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S. 27

To establish an independent commission to examine and report on the facts regarding the extent of Russian official and unofficial cyber operations and other attempts to interfere in the 2016 United States national election, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2017

Mr. CARDIN (for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mr. CARPER, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish an independent commission to examine and report on the facts regarding the extent of Russian official and unofficial cyber operations and other attempts to interfere in the 2016 United States national election, 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. ESTABLISHMENT OF COMMISSION.**

4 There is established an independent commission,
5 which shall be known as the “Commission to End Russian
6 Interference in United States Elections” (referred to in
7 this Act as the “Commission”).

1 **SEC. 2. FUNCTIONS.**

2 The Commission shall—

3 (1) comprehensively examine the facts regard-
4 ing the extent of Russian official and unofficial
5 cyber operations and other attempts to interfere in
6 the 2016 United States national election;

7 (2) examine attempts by the Russian Govern-
8 ment, persons or entities associated with the Rus-
9 sian Government, or other persons or entities within
10 Russia to use cyber-enabled means to access, alter,
11 or otherwise tamper with—

12 (A) United States electronic voting sys-
13 tems;

14 (B) United States voter roll information;

15 (C) the Democratic National Committee;

16 (D) the Democratic Congressional Cam-
17 paign Committee;

18 (E) the Democratic Governors Association;

19 (F) the Republican National Committee;

20 (G) the Republican Congressional Cam-
21 paign Committee;

22 (H) the Republican Governors Association;

23 (I) Donald J. Trump for President, Inc.;

24 and

25 (J) Hillary for America (the Hillary Clin-
26 ton Presidential campaign);

1 (3) examine efforts by the Russian Government,
2 persons or entities associated with the Russian Gov-
3 ernment, or persons or entities within Russia to gen-
4 erate, put forward, disseminate, or promote propa-
5 ganda relevant to any election for public office held
6 in the United States during 2016;

7 (4) examine efforts by the Russian Government
8 to collaborate with other governments, entities, or
9 individuals to carry out activities described in para-
10 graphs (2) and (3);

11 (5) examine attempts or activities by govern-
12 ments, persons associated with a government, enti-
13 ties, and individuals other than those described in
14 paragraph (3) to use electronic means to influence,
15 interfere with, or sow distrust in elections for public
16 office held in the United States during 2016;

17 (6) ascertain, evaluate, and report on the evi-
18 dence developed by all relevant government agencies,
19 including the Department of State, the Office of the
20 Director for National Intelligence, the Central Intel-
21 ligence Agency, the National Security Agency, the
22 Department of Homeland Security, the Federal Bu-
23 reau of Investigation, the Department of Defense,
24 and State election commissions, regarding the facts
25 and circumstances surrounding Russia's interference

1 with elections for public office held in the United
2 States during 2016;

3 (7) review and build upon the findings of com-
4 pleted or ongoing efforts to the investigate such
5 Russian interference, including investigations or in-
6 quires conducted by—

7 (A) the Administration of President
8 Barack Obama;

9 (B) the Select Committee on Intelligence
10 of the Senate;

11 (C) the Committee on Armed Services of
12 the Senate;

13 (D) the Committee on Foreign Relations of
14 the Senate; and

15 (E) other executive branch, congressional,
16 or independent entities;

17 (8) make a full accounting of—

18 (A) the circumstances surrounding official
19 and unofficial attempts to interfere in the 2016
20 United States election, including through cyber
21 operations and the promotion of propaganda or
22 other disinformation;

23 (B) the level of preparedness of Federal,
24 State, and local governments to defend against
25 such interference; and

1 (C) the United States response to such in-
2 terference; and

3 (9) submit a report to the President and Con-
4 gress, in accordance with section 9, on the findings,
5 conclusions, and recommendations of the Commis-
6 sion on preventing the reoccurrence of such inter-
7 ference.

8 **SEC. 3. COMPOSITION.**

9 (a) APPOINTMENTS.—

10 (1) IN GENERAL.—The Commission shall be
11 composed of eight members, of which—

12 (A) two shall be appointed by the majority
13 leader of the Senate;

14 (B) two shall be appointed by the minority
15 leader of the Senate;

16 (C) two shall be appointed by the Speaker
17 of the House of Representatives; and

18 (D) two shall be appointed by the minority
19 leader of the House of Representatives.

20 (2) DEADLINE FOR APPOINTMENT.—Each ini-
21 tial member of the Commission shall be appointed
22 not later than 30 days after the date of the enact-
23 ment of this Act.

1 (3) PERIOD OF APPOINTMENT.—Each member
2 of the Commission shall be appointed for the life of
3 the Commission.

4 (b) QUALIFICATIONS.—

5 (1) POLITICAL PARTY AFFILIATION.—Not more
6 than 4 members of the Commission may be members
7 of the same political party.

8 (2) NONGOVERNMENTAL APPOINTEES.—None
9 of the members of the Commission may be a Mem-
10 ber of Congress (including a Delegate or Resident
11 Commissioner to Congress), an officer or employee
12 of the Federal Government, or an officer or em-
13 ployee of any State or local government.

14 (3) OTHER QUALIFICATIONS.—It is the sense of
15 Congress that individuals appointed to the Commis-
16 sion should be prominent United States citizens,
17 with national recognition and significant depth of ex-
18 perience in professions such as governmental service,
19 law enforcement, armed services, law, public admin-
20 istration, intelligence gathering, cybersecurity, elec-
21 tion administration, and foreign affairs.

22 (c) INITIAL MEETING; SELECTION OF CHAIR-
23 PERSON.—

24 (1) IN GENERAL.—Not later than 60 days after
25 the date of the enactment of this Act, the Commis-

1 sion shall hold an initial meeting to develop and im-
 2 plement a schedule for completing the review and re-
 3 port required under section 2(9).

4 (2) CHAIRPERSON; VICE-CHAIRPERSON.—At the
 5 initial meeting of the Commission, the Commission
 6 shall select a Chairperson and a Vice-Chairperson
 7 from among its members. The Chairperson and
 8 Vice-Chairperson may not be members of the same
 9 political party.

10 (d) QUORUM; VACANCIES.—

11 (1) QUORUM.—Six members of the Commission
 12 shall constitute a quorum.

13 (2) VACANCIES.—Any vacancy in the Commis-
 14 sion shall not affect the power and duties of the
 15 Commission and shall be filled in accordance with
 16 subsection (a) not later than 90 days after the oc-
 17 currence of such vacancy.

18 **SEC. 4. POWERS OF THE COMMISSION.**

19 (a) IN GENERAL.—

20 (1) MEETINGS.—After its initial meeting under
 21 section 3(c)(1), the Commission shall meet upon the
 22 call of the Chairperson or a majority of its members.

23 (2) HEARINGS AND EVIDENCE.—The Commis-
 24 sion may—

(A) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, including classified testimony, evidence, and information, and administer such oaths as may be necessary to carry out its functions under section 2; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, including classified materials, as the Commission or such designated subcommittee or designated member may determine advisable to carry out such functions.

(3) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only by the agreement of the Chairperson and the Vice-Chairperson or by the affirmative vote of 5 members of the Commission.

(ii) SIGNATURE.—Subpoenas issued under this subsection—

(I) may be issued under the signature of the Chairperson or any

1 member designated by a majority of
2 the Commission; and

3 (II) may be served by any person
4 designated by the Chairperson or by a
5 member designated by a majority of
6 the Commission.

7 (B) ENFORCEMENT.—

8 (i) IN GENERAL.—In the case of con-
9 tumacy or failure to obey a subpoena
10 issued under this subsection, the United
11 States district court for the judicial district
12 in which the subpoenaed person resides, is
13 served, or may be found, or where the sub-
14 poena is returnable, may issue an order re-
15 quiring such person to appear at any des-
16 ignated place to testify or to produce docu-
17 mentary or other evidence. Any failure to
18 obey the order of the court may be pun-
19 ished by the court as a contempt of that
20 court.

21 (ii) ADDITIONAL ENFORCEMENT.—If
22 any witness fails to comply with any sub-
23 poena issued under this subsection or to
24 testify when summoned under authority of
25 this subsection, the Commission may, by

majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—All Federal departments and agencies shall, in accordance with applicable procedures for the appropriate handling of classified information, provide reasonable access to documents, statistical data, and other such information that the Commission determines necessary to carry out its functions under section 2.

(2) OBTAINING INFORMATION.—The Chairperson of the Commission shall submit a written request, as necessary, to the head of an agency described in paragraph (1) for access to documents, statistical data, and other information described in such paragraph that is under the control of such agency.

1 (3) RECEIPT, HANDLING, STORAGE, AND DIS-
2 SEMINATION.—Information described in paragraph
3 (1) may only be received, handled, stored and dis-
4 seminated by members of the Commission and its
5 staff in accordance with all applicable statutes, regu-
6 lations, and Executive orders.

7 (c) ASSISTANCE FROM FEDERAL AGENCIES.—

8 (1) GENERAL SERVICES ADMINISTRATION.—
9 The Administrator of General Services shall make
10 office space available for the day-to-day activities of
11 the Commission and for scheduled meetings of the
12 Commission. Upon request, the Administrator shall
13 provide, on a reimbursable basis, such administrative
14 support as the Commission requests to fulfill its du-
15 ties.

16 (2) OTHER DEPARTMENTS AND AGENCIES.—In
17 addition to the assistance required under paragraph
18 (1), other Federal departments and agencies may
19 provide to the Commission such services, funds, fa-
20 cilities, staff, and other support services as the
21 heads of such entities determine advisable in accord-
22 ance with applicable law.

23 (d) POSTAL SERVICES.—The Commission may use
24 the United States mails in the same manner and under

1 the same conditions as other Federal departments and
2 agencies.

3 (e) **AUTHORITY TO CONTRACT.**—

4 (1) **IN GENERAL.**—Subject to subtitle I of title
5 40, United States Code, and division C of subtitle I
6 of title 41, United States Code (formerly collectively
7 known as the “Federal Property and Administrative
8 Services Act of 1949”), the Commission is author-
9 ized to enter into contracts with Federal and State
10 agencies, private firms, institutions, and individuals
11 for the conduct of activities necessary to the dis-
12 charge of its duties under section 2.

13 (2) **TERMINATION.**—Any contract, lease, or
14 other legal agreement entered into by the Commis-
15 sion under this subsection may not extend beyond
16 the date specified in section 10.

17 **SEC. 5. STAFF OF THE COMMISSION.**

18 (a) **DIRECTOR.**—The Commission shall have a Direc-
19 tor, who shall be—

20 (1) appointed by a majority vote of the Com-
21 mission; and

22 (2) paid at a rate not to exceed the rate of
23 basic pay for level IV of the Executive Schedule.

24 (b) **STAFF.**—

1 (1) IN GENERAL.—With the approval of the
2 Commission, the Director may appoint such per-
3 sonnel as the Director determines to be appropriate.
4 Such personnel shall be paid at a rate not to exceed
5 the rate of basic pay for level IV of the Executive
6 Schedule, as set forth in section 5315 of title 5,
7 United States Code.

8 (2) ADDITIONAL STAFF.—The Commission may
9 appoint and fix the compensation of such other per-
10 sonnel as may be necessary to enable the Commis-
11 sion to carry out its duties, without regard to the
12 provisions of title 5, United States Code, governing
13 appointments in the competitive service, and without
14 regard to the provisions of chapter 51 and sub-
15 chapter III of chapter 53 of such title relating to
16 classification and General Schedule pay rates, except
17 that no rate of pay fixed under this subsection may
18 exceed the equivalent of that payable to a person oc-
19 cupying a position at level V of the Executive Sched-
20 ule, as set forth in section 5316 of such title.

21 (c) EXPERTS AND CONSULTANTS.—With the ap-
22 proval of the Commission, the Director may procure tem-
23 porary and intermittent services under section 3109(b) of
24 title 5, United States Code, but at rates not to exceed the
25 rate of basic pay for level IV of the Executive Schedule.

1 (d) DETAILEES.—Upon the request of the Commis-
 2 sion, any Federal Government employee may be detailed
 3 to the Commission without reimbursement from the Com-
 4 mission, and such detailee shall retain the rights, civil
 5 service status, and privileges of his or her regular employ-
 6 ment without interruption.

7 **SEC. 6. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
 8 **MITTEE ACT.**

9 (a) IN GENERAL.—The Federal Advisory Committee
 10 Act (5 U.S.C. App.) shall not apply to the Commission.

11 (b) PUBLIC MEETINGS AND RELEASE OF PUBLIC
 12 VERSIONS OF REPORTS.—The Commission shall—

13 (1) hold public hearings and meetings to the ex-
 14 tent appropriate; and

15 (2) release public versions of the reports re-
 16 quired under section 9.

17 (c) PUBLIC HEARINGS.—Any public hearings of the
 18 Commission shall be conducted in a manner consistent
 19 with the protection of information provided to or developed
 20 for or by the Commission as required under any applicable
 21 statute, regulation, or Executive order.

22 **SEC. 7. COMPENSATION AND TRAVEL EXPENSES.**

23 (a) COMPENSATION.—Members of the Commission—

1 (1) shall not be considered to be Federal em-
2 ployees for any purpose by reason of service on the
3 Commission; and

4 (2) shall serve without pay.

5 (b) TRAVEL EXPENSES.—While away from their
6 homes or regular places of business in performance of
7 services for the Commission, members of the Commission
8 shall be allowed travel expenses, including per diem in lieu
9 of subsistence, in accordance with section 5703 of title 5,
10 United States Code.

11 **SEC. 8. SECURITY CLEARANCES FOR COMMISSION MEM-**
12 **BERS AND STAFF.**

13 The appropriate Federal agencies or departments
14 shall cooperate with the Commission to expeditiously pro-
15 vide, to the extent possible, appropriate security clearances
16 to Commission members and staff in accordance with ex-
17 isting procedures and requirements, except that no person
18 shall be provided with access to classified information
19 under this Act without the appropriate security clearances.

20 **SEC. 9. REPORT.**

21 (a) IN GENERAL.—Not later than 18 months after
22 the first meeting of the Commission, the Commission shall
23 submit a report to the Committee on Foreign Relations
24 of the Senate, the Committee on Foreign Affairs of the
25 House of Representatives, the Committee on the Judiciary

1 of the Senate, the Committee on the Judiciary of the
2 House of Representatives, the Committee on Homeland
3 Security and Governmental Affairs of the Senate, the
4 Committee on Homeland Security of the House of Rep-
5 resentatives, the Committee on Oversight and Government
6 Reform of the House of Representatives, the Select Com-
7 mittee on Intelligence of the Senate, the Permanent Select
8 Committee on Intelligence of the House of Representa-
9 tives, the Committee on Armed Services of the Senate, and
10 the Committee on Armed Services of the House of Rep-
11 resentatives. The report shall include—

12 (1) a detailed statement of the recommenda-
13 tions, findings, and conclusions of the Commission
14 under section 2; and

15 (2) summaries of the input and recommenda-
16 tions of the leaders and organizations with which the
17 Commission consulted.

18 (b) PUBLIC AVAILABILITY.—The report required
19 under subsection (a) shall be submitted in an unclassified
20 form, which shall be made available to the public, but may
21 include a classified annex.

1 **SEC. 10. TERMINATION.**

2 The Commission shall terminate on the date that is
3 60 days after the date on which the Commission submits
4 its report to Congress pursuant to section 9.

