

115TH CONGRESS
1ST SESSION

H. R. 356

To establish the National Commission on Foreign Interference in the 2016
Election.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2017

Mr. SWALWELL of California (for himself, Mr. CUMMINGS, Ms. JACKSON LEE, Mr. AGUILAR, Ms. BARRAGÁN, Ms. BASS, Mrs. BEATTY, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BONAMICI, Ms. BORDALLO, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARTWRIGHT, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONNOLLY, Mr. CONYERS, Mr. COOPER, Mr. CORREA, Mr. COSTA, Mr. COURTNEY, Mr. CROWLEY, Mr. CUELLAR, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELANEY, Ms. DELAURO, Mr. DESAULNIER, Mr. DEUTCH, Mr. DOGGETT, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Ms. ESTY, Mr. EVANS, Mr. FOSTER, Ms. FRANKEL of Florida, Ms. FUDGE, Mr. GALLEGO, Mr. GARAMENDI, Mr. GONZALEZ of Texas, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIÉRREZ, Mr. HASTINGS, Mr. HECK, Mr. HIMES, Mr. HOYER, Mr. HUFFMAN, Ms. JAYAPAL, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KEATING, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KHANNA, Mr. KIHUEN, Mr. KILDEE, Mr. KILMER, Mr. KIND, Mr. KRISHNAMOORTHY, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. TED LIEU of California, Mr. LOEBSACK, Ms. LOFGREN, Mrs. LOWEY, Mr. BEN RAY LUJÁN of New Mexico, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Mr. MOULTON, Ms. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL, Mr. NORCROSS, Ms. NORTON, Mr. PALONE, Mr. PANETTA, Mr. PASCRELL, Ms. PELOSI, Mr. PERLMUTTER, Mr. PETERS, Mr. PETERSON, Ms. PLASKETT, Mr. POCAN, Mr. POLIS, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RASKIN, Miss RICE of

New York, Mr. RICHMOND, Ms. ROSEN, Ms. ROYBAL-ALLARD, Mr. RUIZ, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Ms. SÁNCHEZ, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCOTT of Virginia, Ms. SEWELL of Alabama, Ms. SHEA-PORTER, Mr. SHERMAN, Ms. SINEMA, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Mr. SUOZZI, Mr. TAKANO, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Ms. TITUS, Mr. TONKO, Mrs. TORRES, Ms. TSONGAS, Mr. VARGAS, Mr. VEASEY, Mr. VELA, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. MAXINE WATERS of California, Mrs. WATSON COLEMAN, Mr. WELCH, Mr. YARMUTH, Ms. ADAMS, Ms. CLARKE of New York, Mrs. DINGELL, Mr. ESPAILLAT, Ms. GABBARD, Mr. HIGGINS of New York, Ms. KUSTER of New Hampshire, Mr. LOWENTHAL, Mrs. MURPHY of Florida, Mr. O’ROURKE, Mr. RUSH, Mr. SABLAN, Mr. SERRANO, Mr. SIRES, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To establish the National Commission on Foreign
Interference in the 2016 Election.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Our Democ-
5 racy Act”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established in the legislative branch the Na-
8 tional Commission on Foreign Interference in the 2016
9 Election (in this Act referred to as the “Commission”).

10 **SEC. 3. PURPOSES.**

11 (a) **ACTIVITIES OF RUSSIAN GOVERNMENT.**—The
12 purpose of the Commission is to examine any attempts
13 or activities by the Russian government, persons or enti-

1 ties associated with the Russian government, or persons
2 or entities within Russia to use electronic means to influ-
3 ence, interfere with, or sow distrust in elections for public
4 office held in the United States in 2016, including the fol-
5 lowing:

6 (1) Electronic hacks by the Russian govern-
7 ment, persons or entities associated with the Rus-
8 sian government, or other persons or entities within
9 Russia into—

10 (A) the electronic systems of the Demo-
11 cratic National Committee;

12 (B) the electronic systems of the Demo-
13 cratic Congressional Campaign Committee;

14 (C) the electronic systems of Mr. John Po-
15 desta, campaign chairman for Democratic presi-
16 dential nominee Hillary Clinton;

17 (D) the electronic systems of former Sec-
18 retary of State Colin Powell; and

19 (E) the electronic systems of Arizona, Illi-
20 nois, and Florida, particularly voter database
21 information.

22 (2) Efforts by the Russian government, persons
23 or entities associated with the Russian government,
24 or persons or entities within Russia to put forward,
25 disseminate, or promote false news about the cam-

1 paigns for elections for public office held in the
2 United States in 2016.

3 (3) Efforts by the Russian government to work
4 with other governments, entities, and individuals to
5 carry out activities described in paragraphs (1) and
6 (2).

7 (b) ACTIVITIES OF OTHERS.—In addition to the pur-
8 pose described in subsection (a), the purpose of the Com-
9 mission is to examine attempts or activities by govern-
10 ments other than the Russian government, persons associ-
11 ated with governments other than the Russian govern-
12 ment, and other entities and individuals to use electronic
13 means to influence, interfere with, or sow distrust in elec-
14 tions for public office held in the United States in 2016,
15 including activities similar to those described in para-
16 graphs (1) through (3) of subsection (a).

17 **SEC. 4. COMPOSITION AND COMPENSATION OF COMMIS-**
18 **SION.**

19 (a) MEMBERS.—The Commission shall be composed
20 of 12 members, of whom—

21 (1) 3 shall be appointed by Speaker of the
22 House of Representatives and 3 shall be appointed
23 by the Majority Leader of the Senate; and

1 (2) 3 shall be appointed by the Minority Leader
2 of the House of Representatives and 3 shall be ap-
3 pointed by the Minority Leader of the Senate.

4 (b) CHAIR AND VICE CHAIR.—The Commission, by
5 majority vote, shall choose a Chair and Vice Chair, of
6 whom—

7 (1) one shall be a member appointed under
8 paragraph (1); and

9 (2) one shall be a member appointed under
10 paragraph (2).

11 (c) QUALIFICATIONS.—

12 (1) NONGOVERNMENTAL APPOINTEES.—An in-
13 dividual appointed to the Commission may not be an
14 officer or employee of the Federal Government, any
15 State, or any local government.

16 (2) OTHER QUALIFICATIONS.—It is the sense of
17 Congress that individuals appointed to the Commis-
18 sion should be prominent United States citizens,
19 with national recognition and significant depth of ex-
20 perience in such professions as governmental service,
21 law enforcement, the armed services, law, public ad-
22 ministration, intelligence gathering, foreign affairs,
23 cybersecurity, and Federal elections.

24 (3) DEADLINE FOR APPOINTMENT.—All mem-
25 bers of the Commission shall be appointed not later

1 than 90 days after the date of the enactment of this
2 Act.

3 (4) VACANCIES.—Any vacancy in the Commis-
4 sion shall not affect its powers, but shall be filled in
5 the same manner in which the original appointment
6 was made.

7 (5) COMPENSATION.—

8 (A) IN GENERAL.—Each member of the
9 Commission may be compensated at not to ex-
10 ceed the daily equivalent of the annual rate of
11 basic pay in effect for a position at level IV of
12 the Executive Schedule under section 5315 of
13 title 5, United States Code, for each day during
14 which that member is engaged in the actual
15 performance of the duties of the Commission.

16 (B) TRAVEL EXPENSES.—While away from
17 their homes or regular places of business in the
18 performance of services for the Commission,
19 members of the Commission shall be allowed
20 travel expenses, including per diem in lieu of
21 subsistence, in the same manner as persons em-
22 ployed intermittently in the Government service
23 are allowed expenses under section 5703(b) of
24 title 5, United States Code.

1 **SEC. 5. PROCEDURES OF COMMISSION.**

2 (a) INITIAL MEETING.—The Commission shall meet
3 and begin the operations of the Commission as soon as
4 practicable. After its initial meeting, the Commission shall
5 meet upon the call of the chairman or a majority of its
6 members.

7 (b) QUORUM.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), a majority of the members of the Com-
10 mission shall constitute a quorum.

11 (2) ALTERNATIVE QUORUM FOR TAKING TESTI-
12 MONY.—For purposes of taking testimony of wit-
13 nesses, two members of the Commission may con-
14 stitute a quorum, so long as at least one of the
15 members is a member appointed under paragraph
16 (1) of section 4(a) and at least one of the members
17 is a member appointed under paragraph (2) of sec-
18 tion 4(a).

19 (c) VOTING.—No proxy voting shall be allowed on be-
20 half of a member of the Commission.

21 (d) RULES OF PROCEDURE.—

22 (1) IN GENERAL.—The Commission shall estab-
23 lish rules for the conduct of the Commission's busi-
24 ness, if such rules are not inconsistent with this Act
25 or other applicable law.

1 (2) ADOPTION AT INITIAL MEETING.—At its
2 initial meeting, the Commission shall adopt the rules
3 established under paragraph (1).

4 **SEC. 6. FUNCTIONS OF COMMISSION.**

5 (a) IN GENERAL.—The duties of the Commission are
6 as follows:

7 (1) To investigate attempts or activities by the
8 Russian government, persons or entities associated
9 with the Russian government, or persons or entities
10 within Russia to use electronic means to influence,
11 interfere with, or sow distrust in elections for public
12 office held in the United States in 2016, including
13 the following:

14 (A) Electronic hacks by the Russian gov-
15 ernment, persons or entities associated with the
16 Russian government, or other persons or enti-
17 ties within Russia into—

18 (i) the electronic systems of the
19 Democratic National Committee;

20 (ii) the electronic systems of the
21 Democratic Congressional Campaign Com-
22 mittee;

23 (iii) the electronic systems of Mr.
24 John Podesta, campaign chairman for

1 Democratic presidential nominee Hillary
2 Clinton;

3 (iv) the electronic systems of former
4 Secretary of State Colin Powell; and

5 (v) the electronic systems of Arizona,
6 Illinois, and Florida, particularly voter
7 database information.

8 (B) Efforts by the Russian government,
9 persons or entities associated with the Russian
10 government, or persons or entities within Rus-
11 sia to put forward, disseminate, or promote
12 false news about the campaigns for elections for
13 public office held in the United States in 2016.

14 (C) Efforts by the Russian government to
15 work with other governments, entities, and indi-
16 viduals to carry out activities described in sub-
17 paragraphs (A) and (B).

18 (2) To investigate attempts or activities by gov-
19 ernments other than the Russian government, per-
20 sons or entities associated with governments other
21 than the Russian government, and other entities and
22 individuals to use electronic means to influence,
23 interfere with, or sow distrust in elections for public
24 office held in the United States in 2016, including

1 activities similar to those described in subparagraphs
2 (A) through (C) of paragraph (1).

3 (3) To identify, review, and evaluate the lessons
4 learned from the attempts, activities, and efforts de-
5 scribed in paragraphs (1) and (2) relative to detect-
6 ing, preventing, protecting from, and responding to
7 such attempts, activities, and efforts.

8 (4) To make such recommendations as the
9 Commission considers appropriate to ensure that
10 foreign governments and persons associated with
11 foreign governments never again use electronic
12 means to influence, interfere with, or sow distrust in
13 elections for public office held in the United States.

14 (b) REPORTS TO THE PRESIDENT AND CONGRESS.—

15 (1) INTERIM REPORTS.—The Commission may
16 submit to the President and Congress interim re-
17 ports containing such findings, conclusions, and rec-
18 ommendations as have been agreed to by a majority
19 of Commission members.

20 (2) FINAL REPORT.—Not later than 18 months
21 after the date of the enactment of this Act, the
22 Commission shall submit to the President and Con-
23 gress a final report containing such findings, conclu-
24 sions, and recommendations as have been agreed to
25 by a majority of Commission members.

1 **SEC. 7. POWERS OF COMMISSION.**

2 (a) **HEARINGS AND EVIDENCE.**—The Commission or,
3 on the authority of the Commission, any subcommittee or
4 member thereof, may, for the purpose of carrying out this
5 Act—

6 (1) hold such hearings and sit and act at such
7 times and places, take such testimony, receive such
8 evidence, administer such oaths; and

9 (2) subject to subsection (b)(1), require, by sub-
10 poena or otherwise, the attendance and testimony of
11 such witnesses and the production of such books,
12 records, correspondence, memoranda, papers, and
13 documents, as the Commission or such designated
14 subcommittee or designated member may determine
15 advisable.

16 (b) **SUBPOENAS.**—

17 (1) **ISSUANCE.**—

18 (A) **IN GENERAL.**—A subpoena may be
19 issued under this subsection only—

20 (i) by the agreement of the chair and
21 vice chair; or

22 (ii) by the affirmative vote of a major-
23 ity of the members of the Commission.

24 (B) **SIGNATURE.**—Subject to subparagraph

25 (A)(i), subpoenas issued under this subsection
26 may be issued under the signature of the chair-

1 man or any member designated by a majority
2 of the Commission, may be served by any per-
3 son designated by the chairman or by a member
4 designated by a majority of the Commission.

5 (2) ENFORCEMENT.—

6 (A) IN GENERAL.—In the case of contu-
7 macy or failure to obey a subpoena issued
8 under paragraph (1), the United States district
9 court for the judicial district in which the sub-
10 poenaed person resides, is served, or may be
11 found, or where the subpoena is returnable,
12 may issue an order requiring such person to ap-
13 pear at any designated place to testify or to
14 produce documentary or other evidence. Any
15 failure to obey the order of the court may be
16 punished by the court as a contempt of that
17 court.

18 (B) ADDITIONAL ENFORCEMENT.—In the
19 case of any failure of any witness to comply
20 with any subpoena or to testify when sum-
21 moned under authority of this section, the Com-
22 mission may, by majority vote, certify a state-
23 ment of fact constituting such failure to the ap-
24 propriate United States attorney, who may
25 bring the matter before the grand jury for its

1 action, under the same statutory authority and
2 procedures as if the United States attorney had
3 received as certification under sections 102
4 through 104 of the Revised Statutes of the
5 United States (2 U.S.C. 192 through 194).

6 (c) CONTRACTING.—The Commission may, to such
7 extent and in such amounts as are provided in appropria-
8 tion Acts, enter into contracts to enable the Commission
9 to discharge its duties under this Act.

10 (d) INFORMATION FROM FEDERAL AGENCIES.—

11 (1) IN GENERAL.—The Commission is author-
12 ized to secure directly from any executive depart-
13 ment, bureau, agency, board, commission, office,
14 independent establishment, or instrumentality of the
15 Government, information, suggestions, estimates,
16 and statistics for the purposes of this Act. Each de-
17 partment, bureau, agency, board, commission, office,
18 independent establishment, or instrumentality shall,
19 to the extent authorized by law, furnish such infor-
20 mation, suggestions, estimates, and statistics di-
21 rectly to the Commission, upon request made by the
22 chairman, the chairman of any subcommittee cre-
23 ated by a majority of the Commission, or any mem-
24 ber designated by a majority of the Commission.

1 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
2 SEMINATION.—Information shall only be received,
3 handled, stored, and disseminated by members of
4 the Commission and its staff consistent with all ap-
5 plicable statutes, regulations, and Executive orders.

6 (e) ASSISTANCE FROM FEDERAL AGENCIES.—

7 (1) GENERAL SERVICES ADMINISTRATION.—
8 The Administrator of General Services shall provide
9 to the Commission on a reimbursable basis adminis-
10 trative support and other services for the perform-
11 ance of the Commission's functions.

12 (2) OTHER DEPARTMENTS AND AGENCIES.—In
13 addition to the assistance prescribed in paragraph
14 (1), departments and agencies of the United States
15 may provide to the Commission such services, funds,
16 facilities, staff, and other support services as they
17 may determine advisable and as may be authorized
18 by law.

19 (f) POSTAL SERVICES.—The Commission may use
20 the United States mails in the same manner and under
21 the same conditions as departments and agencies of the
22 United States.

23 **SEC. 8. STAFF.**

24 (a) IN GENERAL.—

1 (1) APPOINTMENT AND COMPENSATION.—The
2 chairman, in accordance with rules agreed upon by
3 the Commission, may appoint and fix the compensa-
4 tion of a staff director and such other personnel as
5 may be necessary to enable the Commission to carry
6 out its functions, without regard to the provisions of
7 title 5, United States Code, governing appointments
8 in the competitive service, and without regard to the
9 provisions of chapter 51 and subchapter III of chap-
10 ter 53 of such title relating to classification and
11 General Schedule pay rates, except that no rate of
12 pay fixed under this subsection may exceed the
13 equivalent of that payable for a position at level V
14 of the Executive Schedule under section 5316 of title
15 5, United States Code.

16 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

17 (A) IN GENERAL.—The staff director and
18 any personnel of the Commission who are em-
19 ployees shall be employees under section 2105
20 of title 5, United States Code, for purposes of
21 chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B,
22 and 90 of that title.

23 (B) MEMBERS OF COMMISSION.—Subpara-
24 graph (A) shall not be construed to apply to
25 members of the Commission.

1 (b) DETAILEES.—Any Federal Government employee
2 may be detailed to the Commission without reimbursement
3 from the Commission, and such detailee shall retain the
4 rights, status, and privileges of his or her regular employ-
5 ment without interruption.

6 (c) EXPERT AND CONSULTANT SERVICES.—The
7 Commission is authorized to procure the services of ex-
8 perts and consultants in accordance with section 3109 of
9 title 5, United States Code, but at rates not to exceed the
10 daily rate paid a person occupying a position at level IV
11 of the Executive Schedule under section 5315 of title 5,
12 United States Code.

13 **SEC. 9. PUBLIC MEETINGS; PUBLIC VERSIONS OF REPORTS.**

14 (a) REQUIRING PUBLIC MEETINGS AND RELEASE OF
15 PUBLIC VERSIONS OF REPORTS.—The Commission
16 shall—

17 (1) hold public hearings and meetings to the ex-
18 tent appropriate; and

19 (2) release public versions of the reports re-
20 quired under section 6(b).

21 (b) PUBLIC HEARINGS.—Any public hearings of the
22 Commission shall be conducted in a manner consistent
23 with the protection of information provided to or developed
24 for or by the Commission as required by any applicable
25 statute, regulation, or Executive order.

1 **SEC. 10. SECURITY CLEARANCES FOR COMMISSION MEM-**
2 **BERS AND STAFF.**

3 The appropriate Federal agencies or departments
4 shall cooperate with the Commission in expeditiously pro-
5 viding to the Commission members and staff appropriate
6 security clearances to the extent possible pursuant to ex-
7 isting procedures and requirements, except that no person
8 shall be provided with access to classified information
9 under this Act without the appropriate security clearances.

10 **SEC. 11. TERMINATION.**

11 (a) IN GENERAL.—The Commission, and all the au-
12 thorities of this Act, shall terminate 60 days after the date
13 on which the final report is submitted under section
14 6(b)(2).

15 (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-
16 NATION.—The Commission may use the 60-day period re-
17 ferred to in subsection (a) for the purpose of concluding
18 its activities, including providing testimony to committees
19 of Congress concerning its reports, and disseminating the
20 final report.

21 **SEC. 12. FUNDING.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated \$3,000,000 to carry out this
24 Act.

1 (b) DURATION OF AVAILABILITY.—Amounts made
2 available to the Commission under subsection (a) shall re-
3 main available until the termination of the Commission.

4 **SEC. 13. DEFINITION.**

5 In this Act, the term “electronic systems” means
6 computers, servers, and electronic communications.

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