STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. CORNYN, Mr. BLUMENTHAL, Mr. GRASSLEY, Mrs. GILLIBRAND, Mr. BOOKER, and Mr. MURPHY):

S. 2654. A bill to require a declassification review of certain investigation documents concerning foreign support for the terrorist attacks of September 11, 2001, and for other purposes; to the Select Committee on Intelligence.

Mr. BLUMENTHAL. Mr. President, today, I was very proud to introduce with my colleague Senator MENENDEZ, who is leading this effort, and Senator CORNYN, Senator GRASSLEY the September 11 Transparency Act.

Members of this body have heard me talk about this issue before. It has been a repeated issue for me but for this body as well.

We passed JASTA because we wanted the 9/11 families to have access to the courts and have their fair day in court. We passed the resolution in 2018 to require that the government declassify, to the maximum extent possible, all of the information surrounding 9/11. JASTA was passed over President Obama's veto. His veto was overridden on a bipartisan basis. The resolution demanding more declassification was passed with overwhelming bipartisan support and signed by the President.

The letters that we have written, the questions that I posed in hearings, the press conferences held, the constant effort to provide documents and information to those families so they can have their fair day in court has been a continuing and constant one and, so far, completely unavailable.

Administration after administration—Obama, Trump, and hopefully not but apparently Biden—have resisted these calls for declassifying and disclosure.

That information is evidence that those families need to seek justice in their effort to hold accountable the Government of Saudi Arabia for its alleged complicity, its aiding and abetting, its support for the 9/11 attack. They want to hold them liable in an American court, which JASTA enables them to do. They want to pinpoint responsibility and liability so that we will know, as Americans, whether the Kingdom of Saudi Arabia was, in fact, complicit and supportive of those attackers.

The truth they seek is not just for themselves; it is for the American people, and the concealment by successive administrations denies the American people the truth they deserve and need.

Today, I was proud to stand with Senator MENENDEZ and some of those families led by Terry Strada and Brett Eagleson in front of this Capitol as we announced our introduction of the act, the September 11 Transparency Act, that would very simply require the Director of National Intelligence, the Attorney General, and the Director of the CIA to conduct declassification reviews of certain investigative documents in their 9/11 file. It is a baby step toward full disclosure and truthtelling.

But I was so proud to stand with these families, represented by Terry Strada, among others, when she said:

Yes, we know the Kingdom played a major role in supporting, and financing al Qaeda and evidence demonstrates that Saudi agents who the Kingdom sent here aided and abetted some if not all the 19 hijackers leading into the attack.

It is an indisputable fact the hijackers were living in our country 12–18 months prior to 9/11 planning and plotting the murder of thousands and that the FBI and the CIA knew of at least two of them, Nawaf Al-Hamzi and Khalid Al-Midhar.

She further said:

By keeping evidence hidden that will shed light on the brutal murder of our loved ones, our own government is not only perpetuating our continued pain and suffering, but it is also leaving the facilitators of the attacks unaccountable and our nation vulnerable to terrorist attacks.

Her remarks were so powerful, I hope that every one of my colleagues will read them.

Mr. President, I ask unanimous consent the remarks from Terry Strada be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

September 11th will mark the 20th anniversary of the murder of my husband Tom and nearly 3,000 people; all brutally slain on orders given by the known Saudi terrorist, Usama bin Laden and his 19 mostly Saudi Islamist al Qaeda terrorists when they infiltrated our country and carried out the deadliest terrorist attack in our nation's history.

For reasons I do not know and cannot fathom, a select group of FBI and CIA operatives knew some of the 19 hijackers were known terrorists traveling freely on American soil using their real names. How much of their planning and plotting were they privy to—I do not know, but clearly, the agencies did absolutely nothing to stop them and failed at the most important job they had; they failed to protect America and her populace.

Along with the entire world, I watched in horror our country under a violent attack. I witnessed on live television the toxic black smoke billowing from the north tower. I spoke with my husband and heard first-hand the fear and panic he and my dear friends were experiencing in the hell-fire they were engulfed in. I watched the North Tower collapse, knowing the father of my three children and my husband's life was being extinguished right before my eyes.

Now, 20 years later, the DOJ and FBI continue to protect the very country who produced 15 of the 19 hijackers, the Kingdom of Saudi Arabia.

Yes, we know the Kingdom played a major role in supporting, and financing al Qaeda and evidence demonstrates that Saudi agents who the Kingdom sent here aided and abetted some if not all the 19 hijackers leading into the attack.

It is an indisputable fact the hijackers were living in our country 12–18 months prior to 9/11 planning and plotting the murder of thousands and that the FBI and CIA knew of at least two of them, Nawaf Al-Hamzi and Khalid Al-Midhar.

Rather than hold the Kingdom accountable, the State Department, FBI, and the CIA continue to betray the 9/11 community and cower to the Kingdom's desperate pleas of keeping Saudi Arabia's involvement in murdering our loved ones a secret, while the Department of Justice ignores our pleas for the truth; instead, choosing to help keep the Kingdom's dirty little secret—that they support radical Islamist terrorism and the hateful ideology that spawned the largest mass murder in our country's history and death of my husband and our children's father . . . for what and why I ask?

Every Administration since 9/11 continues to turn their backs on us, the victims' family members and survivors. Why are we standing here today adversaries to the FBI and Department of Justice instead of allies?—And perversely, why do they stand as allies to the Kingdom against us?

Critical documents are being held from public view because the DOJ refuses to release them in any format. In fact, in many cases they have refused to even look at documents responsive to the subpoena served on them in April 2018. Instead, our government argues it would just be too much of a burden for the most advanced country of the free world to review documents it is supposed to be vigilant about retaining from one of the most important investigations the Country has ever performed. Let me underscore that—we, the 9/11 Community—we the American public—are too burdensome in the eyes of the bureaucracy. We are asking too much for them to tell us what they uncovered in looking into the attacks on all of us.

By keeping evidence hidden that will shed light on the brutal murder of our loved ones, our own government is not only perpetuating our continued pain and suffering, but it is also leaving the facilitators of the attacks unaccountable and our nation vulnerable to future terrorist attacks.

This travesty of justice must come to an end in order for this chapter of our lives to close and keep Americans safe from the endless grief and gruesome carnage terrorist attacks leave behind.

For two decades, Congress has shown a united front and been a staunch supporter for transparency regarding 9/11 and our quest for the truth. Many here today have walked beside us on our path of grief. They have worked hard for us and the American people by passing a resolution to release the "28 pages" excised from the Joint Inquiry. Those pages offered us clear facts about the Saudis involvement in 9/11. Congress also worked for seven years on the Justice Against Sponsors of Terrorism Act—JASTA; ultimately voting unanimously for its passage with unfettered enthusiasm and then overriding a Presidential veto to enact JASTA, cementing our right to our day in court and we believed—ensuring all evidence would see the light of day.

No one standing here today anticipated the level of pushback, lack of respect, or the extent to which our State Department, the Department of Justice, and the FBI would go to withhold vital investigative reports from the 9/11 community and the nation at large—all in an effort to protect the Kingdom from embarrassment and accountability.

Attorney General Garland, Director of National Intelligence Haines, FBI Director Wray and the State Department—by ignoring our direct pleas to them—are showing us where their loyalty lies time and time again—with a foreign nation capable of murdering their own.

Aside from the occasional disingenuous words to recognize our loss—by protecting the Saudis they have not shown their allegiance to us the American public and the victims' family members and survivors. They have ignored numerous letters, not only from us, but from several members of

Congress as well. We have never been met with such disdain. Not only have they snubbed our invitations to meet in person, the DOJ has fought vigorously to avoid producing mountains of documents responsive to subpoenas served on the government over three years ago.

This legislation in the Congress and I pray this Administration will right that wrong. While the DOJ claims it has distributed thousands of pages to our representatives, that claim falls patently short of what was requested. Instead of allowing the DOJ to continue cherry picking what documents it wants to release and tolerating their indefensible excuse that it would be ''too burdensome'' to search their files, we now have the full force of the United States Senate—and we anticipate all of Congress—supporting a full declassification review process for all relevant documents related to the Saudis and 9/11.

As a tragic result of 9/11 and the war on terror tomorrow will sadly mark the 10th anniversary of the deadliest incident and largest loss of life in the Naval Special Warfare, when 30 American troops, including 16 commandos from the Navy's Seal Team 6 Call Sign Extortion 16, helicopter was shot down killing all on board in the Tangi Valley, Wardak Province in Afghanistan. They were there fighting for all of us, rooting out the evil created by the Kingdom that threatens our freedoms and our way of life.

The truths we seek with ''The 9/11 Transparency Act'' are not just for us, but for all of our fallen heroes. May every brave warrior, rescue worker and those who have died from 9/11 related illnesses rest in peace.

We sincerely thank Senator Menendez and these Senators introducing 'The 9/11 Transparency Act''; another great bipartisan effort from our esteemed leaders and ask that the entire body of Congress act bravely and cohesively in support of our right to know what the government has uncovered about who facilitated the attacks on us 20 years ago. Yes, let us never forget—but let us never let it happen again. Thank you.

Mr. BLUMENTHAL. We are fast approaching 9/11, the 20th anniversary of that horrific, unspeakable murder of thousands of our fellow citizens, including Terry Strada's husband and Brett Eagleson's father.

Brett Eagleson put it very, very starkly and simply. I am not quoting, but essentially his warning to us ought to reverberate in these Halls. Public officials on that anniversary will be making speeches about how we should never forget, about how we need to commemorate the memories of all who perished in 9/11. But, as he said, their words will ring shallow or hollow if their own government continues to refuse to disclose documents and evidence needed for them to seek justice. Those families deserve better.

And the cause is bigger than just those families. It is the American people who deserve better. They deserve and they need to know the truth about whether the complicity and other kinds of potential criminal activity can be proved in a court of law, can be used to learn about future action to be taken. If Agencies of the U.S. Government, including our intelligence Agencies, knew about those attackers and the danger they posed and failed to take sufficient action, we should know those facts as well.

It is incomprehensible why the U.S. Government has failed to provide this truth to the American people. There has been no explanation for the failure to declassify. There is no explanation for invoking the State Secrets Act. The courts have said that that privilege, the state secrets privilege, cannot be invoked unless it could reasonably be expected that there would be a harm to our national security. No Agency, no official of the U.S. Government has ever said what harm could result, especially 20 years after that attack.

The idea that sources or methods could be endangered seems farfetched. Certainly, there has been no such contention. The idea that maybe the Saudis would be embarrassed is a possible explanation, but it is no excuse—none—for refusing to declassify and disclose this information. The fact that the Saudis may be embarrassed or they may be held liable is no valid reason to withhold this truth from those families and from the American people.

The administration, at the very least, owes us an explanation. We demanded it again and again at the Attorney General's confirmation hearing, at the oversight hearings for the Director of the FBI, at hearings for confirming lower but top-ranking officials of the Department of Justice, and every one of them has promised to look into it but nothing back—no explanation, no justification.

So Senator MENENDEZ and I, along with our colleagues Senators CORNYN and GRASSLEY, have introduced the September 11th Transparency Act. It wouldn't require the declassification of any document, but it would require the review, and it is not unprecedented, because this Congress, 7 years ago, passed and President Obama signed the Intelligence Authorization Act for the fiscal year 2014. It had a similar provision requiring the Director of National Intelligence to complete a declassification review of documents collected during the Osama bin Laden raid in Pakistan in 2011.

This measure should have broad bipartisan support, just as JASTA did and the resolution calling for declassification in 2018, and I have been proud to stand with my Republican colleagues in favor of simple justice.

As Senator SCHUMER said today at that meeting in front of the Capitol, ''Justice, justice, justice.'' That is what these families deserve. That is what the American people should expect of their government, not concealment or obstruction and obfuscation.

Right now, these families are in a struggle against the Government of Saudi Arabia but, equally so, against their own government in seeking fairness and transparency, disclosure, when it counts for them and when it should count for the American people.

We will continue this fight. I don't expect any single speech will persuade administration officials—certainly no single speech of mine—but they are going to be making speeches as we go closer to 9/11. Let them keep in mind that the voices and faces of those families—Brett Eagleson and Terry Strada and others who were there that day and many others in Connecticut, as well as New Jersey and New York and all around the country—will be there as well, and ultimately, our government must be held accountable for telling the American people the truth.

I yield the floor.

Mr. GRASSLEY. Mr. President, in a little over a month, we will remember one of the most horrific events to ever occur on U.S. soil. The lives of those we lost can never be replaced. But their memories forever live on through their spouses, children, family, and friends.

For the last 20 years, the Federal Government has failed these individuals. Tens of thousands of pages of documents relating to the September 11, 2001, terrorist attacks remain classified. Without their release, victims, their families, and the public still do not have the full picture of everything that led up to that day and who was involved. While some of these documents must remain classified for defense or national security reasons, a comprehensive review of these materials is long overdue. In fact, in 2004, the chairmen of the 9/11 Commission, Tom Kean and Lee Hamilton, wrote that this declassification review should be conducted no later than 2009.

We have fallen short. But today, I hope to remedy this wrong, and I am proud to join my colleagues, Senators MENENDEZ, CORNYN, and BLUMENTHAL, on the bipartisan September 11 Transparency Act of 2021. The bill follows familiar legislative precedent, requiring that any documents that can be released, must be released. It is the same step Congress took in requiring the executive branch to conduct a full review of the documents captured at Abbottabad during the Osama Bin Laden raid and publish all materials to the fullest-extent possible.

This is not the first time I have requested this review. In 2018, I coponsored a Senate Resolution calling on the administration to declassify 9/11 documents to the greatest extent possible. I am sad to say, that review was never conducted. Last year, I joined my colleagues on a letter to Inspector General Horowitz, asking for an IG investigation into the FBI's handing of the 9/11 classified documents. We never received a response.

I have been a long-standing champion of victims of terror, injured or killed both at home and abroad. For example, in 1992, I sponsored the Anti-Terrorism Act, allowing Americans who fall victim to acts of terrorism while abroad to seek damages in U.S. courts, and subsequent clarifying laws. And I plan to continue to stand firm for these individuals.

September 11 is a wrong that can never be righted. But we can be on the right side of history and finally put lingering questions to rest by expeditiously declassifying any documents

held by the Federal Government related to 9/11 to the greatest extent possible.

Thank you.

By Mrs. FEINSTEIN (for herself and Mrs. GILLIBRAND):

S. 2669. A bill to ban the use of ortho-phthalate chemicals as food contact substances; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the ''Preventing Harmful Exposure to Phthalates Act.'' This bill would ban harmful chemicals known as phthalates from products used in food processing and packaging and would require the Food and Drug Administration to review other products under its purview that might also expose Americans to harmful phthalates.

The harm associated with phthalate exposure is well-documented, with studies showing that prenatal exposure to these chemicals can have lasting consequences to child brain development and increase children's risks for learning, attention, and behavioral disorders.

We also know that women are disproportionately affected by phthalates through higher exposure to these harmful chemicals in personal care products, like nail polish, fragrances, and hair products, as compared to men.

Pregnant women's exposure to phthalates has been shown to decrease fetal testosterone and harm reproductive development in male babies. Black and Latina women are also disproportionately affected, experiencing higher exposure to certain phthalates compared to white women.

Studies have demonstrated that Americans are exposed to phthalates through our diet. Phthalates from production materials involved in food processing and packaging are able to leach into our food. These materials include plastic equipment such as tubing used in commercial dairy operations, lid gaskets, food preparation gloves, conveyor belts, and food packaging materials.

People are also exposed to phthalates found in medical devices, flooring, and other home furnishing and building materials. The fact that phthalate exposure often comes from multiple sources simultaneously further emphasizes the unknown collective health risk that these harmful chemicals pose.

We must remove these harmful chemicals from consumer products with the utmost urgency. Congress has already banned them from children's toys and child care products due to the serious long-term health effects that they pose. We now need to remove them from our food packaging and the other remaining consumer products that are slowly poisoning us.

The ''Preventing Harmful Exposure to Phthalates Act'' would specifically ban phthalates from being used in materials that touch food and ensure that any substance used as a replacement is safe.

The bill would also require a review of other products to determine whether they lead to phthalate exposure. This review would need to include consideration of whether communities of color are disproportionately exposed to these harmful products as well as the health effects caused by exposure and any increased risk of preterm birth, low birth weight, or other risks to children's health.

I want to thank Senator GILLIBRAND for joining me in introducing this important legislation, as well as Representatives LIEU and PORTER, who are sponsoring companion legislation in the House.

I also want to thank the health and consumer safety organizations for their support for this bill, including the American Academy of Pediatrics, American College of Obstetricians and Gynecologists, Breast Cancer Prevention Partners, Earthjustice, Endocrine Society, Environmental Working Group, Healthy Babies Bright Futures, and Project TENDR.

Families deserve to know that the products they're consuming aren't exposing them to unnecessary harm. I look forward to working with my colleagues on this important issue, and I urge my fellow Senators to cosponsor the ''Preventing Harmful Exposure to Phthalates Act.''

Thank you Mr. President, and I yield the floor.

By Mr. SCHUMER:

S. 2670. A bill to provide for redistricting reform, and for other purposes.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Redistricting Reform Act of 2021''.

SEC. 2. FINDING OF CONSTITUTIONAL AUTHORITY.

Congress finds that it has the authority to establish the terms and conditions States must follow in carrying out congressional redistricting after an apportionment of Members of the House of Representatives because—

(1) the authority granted to Congress under article I, section 4 of the Constitution of the United States gives Congress the power to enact laws governing the time, place, and manner of elections for Members of the House of Representatives; and

(2) the authority granted to Congress under section 5 of the 14th amendment to the Constitution gives Congress the power to enact laws to enforce section 2 of such amendment, which requires Representatives to be apportioned among the several States according to their number.

TITLE I—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

SEC. 101. REQUIRING CONGRESSIONAL REDISTRICTING TO BE CONDUCTED THROUGH PLAN OF INDEPENDENT STATE COMMISSION.

(a) USE OF PLAN REQUIRED.—Notwithstanding any other provision of law, and except as provided in subsection (c), any congressional redistricting conducted by a State shall be conducted in accordance with—

(1) the redistricting plan developed and enacted into law by the independent redistricting commission established in the State, in accordance with title II; or

(2) if a plan developed by such commission is not enacted into law, the redistricting plan developed and enacted into law by a 3-judge court, in accordance with section 301.

(b) CONFORMING AMENDMENT.—Section 22(c) of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress'', approved June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking ''in the manner provided by the law thereof'' and inserting ''in the manner provided by the Redistricting Reform Act of 2021''.

(c) SPECIAL RULE FOR EXISTING COMMISSIONS.—Subsection (a) does not apply to any State in which, under law in effect continuously on and after the date of the enactment of this Act, congressional redistricting is carried out in accordance with a plan developed and approved by an independent redistricting commission that is in compliance with each of the following requirements:

(1) PUBLICLY AVAILABLE APPLICATION PROCESS.—Membership on the commission is open to citizens of the State through a publicly available application process.

(2) DISQUALIFICATIONS FOR GOVERNMENT SERVICE AND POLITICAL APPOINTMENT.—Individuals who, for a covered period of time as established by the State, hold or have held public office, individuals who are or have been candidates for elected public office, and individuals who serve or have served as an officer, employee, or paid consultant of a campaign committee of a candidate for public office are disqualified from serving on the commission.

(3) SCREENING FOR CONFLICTS.—Individuals who apply to serve on the commission are screened through a process that excludes persons with conflicts of interest from the pool of potential commissioners.

(4) MULTI-PARTISAN COMPOSITION.—Membership on the commission represents those who are affiliated with the 2 political parties whose candidates received the most votes in the most recent statewide election for Federal office held in the State, as well as those who are unaffiliated with any party or who are affiliated with political parties other than the 2 political parties whose candidates received the most votes in the most recent statewide election for Federal office held in the State.

(5) CRITERIA FOR REDISTRICTING.—Members of the commission are required to meet certain criteria in the map drawing process, including minimizing the division of communities of interest and a ban on drawing maps to favor a political party.

(6) PUBLIC INPUT.—Public hearings are held and comments from the public are accepted before a final map is approved.

(7) BROAD-BASED SUPPORT FOR APPROVAL OF FINAL PLAN.—The approval of the final redistricting plan requires a majority vote of the members of the commission, including the support of at least one member of each of the following:

(A) Members who are affiliated with the political party whose candidate received the

most votes in the most recent statewide election for Federal office held in the State.

(B) Members who are affiliated with the political party whose candidate received the second most votes in the most recent statewide election for Federal office held in the State.

(C) Members who are not affiliated with any political party or who are affiliated with political parties other than the political parties described in subparagraphs (A) and (B).

(d) TREATMENT OF STATE OF IOWA.—Subsection (a) does not apply to the State of Iowa, so long as congressional redistricting in such State is carried out in accordance with a plan developed by the Iowa Legislative Services Agency with the assistance of a Temporary Redistricting Advisory Commission, under law which was in effect for the most recent congressional redistricting carried out in the State prior to the date of the enactment of this Act and which remains in effect continuously on and after the date of the enactment of this Act.

SEC. 102. BAN ON MID-DECADE REDISTRICTING.

A State that has been redistricted in accordance with this Act and a State described in section 101(c) may not be redistricted again until after the next apportionment of Representatives under section 22(a) of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress'', approved June 18, 1929 (2 U.S.C. 2a), unless a court requires the State to conduct such subsequent redistricting to comply with the Constitution of the United States, the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the Constitution of the State, or the terms or conditions of this Act.

SEC. 103. CRITERIA FOR REDISTRICTING.

(a) CRITERIA.—Under the redistricting plan of a State, there shall be established single-member congressional districts using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution, including the requirement that they equalize total population.

(2) Districts shall comply with the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), including by creating any districts where two or more politically cohesive groups protected by such Act are able to elect representatives of choice in coalition with one another, and all applicable Federal laws.

(3) Districts shall be drawn, to the extent that the totality of the circumstances warrant, to ensure the practical ability of a group protected under the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) to participate in the political process and to nominate candidates and to elect representatives of choice is not diluted or diminished, regardless of whether or not such protected group constitutes a majority of a district's citizen voting age population.

(4) Districts shall respect communities of interest, neighborhoods, and political subdivisions to the extent practicable and after compliance with the requirements of paragraphs (1) through (3). A community of interest is defined as an area with recognized similarities of interests, including ethnic, racial, economic, tribal, social, cultural, geographic or historic identities. The term communities of interest may, in certain circumstances, include political subdivisions such as counties, municipalities, tribal lands and reservations, or school districts, but shall not include common relationships with political parties or political candidates.

(b) NO FAVORING OR DISFAVORING OF POLITICAL PARTIES.—

(1) PROHIBITION.—The redistricting plan enacted by a State shall not, when considered on a Statewide basis, be drawn with the intent or the effect of unduly favoring or disfavoring any political party.

(2) DETERMINATION OF EFFECT.—

(A) TOTALITY OF CIRCUMSTANCES.—For purposes of paragraph (1), the determination of whether a redistricting plan has the effect of unduly favoring or disfavoring a political party shall be based on the totality of circumstances, including evidence regarding the durability and severity of a plan's partisan bias.

(B) PLANS DEEMED TO HAVE EFFECT OF UNDULY FAVORING OR DISFAVORING A POLITICAL PARTY.—Without limiting other ways in which a redistricting plan may be determined to have the effect of unduly favoring or disfavoring a political party under the totality of circumstances under subparagraph (A), a redistricting plan shall be deemed to have the effect of unduly favoring or disfavoring a political party if—

(i) modeling based on relevant historical voting patterns shows that the plan is statistically likely to result in a partisan bias of more than one seat in States with 20 or fewer congressional districts or a partisan bias of more than 2 seats in States with more than 20 congressional districts, as determined using quantitative measures of partisan fairness, which may include, but are not limited to, the seats-to-votes curve for an enacted plan, the efficiency gap, the declination, partisan asymmetry, and the mean-median difference; and

(ii) alternative plans, which may include, but are not limited to, those generated by redistricting algorithms, exist that could have complied with the requirements of law and not been in violation of paragraph (1).

(3) DETERMINATION OF INTENT.—For purposes of paragraph (1), a rebuttable presumption shall exist that a redistricting plan enacted by the legislature of a State was not enacted with the intent of unduly favoring or disfavoring a political party if the plan was enacted with the support of at least a third of the members of the second largest political party in each house of the legislature.

(4) NO VIOLATION BASED ON CERTAIN CRITERIA.—No redistricting plan shall be found to be in violation of paragraph (1) because of partisan bias attributable to the application of the criteria set forth in paragraphs (1), (2), or (3) of subsection (a), unless one or more alternative plans could have complied with such paragraphs without having the effect of unduly favoring or disfavoring a political party.

(c) FACTORS PROHIBITED FROM CONSIDERATION.—In developing the redistricting plan for the State, the independent redistricting commission may not take into consideration any of the following factors, except as necessary to comply with the criteria described in paragraphs (1) through (3) of subsection (a), to achieve partisan fairness and comply with subsection (b), and to enable the redistricting plan to be measured against the external metrics described in section 203(d):

(1) The residence of any Member of the House of Representatives or candidate.

(2) The political party affiliation or voting history of the population of a district.

(d) APPLICABILITY.—This section applies to any authority, whether appointed, elected, judicial, or otherwise, that designs or enacts a congressional redistricting plan of a State.

(e) SEVERABILITY OF CRITERIA.—If any of the criteria set forth in this section, or the application of such criteria to any person or circumstance, is held to be unconstitutional, the remaining criteria set forth in this section, and the application of such criteria to any person or circumstance, shall not be affected by the holding.

TITLE II—INDEPENDENT REDISTRICTING COMMISSIONS

SEC. 201. INDEPENDENT REDISTRICTING COMMISSION.

(a) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—The nonpartisan agency established or designated by a State under section 204(a) shall establish an independent redistricting commission for the State, which shall consist of 15 members appointed by the agency as follows:

(A) Not later than October 1 of a year ending in the numeral zero, the agency shall, at a public meeting held not earlier than 15 days after notice of the meeting has been given to the public, first appoint 6 members as follows:

(i) The agency shall appoint 2 members on a random basis from the majority category of the approved selection pool (as described in section 202(b)(1)(A)).

(ii) The agency shall appoint 2 members on a random basis from the minority category of the approved selection pool (as described in section 202(b)(1)(B)).

(iii) The agency shall appoint 2 members on a random basis from the independent category of the approved selection pool (as described in section 202(b)(1)(C)).

(B) Not later than November 15 of a year ending in the numeral zero, the members appointed by the agency under subparagraph (A) shall, at a public meeting held not earlier than 15 days after notice of the meeting has been given to the public, then appoint 9 members as follows:

(i) The members shall appoint 3 members from the majority category of the approved selection pool (as described in section 202(b)(1)(A)).

(ii) The members shall appoint 3 members from the minority category of the approved selection pool (as described in section 202(b)(1)(B)).

(iii) The members shall appoint 3 members from the independent category of the approved selection pool (as described in section 202(b)(1)(C)).

(2) RULES FOR APPOINTMENT OF MEMBERS APPOINTED BY FIRST MEMBERS.—

(A) AFFIRMATIVE VOTE OF AT LEAST 4 MEMBERS.—The appointment of any of the 9 members of the independent redistricting commission who are appointed by the first members of the commission pursuant to subparagraph (B) of paragraph (1), as well as the designation of alternates for such members pursuant to subparagraph (B) of paragraph (3) and the appointment of alternates to fill vacancies pursuant to subparagraph (B) of paragraph (4), shall require the affirmative vote of at least 4 of the members appointed by the nonpartisan agency under subparagraph (A) of paragraph (1), including at least one member from each of the categories referred to in such subparagraph.

(B) ENSURING DIVERSITY.—In appointing the 9 members pursuant to subparagraph (B) of paragraph (1), as well as in designating alternates pursuant to subparagraph (B) of paragraph (3) and in appointing alternates to fill vacancies pursuant to subparagraph (B) of paragraph (4), the first members of the independent redistricting commission shall ensure that the membership is representative of the demographic groups (including racial, ethnic, economic, and gender) and geographic regions of the State, and provides racial, ethnic, and language minorities protected under the Voting Rights Act of 1965 with a meaningful opportunity to participate in the development of the State's redistricting plan.

(3) DESIGNATION OF ALTERNATES TO SERVE IN CASE OF VACANCIES.—

(A) MEMBERS APPOINTED BY AGENCY.—At the time the agency appoints the members of

the independent redistricting commission under subparagraph (A) of paragraph (1) from each of the categories referred to in such subparagraph, the agency shall, on a random basis, designate 2 other individuals from such category to serve as alternate members who may be appointed to fill vacancies in the commission in accordance with paragraph (4).

(B) MEMBERS APPOINTED BY FIRST MEMBERS.—At the time the members appointed by the agency appoint the other members of the independent redistricting commission under subparagraph (B) of paragraph (1) from each of the categories referred to in such subparagraph, the members shall, in accordance with the special rules described in paragraph (2), designate 2 other individuals from such category to serve as alternate members who may be appointed to fill vacancies in the commission in accordance with paragraph (4).

(4) APPOINTMENT OF ALTERNATES TO SERVE IN CASE OF VACANCIES.—

(A) MEMBERS APPOINTED BY AGENCY.—If a vacancy occurs in the commission with respect to a member who was appointed by the nonpartisan agency under subparagraph (A) of paragraph (1) from one of the categories referred to in such subparagraph, the agency shall fill the vacancy by appointing, on a random basis, one of the 2 alternates from such category who was designated under subparagraph (A) of paragraph (3). At the time the agency appoints an alternate to fill a vacancy under the previous sentence, the agency shall designate, on a random basis, another individual from the same category to serve as an alternate member, in accordance with subparagraph (A) of paragraph (3).

(B) MEMBERS APPOINTED BY FIRST MEMBERS.—If a vacancy occurs in the commission with respect to a member who was appointed by the first members of the commission under subparagraph (B) of paragraph (1) from one of the categories referred to in such subparagraph, the first members shall, in accordance with the special rules described in paragraph (2), fill the vacancy by appointing one of the 2 alternates from such category who was designated under subparagraph (B) of paragraph (3). At the time the first members appoint an alternate to fill a vacancy under the previous sentence, the first members shall, in accordance with the special rules described in paragraph (2), designate another individual from the same category to serve as an alternate member, in accordance with subparagraph (B) of paragraph (3).

(5) REMOVAL.—A member of the independent redistricting commission may be removed by a majority vote of the remaining members of the commission if it is shown by a preponderance of the evidence that the member is not eligible to serve on the commission under section 202(a).

(b) PROCEDURES FOR CONDUCTING COMMISSION BUSINESS.—

(1) CHAIR.—Members of an independent redistricting commission established under this section shall select by majority vote one member who was appointed from the independent category of the approved selection pool described in section 202(b)(1)(C) to serve as chair of the commission. The commission may not take any action to develop a redistricting plan for the State under section 203 until the appointment of the commission's chair.

(2) REQUIRING MAJORITY APPROVAL FOR ACTIONS.—The independent redistricting commission of a State may not publish and disseminate any draft or final redistricting plan, or take any other action, without the approval of at least—

(A) a majority of the whole membership of the commission; and

(B) at least one member of the commission appointed from each of the categories of the approved selection pool described in section 202(b)(1).

(3) QUORUM.—A majority of the members of the commission shall constitute a quorum.

(c) STAFF; CONTRACTORS.—

(1) STAFF.—Under a public application process in which all application materials are available for public inspection, the independent redistricting commission of a State shall appoint and set the pay of technical experts, legal counsel, consultants, and such other staff as it considers appropriate, subject to State law.

(2) CONTRACTORS.—The independent redistricting commission of a State may enter into such contracts with vendors as it considers appropriate, subject to State law, except that any such contract shall be valid only if approved by the vote of a majority of the members of the commission, including at least one member appointed from each of the categories of the approved selection pool described in section 202(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 one 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 or a vendor, file with the commission a report summarizing the expenditures and income described in subparagraph (A) during the 10 most recent calendar years.

(C) EXPENDITURE FOR POLITICAL ACTIVITY DEFINED.—In this paragraph, the term ''expenditure for political activity'' means a disbursement for any of the following:

(i) An independent expenditure, as defined in section 301(17) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(17)).

(ii) An electioneering communication, as defined in section 304(f)(3) of such Act (52 U.S.C. 30104(f)(3)) or any other public communication, as defined in section 301(22) of such Act (52 U.S.C. 30101(22)) that would be an electioneering communication if it were a broadcast, cable, or satellite communication.

(iii) Any dues or other payments to trade associations or organizations described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that are, or could reasonably be anticipated to be, used or transferred to another association or organization for a use described in paragraph (1), (2), or (4) of section 501(c) of such Code.

(4) GOAL OF IMPARTIALITY.—The commission shall take such steps as it considers appropriate to ensure that any staff appointed under this subsection, and any vendor with whom the commission enters into a contract under this subsection, will work in an impartial manner, and may require any person who applies for an appointment to a staff position or for a vendor's contract with the commission to provide information on the person's history of political activity beyond the information on the person's expenditures for political activity provided in the reports required under paragraph (3) (including donations to candidates, political committees, and political parties) as a condition of the appointment or the contract.

(5) DISQUALIFICATION; WAIVER.—

(A) IN GENERAL.—The independent redistricting commission may not appoint an individual as an employee, and may not enter into a contract with a vendor, if the individual or vendor meets any of the criteria for the disqualification of an individual from serving as a member of the commission which are set forth in section 202(a)(2).

(B) WAIVER.—The commission may by unanimous vote of its members waive the application of subparagraph (A) to an individual or a vendor after receiving and reviewing the report filed by the individual or vendor under paragraph (3).

(d) TERMINATION.—

(1) IN GENERAL.—The independent redistricting commission of a State shall terminate on the earlier of—

(A) June 14 of the next year ending in the numeral zero; or

(B) the day on which the nonpartisan agency established or designated by a State under section 204(a) has, in accordance with section 202(b)(1), submitted a selection pool to the Select Committee on Redistricting for the State established under section 204(b).

(2) PRESERVATION OF RECORDS.—The State shall ensure that the records of the independent redistricting commission are retained in the appropriate State archive in such manner as may be necessary to enable the State to respond to any civil action brought with respect to congressional redistricting in the State.

SEC. 202. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS OF COMMISSION.

(a) CRITERIA FOR ELIGIBILITY.—

(1) IN GENERAL.—An individual is eligible to serve as a member of an independent redistricting commission if the individual meets each of the following criteria:

(A) As of the date of appointment, the individual is registered to vote in elections for Federal office held in the State.

(B) During the 3-year period ending on the date of the individual's appointment, the individual has been continuously registered to vote with the same political party, or has not been registered to vote with any political party.

(C) The individual submits to the nonpartisan agency established or designated by a State under section 204, at such time and in such form as the agency may require, an application for inclusion in the selection pool under this section, and includes with the application a written statement, with an attestation under penalty of perjury, containing the following information and assurances:

(i) The full current name and any former names of, and the contact information for, the individual, including an electronic mail address, the address of the individual's residence, mailing address, and telephone numbers.

(ii) The individual's race, ethnicity, gender, age, date of birth, and household income for the most recent taxable year.

(iii) The political party with which the individual is affiliated, if any.

(iv) The reason or reasons the individual desires to serve on the independent redistricting commission, the individual's qualifications, and information relevant to the ability of the individual to be fair and impartial, including—

(I) any involvement with, or financial support of, professional, social, political, religious, or community organizations or causes; and

(II) the individual's employment and educational history.

(v) An assurance that the individual shall commit to carrying out the individual's duties under this Act in an honest, independent, and impartial fashion, and to upholding public confidence in the integrity of the redistricting process.

(vi) An assurance that, during the covered periods described in paragraph (3), the individual has not taken and will not take any action which would disqualify the individual from serving as a member of the commission under paragraph (2).

(2) DISQUALIFICATIONS.—An individual is not eligible to serve as a member of the commission if any of the following applies during any of the covered periods described in paragraph (3):

(A) The individual or (in the case of the covered periods described in subparagraphs (A) and (B) of paragraph (3)) an immediate family member of the individual holds public office or is a candidate for election for public office.

(B) The individual or (in the case of the covered periods described in subparagraphs (A) and (B) of paragraph (3)) an immediate family member of the individual serves as an officer of a political party or as an officer, employee, or paid consultant of a campaign committee of a candidate for public office or of any political action committee (as determined in accordance with the law of the State).

(C) The individual or (in the case of the covered periods described in subparagraphs (A) and (B) of paragraph (3)) 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 (in the case of the covered periods described in subparagraphs (A) and (B) of paragraph (3)) 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 (in the case of the covered periods described in subparagraphs (A) and (B) of paragraph (3)) an immediate family member of the individual is an agent of a foreign principal under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.).

(3) COVERED PERIODS DESCRIBED.—In this subsection, the term ''covered period'' means, with respect to the appointment of an individual to the commission, any of the following:

(A) The 10-year period ending on the date of the individual's appointment.

(B) The period beginning on the date of the individual's appointment and ending on August 14 of the next year ending in the numeral one.

(C) The 10-year period beginning on the day after the last day of the period described in subparagraph (B).

(4) IMMEDIATE FAMILY MEMBER DEFINED.—In this subsection, the term ''immediate family member'' means, with respect to an individual, a father, stepfather, mother, stepmother, son, stepson, daughter, stepdaughter, brother, stepbrother, sister, stepsister, husband, wife, father-in-law, or mother-in-law.

(b) DEVELOPMENT AND SUBMISSION OF SELECTION POOL.—

(1) IN GENERAL.—Not later than June 15 of each year ending in the numeral zero, the nonpartisan agency established or designated by a State under section 204(a) shall develop and submit to the Select Committee on Redistricting for the State established under section 204(b) a selection pool of 36 individuals who are eligible to serve as members of the independent redistricting commission of the State under this Act, consisting of individuals in the following categories:

(A) A majority category, consisting of 12 individuals who are affiliated with the political party whose candidate received the most votes in the most recent statewide election for Federal office held in the State.

(B) A minority category, consisting of 12 individuals who are affiliated with the political party whose candidate received the second most votes in the most recent statewide election for Federal office held in the State.

(C) An independent category, consisting of 12 individuals who are not affiliated with either of the political parties described in subparagraph (A) or subparagraph (B).

(2) FACTORS TAKEN INTO ACCOUNT IN DEVELOPING POOL.—In selecting individuals for the selection pool under this subsection, the nonpartisan agency shall—

(A) ensure that the pool is representative of the demographic groups (including racial, ethnic, economic, and gender) and geographic regions of the State, and includes applicants who would allow racial, ethnic, and language minorities protected under the Voting Rights Act of 1965 a meaningful opportunity to participate in the development of the State's redistricting plan; and

(B) take into consideration the analytical skills of the individuals selected in relevant fields (including mapping, data management, law, community outreach, demography, and the geography of the State) and their ability to work on an impartial basis.

(3) INTERVIEWS OF APPLICANTS.—To assist the nonpartisan agency in developing the selection pool under this subsection, the nonpartisan agency shall conduct interviews of applicants under oath. If an individual is included in a selection pool developed under this section, all of the interviews of the individual shall be transcribed and the transcriptions made available on the nonpartisan agency's website contemporaneously with release of the report under paragraph (6).

(4) DETERMINATION OF POLITICAL PARTY AFFILIATION OF INDIVIDUALS IN SELECTION POOL.—For purposes of this section, an individual shall be considered to be affiliated with a political party only if the nonpartisan agency is able to verify (to the greatest extent possible) the information the individual provides in the application submitted under subsection (a)(1)(C), including by considering additional information provided by other persons with knowledge of the individual's history of political activity.

(5) ENCOURAGING RESIDENTS TO APPLY FOR INCLUSION IN POOL.—The nonpartisan agency shall take such steps as may be necessary to ensure that residents of the State across various geographic regions and demographic groups are aware of the opportunity to serve on the independent redistricting commission, including publicizing the role of the panel and using newspapers, broadcast media, and online sources, including ethnic media, to encourage individuals to apply for inclusion in the selection pool developed under this subsection.

(6) REPORT ON ESTABLISHMENT OF SELECTION POOL.—At the time the nonpartisan agency submits the selection pool to the Select Committee on Redistricting under paragraph (1), it shall publish and post on the agency's public website a report describing the process by which the pool was developed, and shall include in the report a description of how the individuals in the pool meet the eligibility criteria of subsection (a) and of how the pool reflects the factors the agency is required to take into consideration under paragraph (2).

(7) PUBLIC COMMENT ON SELECTION POOL.—During the 14-day period which begins on the date the nonpartisan agency publishes the report under paragraph (6), the agency shall accept comments from the public on the individuals included in the selection pool. The agency shall post all such comments contemporaneously on the nonpartisan agency's website and shall transmit them to the Select Committee on Redistricting immediately upon the expiration of such period.

(8) ACTION BY SELECT COMMITTEE.—

(A) IN GENERAL.—Not earlier than 15 days and not later than 21 days after receiving the selection pool from the nonpartisan agency under paragraph (1), the Select Committee on Redistricting shall, by majority vote—

(i) approve the pool as submitted by the nonpartisan agency, in which case the pool shall be considered the approved selection pool for purposes of section 201(a)(1); or

(ii) reject the pool, in which case the nonpartisan agency shall develop and submit a replacement selection pool in accordance with subsection (c).

(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 Committee shall be deemed to have rejected the pool for purposes of such subparagraph.

(c) DEVELOPMENT OF REPLACEMENT SELECTION POOL.—

(1) IN GENERAL.—If the Select Committee on Redistricting rejects the selection pool submitted by the nonpartisan agency under subsection (b), not later than 14 days after the rejection, the nonpartisan agency shall develop and submit to the Select Committee a replacement selection pool, under the same terms and conditions that applied to the development and submission of the selection pool under paragraphs (1) through (7) of subsection (b). The replacement pool submitted under this paragraph may include individuals who were included in the rejected selection pool submitted under subsection (b), so long as at least one of the individuals in the replacement pool was not included in such rejected pool.

(2) ACTION BY SELECT COMMITTEE.—

(A) IN GENERAL.—Not later than 21 days after receiving the replacement selection pool from the nonpartisan agency under paragraph (1), the Select Committee on Redistricting shall, by majority vote—

(i) approve the pool as submitted by the nonpartisan agency, in which case the pool shall be considered the approved selection pool for purposes of section 201(a)(1); or

(ii) reject the pool, in which case the nonpartisan agency shall develop and submit a second replacement selection pool in accordance with subsection (d).

(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 Committee shall be deemed to have rejected the pool for purposes of such subparagraph.

(d) DEVELOPMENT OF SECOND REPLACEMENT SELECTION POOL.—

(1) IN GENERAL.—If the Select Committee on Redistricting rejects the replacement selection pool submitted by the nonpartisan

agency under subsection (c), not later than 14 days after the rejection, the nonpartisan agency shall develop and submit to the Select Committee a second replacement selection pool, under the same terms and conditions that applied to the development and submission of the selection pool under paragraphs (1) through (7) of subsection (b). The second replacement selection pool submitted under this paragraph may include individuals who were included in the rejected selection pool submitted under subsection (b) or the rejected replacement selection pool submitted under subsection (c), so long as at least one of the individuals in the replacement pool was not included in either such rejected pool.

(2) ACTION BY SELECT COMMITTEE.—

(A) IN GENERAL.—Not earlier than 15 days and not later than 14 days after receiving the second replacement selection pool from the nonpartisan agency under paragraph (1), the Select Committee on Redistricting shall, by majority vote—

(i) approve the pool as submitted by the nonpartisan agency, in which case the pool shall be considered the approved selection pool for purposes of section 201(a)(1); or

(ii) reject the pool.

(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 Committee shall be deemed to have rejected the pool for purposes of such subparagraph.

(C) EFFECT OF REJECTION.—If the Select Committee on Redistricting rejects the second replacement pool from the nonpartisan agency under paragraph (1), the redistricting plan for the State shall be developed and enacted in accordance with title III.

SEC. 203. PUBLIC NOTICE AND INPUT.

(a) PUBLIC NOTICE AND INPUT.—

(1) USE OF OPEN AND TRANSPARENT PROCESS.—The independent redistricting commission of a State 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 redistricting plan for the State, and shall carry out its duties in an open and transparent manner which provides for the widest public dissemination reasonably possible of its proposed and final redistricting plans.

(2) WEBSITE.—

(A) FEATURES.—The commission shall maintain a public internet site which is not affiliated with or maintained by the office of any elected official and which includes the following features:

(i) General information on the commission, its role in the redistricting process, and its members, including contact information.

(ii) An updated schedule of commission hearings and activities, including deadlines for the submission of comments.

(iii) All draft redistricting plans developed by the commission under subsection (b) and the final redistricting plan developed under subsection (c), including the accompanying written evaluation under subsection (d).

(iv) All comments received from the public on the commission's activities, including any proposed maps submitted under paragraph (1).

(v) Live streaming of commission hearings and an archive of previous meetings, including any documents considered at any such meeting, which the commission shall post not later than 24 hours after the conclusion of the meeting.

(vi) Access in an easily usable format to the demographic and other data used by the commission to develop and analyze the proposed redistricting plans, together with access to any software used to draw maps of proposed districts and to any reports analyzing and evaluating any such maps.

(vii) A method by which members of the public may submit comments and proposed maps directly to the commission.

(viii) All records of the commission, including all communications to or from members, employees, and contractors regarding the work of the commission.

(ix) A list of all contractors receiving payment from the commission, together with the annual disclosures submitted by the contractors under section 201(c)(3).

(x) A list of the names of all individuals who submitted applications to serve on the commission, together with the applications submitted by individuals included in any selection pool, except that the commission may redact from such applications any financial or other personally sensitive information.

(B) SEARCHABLE FORMAT.—The commission shall ensure that all information posted and maintained on the site under this paragraph, including information and proposed maps submitted by the public, shall be maintained in an easily searchable format.

(C) DEADLINE.—The commission shall ensure that the public internet site under this paragraph is operational (in at least a preliminary format) not later than January 1 of the year ending in the numeral one.

(3) PUBLIC COMMENT PERIOD.—The commission shall solicit, accept, and consider comments from the public with respect to its duties, activities, and procedures at any time during the period—

(A) which begins on January 1 of the year ending in the numeral one; and

(B) which ends 7 days before the date of the meeting at which the commission shall vote on approving the final redistricting plan for enactment into law under subsection (c)(2).

(4) MEETINGS AND HEARINGS IN VARIOUS GEOGRAPHIC LOCATIONS.—To the greatest extent practicable, the commission shall hold its meetings and hearings in various geographic regions and locations throughout the State.

(5) MULTIPLE LANGUAGE REQUIREMENTS FOR ALL NOTICES.—The commission shall make each notice which is required to be posted and published under this section available in any language in which the State (or any jurisdiction in the State) is required to provide election materials under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503).

(b) DEVELOPMENT AND PUBLICATION OF PRELIMINARY REDISTRICTING PLAN.—

(1) IN GENERAL.—Prior to developing and publishing a final redistricting plan under subsection (c), the independent redistricting commission of a State shall develop and publish a preliminary redistricting plan.

(2) MINIMUM PUBLIC HEARINGS AND OPPORTUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

(A) 3 HEARINGS REQUIRED.—Prior to developing a preliminary redistricting plan under this subsection, the commission shall hold not fewer than 3 public hearings at which members of the public may provide input and comments regarding the potential contents of redistricting plans for the State and the process by which the commission will develop the preliminary plan under this subsection.

(B) MINIMUM PERIOD FOR NOTICE PRIOR TO HEARINGS.—Not fewer than 14 days prior to the date of each hearing held under this paragraph, the commission shall post notices of the hearing on the website maintained under subsection (a)(2), and shall provide for the publication of such notices in newspapers of general circulation throughout the State. Each such notice shall specify the date, time, and location of the hearing.

(C) SUBMISSION OF PLANS AND MAPS BY MEMBERS OF THE PUBLIC.—Any member of the public may submit maps or portions of maps for consideration by the commission. As provided under subsection (a)(2)(A), any such map shall be made publicly available on the commission's website and open to comment.

(3) PUBLICATION OF PRELIMINARY PLAN.—

(A) IN GENERAL.—The commission shall post the preliminary redistricting plan developed under this subsection, together with a report that includes the commission's responses to any public comments received under subsection (a)(3), on the website maintained under subsection (a)(2), and shall provide for the publication of each such plan in newspapers of general circulation throughout the State.

(B) MINIMUM PERIOD FOR NOTICE PRIOR TO PUBLICATION.—Not fewer than 14 days prior to the date on which the commission posts and publishes the preliminary plan under this paragraph, the commission shall notify the public through the website maintained under subsection (a)(2), as well as through publication of notice in newspapers of general circulation throughout the State, of the pending publication of the plan.

(4) MINIMUM POST-PUBLICATION PERIOD FOR PUBLIC COMMENT.—The commission shall accept and consider comments from the public (including through the website maintained under subsection (a)(2)) with respect to the preliminary redistricting plan published under paragraph (3), including proposed revisions to maps, for not fewer than 30 days after the date on which the plan is published.

(5) POST-PUBLICATION HEARINGS.—

(A) 3 HEARINGS REQUIRED.—After posting and publishing the preliminary redistricting plan under paragraph (3), the commission shall hold not fewer than 3 public hearings in different geographic areas of the State at which members of the public may provide input and comments regarding the preliminary plan.

(B) MINIMUM PERIOD FOR NOTICE PRIOR TO HEARINGS.—Not fewer than 14 days prior to the date of each hearing held under this paragraph, the commission shall post notices of the hearing on the website maintained under subsection (a)(2), and shall provide for the publication of such notices in newspapers of general circulation throughout the State. Each such notice shall specify the date, time, and location of the hearing.

(6) PERMITTING MULTIPLE PRELIMINARY PLANS.—At the option of the commission, after developing and publishing the preliminary redistricting plan under this subsection, the commission may develop and publish subsequent preliminary redistricting plans, so long as the process for the development and publication of each such subsequent plan meets the requirements set forth in this subsection for the development and publication of the first preliminary redistricting plan.

(c) PROCESS FOR ENACTMENT OF FINAL REDISTRICTING PLAN.—

(1) IN GENERAL.—After taking into consideration comments from the public on any preliminary redistricting plan developed and published under subsection (b), the independent redistricting commission of a State shall develop and publish a final redistricting plan for the State.

(2) MEETING; FINAL VOTE.—Not later than the deadline specified in subsection (e), the commission shall hold a public hearing at which the members of the commission shall vote on approving the final plan for enactment into law.

(3) PUBLICATION OF PLAN AND ACCOMPANYING MATERIALS.—Not fewer than 14 days before the date of the meeting under paragraph (2), the commission shall provide the following information to the public through the website maintained under subsection (a)(2),

as well as through newspapers of general circulation throughout the State:

(A) The final redistricting plan, including all relevant maps.

(B) A report by the commission to accompany the plan which provides the background for the plan and the commission's reasons for selecting the plan as the final redistricting plan, including responses to the public comments received on any preliminary redistricting plan developed and published under subsection (b).

(C) Any dissenting or additional views with respect to the plan of individual members of the commission.

(4) ENACTMENT.—Subject to paragraph (5), the final redistricting plan developed and published under this subsection shall be deemed to be enacted into law upon the expiration of the 45-day period which begins on the date on which—

(A) such final plan is approved by a majority of the whole membership of the commission; and

(B) at least one member of the commission appointed from each of the categories of the approved selection pool described in section 202(b)(1) approves such final plan.

(5) REVIEW BY DEPARTMENT OF JUSTICE.—

(A) REQUIRING SUBMISSION OF PLAN FOR REVIEW.—The final redistricting plan shall not be deemed to be enacted into law unless the State submits the plan to the Department of Justice for an administrative review to determine if the plan is in compliance with the criteria described in paragraphs (2) and (3) of section 103(a).

(B) TERMINATION OF REVIEW.—The Department of Justice shall terminate any administrative review under subparagraph (A) if, during the 45-day period which begins on the date the plan is enacted into law, an action is filed in a United States district court alleging that the plan is not in compliance with the criteria described in paragraphs (2) and (3) of section 103(a).

(d) WRITTEN EVALUATION OF PLAN AGAINST EXTERNAL METRICS.—The independent redistricting commission shall include with each redistricting plan developed and published under this section a written evaluation that measures each such plan against external metrics which cover the criteria set forth in section 103(a), including the impact of the plan on the ability of communities of color to elect candidates of choice, measures of partisan fairness using multiple accepted methodologies, and the degree to which the plan preserves or divides communities of interest.

(e) TIMING.—The independent redistricting commission of a State may begin its work on the redistricting plan of the State upon receipt of relevant population information from the Bureau of the Census, and shall approve a final redistricting plan for the State in each year ending in the numeral one not later than 8 months after the date on which the State receives the State apportionment notice or October 1, whichever occurs later.

SEC. 204. ESTABLISHMENT OF RELATED ENTITIES.

(a) ESTABLISHMENT OR DESIGNATION OF NONPARTISAN AGENCY OF STATE LEGISLATURE.—

(1) IN GENERAL.—Each State shall establish a nonpartisan agency in the legislative branch of the State government to appoint the members of the independent redistricting commission for the State in accordance with section 201.

(2) NONPARTISANSHIP DESCRIBED.—For purposes of this subsection, an agency shall be considered to be nonpartisan if under law the agency—

(A) is required to provide services on a nonpartisan basis;

(B) is required to maintain impartiality; and

(C) is prohibited from advocating for the adoption or rejection of any legislative proposal.

(3) TRAINING OF MEMBERS APPOINTED TO COMMISSION.—Not later than January 15 of a year ending in the numeral one, the nonpartisan agency established or designated under this subsection shall provide the members of the independent redistricting commission with initial training on their obligations as members of the commission, including obligations under the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) and other applicable laws.

(4) REGULATIONS.—The nonpartisan agency established or designated under this subsection shall adopt and publish regulations, after notice and opportunity for comment, establishing the procedures that the agency will follow in fulfilling its duties under this Act, including the procedures to be used in vetting the qualifications and political affiliation of applicants and in creating the selection pools, the randomized process to be used in selecting the initial members of the independent redistricting commission, and the rules that the agency will apply to ensure that the agency carries out its duties under this Act in a maximally transparent, publicly accessible, and impartial manner.

(5) DESIGNATION OF EXISTING AGENCY.—At its option, a State may designate an existing agency in the legislative branch of its government to appoint the members of the independent redistricting commission plan for the State under this Act, so long as the agency meets the requirements for nonpartisanship under this subsection.

(6) TERMINATION OF AGENCY SPECIFICALLY ESTABLISHED FOR REDISTRICTING.—If a State does not designate an existing agency under paragraph (5) but instead establishes a new agency to serve as the nonpartisan agency under this section, the new agency shall terminate upon the enactment into law of the redistricting plan for the State.

(7) PRESERVATION OF RECORDS.—The State shall ensure that the records of the nonpartisan agency are retained in the appropriate State archive in such manner as may be necessary to enable the State to respond to any civil action brought with respect to congressional redistricting in the State.

(8) DEADLINE.—The State shall meet the requirements of this subsection not later than each October 15 of a year ending in the numeral nine.

(b) ESTABLISHMENT OF SELECT COMMITTEE ON REDISTRICTING.—

(1) IN GENERAL.—Each State shall appoint a Select Committee on Redistricting to approve or disapprove a selection pool developed for the State by the nonpartisan agency pursuant to section 202(b).

(2) APPOINTMENT.—The Select Committee on Redistricting for a State under this subsection shall consist of the following members:

(A) One member of the upper house of the State legislature, who shall be appointed by the leader of the party with the greatest number of seats in the upper house.

(B) One member of the upper house of the State legislature, who shall be appointed by the leader of the party with the second greatest number of seats in the upper house.

(C) One member of the lower house of the State legislature, who shall be appointed by the leader of the party with the greatest number of seats in the lower house.

(D) One member of the lower house of the State legislature, who shall be appointed by the leader of the party with the second greatest number of seats in the lower house.

(3) SPECIAL RULE FOR STATES WITH UNICAMERAL LEGISLATURE.—In the case of a State with a unicameral legislature, the Select Committee on Redistricting for the State under this subsection shall consist of the following members:

(A) Two members of the State legislature appointed by the chair of the political party of the State whose candidate received the highest percentage of votes in the most recent statewide election for Federal office held in the State.

(B) Two members of the State legislature appointed by the chair of the political party whose candidate received the second highest percentage of votes in the most recent statewide election for Federal office held in the State.

(4) DEADLINE.—The State shall meet the requirements of this subsection not later than each January 15 of a year ending in the numeral zero.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit the leader of any political party in a legislature from appointment to the Select Committee on Redistricting.

SEC. 205. REPORT ON DIVERSITY OF MEMBERSHIPS OF INDEPENDENT REDISTRICTING COMMISSIONS.

Not later than May 15 of a year ending in the numeral one, the Comptroller General of the United States shall submit to Congress a report on the extent to which the memberships of independent redistricting commissions for States established under this title with respect to the immediately preceding year ending in the numeral zero meet the diversity requirements as provided for in sections 201(a)(2)(B) and 202(b)(2).

TITLE III—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS

SEC. 301. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE COURT.

(a) DEVELOPMENT OF PLAN.—If any of the triggering events described in subsection (f) occur with respect to a State—

(1) not later than December 15 of the year in which the triggering event occurs, the United States district court for the applicable venue, acting through a 3-judge court convened pursuant to section 2284 of title 28, United States Code, shall develop and publish the congressional redistricting plan for the State; and

(2) the final plan developed and published by the court under this section shall be deemed to be enacted on the date on which the court publishes the final plan, as described in subsection (d).

(b) APPLICABLE VENUE DESCRIBED.—For purposes of this section, the "applicable venue" with respect to a State is the District of Columbia or the judicial district in which the capital of the State is located, as selected by the first party to file with the court sufficient evidence of the occurrence of a triggering event described in subsection (f).

(c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

(1) CRITERIA.—In developing a redistricting plan for a State under this section, the court shall adhere to the same terms and conditions that applied (or that would have applied, as the case may be) to the development of a plan by the independent redistricting commission of the State under section 103.

(2) ACCESS TO INFORMATION AND RECORDS OF COMMISSION.—The court shall have access to any information, data, software, or other records and material that was used (or that would have been used, as the case may be) by the independent redistricting commission of the State in carrying out its duties under this Act.

(3) HEARING; PUBLIC PARTICIPATION.—In developing a redistricting plan for a State, the court shall—

(A) hold one or more evidentiary hearings at which interested members of the public may appear and be heard and present testimony, including expert testimony, in accordance with the rules of the court; and

(B) consider other submissions and comments by the public, including proposals for redistricting plans to cover the entire State or any portion of the State.

(4) USE OF SPECIAL MASTER.—To assist in the development and publication of a redistricting plan for a State under this section, the court may appoint a special master to make recommendations to the court on possible plans for the State.

(d) PUBLICATION OF PLAN.—

(1) PUBLIC AVAILABILITY OF INITIAL PLAN.—Upon completing the development of one or more initial redistricting plans, the court shall make the plans available to the public at no cost, and shall also make available the underlying data used by the court to develop the plans and a written evaluation of the plans against external metrics (as described in section 203(d)).

(2) PUBLICATION OF FINAL PLAN.—At any time after the expiration of the 14-day period which begins on the date the court makes the plans available to the public under paragraph (1), and taking into consideration any submissions and comments by the public which are received during such period, the court shall develop and publish the final redistricting plan for the State.

(e) USE OF INTERIM PLAN.—In the event that the court is not able to develop and publish a final redistricting plan for the State with sufficient time for an upcoming election to proceed, the court may develop and publish an interim redistricting plan which shall serve as the redistricting plan for the State until the court develops and publishes a final plan in accordance with this section. Nothing in this subsection may be construed to limit or otherwise affect the authority or discretion of the court to develop and publish the final redistricting plan, including the discretion to make any changes the court deems necessary to an interim redistricting plan.

(f) TRIGGERING EVENTS DESCRIBED.—The ''triggering events'' described in this subsection are as follows:

(1) The failure of the State to establish or designate a nonpartisan agency of the State legislature under section 204(a) prior to the expiration of the deadline set forth in section 204(a)(8).

(2) The failure of the State to appoint a Select Committee on Redistricting under section 204(b) prior to the expiration of the deadline set forth in section 204(b)(4).

(3) The failure of the Select Committee on Redistricting to approve any selection pool under section 202 prior to the expiration of the deadline set forth for the approval of the second replacement selection pool in section 202(d)(2).

(4) The failure of the independent redistricting commission of the State to approve a final redistricting plan for the State prior to the expiration of the deadline set forth in section 203(e).

SEC. 302. SPECIAL RULE FOR REDISTRICTING CONDUCTED UNDER ORDER OF FEDERAL COURT.

If a Federal court requires a State to conduct redistricting subsequent to an apportionment of Representatives in the State in order to comply with the Constitution or to enforce the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), section 203 shall apply with respect to the redistricting, except that the court may revise any of the deadlines set forth in such section if the court determines that a revision is appropriate in order to provide for a timely enactment of a new redistricting plan for the State.

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SEC. 401. PAYMENTS TO STATES FOR CARRYING OUT REDISTRICTING.

(a) AUTHORIZATION OF PAYMENTS.—Subject to subsection (d), not later than 30 days after a State receives a State apportionment notice, the Election Assistance Commission shall, subject to the availability of appropriations provided pursuant to subsection (e), make a payment to the State in an amount equal to the product of—

(1) the number of Representatives to which the State is entitled, as provided under the notice; and

(2) $150,000.

(b) USE OF FUNDS.—A State shall use the payment made under this section to establish and operate the State's independent redistricting commission, to implement the State redistricting plan, and to otherwise carry out congressional redistricting in the State.

(c) NO PAYMENT TO STATES WITH SINGLE MEMBER.—The Election Assistance Commission shall not make a payment under this section to any State which is not entitled to more than one Representative under its State apportionment notice.

(d) REQUIRING SUBMISSION OF SELECTION POOL AS CONDITION OF PAYMENT.—

(1) REQUIREMENT.—Except as provided in paragraph (2), the Election Assistance Commission may not make a payment to a State under this section until the State certifies to the Commission that the nonpartisan agency established or designated by a State under section 204(a) has, in accordance with section 202(b)(1), submitted a selection pool to the Select Committee on Redistricting for the State established under section 204(b).

(2) EXCEPTION FOR STATES WITH EXISTING COMMISSIONS.—In the case of a State which, pursuant to section 101(c), is exempt from the requirements of section 101(a), the Commission may not make a payment to the State under this section until the State certifies to the Commission that its redistricting commission meets the requirements of section 101(c).

(3) EXCEPTION FOR STATE OF IOWA.—In the case of the State of Iowa, the Commission may not make a payment to the State under this section until the State certifies to the Commission that it will carry out congressional redistricting pursuant to the State's apportionment notice in accordance with a plan developed by the Iowa Legislative Services Agency with the assistance of a Temporary Redistricting Advisory Commission, as provided under the law described in section 101(d).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for payments under this section.

SEC. 402. CIVIL ENFORCEMENT.

(a) CIVIL ENFORCEMENT.—

(1) ACTIONS BY ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief as may be appropriate to carry out this Act.

(2) AVAILABILITY OF PRIVATE RIGHT OF ACTION.—Any citizen of a State who is aggrieved by the failure of the State to meet the requirements of this Act may bring a civil action in the United States district court for the applicable venue for such relief as may be appropriate to remedy the failure. For purposes of this section, the ''applicable venue'' is the District of Columbia or the judicial district in which the capital of the State is located, as selected by the person who brings the civil action.

(b) EXPEDITED CONSIDERATION.—In any action brought forth under this section, the following rules shall apply:

(1) The action shall be filed in the district court of the United States for the District of Columbia or for the judicial district in which the capital of the State is located, as selected by the person bringing the action.

(2) The action shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(3) The 3-judge court shall consolidate actions brought for relief under subsection (b)(1) with respect to the same State redistricting plan.

(4) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(5) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(6) It shall be the duty of the district court and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(c) REMEDIES.—

(1) ADOPTION OF REPLACEMENT PLAN.—

(A) IN GENERAL.—If the district court in an action under this section finds that the congressional redistricting plan of a State violates, in whole or in part, the requirements of this Act—

(i) the court shall adopt a replacement congressional redistricting plan for the State in accordance with the process set forth in section 301; or

(ii) if circumstances warrant and no delay to an upcoming regularly scheduled election for the House of Representatives in the State would result, the district court may allow a State to develop and propose a remedial congressional redistricting plan for consideration by the court, and such remedial plan may be developed by the State by adopting such appropriate changes to the State's enacted plan as may be ordered by the court.

(B) SPECIAL RULE IN CASE FINAL ADJUDICATION NOT EXPECTED WITHIN 3 MONTHS OF ELECTION.—If final adjudication of an action under this section is not reasonably expected to be completed at least three months prior to the next regularly scheduled election for the House of Representatives in the State, the district court shall, as the balance of equities warrant,—

(i) order development, adoption, and use of an interim congressional redistricting plan in accordance with section 301(e) to address any claims under this Act for which a party seeking relief has demonstrated a substantial likelihood of success; or

(ii) order adjustments to the timing of primary elections for the House of Representatives, as needed, to allow sufficient opportunity for adjudication of the matter and adoption of a remedial or replacement plan for use in the next regularly scheduled general elections for the House of Representatives.

(2) NO INJUNCTIVE RELIEF PERMITTED.—Any remedial or replacement congressional redistricting plan ordered under this subsection shall not be subject to temporary or preliminary injunctive relief from any court unless the record establishes that a writ of mandamus is warranted.

(3) NO STAY PENDING APPEAL.—Notwithstanding the appeal of an order finding that a congressional redistricting plan of a State violates, in whole or in part, the requirements of this Act, no stay shall issue which shall bar the development or adoption of a replacement or remedial plan under this subsection, as may be directed by the district court, pending such appeal.

(d) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(e) RELATION TO OTHER LAWS.—

(1) RIGHTS AND REMEDIES ADDITIONAL TO OTHER RIGHTS AND REMEDIES.—The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).

(2) VOTING RIGHTS ACT OF 1965.—Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).

(f) LEGISLATIVE PRIVILEGE.—No person, legislature, or State may claim legislative privilege under either State or Federal law in a civil action brought under this section or in any other legal challenge, under either State or Federal law, to a redistricting plan enacted under this Act.

SEC. 403. STATE APPORTIONMENT NOTICE DEFINED.

In this Act, the ''State apportionment notice'' means, with respect to a State, the notice sent to the State from the Clerk of the House of Representatives under section 22(b) of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress'', approved June 18, 1929 (2 U.S.C. 2a), of the number of Representatives to which the State is entitled.

SEC. 404. NO EFFECT ON ELECTIONS FOR STATE AND LOCAL OFFICE.

Nothing in this Act or in any amendment made by this Act may be construed to affect the manner in which a State carries out elections for State or local office, including the process by which a State establishes the districts used in such elections.

SEC. 405. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply with respect to redistricting carried out pursuant to the decennial census conducted during 2030 or any succeeding decennial census.

TITLE V—REQUIREMENTS FOR REDISTRICTING CARRIED OUT PURSUANT TO 2020 CENSUS

Subtitle A—Application of Certain Requirements for Redistricting Carried Out Pursuant to 2020 Census

SEC. 511. APPLICATION OF CERTAIN REQUIREMENTS FOR REDISTRICTING CARRIED OUT PURSUANT TO 2020 CENSUS.

Notwithstanding section 405, titles I, III, and IV of this Act and the amendments made by such titles shall apply with respect to congressional redistricting carried out pursuant to the decennial census conducted during 2020 in the same manner as such titles and the amendments made by such title apply with respect to redistricting carried out pursuant to the decennial census conducted during 2030, except as follows:

(1) Except as provided in subsection (c) and subsection (d) of section 101, the redistricting shall be conducted in accordance with—

(A) the redistricting plan developed and enacted into law by the independent redistricting commission established in the State in accordance with subtitle B; or

(B) if a plan developed by such commission is not enacted into law, the redistricting plan developed and enacted into law by a 3-judge court in accordance with section 301.

(2) If any of the triggering events described in section 512 occur with respect to the State, the United States district court for the applicable venue shall develop and publish the redistricting plan for the State, in accordance with section 301, not later than March 15, 2022.

(3) For purposes of section 401(d)(1), the Election Assistance Commission may not make a payment to a State under such section until the State certifies to the Commission that the nonpartisan agency established or designated by a State under section 524(a) has, in accordance with section 522(b)(1), submitted a selection pool to the Select Committee on Redistricting for the State established under section 524(b).

SEC. 512. TRIGGERING EVENTS.

For purposes of the redistricting carried out pursuant to the decennial census conducted during 2020, the triggering events described in this section are as follows:

(1) The failure of the State to establish or designate a nonpartisan agency under section 524(a) prior to the expiration of the deadline under section 524(a)(6).

(2) The failure of the State to appoint a Select Committee on Redistricting under section 524(b) prior to the expiration of the deadline under section 524(b)(4).

(3) The failure of the Select Committee on Redistricting to approve a selection pool under section 522(b) prior to the expiration of the deadline under section 522(b)(7).

(4) The failure of the independent redistricting commission of the State to approve a final redistricting plan for the State under section 523 prior to the expiration of the deadline under section 523(e).

Subtitle B—Independent Redistricting Commissions for Redistricting Carried Out Pursuant to 2020 Census

SEC. 521. USE OF INDEPENDENT REDISTRICTING COMMISSIONS FOR REDISTRICTING CARRIED OUT PURSUANT TO 2020 CENSUS.

(a) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—The nonpartisan agency established or designated by a State under section 524(a) shall establish an independent redistricting commission under this title for the State, which shall consist of 15 members appointed by the agency as follows:

(A) Not later than November 5, 2021, the agency shall, at a public meeting held not earlier than 15 days after notice of the meeting has been given to the public, first appoint 6 members as follows:

(i) The agency shall appoint 2 members on a random basis from the majority category of the approved selection pool (as described in section 522(b)(1)(A)).

(ii) The agency shall appoint 2 members on a random basis from the minority category of the approved selection pool (as described in section 522(b)(1)(B)).

(iii) The agency shall appoint 2 members on a random basis from the independent category of the approved selection pool (as described in section 522(b)(1)(C)).

(B) Not later than November 15, 2021, the members appointed by the agency under subparagraph (A) shall, at a public meeting held not earlier than 15 days after notice of the meeting has been given to the public, then appoint 9 members as follows:

(i) The members shall appoint 3 members from the majority category of the approved selection pool (as described in section 522(b)(1)(A)).

(ii) The members shall appoint 3 members from the minority category of the approved selection pool (as described in section 522(b)(1)(B)).

(iii) The members shall appoint 3 members from the independent category of the approved selection pool (as described in section 522(b)(1)(C)).

(2) RULES FOR APPOINTMENT OF MEMBERS APPOINTED BY FIRST MEMBERS.—

(A) AFFIRMATIVE VOTE OF AT LEAST 4 MEMBERS.—The appointment of any of the 9 members of the independent redistricting commission who are appointed by the first members of the commission pursuant to subparagraph (B) of paragraph (1) shall require the affirmative vote of at least 4 of the members appointed by the nonpartisan agency under subparagraph (A) of paragraph (1), including at least one member from each of the categories referred to in such subparagraph.

(B) ENSURING DIVERSITY.—In appointing the 9 members pursuant to subparagraph (B) of paragraph (1), the first members of the independent redistricting commission shall ensure that the membership is representative of the demographic groups (including racial, ethnic, economic, and gender) and geographic regions of the State, and provides racial, ethnic, and language minorities protected under the Voting Rights Act of 1965 with a meaningful opportunity to participate in the development of the State's redistricting plan.

(3) REMOVAL.—A member of the independent redistricting commission may be removed by a majority vote of the remaining members of the commission if it is shown by a preponderance of the evidence that the member is not eligible to serve on the commission under section 522(a).

(b) PROCEDURES FOR CONDUCTING COMMISSION BUSINESS.—

(1) REQUIRING MAJORITY APPROVAL FOR ACTIONS.—The independent redistricting commission of a State under this title may not publish and disseminate any draft or final redistricting plan, or take any other action, without the approval of at least—

(A) a majority of the whole membership of the commission; and

(B) at least one member of the commission appointed from each of the categories of the approved selection pool described in section 522(b)(1).

(2) QUORUM.—A majority of the members of the commission shall constitute a quorum.

(c) STAFF; CONTRACTORS.—

(1) STAFF.—Under a public application process in which all application materials are available for public inspection, the independent redistricting commission of a State under this title shall appoint and set the pay of technical experts, legal counsel, consultants, and such other staff as it considers appropriate, subject to State law.

(2) CONTRACTORS.—The independent redistricting commission of a State may enter into such contracts with vendors as it considers appropriate, subject to State law, except that any such contract shall be valid only if approved by the vote of a majority of the members of the commission, including at least one member appointed from each of the categories of the approved selection pool described in section 522(b)(1).

(3) GOAL OF IMPARTIALITY.—The commission shall take such steps as it considers appropriate to ensure that any staff appointed under this subsection, and any vendor with whom the commission enters into a contract under this subsection, will work in an impartial manner.

(d) PRESERVATION OF RECORDS.—The State shall ensure that the records of the independent redistricting commission are retained in the appropriate State archive in such manner as may be necessary to enable the State to respond to any civil action brought with respect to congressional redistricting in the State.

SEC. 522. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS OF COMMISSION.

(a) CRITERIA FOR ELIGIBILITY.—

(1) IN GENERAL.—An individual is eligible to serve as a member of an independent redistricting commission under this title if the

individual meets each of the following criteria:

(A) As of the date of appointment, the individual is registered to vote in elections for Federal office held in the State.

(B) During the 3-year period ending on the date of the individual's appointment, the individual has been continuously registered to vote with the same political party, or has not been registered to vote with any political party.

(C) The individual submits to the nonpartisan agency established or designated by a State under section 524, at such time and in such form as the agency may require, an application for inclusion in the selection pool under this section, and includes with the application a written statement, with an attestation under penalty of perjury, containing the following information and assurances:

(i) The full current name and any former names of, and the contact information for, the individual, including an electronic mail address, the address of the individual's residence, mailing address, and telephone numbers.

(ii) The individual's race, ethnicity, gender, age, date of birth, and household income for the most recent taxable year.

(iii) The political party with which the individual is affiliated, if any.

(iv) The reason or reasons the individual desires to serve on the independent redistricting commission, the individual's qualifications, and information relevant to the ability of the individual to be fair and impartial, including—

(I) any involvement with, or financial support of, professional, social, political, religious, or community organizations or causes; and

(II) the individual's employment and educational history.

(v) An assurance that the individual shall commit to carrying out the individual's duties under this Act in an honest, independent, and impartial fashion, and to upholding public confidence in the integrity of the redistricting process.

(vi) An assurance that, during such covered period as the State may establish with respect to any of the subparagraphs of paragraph (2), the individual has not taken and will not take any action which would disqualify the individual from serving as a member of the commission under such paragraph.

(2) DISQUALIFICATIONS.—An individual is not eligible to serve as a member of the commission if any of the following applies with respect to such covered period as the State may establish:

(A) The individual or an immediate family member of the individual holds public office or is a candidate for election for public office.

(B) The individual or an immediate family member of the individual serves as an officer of a political party or as an officer, employee, or paid consultant of a campaign committee of a candidate for public office or of any political action 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 Registration Act of 1938 (22 U.S.C. 611 et seq.).

(3) IMMEDIATE FAMILY MEMBER DEFINED.—In this subsection, the term ''immediate family member'' means, with respect to an individual, a father, stepfather, mother, stepmother, son, stepson, daughter, stepdaughter, brother, stepbrother, sister, stepsister, husband, wife, father-in-law, or mother-in-law.

(b) DEVELOPMENT AND SUBMISSION OF SELECTION POOL.—

(1) IN GENERAL.—Not later than October 15, 2021, the nonpartisan agency established or designated by a State under section 524(a) shall develop and submit to the Select Committee on Redistricting for the State established under section 524(b) a selection pool of 36 individuals who are eligible to serve as members of the independent redistricting commission of the State under this title, consisting of individuals in the following categories:

(A) A majority category, consisting of 12 individuals who are affiliated with the political party whose candidate received the most votes in the most recent Statewide election for Federal office held in the State.

(B) A minority category, consisting of 12 individuals who are affiliated with the political party whose candidate received the second most votes in the most recent Statewide election for Federal office held in the State.

(C) An independent category, consisting of 12 individuals who are not affiliated with either of the political parties described in subparagraph (A) or subparagraph (B).

(2) FACTORS TAKEN INTO ACCOUNT IN DEVELOPING POOL.—In selecting individuals for the selection pool under this subsection, the nonpartisan agency shall—

(A) ensure that the pool is representative of the demographic groups (including racial, ethnic, economic, and gender) and geographic regions of the State, and includes applicants who would allow racial, ethnic, and language minorities protected under the Voting Rights Act of 1965 a meaningful opportunity to participate in the development of the State's redistricting plan; and

(B) take into consideration the analytical skills of the individuals selected in relevant fields (including mapping, data management, law, community outreach, demography, and the geography of the State) and their ability to work on an impartial basis.

(3) DETERMINATION OF POLITICAL PARTY AFFILIATION OF INDIVIDUALS IN SELECTION POOL.—For purposes of this section, an individual shall be considered to be affiliated with a political party only if the nonpartisan agency is able to verify (to the greatest extent possible) the information the individual provides in the application submitted under subsection (a)(1)(C), including by considering additional information provided by other persons with knowledge of the individual's history of political activity.

(4) ENCOURAGING RESIDENTS TO APPLY FOR INCLUSION IN POOL.—The nonpartisan agency shall take such steps as may be necessary to ensure that residents of the State across various geographic regions and demographic groups are aware of the opportunity to serve on the independent redistricting commission, including publicizing the role of the panel and using newspapers, broadcast media, and online sources, including ethnic media, to encourage individuals to apply for inclusion in the selection pool developed under this subsection.

(5) REPORT ON ESTABLISHMENT OF SELECTION POOL.—At the time the nonpartisan agency submits the selection pool to the Select Committee on Redistricting under paragraph (1), it shall publish a report describing the process by which the pool was developed, and shall include in the report a description of how the individuals in the pool meet the eligibility criteria of subsection (a) and of how the pool reflects the factors the agency is required to take into consideration under paragraph (2).

(6) PUBLIC COMMENT ON SELECTION POOL.—During the 14-day period which begins on the date the nonpartisan agency publishes the report under paragraph (5), the agency shall accept comments from the public on the individuals included in the selection pool. The agency shall transmit all such comments to the Select Committee on Redistricting immediately upon the expiration of such period.

(7) ACTION BY SELECT COMMITTEE.—

(A) IN GENERAL.—Not later than November 1, 2021, the Select Committee on Redistricting shall—

(i) approve the pool as submitted by the nonpartisan agency, in which case the pool shall be considered the approved selection pool for purposes of section 521(a)(1); or

(ii) reject the pool, in which case the redistricting plan for the State shall be developed and enacted in accordance with title III.

(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 Committee shall be deemed to have rejected the pool for purposes of such subparagraph.

SEC. 523. CRITERIA FOR REDISTRICTING PLAN; PUBLIC NOTICE AND INPUT.

(a) PUBLIC NOTICE AND INPUT.—

(1) USE OF OPEN AND TRANSPARENT PROCESS.—The independent redistricting commission of a State under this title 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 redistricting plan for the State, and shall carry out its duties in an open and transparent manner which provides for the widest public dissemination reasonably possible of its proposed and final redistricting plans.

(2) PUBLIC COMMENT PERIOD.—The commission shall solicit, accept, and consider comments from the public with respect to its duties, activities, and procedures at any time until 7 days before the date of the meeting at which the commission shall vote on approving the final redistricting plan for enactment into law under subsection (c)(2).

(3) MEETINGS AND HEARINGS IN VARIOUS GEOGRAPHIC LOCATIONS.—To the greatest extent practicable, the commission shall hold its meetings and hearings in various geographic regions and locations throughout the State.

(4) MULTIPLE LANGUAGE REQUIREMENTS FOR ALL NOTICES.—The commission shall make each notice which is required to be published under this section available in any language in which the State (or any jurisdiction in the State) is required to provide election materials under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503).

(b) DEVELOPMENT AND PUBLICATION OF PRELIMINARY REDISTRICTING PLAN.—

(1) IN GENERAL.—Prior to developing and publishing a final redistricting plan under subsection (c), the independent redistricting commission of a State under this title shall develop and publish a preliminary redistricting plan.

(2) MINIMUM PUBLIC HEARINGS AND OPPORTUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

(A) 2 HEARINGS REQUIRED.—Prior to developing a preliminary redistricting plan under this subsection, the commission shall hold not fewer than 2 public hearings at which members of the public may provide input and comments regarding the potential contents of redistricting plans for the State and the process by which the commission will develop the preliminary plan under this subsection.

(B) NOTICE PRIOR TO HEARINGS.—The commission shall provide for the publication of notices of each hearing held under this paragraph, including in newspapers of general circulation throughout the State. Each such notice shall specify the date, time, and location of the hearing.

(C) SUBMISSION OF PLANS AND MAPS BY MEMBERS OF THE PUBLIC.—Any member of the public may submit maps or portions of maps for consideration by the commission.

(3) PUBLICATION OF PRELIMINARY PLAN.—The commission shall provide for the publication of the preliminary redistricting plan developed under this subsection, including in newspapers of general circulation throughout the State, and shall make publicly available a report that includes the commission's responses to any public comments received under this subsection.

(4) PUBLIC COMMENT AFTER PUBLICATION.—The commission shall accept and consider comments from the public with respect to the preliminary redistricting plan published under paragraph (3), including proposed revisions to maps, until 14 days before the date of the meeting under subsection (c)(2) at which the members of the commission shall vote on approving the final redistricting plan for enactment into law.

(5) POST-PUBLICATION HEARINGS.—

(A) 2 HEARINGS REQUIRED.—After publishing the preliminary redistricting plan under paragraph (3), and not later than 14 days before the date of the meeting under subsection (c)(2) at which the members of the commission shall vote on approving the final redistricting plan for enactment into law, the commission shall hold not fewer than 2 public hearings in different geographic areas of the State at which members of the public may provide input and comments regarding the preliminary plan.

(B) NOTICE PRIOR TO HEARINGS.—The commission shall provide for the publication of notices of each hearing held under this paragraph, including in newspapers of general circulation throughout the State. Each such notice shall specify the date, time, and location of the hearing.

(6) PERMITTING MULTIPLE PRELIMINARY PLANS.—At the option of the commission, after developing and publishing the preliminary redistricting plan under this subsection, the commission may develop and publish subsequent preliminary redistricting plans, so long as the process for the development and publication of each such subsequent plan meets the requirements set forth in this subsection for the development and publication of the first preliminary redistricting plan.

(c) PROCESS FOR ENACTMENT OF FINAL REDISTRICTING PLAN.—

(1) IN GENERAL.—After taking into consideration comments from the public on any preliminary redistricting plan developed and published under subsection (b), the independent redistricting commission of a State under this title shall develop and publish a final redistricting plan for the State.

(2) MEETING; FINAL VOTE.—Not later than the deadline specified in subsection (e), the commission shall hold a public hearing at which the members of the commission shall vote on approving the final plan for enactment into law.

(3) PUBLICATION OF PLAN AND ACCOMPANYING MATERIALS.—Not fewer than 14 days before the date of the meeting under paragraph (2), the commission shall make the following information available to the public, including through newspapers of general circulation throughout the State:

(A) The final redistricting plan, including all relevant maps.

(B) A report by the commission to accompany the plan which provides the background for the plan and the commission's reasons for selecting the plan as the final redistricting plan, including responses to the public comments received on any preliminary redistricting plan developed and published under subsection (b).

(C) Any dissenting or additional views with respect to the plan of individual members of the commission.

(4) ENACTMENT.—The final redistricting plan developed and published under this subsection shall be deemed to be enacted into law upon the expiration of the 45-day period which begins on the date on which—

(A) such final plan is approved by a majority of the whole membership of the commission; and

(B) at least one member of the commission appointed from each of the categories of the approved selection pool described in section 522(b)(1) approves such final plan.

(d) WRITTEN EVALUATION OF PLAN AGAINST EXTERNAL METRICS.—The independent redistricting commission of a State under this title shall include with each redistricting plan developed and published under this section a written evaluation that measures each such plan against external metrics which cover the criteria set forth in section 103(a), including the impact of the plan on the ability of communities of color to elect candidates of choice, measures of partisan fairness using multiple accepted methodologies, and the degree to which the plan preserves or divides communities of interest.

(e) DEADLINE.—The independent redistricting commission of a State under this title shall approve a final redistricting plan for the State not later than February 15, 2022.

SEC. 524. ESTABLISHMENT OF RELATED ENTITIES.

(a) ESTABLISHMENT OR DESIGNATION OF NONPARTISAN AGENCY OF STATE LEGISLATURE.—

(1) IN GENERAL.—Each State shall establish a nonpartisan agency in the legislative branch of the State government to appoint the members of the independent redistricting commission for the State under this title in accordance with section 521.

(2) NONPARTISANSHIP DESCRIBED.—For purposes of this subsection, an agency shall be considered to be nonpartisan if under law the agency—

(A) is required to provide services on a nonpartisan basis;

(B) is required to maintain impartiality; and

(C) is prohibited from advocating for the adoption or rejection of any legislative proposal.

(3) DESIGNATION OF EXISTING AGENCY.—At its option, a State may designate an existing agency in the legislative branch of its government to appoint the members of the independent redistricting commission plan for the State under this Act, so long as the agency meets the requirements for nonpartisanship under this subsection.

(4) TERMINATION OF AGENCY SPECIFICALLY ESTABLISHED FOR REDISTRICTING.—If a State does not designate an existing agency under paragraph (3) but instead establishes a new agency to serve as the nonpartisan agency under this section, the new agency shall terminate upon the enactment into law of the redistricting plan for the State.

(5) PRESERVATION OF RECORDS.—The State shall ensure that the records of the nonpartisan agency are retained in the appropriate State archive in such manner as may be necessary to enable the State to respond to any civil action brought with respect to congressional redistricting in the State.

(6) DEADLINE.—The State shall meet the requirements of this subsection not later than September 1, 2021.

(b) ESTABLISHMENT OF SELECT COMMITTEE ON REDISTRICTING.—

(1) IN GENERAL.—Each State shall appoint a Select Committee on Redistricting to approve or disapprove a selection pool developed by the independent redistricting commission for the State under this title under section 522.

(2) APPOINTMENT.—The Select Committee on Redistricting for a State under this subsection shall consist of the following members:

(A) One member of the upper house of the State legislature, who shall be appointed by the leader of the party with the greatest number of seats in the upper house.

(B) One member of the upper house of the State legislature, who shall be appointed by the leader of the party with the second greatest number of seats in the upper house.

(C) One member of the lower house of the State legislature, who shall be appointed by the leader of the party with the greatest number of seats in the lower house.

(D) One member of the lower house of the State legislature, who shall be appointed by the leader of the party with the second greatest number of seats in the lower house.

(3) SPECIAL RULE FOR STATES WITH UNICAMERAL LEGISLATURE.—In the case of a State with a unicameral legislature, the Select Committee on Redistricting for the State under this subsection shall consist of the following members:

(A) Two members of the State legislature appointed by the chair of the political party of the State whose candidate received the highest percentage of votes in the most recent Statewide election for Federal office held in the State.

(B) Two members of the State legislature appointed by the chair of the political party whose candidate received the second highest percentage of votes in the most recent Statewide election for Federal office held in the State.

(4) DEADLINE.—The State shall meet the requirements of this subsection not later than September 15, 2021.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit the leader of any political party in a legislature from appointment to the Select Committee on Redistricting.

SEC. 525. REPORT ON DIVERSITY OF MEMBERSHIPS OF INDEPENDENT REDISTRICTING COMMISSIONS.

Not later than February 15, 2022, the Comptroller General of the United States shall submit to Congress a report on the extent to which the memberships of independent redistricting commissions for States established under this title with respect to the immediately preceding year ending in the numeral zero meet the diversity requirements as provided for in sections 521(a)(2)(B) and 522(b)(2).

By Mr. SCHUMER:

S. 2671. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

Mr. President. I ask the text of the bill be printed in the RECORD.

So ordered.

S. 2671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Democracy Is Strengthened by Casting Light On Spending in Elections Act of 2021'' or the ''DISCLOSE Act of 2021''.

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

Sec. 1. Short title; table of contents.

TITLE I—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN NATIONALS IN ELECTIONS

Sec. 101. Clarification of prohibition on participation by foreign nationals in election-related activities.
Sec. 102. Clarification of application of foreign money ban to certain disbursements and activities.
Sec. 103. Audit and report on illicit foreign money in Federal elections.
Sec. 104. Prohibition on contributions and donations by foreign nationals in connection with ballot initiatives and referenda.
Sec. 105. Disbursements and activities subject to foreign money ban.
Sec. 106. Prohibiting establishment of corporation to conceal election contributions and donations by foreign nationals.

TITLE II—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

Sec. 201. Reporting of campaign-related disbursements.
Sec. 202. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.
Sec. 203. Effective date.

TITLE III—OTHER ADMINISTRATIVE REFORMS

Sec. 301. Petition for certiorari.
Sec. 302. Judicial review of actions related to campaign finance laws.

TITLE I—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN NATIONALS IN ELECTIONS

SEC. 101. CLARIFICATION OF PROHIBITION ON PARTICIPATION BY FOREIGN NATIONALS IN ELECTION-RELATED ACTIVITIES.

(a) CLARIFICATION OF PROHIBITION.—Section 319(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)) is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) a foreign national to direct, dictate, control, or directly or indirectly participate in the decision making process of any person (including a corporation, labor organization, political committee, or political organization) with regard to such person's Federal or non-Federal election-related activity, including any decision concerning the making of contributions, donations, expenditures, or disbursements in connection with an election for any Federal, State, or local office or any decision concerning the administration of a political committee.''.

(b) CERTIFICATION OF COMPLIANCE.—Section 319 of such Act (52 U.S.C. 30121) is amended by adding at the end the following new subsection:

''(c) CERTIFICATION OF COMPLIANCE REQUIRED PRIOR TO CARRYING OUT ACTIVITY.—Prior to the making in connection with an election for Federal office of any contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication by a corporation, labor organization (as defined in section 316(b)), limited liability corporation, or partnership during a year, the chief executive officer of the corporation, labor organization, limited liability corporation, or partnership (or, if the corporation, labor organization, limited liability corporation, or partnership does not have a chief executive officer, the highest ranking official of the corporation, labor organization, limited liability corporation, or partnership), shall file a certification with the Commission, under penalty of perjury, that a foreign national did not direct, dictate, control, or directly or indirectly participate in the decision making process relating to such activity in violation of subsection (a)(3), unless the chief executive officer has previously filed such a certification during that calendar year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 180-day period which begins on the date of the enactment of this Act, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 102. CLARIFICATION OF APPLICATION OF FOREIGN MONEY BAN TO CERTAIN DISBURSEMENTS AND ACTIVITIES.

(a) APPLICATION TO DISBURSEMENTS TO SUPER PACS AND OTHER PERSONS.—Section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs 2 ems to the right;

(2) by striking ''As used in this section, the term 'foreign national' means'' and inserting the following: ''DEFINITIONS.—For purposes of this section—

''(1) FOREIGN NATIONAL.—The term'';

(3) by moving paragraphs (1) and (2) two ems to the right and redesignating them as subparagraphs (A) and (B), respectively; and

(4) by adding at the end the following new paragraph:

''(2) CONTRIBUTION AND DONATION.—For purposes of paragraphs (1) and (2) of subsection (a), the term 'contribution or donation' includes any disbursement to a political committee which accepts donations or contributions that do not comply with any of the limitations, prohibitions, and reporting requirements of this Act (or any disbursement to or on behalf of any account of a political committee which is established for the purpose of accepting such donations or contributions), or to any other person for the purpose of funding an expenditure, independent expenditure, or electioneering communication (as defined in section 304(f)(3)).''.

(b) CONDITIONS UNDER WHICH CORPORATE PACS MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Section 316(b) of such Act (52 U.S.C. 30118(b)) is amended by adding at the end the following new paragraph:

''(8) A separate segregated fund established by a corporation may not make a contribution or expenditure during a year unless the fund has certified to the Commission the following during the year:

''(A) Each individual who manages the fund, and who is responsible for exercising decisionmaking authority for the fund, is a citizen of the United States or is lawfully admitted for permanent residence in the United States.

''(B) No foreign national under section 319 participates in any way in the decision-making processes of the fund with regard to contributions or expenditures under this Act.

''(C) The fund does not solicit or accept recommendations from any foreign national under section 319 with respect to the contributions or expenditures made by the fund.

''(D) Any member of the board of directors of the corporation who is a foreign national under section 319 abstains from voting on matters concerning the fund or its activities.''.

SEC. 103. AUDIT AND REPORT ON ILLICIT FOREIGN MONEY IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is amended by inserting after section 319 the following new section:

''SEC. 319A. AUDIT AND REPORT ON DISBURSEMENTS BY FOREIGN NATIONALS.

''(a) AUDIT.—

''(1) IN GENERAL.—The Commission shall conduct an audit after each Federal election cycle to determine the incidence of illicit foreign money in such Federal election cycle.

''(2) PROCEDURES.—In carrying out paragraph (1), the Commission shall conduct random audits of any disbursements required to be reported under this Act, in accordance with procedures established by the Commission.

''(b) REPORT.—Not later than 180 days after the end of each Federal election cycle, the Commission shall submit to Congress a report containing—

''(1) results of the audit required by subsection (a)(1);

''(2) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among rural communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections;

''(3) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among African-American and other minority communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections;

''(4) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on influencing military and veteran communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections; and

''(5) recommendations to address the presence of illicit foreign money in elections, as appropriate.

''(c) DEFINITIONS.—As used in this section:

''(1) The term 'Federal election cycle' means the period which begins on the day after the date of a regularly scheduled general election for Federal office and which ends on the date of the first regularly scheduled general election for Federal office held after such date.

''(2) The term 'illicit foreign money' means any disbursement by a foreign national (as defined in section 319(b)) prohibited under such section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the Federal election cycle that began during November 2020, and each succeeding Federal election cycle.

SEC. 104. PROHIBITION ON CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS IN CONNECTION WITH BALLOT INITIATIVES AND REFERENDA.

(a) IN GENERAL.—Section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)), as amended by section 102(a), is amended by adding at the end the following new paragraph:

''(3) FEDERAL, STATE, OR LOCAL ELECTION.—The term 'Federal, State, or local election' includes a State or local ballot initiative or referendum.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections held in 2022 or any succeeding year.

SEC. 105. DISBURSEMENTS AND ACTIVITIES SUBJECT TO FOREIGN MONEY BAN.

(a) DISBURSEMENTS DESCRIBED.—Section 319(a)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)), as amended by section 101, is amended—

(1) by striking ''or'' at the end of subparagraph (B); and

(2) by striking subparagraph (C) and inserting the following:

''(C) an expenditure;

''(D) an independent expenditure;

''(E) a disbursement for an electioneering communication (within the meaning of section 304(f)(3));

''(F) a disbursement for a communication which is placed or promoted for a fee on a website, web application, or digital application that refers to a clearly identified candidate for election for Federal office and is disseminated within 60 days before a general, special or runoff election for the office sought by the candidate or 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate for the office sought by the candidate;

''(G) a disbursement for a broadcast, cable or satellite communication, or for a communication which is placed or promoted for a fee on a website, web application, or digital application, that promotes, supports, attacks or opposes the election of a clearly identified candidate for Federal, State, or local office (regardless of whether the communication contains express advocacy or the functional equivalent of express advocacy);

''(H) a disbursement for a broadcast, cable, or satellite communication, or for any communication which is placed or promoted for a fee on an online platform, that discusses a national legislative issue of public importance in a year in which a regularly scheduled general election for Federal office is held, but only if the disbursement is made by a covered foreign national;

''(I) a disbursement by a covered foreign national to compensate any person for internet activity that promotes, supports, attacks or opposes the election of a clearly identified candidate for Federal, State, or local office (regardless of whether the activity contains express advocacy or the functional equivalent of express advocacy); or

''(J) a disbursement for a Federal judicial nomination communication (as defined in section 324(d)(3));''.

(b) ONLINE PLATFORM.—Section 319(b) of such Act (51 U.S.C. 30121(b)), as amended by sections 102(a) and 104, is amended by adding at the end the following new paragraphs:

''(4) ONLINE PLATFORM.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'online platform' means any public-facing website, web application, or digital application (including a social network, ad network, or search engine) which—

''(i)(I) sells qualified political advertisements; and

''(II) has 50,000,000 or more unique monthly United States visitors or users for a majority of months during the preceding 12 months; or

''(ii) is a third-party advertising vendor that has 50,000,000 or more unique monthly United States visitors in the aggregate on any advertisement space that it has sold or bought for a majority of months during the preceding 12 months, as measured by an independent digital ratings service accredited by the Media Ratings Council (or its successor).

''(B) EXEMPTION.—Such term shall not include any online platform that is a distribution facility of any broadcasting station or newspaper, magazine, blog, publication, or periodical.

''(C) QUALIFIED POLITICAL ADVERTISEMENT.—For purposes of this paragraph, the term 'qualified political advertisement' means any advertisement (including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships) that—

''(i) is made by or on behalf of a candidate; or

''(ii) communicates a message relating to any political matter of national importance, including—

''(I) a candidate;

''(II) any election to Federal office; or

''(III) a national legislative issue of public importance.

''(D) THIRD-PARTY ADVERTISING VENDOR DEFINED.—For purposes of this paragraph, the term 'third-party advertising vendor' includes, but is not limited to, any third-party advertising vendor network, advertising agency, advertiser, or third-party advertisement serving company that buys and sells advertisement space on behalf of unaffiliated third-party websites, search engines, digital applications, or social media sites.

''(5) COVERED FOREIGN NATIONAL.—

''(A) IN GENERAL.—The term 'covered foreign national' means—

''(i) a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)) that is a government of a foreign country or a foreign political party;

''(ii) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal described in clause (i) or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal described in clause (i); or

''(iii) any person included in the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to authorities relating to the imposition of sanctions relating to the conduct of a foreign principal described in clause (i).

''(B) CLARIFICATION REGARDING APPLICATION TO CITIZENS OF THE UNITED STATES.—In the case of a citizen of the United States, clause (ii) of subparagraph (A) applies only to the extent that the person involved acts within the scope of that person's status as the agent of a foreign principal described clause (i) of subparagraph (A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to disbursements made on or after the date of the enactment of this Act.

SEC. 106. PROHIBITING ESTABLISHMENT OF CORPORATION TO CONCEAL ELECTION CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS.

(a) PROHIBITION.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following:

''§ 612. Establishment of corporation to conceal election contributions and donations by foreign nationals

''(a) OFFENSE.—It shall be unlawful for an owner, officer, attorney, or incorporation agent of a corporation, company, or other entity to establish or use the corporation, company, or other entity with the intent to conceal an activity of a foreign national (as defined in section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121)) prohibited under such section 319.

''(b) PENALTY.—Any person who violates subsection (a) shall be imprisoned for not more than 5 years, fined under this title, or both.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 18, United States Code, is amended by inserting after the item relating to section 611 the following:

''612. Establishment of corporation to conceal election contributions and donations by foreign nationals.''.

TITLE II—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

SEC. 201. REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS.

(a) DISCLOSURE REQUIREMENTS FOR CORPORATIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER ENTITIES.—

(1) IN GENERAL.—Section 324 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30126) is amended to read as follows:

''SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSEMENTS BY COVERED ORGANIZATIONS.

''(a) DISCLOSURE STATEMENT.—

''(1) IN GENERAL.—Any covered organization that makes campaign-related disbursements aggregating more than $10,000 in an election reporting cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission made under penalty of perjury that contains the information described in paragraph (2)—

''(A) in the case of the first statement filed under this subsection, for the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the first such disclosure date) and ending on the first such disclosure date; and

''(B) in the case of any subsequent statement filed under this subsection, for the period beginning on the previous disclosure date and ending on such disclosure date.

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is as follows:

''(A) The name of the covered organization and the principal place of business of such organization and, in the case of a covered organization that is a corporation (other than a business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of that Act (15 U.S.C. 78o(d))) or an entity described in subsection (e)(2), a list of the beneficial owners (as defined in paragraph (4)(A)) of the entity that—

''(i) identifies each beneficial owner by name and current residential or business street address; and

''(ii) if any beneficial owner exercises control over the entity through another legal entity, such as a corporation, partnership, limited liability company, or trust, identifies each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.

''(B) The amount of each campaign-related disbursement made by such organization during the period covered by the statement of more than $1,000, and the name and address of the person to whom the disbursement was made.

''(C) In the case of a campaign-related disbursement that is not a covered transfer, the election to which the campaign-related disbursement pertains and if the disbursement is made for a public communication, the name of any candidate identified in such

communication and whether such communication is in support of or in opposition to a candidate.

''(D) A certification by the chief executive officer or person who is the head of the covered organization that the campaign-related disbursement is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or agent of a candidate, political party, or agent of a political party.

''(E)(i) If the covered organization makes campaign-related disbursements using exclusively funds in a segregated bank account consisting of funds that were paid directly to such account by persons other than the covered organization that controls the account, for each such payment to the account—

''(I) the name and address of each person who made such payment during the period covered by the statement;

''(II) the date and amount of such payment; and

''(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date,

but only if such payment was made by a person who made payments to the account in an aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date.

''(ii) In any calendar year after 2022, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the 'base period' shall be calendar year 2022.

''(F)(i) If the covered organization makes campaign-related disbursements using funds other than funds in a segregated bank account described in subparagraph (E), for each payment to the covered organization—

''(I) the name and address of each person who made such payment during the period covered by the statement;

''(II) the date and amount of such payment; and

''(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date,

but only if such payment was made by a person who made payments to the covered organization in an aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date.

''(ii) In any calendar year after 2022, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the 'base period' shall be calendar year 2022.

''(G) Such other information as required in rules established by the Commission to promote the purposes of this section.

''(3) EXCEPTIONS.—

''(A) AMOUNTS RECEIVED IN ORDINARY COURSE OF BUSINESS.—The requirement to include in a statement filed under paragraph (1) the information described in paragraph (2) shall not apply to amounts received by the covered organization in commercial transactions in the ordinary course of any trade or business conducted by the covered organization or in the form of investments (other than investments by the principal shareholder in a limited liability corporation) in the covered organization. For purposes of this subparagraph, amounts received by a covered organization as remittances from an employee to the employee's collective bargaining representative shall be treated as amounts received in commercial transactions in the ordinary course of the business conducted by the covered organization.

''(B) DONOR RESTRICTION ON USE OF FUNDS.—The requirement to include in a statement submitted under paragraph (1) the information described in subparagraph (F) of paragraph (2) shall not apply if—

''(i) the person described in such subparagraph prohibited, in writing, the use of the payment made by such person for campaign-related disbursements; and

''(ii) the covered organization agreed to follow the prohibition and deposited the payment in an account which is segregated from any account used to make campaign-related disbursements.

''(C) THREAT OF HARASSMENT OR REPRISAL.—The requirement to include any information relating to the name or address of any person (other than a candidate) in a statement submitted under paragraph (1) shall not apply if the inclusion of the information would subject the person to serious threats, harassment, or reprisals.

''(4) OTHER DEFINITIONS.—For purposes of this section:

''(A) BENEFICIAL OWNER DEFINED.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'beneficial owner' means, with respect to any entity, a natural person who, directly or indirectly—

''(I) exercises substantial control over an entity through ownership, voting rights, agreement, or otherwise; or

''(II) has a substantial interest in or receives substantial economic benefits from the assets of an entity.

''(ii) EXCEPTIONS.—The term 'beneficial owner' shall not include—

''(I) a minor child;

''(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

''(III) a person acting solely as an employee of an entity and whose control over or economic benefits from the entity derives solely from the employment status of the person;

''(IV) a person whose only interest in an entity is through a right of inheritance, unless the person also meets the requirements of clause (i); or

''(V) a creditor of an entity, unless the creditor also meets the requirements of clause (i).

''(iii) ANTI-ABUSE RULE.—The exceptions under clause (ii) shall not apply if used for the purpose of evading, circumventing, or abusing the provisions of clause (i) or paragraph (2)(A).

''(B) DISCLOSURE DATE.—The term 'disclosure date' means—

''(i) the first date during any election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000; and

''(ii) any other date during such election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000 since the most recent disclosure date for such election reporting cycle.

''(C) ELECTION REPORTING CYCLE.—The term 'election reporting cycle' means the 2-year period beginning on the date of the most recent general election for Federal office, except that in the case of a campaign-related disbursement for a Federal judicial nomination communication, such term means any calendar year in which the campaign-related disbursement is made.

''(D) PAYMENT.—The term 'payment' includes any contribution, donation, transfer, payment of dues, or other payment.

''(b) COORDINATION WITH OTHER PROVISIONS.—

''(1) OTHER REPORTS FILED WITH THE COMMISSION.—Information included in a statement filed under this section may be excluded from statements and reports filed under section 304.

''(2) TREATMENT AS SEPARATE SEGREGATED FUND.—A segregated bank account referred to in subsection (a)(2)(E) may be treated as a separate segregated fund for purposes of section 527(f)(3) of the Internal Revenue Code of 1986.

''(c) FILING.—Statements required to be filed under subsection (a) shall be subject to the requirements of section 304(d) to the same extent and in the same manner as if such reports had been required under subsection (c) or (g) of section 304.

''(d) CAMPAIGN-RELATED DISBURSEMENT DEFINED.—

''(1) IN GENERAL.—In this section, the term 'campaign-related disbursement' means a disbursement by a covered organization for any of the following:

''(A) An independent expenditure which expressly advocates the election or defeat of a clearly identified candidate for election for Federal office, or is the functional equivalent of express advocacy because, when taken as a whole, it can be interpreted by a reasonable person only as advocating the election or defeat of a candidate for election for Federal office.

''(B) An applicable public communication.

''(C) An electioneering communication, as defined in section 304(f)(3).

''(D) A Federal judicial nomination communication.

''(E) A covered transfer.

''(2) APPLICABLE PUBLIC COMMUNICATIONS.—

''(A) IN GENERAL.—The term 'applicable public communication' means any public communication that refers to a clearly identified candidate for election for Federal office and which promotes or supports the election of a candidate for that office, or attacks or opposes the election of a candidate for that office, without regard to whether the communication expressly advocates a vote for or against a candidate for that office.

''(B) EXCEPTION.—Such term shall not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, publication, or periodical, unless such facilities are owned or controlled by any political party, political committee, or candidate.

''(3) FEDERAL JUDICIAL NOMINATION COMMUNICATION.—

''(A) IN GENERAL.—The term 'Federal judicial nomination communication' means any communication—

''(i) that is by means of any broadcast, cable, or satellite, paid internet, or paid digital communication, paid promotion, newspaper, magazine, outdoor advertising facility, mass mailing, telephone bank, telephone messaging effort of more than 500 substantially similar calls or electronic messages within a 30-day period, or any other form of general public political advertising; and

''(ii) which promotes, supports, attacks, or opposes the nomination or Senate confirmation of an individual as a Federal judge or justice.

''(B) EXCEPTION.—Such term shall not include any news story, commentary, or editorial distributed through the facilities of

any broadcasting station or any print, online, or digital newspaper, magazine, publication, or periodical, unless such facilities are owned or controlled by any political party, political committee, or candidate.

''(4) INTENT NOT REQUIRED.—A disbursement for an item described in subparagraph (A), (B), (C), (D), or (E) of paragraph (1) shall be treated as a campaign-related disbursement regardless of the intent of the person making the disbursement.

''(e) COVERED ORGANIZATION DEFINED.—In this section, the term 'covered organization' means any of the following:

''(1) A corporation (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

''(2) A limited liability corporation that is not otherwise treated as a corporation for purposes of this Act (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

''(3) An organization described in section 501(c) of such Code and exempt from taxation under section 501(a) of such Code (other than an organization described in section 501(c)(3) of such Code).

''(4) A labor organization (as defined in section 316(b)).

''(5) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act (except as provided in paragraph (6)).

''(6) A political committee with an account that accepts donations or contributions that do not comply with the contribution limits or source prohibitions under this Act, but only with respect to such accounts.

''(f) COVERED TRANSFER DEFINED.—

''(1) IN GENERAL.—In this section, the term 'covered transfer' means any transfer or payment of funds by a covered organization to another person if the covered organization—

''(A) designates, requests, or suggests that the amounts be used for—

''(i) campaign-related disbursements (other than covered transfers); or

''(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

''(B) made such transfer or payment in response to a solicitation or other request for a donation or payment for—

''(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

''(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

''(C) engaged in discussions with the recipient of the transfer or payment regarding—

''(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

''(ii) donating or transferring any amount of such transfer or payment to another person for the purpose of making or paying for such campaign-related disbursements;

''(D) made campaign-related disbursements (other than a covered transfer) in an aggregate amount of $50,000 or more during the 2-year period ending on the date of the transfer or payment, or knew or had reason to know that the person receiving the transfer or payment made such disbursements in such an aggregate amount during that 2-year period; or

''(E) knew or had reason to know that the person receiving the transfer or payment would make campaign-related disbursements in an aggregate amount of $50,000 or more during the 2-year period beginning on the date of the transfer or payment.

''(2) EXCLUSIONS.—The term 'covered transfer' does not include any of the following:

''(A) A disbursement made by a covered organization in a commercial transaction in the ordinary course of any trade or business conducted by the covered organization or in the form of investments made by the covered organization.

''(B) A disbursement made by a covered organization if—

''(i) the covered organization prohibited, in writing, the use of such disbursement for campaign-related disbursements; and

''(ii) the recipient of the disbursement agreed to follow the prohibition and deposited the disbursement in an account which is segregated from any account used to make campaign-related disbursements.

''(3) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

''(A) SPECIAL RULE.—A transfer of an amount by one covered organization to another covered organization which is treated as a transfer between affiliates under subparagraph (C) shall be considered a covered transfer by the covered organization which transfers the amount only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than $50,000.

''(B) DETERMINATION OF AMOUNT OF CERTAIN PAYMENTS AMONG AFFILIATES.—In determining the amount of a transfer between affiliates for purposes of subparagraph (A), to the extent that the transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.

''(C) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

''(i) one of the organizations is an affiliate of the other organization; or

''(ii) each of the organizations is an affiliate of the same organization,

except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of making campaign-related disbursements.

''(D) DETERMINATION OF AFFILIATE STATUS.—For purposes of subparagraph (C), a covered organization is an affiliate of another covered organization if—

''(i) the governing instrument of the organization requires it to be bound by decisions of the other organization;

''(ii) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

''(iii) the organization is chartered by the other organization.

''(E) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(c)(3) ORGANIZATIONS.—This paragraph shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this paragraph applies to an amount transferred by a covered organization to another covered organization.

''(g) NO EFFECT ON OTHER REPORTING REQUIREMENTS.—Nothing in this section shall be construed to waive or otherwise affect any other requirement of this Act which relates to the reporting of campaign-related disbursements.''.

(2) CONFORMING AMENDMENT.—Section 304(f)(6) of such Act (52 U.S.C. 30104) is amended by striking ''Any requirement'' and inserting ''Except as provided in section 324(b), any requirement''.

(b) COORDINATION WITH FINCEN.—

(1) IN GENERAL.—The Director of the Financial Crimes Enforcement Network of the Department of the Treasury shall provide the Federal Election Commission with such information as necessary to assist in administering and enforcing section 324 of the Federal Election Campaign Act of 1971, as amended by this section.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Chairman of the Federal Election Commission, in consultation with the Director of the Financial Crimes Enforcement Network of the Department of the Treasury, shall submit to Congress a report with recommendations for providing further legislative authority to assist in the administration and enforcement of such section 324.

SEC. 202. APPLICATION OF FOREIGN MONEY BAN TO DISBURSEMENTS FOR CAMPAIGN-RELATED DISBURSEMENTS CONSISTING OF COVERED TRANSFERS.

Section 319(b)(2) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended by section 102, is amended—

(1) by striking ''includes any disbursement'' and inserting ''includes—

''(A) any disbursement'';

(2) by striking the period at the end and inserting ''; and'', and

(3) by adding at the end the following new subparagraph:

''(B) any disbursement, other than a disbursement described in section 324(a)(3)(A), to another person who made a campaign-related disbursement consisting of a covered transfer (as described in section 324) during the 2-year period ending on the date of the disbursement.''.

SEC. 203. EFFECTIVE DATE.

The amendments made by this title shall apply with respect to disbursements made on or after January 1, 2022, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

TITLE III—OTHER ADMINISTRATIVE REFORMS

SEC. 301. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by inserting ''(including a proceeding before the Supreme Court on certiorari)'' after ''appeal''.

SEC. 302. JUDICIAL REVIEW OF ACTIONS RELATED TO CAMPAIGN FINANCE LAWS.

(a) IN GENERAL.—Title IV of the Federal Election Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is amended by inserting after section 406 the following new section:

''SEC. 407. JUDICIAL REVIEW.

''(a) IN GENERAL.—If any action is brought for declaratory or injunctive relief to challenge, whether facially or as-applied, the constitutionality or lawfulness of any provision of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, or is brought to with respect to any action of the Commission under chapter 95 or 96 of the Internal Revenue Code of 1986, the following rules shall apply:

''(1) The action shall be filed in the United States District Court for the District of Columbia and an appeal from the decision of the district court may be taken to the Court of Appeals for the District of Columbia Circuit.

''(2) In the case of an action relating to declaratory or injunctive relief to challenge

the constitutionality of a provision, the party filing the action shall concurrently deliver a copy of the complaint to the Clerk of the House of Representatives and the Secretary of the Senate.

''(3) It shall be the duty of the United States District Court for the District of Columbia and the Court of Appeals for the District of Columbia Circuit to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

''(b) CLARIFYING SCOPE OF JURISDICTION.—If an action at the time of its commencement is not subject to subsection (a), but an amendment, counterclaim, cross-claim, affirmative defense, or any other pleading or motion is filed challenging, whether facially or as-applied, the constitutionality or lawfulness of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, or is brought to with respect to any action of the Commission under chapter 95 or 96 of the Internal Revenue Code of 1986, the district court shall transfer the action to the District Court for the District of Columbia, and the action shall thereafter be conducted pursuant to subsection (a).

''(c) INTERVENTION BY MEMBERS OF CONGRESS.—In any action described in subsection (a) relating to declaratory or injunctive relief to challenge the constitutionality of a provision, any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require interveners taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

''(d) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge, whether facially or as-applied, the constitutionality of any provision of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 9011 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 9011. JUDICIAL REVIEW.

''For provisions relating to judicial review of certifications, determinations, and actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.''.

(2) Section 9041 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 9041. JUDICIAL REVIEW.

''For provisions relating to judicial review of actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.''.

(3) Section 310 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30110) is repealed.

(4) Section 403 of the Bipartisan Campaign Reform Act of 2002 (52 U.S.C. 30110 note) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions brought on or after January 1, 2021.

TITLE IV—SEVERABILITY

SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 338—DESIGNATING SEPTEMBER 2021 AS NATIONAL DEMOCRACY MONTH AS A TIME TO REFLECT ON THE CONTRIBUTIONS OF THE SYSTEM OF GOVERNMENT OF THE UNITED STATES TO A MORE FREE AND STABLE WORLD

Mr. DURBIN (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 338

Whereas, 2,000 years after the ancient Greeks laid the groundwork for democracy, the founders of the United States built an even greater system of government, a democratic republic, propelling the United States to become the most advanced nation in human history;

Whereas the model of government of the United States has been reproduced around the world;

Whereas, according to Freedom House, more than 1 in 3 people in the world do not live in states considered free;

Whereas the Constitution of the United States and the Bill of Rights, including the addition of the Reconstruction Era amendments, enshrine the rights and civil liberties of citizens of the United States, including the right to vote in free and fair elections;

Whereas the perpetuation of the ideals of democracy does not happen on its own and can be stalled or reversed;

Whereas surveys show that citizens of the United States are losing faith in the democratic system;

Whereas former Supreme Court Justice Sandra Day O'Connor said, ''The practice of democracy is not passed down through the gene pool. It must be taught and learned anew by each generation of citizens.'';

Whereas President John F. Kennedy said, ''Democracy is never a final achievement. It is a call to untiring effort, to continual sacrifice and to the willingness, if necessary, to die in its defense.'';

Whereas President Ronald Reagan said, ''Democracy is worth dying for, because it's the most deeply honorable form of government ever devised by man.'';

Whereas Congressman John R. Lewis said, in his final words to the United States, ''Democracy is not a state. It is an act, and each generation must do its part to help build what we called the Beloved Community, a nation and world society at peace with itself.'';

Whereas World War II demonstrated the fragility of democracy and the civilized life that accompanies democracy;

Whereas British Prime Minister Winston Churchill observed that, ''Indeed it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time . . . .'';

Whereas President George Washington said the United States must recognize the immense value of the national Union and work towards preservation of that Union with ''jealous anxiety'' and wrote that the security of a free Constitution may be accomplished by ''teaching the people themselves to know and to value their own rights'';

Whereas President Thomas Jefferson wrote, ''Educate and inform the whole mass of the people . . . . They are the only sure reliance for the preservation of our liberty.''; and

Whereas the Government of the United States must teach and educate the people by taking appropriate actions to highlight and emphasize the importance of democratic principles and the essential role of democratic principles in the freedoms and way of life enjoyed by the people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2021 as ''National Democracy Month'';

(2) encourages States and local governments to designate September 2021 as ''National Democracy Month'';

(3) recognizes the celebration of ''National Democracy Month'' as a time to reflect on the contributions of the system of government of the United States to a more free and stable world; and

(4) encourages the people of the United States to observe ''National Democracy Month'' with appropriate ceremonies and activities that—

(A) provide appreciation for the system of government of the United States; and

(B) demonstrate that the people of the United States shall never forget the sacrifices made by past generations of people of the United States to preserve the freedoms and principles of the United States.

SENATE RESOLUTION 339—EXPRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER 25, 2021, AS ''NATIONAL ATAXIA AWARENESS DAY'', AND RAISING AWARENESS OF ATAXIA, ATAXIA RESEARCH, AND THE SEARCH FOR A CURE

Mr. MURPHY (for himself and Mrs. HYDE-SMITH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 339

Whereas ataxia is a clinical manifestation indicating degeneration or dysfunction of the brain that negatively affects the coordination, precision, and accurate timing of physical movements;

Whereas ataxia can strike individuals of all ages, including children;

Whereas the term ''ataxia'' is used to classify a group of rare, inherited neurodegenerative diseases including—

(1) ataxia telangiectasia;

(2) episodic ataxia;

(3) Friedreich's ataxia; and

(4) spinocerebellar ataxia;

Whereas there are many known types of genetic ataxia, but the genetic basis for ataxia in some patients is still unknown;

Whereas all inherited ataxias affect fewer than 200,000 individuals and, therefore, are recognized as rare diseases under the Orphan Drug Act (Public Law 97–414; 96 Stat. 2049);

Whereas some genetic ataxias are inherited in an autosomal dominant manner, while others are inherited in an autosomal recessive manner;

Whereas ataxia symptoms can also be caused by noninherited health conditions and other factors, including stroke, tumor, cerebral palsy, head trauma, multiple sclerosis, alcohol abuse, and certain medications;

Whereas ataxia can present physical, psychological, and financial challenges for patients and their families;

Whereas symptoms and outcomes of ataxia progress at different rates and include—