paragraph:

14 “(6) ELECTION INFRASTRUCTURE.—The term
15 ‘election infrastructure’ means storage facilities,
16 polling places, and centralized vote tabulation loca-
17 tions used to support the administration of elections
18 for public office, as well as related information and
19 communications technology, including voter registra-
20 tion databases, voting machines, electronic mail and
21 other communications systems (including electronic
22 mail and other systems of vendors who have entered
23 into contracts with election agencies to support the
24 administration of elections, manage the election
25 process, and report and display election results), and

1 other systems used to manage the election process
 2 and to report and display election results on behalf
 3 of an election agency.”.

4 (c) CLERICAL AMENDMENT.—The table of contents
 5 in section 1(b) of the Homeland Security Act of 2002 is
 6 amended by striking both items relating to section 319
 7 and the item relating to section 318 and inserting the fol-
 8 lowing new items:

“Sec. 318. Social media working group.

“Sec. 319. Transparency in research and development.

“Sec. 320. EMP and GMD mitigation research and development.

“Sec. 321. Election infrastructure innovation grant program.”.

9 **TITLE II—SECURITY MEASURES**

10 **SEC. 201. ELECTION INFRASTRUCTURE DESIGNATION.**

11 Subparagraph (J) of section 2001(3) of the Home-
 12 land Security Act of 2002 (6 U.S.C. 601(3)) is amended
 13 by inserting “, including election infrastructure” before
 14 the period at the end.

15 **SEC. 202. TIMELY THREAT INFORMATION.**

16 Subsection (d) of section 201 of the Homeland Secu-
 17 rity Act of 2002 (6 U.S.C. 121) is amended by adding
 18 at the end the following new paragraph:

19 “(27) To provide timely threat information re-
 20 garding election infrastructure to the chief State
 21 election official of the State with respect to which
 22 such information pertains.”.

1 **SEC. 203. SECURITY CLEARANCE ASSISTANCE FOR ELEC-**
2 **TION OFFICIALS.**

3 In order to promote the timely sharing of information
4 on threats to election infrastructure, the Secretary may—

5 (1) help expedite a security clearance for the
6 chief State election official and other appropriate
7 State personnel involved in the administration of
8 elections, as designated by the chief State election
9 official;

10 (2) sponsor a security clearance for the chief
11 State election official and other appropriate State
12 personnel involved in the administration of elections,
13 as designated by the chief State election official; and

14 (3) facilitate the issuance of a temporary clear-
15 ance to the chief State election official and other ap-
16 propriate State personnel involved in the administra-
17 tion of elections, as designated by the chief State
18 election official, if the Secretary determines classi-
19 fied information to be timely and relevant to the
20 election infrastructure of the State at issue.

21 **SEC. 204. PRE-ELECTION THREAT ASSESSMENTS.**

22 (a) SUBMISSION OF ASSESSMENT BY DNI.—Not
23 later than 180 days before the date of each regularly
24 scheduled general election for Federal office, the Director
25 of National Intelligence shall submit an assessment of the
26 full scope of threats to election infrastructure, including

1 cybersecurity threats posed by State actors and terrorist
2 groups, and recommendations to address or mitigate the
3 threats, as developed by the Secretary and Chairman, to—

4 (1) the chief State election official of each
5 State;

6 (2) the Committees on Homeland Security and
7 House Administration of the House of Representa-
8 tives and the Committees on Homeland Security and
9 Governmental Affairs and Rules and Administration
10 of the Senate; and

11 (3) any other appropriate congressional com-
12 mittees.

13 (b) EFFECTIVE DATE.—Subsection (a) shall apply
14 with respect to the regularly scheduled general election for
15 Federal office held in November 2018 and each succeeding
16 regularly scheduled general election for Federal office.

17 **SEC. 205. SECURITY RISK AND VULNERABILITY ASSESS-**
18 **MENTS.**

19 (a) IN GENERAL.—Paragraph (6) of section 227(c)
20 of the Homeland Security Act of 2002 (6 U.S.C. 148(c))
21 is amended by inserting “(including by carrying out a se-
22 curity risk and vulnerability assessment)” after “risk
23 management support”.

24 (b) PRIORITIZATION TO ENHANCE ELECTION SECU-
25 RITY.—

1 (1) IN GENERAL.—Not later than 90 days after
2 receiving a written request from a chief State elec-
3 tion official, the Secretary shall, to the extent prac-
4 ticable, commence a security risk and vulnerability
5 assessment (pursuant to paragraph (6) of section
6 227(c) of the Homeland Security Act of 2002, as
7 amended by subsection (a)) on election infrastruc-
8 ture in the State at issue.

9 (2) NOTIFICATION.—If the Secretary, upon re-
10 ceipt of a request described in paragraph (1), deter-
11 mines that a security risk and vulnerability assess-
12 ment cannot be commenced within 90 days, the Sec-
13 retary shall expeditiously notify the chief State elec-
14 tion official who submitted such request.

15 **SEC. 206. ANNUAL REPORT.**

16 Not later than one year after the date of the enact-
17 ment of this Act and annually thereafter through 2026,
18 the Secretary shall submit to the Committee on Homeland
19 Security and the Committee on House Administration of
20 the House of Representatives and the Committee on
21 Homeland Security and Governmental Affairs and the
22 Committee on Rules and Administration of the Senate a
23 report on—

24 (1) efforts to carry out section 203 during the
25 prior year, including specific information on which

1 States were helped, how many officials have been
 2 helped in each State, how many security clearances
 3 have been sponsored in each State, and how many
 4 temporary clearances have been issued in each State;
 5 and

6 (2) efforts to carry out section 205 during the
 7 prior year, including specific information on which
 8 States were helped, the dates on which the Secretary
 9 received a request for a security risk and vulner-
 10 ability assessment pursuant to such section, the
 11 dates on which the Secretary commenced each such
 12 request, and the dates on which the Secretary trans-
 13 mitted a notification in accordance with subsection
 14 (b)(2) of such section.

15 **TITLE III—ENHANCING PROTEC-**
 16 **TIONS FOR UNITED STATES**
 17 **DEMOCRATIC INSTITUTIONS**

18 **SEC. 301. NATIONAL STRATEGY TO PROTECT UNITED**
 19 **STATES DEMOCRATIC INSTITUTIONS.**

20 (a) IN GENERAL.—Not later than one year after the
 21 date of the enactment of this Act, the President, acting
 22 through the Secretary, in consultation with the Chairman,
 23 the Secretary of Defense, the Secretary of State, the At-
 24 torney General, the Secretary of Education, the Director
 25 of National Intelligence, the Chairman of the Federal

1 Election Commission, and the heads of any other appro-
2 priate Federal agencies, shall issue a national strategy to
3 protect against cyber attacks, influence operations, disin-
4 formation campaigns, and other activities that could un-
5 dermine the security and integrity of United States demo-
6 cratic institutions.

7 (b) CONSIDERATIONS.—The national strategy re-
8 quired under subsection (a) shall include consideration of
9 the following:

10 (1) The threat of a foreign State actor, foreign
11 terrorist organization (as designated pursuant to
12 section 219 of the Immigration and Nationality Act
13 (8 U.S.C. 1189)), or a domestic actor carrying out
14 a cyber attack, influence operation, disinformation
15 campaign, or other activity aimed at undermining
16 the security and integrity of United States demo-
17 cratic institutions.

18 (2) The extent to which United States demo-
19 cratic institutions are vulnerable to a cyber attack,
20 influence operation, disinformation campaign, or
21 other activity aimed at undermining the security and
22 integrity of such democratic institutions.

23 (3) Potential consequences, such as an erosion
24 of public trust or an undermining of the rule of law,
25 that could result from a successful cyber attack, in-

1 fluence operation, disinformation campaign, or other
2 activity aimed at undermining the security and in-
3 tegrity of United States democratic institutions.

4 (4) Lessons learned from other Western govern-
5 ments the institutions of which were subject to a
6 cyber attack, influence operation, disinformation
7 campaign, or other activity aimed at undermining
8 the security and integrity of such institutions, as
9 well as actions that could be taken by the United
10 States Government to bolster collaboration with for-
11 eign partners to detect, deter, prevent, and counter
12 such activities.

13 (5) Potential impacts such as an erosion of
14 public trust in democratic institutions as could be
15 associated with a successful cyber breach or other
16 activity negatively affecting election infrastructure.

17 (6) Roles and responsibilities of the Secretary,
18 the Chairman, and the heads of other Federal enti-
19 ties and non-Federal entities, including chief State
20 election officials and representatives of multi-State
21 information sharing and analysis center.

22 (7) Any findings, conclusions, and recommenda-
23 tions to strengthen protections for United States
24 democratic institutions that have been agreed to by
25 a majority of Commission members on the National

1 Commission To Protect United States Democratic
2 Institutions, authorized pursuant to section 302.

3 (c) IMPLEMENTATION PLAN.—Not later than 90
4 days after the issuance of the national strategy required
5 under subsection (a), the President, acting through the
6 Secretary, in coordination with the Chairman, shall issue
7 an implementation plan for Federal efforts to implement
8 such strategy that includes the following:

9 (1) Strategic objectives and corresponding
10 tasks.

11 (2) Projected timelines and costs for the tasks
12 referred to in paragraph (1).

13 (3) Metrics to evaluate performance of such
14 tasks.

15 (d) CLASSIFICATION.—The national strategy re-
16 quired under subsection (a) shall be in unclassified form
17 but may contain a classified annex.

18 **SEC. 302. NATIONAL COMMISSION TO PROTECT UNITED**
19 **STATES DEMOCRATIC INSTITUTIONS.**

20 (a) ESTABLISHMENT.—There is established within
21 the legislative branch the National Commission To Protect
22 United States Democratic Institutions (hereafter in this
23 section referred to as the “Commission”).

1 (b) PURPOSE.—The purpose of the Commission is to
2 counter efforts to undermine democratic institutions with-
3 in the United States.

4 (c) COMPOSITION.—

5 (1) MEMBERSHIP.—The Commission shall be
6 composed of 10 members appointed for the life of
7 the Commission as follows:

8 (A) One member shall be appointed by the
9 Secretary.

10 (B) One member shall be appointed by the
11 Chairman.

12 (C) Two members shall be appointed by
13 the majority leader of the Senate, in consulta-
14 tion with the Chairman of the Committee on
15 Homeland Security and Governmental Affairs
16 and the Chairman of the Committee on Rules
17 and Administration.

18 (D) Two members shall be appointed by
19 the minority leader of the Senate, in consulta-
20 tion with the ranking minority member of the
21 Committee on Homeland Security and Govern-
22 mental Affairs and the ranking minority mem-
23 ber of the Committee on Rules and Administra-
24 tion.

1 (E) Two members shall be appointed by
2 the Speaker of the House of Representatives, in
3 consultation with the Chairman of the Com-
4 mittee on Homeland Security and the Chairman
5 of the Committee on House Administration.

6 (F) Two members shall be appointed by
7 the minority leader of the House of Representa-
8 tives, in consultation with the ranking minority
9 member of the Committee on Homeland Secu-
10 rity and the ranking minority member of the
11 Committee on House Administration.

12 (2) QUALIFICATIONS.—Individuals shall be se-
13 lected for appointment to the Commission solely on
14 the basis of their professional qualifications, achieve-
15 ments, public stature, experience, and expertise in
16 relevant fields, including, but not limited to cyberse-
17 curity, national security, and the Constitution of the
18 United States.

19 (3) NO COMPENSATION FOR SERVICE.—Mem-
20 bers shall not receive compensation for service on
21 the Commission, but shall receive travel expenses,
22 including per diem in lieu of subsistence, in accord-
23 ance with chapter 57 of title 5, United States Code.

24 (4) DEADLINE FOR APPOINTMENT.—All mem-
25 bers of the Commission shall be appointed no later

1 than 60 days after the date of the enactment of this
2 Act.

3 (5) VACANCIES.—A vacancy on the Commission
4 shall not affect its powers and shall be filled in the
5 manner in which the original appointment was
6 made. The appointment of the replacement member
7 shall be made not later than 60 days after the date
8 on which the vacancy occurs.

9 (d) CHAIR AND VICE CHAIR.—The Commission shall
10 elect a Chair and Vice Chair from among its members.

11 (e) QUORUM AND MEETINGS.—

12 (1) QUORUM.—The Commission shall meet and
13 begin the operations of the Commission not later
14 than 30 days after the date on which all members
15 have been appointed or, if such meeting cannot be
16 mutually agreed upon, on a date designated by the
17 Speaker of the House of Representatives and the
18 President pro Tempore of the Senate. Each subse-
19 quent meeting shall occur upon the call of the Chair
20 or a majority of its members. A majority of the
21 members of the Commission shall constitute a
22 quorum, but a lesser number may hold meetings.

23 (2) AUTHORITY OF INDIVIDUALS TO ACT FOR
24 COMMISSION.—Any member of the Commission may,
25 if authorized by the Commission, take any action

1 that the Commission is authorized to take under this
2 section.

3 (f) POWERS.—

4 (1) HEARINGS AND EVIDENCE.—The Commis-
5 sion (or, on the authority of the Commission, any
6 subcommittee or member thereof) may, for the pur-
7 pose of carrying out this section, hold hearings and
8 sit and act at such times and places, take such testi-
9 mony, receive such evidence, and administer such
10 oaths as the Commission considers advisable to
11 carry out its duties.

12 (2) CONTRACTING.—The Commission may, to
13 such extent and in such amounts as are provided in
14 appropriation Acts, enter into contracts to enable
15 the Commission to discharge its duties under this
16 section.

17 (g) ASSISTANCE FROM FEDERAL AGENCIES.—

18 (1) GENERAL SERVICES ADMINISTRATION.—
19 The Administrator of General Services shall provide
20 to the Commission on a reimbursable basis adminis-
21 trative support and other services for the perform-
22 ance of the Commission's functions.

23 (2) OTHER DEPARTMENTS AND AGENCIES.—In
24 addition to the assistance provided under paragraph
25 (1), the Department of Homeland Security, the

1 Election Assistance Commission, and other appro-
2 priate departments and agencies of the United
3 States shall provide to the Commission such serv-
4 ices, funds, facilities, and staff as they may deter-
5 mine advisable and as may be authorized by law.

6 (h) PUBLIC MEETINGS.—Any public meetings of the
7 Commission shall be conducted in a manner consistent
8 with the protection of information provided to or developed
9 for or by the Commission as required by any applicable
10 statute, regulation, or Executive order.

11 (i) SECURITY CLEARANCES.—

12 (1) IN GENERAL.—The heads of appropriate
13 departments and agencies of the executive branch
14 shall cooperate with the Commission to expeditiously
15 provide Commission members and staff with appro-
16 priate security clearances to the extent possible
17 under applicable procedures and requirements.

18 (2) PREFERENCES.—In appointing staff, ob-
19 taining detailees, and entering into contracts for the
20 provision of services for the Commission, the Com-
21 mission shall give preference to individuals otherwise
22 who have active security clearances.

23 (j) REPORTS.—

24 (1) INTERIM REPORTS.—At any time prior to
25 the submission of the final report under paragraph

1 (2), the Commission may submit interim reports to
2 the President and Congress such findings, conclu-
3 sions, and recommendations to strengthen protec-
4 tions for democratic institutions in the United
5 States as have been agreed to by a majority of the
6 members of the Commission.

7 (2) FINAL REPORT.—Not later than 18 months
8 after the date of the first meeting of the Commis-
9 sion, the Commission shall submit to the President
10 and Congress a final report containing such find-
11 ings, conclusions, and recommendations to strength-
12 en protections for democratic institutions in the
13 United States as have been agreed to by a majority
14 of the members of the Commission.

15 (k) TERMINATION.—

16 (1) IN GENERAL.—The Commission shall termi-
17 nate upon the expiration of the 60-day period which
18 begins on the date on which the Commission submits
19 the final report required under subsection (j)(2).

20 (2) ADMINISTRATIVE ACTIVITIES PRIOR TO
21 TERMINATION.—During the 60-day period described
22 in paragraph (2), the Commission may carry out
23 such administrative activities as may be required to
24 conclude its work, including providing testimony to

1 committees of Congress concerning the final report
2 and disseminating the final report.

3 (l) NONAPPLICABILITY OF FEDERAL ADVISORY COM-
4 MITTEE ACT.—The Federal Advisory Committee Act (5
5 U.S.C. App.) shall not apply to the Commission.

6 **TITLE IV—MISCELLANEOUS**
7 **PROVISIONS**

8 **SEC. 401. DEFINITIONS.**

9 In this Act, the following definitions apply:

10 (1) The term “Chairman” means the chair of
11 the Election Assistance Commission.

12 (2) The term “chief State election official”
13 means, with respect to a State, the individual des-
14 ignated by the State under section 10 of the Na-
15 tional Voter Registration Act of 1993 (52 U.S.C.
16 20509) to be responsible for coordination of the
17 State’s responsibilities under such Act.

18 (3) The term “Commission” means the Election
19 Assistance Commission.

20 (4) The term “democratic institutions” means
21 the diverse range of institutions that are essential to
22 ensuring an independent judiciary, free and fair elec-
23 tions, and rule of law.

24 (5) The term “election agency” means any com-
25 ponent of a State, or any component of a unit of

1 local government in a State, which is responsible for
2 the administration of elections for Federal office in
3 the State.

4 (6) The term “election infrastructure” means
5 storage facilities, polling places, and centralized vote
6 tabulation locations used to support the administra-
7 tion of elections for public office, as well as related
8 information and communications technology, includ-
9 ing voter registration databases, voting machines,
10 electronic mail and other communications systems
11 (including electronic mail and other systems of ven-
12 dors who have entered into contracts with election
13 agencies to support the administration of elections,
14 manage the election process, and report and display
15 election results), and other systems used to manage
16 the election process and to report and display elec-
17 tion results on behalf of an election agency.

18 (7) The term “Secretary” means the Secretary
19 of Homeland Security.

20 (8) The term “State” has the meaning given
21 such term in section 901 of the Help America Vote
22 Act of 2002 (52 U.S.C. 21141).

1 **SEC. 402. INITIAL REPORT ON ADEQUACY OF RESOURCES**
2 **AVAILABLE FOR IMPLEMENTATION.**

3 Not later than 120 days after the enactment of this
4 Act, the Chairman and the Secretary shall submit a report
5 to 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 Act and
11 the amendments made by this Act.

○